



GARDA  
INSPECTORATE

PROMOTING EXCELLENCE & ACCOUNTABILITY

---

Report of the Garda  
Síochána Inspectorate

THE FIXED CHARGE  
PROCESSING SYSTEM

A 21ST CENTURY STRATEGY

FEBRUARY

2014

## THE OBJECTIVE OF THE GARDA SÍOCHÁNA INSPECTORATE IS:

**‘To ensure that the resources available to the Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services.’**

**(s. 117 of the Garda Síochána Act 2005)**



# TABLE OF CONTENTS

Foreword	4
Acknowledgement	5
Methodology	6
Glossary	7
Executive Summary	8
<b>CHAPTER 1</b>	
The Current Fixed Charge Processing System	10
<b>CHAPTER 2</b>	
Analysis and Findings on the Current System	20
<b>CHAPTER 3</b>	
Cancellation of Fixed Charge Notices	29
<b>CHAPTER 4</b>	
Proposed New System	44
<b>CHAPTER 5</b>	
A Model for the Future	52
Summary of Recommendations	57
List of Appendices	62

## FOREWORD

In May 2013, in response to allegations of corruption and favouritism in administering the Garda Síochána Fixed Charge Processing System (FCPS), the Minister for Justice and Equality outlined *...“seven specific basic, essential principles which should apply to the Fixed Charge Notice system and the consequent application of penalty points...”* (See Appendix 1 for the seven principles).

The recommendations in this report will not only fulfil the expectations of the Minister, but make the entire system a significantly more efficient and effective process for all the agency stakeholders involved with it. Millions of euro worth of human resources, unnecessarily expended by every agency involved in the administration of the FCPS, could be redeployed to help fill the voids created in those agencies by the ever tightening budget constraints of the current economic climate.

The Inspectorate recognises that many of these recommendations support similar recommendations made in the Garda Síochána, Garda Síochána Ombudsman Commission and the Office of the Comptroller and Auditor General reports and appreciates the detailed work completed by each agency from their individual perspectives. The Inspectorate has combined their work with a more strategic and holistic approach in recommending a more robust, fit for purpose, efficient and effective FCPS, that will be an international best practice model for 21st Century.

In light of the fact that the Fixed Charge Processing System requires collaboration between the Garda Síochána and several government agencies, this report contains recommendations proposing facilitation and oversight commitments to be undertaken by the Department of Justice and Equality.

It is envisaged by the Inspectorate that all of the recommendations will be fully implemented in the context of what the system should ultimately look like. The Garda Síochána must work with their stakeholder partners to create a seamless system that encompasses all the relevant activities of each agency. It must be a system that allows for management monitoring and auditing to ensure not only that it is efficient and effective, but demonstrates to the people of Ireland that it is administered with integrity, consistency, fairness and transparency; with justice for all offenders assured.



**Robert K. Olson**  
Chief Inspector

## ACKNOWLEDGEMENT

The Chief Inspector and staff of the Garda Inspectorate would like to express a sincere thanks to the Garda Commissioner and his staff that shared their time, knowledge and expertise during this inspection. The Inspectorate appreciates the practical assistance provided and facilities offered during field visits for this inspection.

In particular, the Inspectorate would like to thank the following stakeholders who contributed to the Inspectorate's findings and recommendations contained in this report:

- Members and staff of the Garda Síochána who candidly participated in focus group and individual meetings, and the Strategy and Change Management Office for providing information and appointment of liaison officers;
- Assistant Commissioner, Traffic and the Garda National Traffic Bureau management and staff who worked closely with the Inspectorate;
- Assistant Commissioner, Crime and Security and the Professional Standards Unit for sharing their reports and recommendations on the FCPS and providing follow up information to the Inspectorate;
- Management and staff of the Fixed Charge Processing Office, Thurles who were central in assisting with legal, technical and organisational matters and responsibilities relating to the FCPS;
- The Courts Service, whose collaboration is critical to the Garda Síochána in the operation of the FCPS;
- The Department of Justice and Equality;
- The Department of Transport, Tourism and Sport;
- The Office of the Director of Public Prosecutions;
- The Road Safety Authority;
- The Office of the Comptroller and Auditor General, whose timely report further informed the Inspectorate; and
- The many individuals who came forward and provided valuable insight to the Inspectorate on the operation of the FCPS.

## METHODOLOGY

Having considered the terms of reference and the need for urgent action, the Inspectorate adopted the following approach to this examination:

1. an information request issued to the Garda Síochána seeking policy and procedure documents;
2. the examination of policy documents and reports on FCPS;
3. desktop research of similar systems in other jurisdictions;
4. fieldwork to gather further qualitative and quantitative data;
5. data analysis; and
6. testing of the broad concepts proposed through discussion with relevant stakeholders.

The material gathered from the response to the information request was examined to gain an understanding of the strengths and challenges of the current system. In analysing the operation, management and processing of international systems, the Inspectorate did not identify another system which functions in a similar manner to that in operation in Ireland. There were, however, elements of other systems which provided useful ideas worthy of consideration in the context of a more effective Irish system.

The fieldwork consisted of an initial familiarisation visit to the Fixed Charge Processing Office (FCPO), Thurles where the Inspectorate received a presentation and briefing on the various processes involved in the operation of the FCPS. The team also inspected three operational divisions representative of rural and urban locations. During these visits the team met with focus groups from all garda ranks and staff employees involved in the management and processing of the FCPS. In addition, the Inspectorate held meetings with state agencies and other stakeholders including the Department of Transport, Tourism and Sport, Office of the Comptroller and Auditor General (C&AG), Road Safety Authority (RSA), the Courts Service, Garda National Traffic Bureau (GNTB) and the Office of the Director of Public Prosecution (DPP) who explained their role, function and interaction

with the FCPS. The second strand of field work was the request for, and analysis of, operational data relating to Fixed Charge Notices (FCNs).

During visits to divisions, the Inspectorate examined cancellation files from nine districts, the results of which are outlined and analysed in Chapter 3. Together, both strands of field work provide a comprehensive picture of strengths and challenges within the current FCPS framework.

Information was obtained through desktop research to identify similar systems in other jurisdictions including Australia, Canada, United States, New Zealand, Portugal, France, Northern Ireland, Scotland, England and Wales.

Following critical analysis of the data, recommendations were drafted for short term restructuring of the FCPS and for more ambitious change in the medium and long term. Broad concepts for change were discussed with key stakeholders who provided valuable insight into the feasibility of the changes to be recommended. This final stage reinforced the Inspectorate's view that all of the recommendations are practical, cost-effective and will produce the desired result of an efficient system with consistency, transparency and accountability.

## GLOSSARY OF ABBREVIATIONS

<b>C&amp;AG</b>	Comptroller and Auditor General
<b>CAD</b>	Computer Aided Dispatch
<b>CCTS</b>	Criminal Case Tracking System
<b>CJIP</b>	Criminal Justice Interoperability Project
<b>CJWG</b>	Criminal Justice Working Group
<b>CPD</b>	Continuous Professional Development
<b>DMR</b>	Dublin Metropolitan Region
<b>FCN</b>	Fixed Charge Notice
<b>FCPO</b>	Garda Fixed Charge Processing Office
<b>FCPS</b>	Fixed Charge Processing System
<b>GSOC</b>	Garda Síochána Ombudsman Commission
<b>GISC</b>	Garda Information Services Centre
<b>GNTB</b>	Garda National Traffic Bureau
<b>NTAS</b>	Garda Notepad Tracking and Allocation System
<b>NVDF</b>	National Vehicle and Driver File
<b>OSCAM</b>	Office for Safety Camera Management
<b>PSU</b>	Professional Standards Unit
<b>PULSE</b>	Police Using Leading Systems Effectively
<b>RSA</b>	Road Safety Authority

## EXECUTIVE SUMMARY

On 4 July 2013, the Minister for Justice and Equality requested the Garda Inspectorate to commence an inspection of the Garda Síochána FCPS and make such recommendations as the Inspectorate deemed appropriate. (See full terms of reference at Appendix 2). This report is the result of the examination of the FCPS policy and practices and makes recommendations for short, medium and long term change.

### Background

The Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations, 2007 established a process where Garda Síochána employees can confidentially report in good faith, concerns of corruption or malpractice to an independent confidential recipient without fear of disciplinary action, harassment or intimidation. In 2012, two garda members contacted the confidential recipient to report what they believed to be serious allegations of corruption in the operation of the FCPS. These reports related to the cancellation of Fixed Charge Notices (FCNs) by the Garda Síochána, resulting in the non-payment of fines and non-application of penalty points to offenders' driving licences. The confidential recipient forwarded the allegations made by one member, to the Garda Commissioner and to the Garda Síochána Ombudsman Commission for attention.

In October, 2012, an assistant commissioner was directed by the Garda Commissioner to commence an examination of the allegations made regarding the improper cancellation of FCNs. A preliminary report by the Assistant Commissioner was published on 28 November 2012, and the final report completed in May 2013. On 30 November 2012, the Garda Commissioner also directed the Garda Professional Standards Unit (PSU) to conduct a review of the FCPS and make recommendations for improvement. The PSU Report was completed in April 2013, with both reports provided to the Minister for Justice and Equality.

On the 30 September 2013, the Office of the Comptroller and Auditor General (C&AG) released its report on the management of the FCPS. The C&AG commenced examination of the FCPS following contact from a member of the Garda Síochána seeking a meeting to discuss concerns of

corruption and illegality about the operation of the FCPS. The member provided information on 4,000 cases of cancelled notices, which, if substantiated, resulted in potential losses to the Exchequer of the associated fines income. The C&AG investigation was initiated in February 2013, by which date that office had already commented on the FCPS on three<sup>1</sup> previous occasions.

As requested by the Minister, the Inspectorate took into account both the Assistant Commissioner's report and the PSU report. The PSU report included a list of recommendations made in an unpublished report by the Garda Síochána Ombudsman Commission (GSOC) in 2007. The Inspectorate also considered and took into account the GSOC recommendations. The C&AG's recent report has also been reviewed by the Inspectorate and is referenced in this report.

### Findings

The Inspectorate found in its analysis of the reports of the Assistant Commissioner and the C&AG, that there were consistent and widespread breaches of policy by those charged with administering the FCPS. With few exceptions, the Inspectorate found no meaningful evidence of consistent quality management supervision of the cancellation process either at Garda Headquarters, Regional, Divisional, District or any level that would have detected and rectified these problems. This absence of effective management oversight also impinged upon other parts of the routine operations of the FCPS.

The FCPS can be fixed, but this should not be done through ad hoc, short-term or narrowly-focused adjustments. During the inspection, it became clear to the Inspectorate that the correction of the

<sup>1</sup> Comptroller and Auditor General (2013), Report on the Accounts of the Public Services, 2012, 7.6, Page 90



inefficiencies identified in the FCPS are not just a matter for the Garda Síochána alone. The system by its nature requires strategic coordination of all the agencies involved. Over the years, the accumulation of successive incremental “fixes” in response to minor and major technical, administrative and management problems in the system’s daily operations has resulted in a technically deficient, managerially uncoordinated, inefficient and excessively resourced support system. The solution is entirely dependent on coordinated collaboration between the Department of Justice and Equality, the Garda Síochána, Road Safety Authority (RSA), Department of Transport, Tourism and Sport, Courts Service, An Post, and the various appointed contractors involved in the operation of the FCPS. Nothing short of significant collaborative change, involving all system stakeholders will bring this complex and resource-intensive system into the 21st Century.

It is for this reason that the Inspectorate is recommending a holistic approach to overhaul the entire FCPS. In correcting the serious deficiencies in the cancellation process, it will bring the entire system in line with international best practice standards of efficiency and effectiveness. The Inspectorate is mindful of the demands on the Garda Síochána and the challenge of widespread change at a time of scarce resources. It is for this reason that the recommendations made in this report are divided into those which are achievable now, and those which provide a progressive road map for the ultimate development of a modern fit for purpose efficient and effective FCPS.

**Chapter 1** of the report explains the current policy and operation of the FCPS. It ends with a single recommendation for the Department of Justice and Equality to convene and chair a Criminal Justice Working Group (CJWG), made up of representatives of all FCPS stakeholders, to oversee and facilitate the implementation of the recommendations in this report.

**Chapter 2** outlines the Inspectorate’s general findings and makes sixteen recommendations to correct irregularities, deficiencies and operational policy gaps identified in administering the FCPS. These recommendations enhance and complement many of the recommendations made in the PSU and C&AG’s reports, but will go much further in

proposing a more robust and holistic approach, which will dovetail with the recommendations on the cancellation of FCNs as proposed in Chapter 3.

**Chapter 3** singles out the fixed charge notice cancellation process from the rest of the FCPS, as this component of the overall system was the catalyst for this inspection remit and the reports previously published by the other agencies. The chapter contains twelve recommendations to restructure the flawed cancellation process used by the Garda Síochána. They also enhance and complement some of the previously published recommendations, but again, go much further in proposing firm safeguards and solid recommendations for the future. All these recommendations in Chapters 2 and 3 can and must be implemented immediately.

**Chapter 4** contains seven further recommendations to be implemented in the coming year, in order to establish a modern, fit for purpose, cost efficient, effective, transparent and just international best practice fixed charge processing system.

**Chapter 5** lays out one recommendation, a model for the future to act as a guide for the Criminal Justice Working Group, recommended in Chapter 1, to make decisions on the development and implementation of these recommendations.

During its inspection, the Inspectorate found that the FCPS was fraught with wasteful use of garda and other stakeholder resources in administering the system. There was a lack of management oversight in not implementing required monitoring mechanisms at the operational level, providing training for cancelling authorities and clear policy guidelines for its use. These problems were mentioned by several senior garda officers who lamented, “... if everyone had just followed the manual ...we wouldn’t be dealing with this ...”. The Inspectorate was told by senior garda staff, that but for the public scrutiny, the extent of the deficiencies within the fixed charge processing system would not have been detected.

Chapter  
**01**

---

**THE CURRENT FIXED  
CHARGE PROCESSING  
SYSTEM**

The Road Traffic Act, 2002 provided for the establishment of fixed charge offences.<sup>2</sup> The Fixed Charge Processing System (FCPS) was introduced by the Garda Síochána to enable computerised, automated processing of road traffic offences which attract fixed charges and penalty points. An advantage of this process is to reduce the number of cases in the court system, thus reducing the number of garda resources required to attend court and reduce court workload. The Inspectorate undertook an extensive review of the FCPS, identifying many technical and administrative issues which need to be resolved.

This chapter examines the various processes based on documented garda policy from detection to issuing of a Fixed Charge Notice (FCN) to the offender, through to serving of a summons for non payment of a FCN and subsequent court attendance and prosecution.

## Background

The FCN and penalty points system was introduced under the provisions of the Road Traffic Act, 2002. The main legal basis for this system is contained in the Road Traffic Acts of 1961 to 2011 and various related regulations. In October 2011, the FCPS was further extended to include drink driving and public order offences. At present, there are 454 fixed charge offences included in the FCPS.<sup>3</sup>

Any member of the Garda Síochána or a Traffic Warden has the authority to issue a FCN in line with Road Traffic Acts of 1961 to 2011 and its various regulations, along with the Criminal Justice (Public Order) Act, 1994, as amended by the Criminal Justice Act, 2006 and the Intoxicating Liquor Act, 2008. These notices are issued in line with the FCPS Operational User Manual Policy and Procedures, Third Edition 2005 (hereafter referred to as the manual), Garda HQ directives and bulletins.

## Garda National Traffic Bureau

The Garda National Traffic Bureau (GNTB) has overall responsibility for traffic enforcement policy in the Garda Síochána. As part of its remit, the GNTB has responsibility for the FCPO, Thurles and the Office for Safety Camera Management, (OSCAM), Dublin. The latter office is resourced by four civilian staff and supervised by a superintendent who

holds additional traffic responsibilities. OSCAM is responsible for the management of the privatised safety camera contract, as well as the management and upkeep of eight garda robot vans across six regional locations. The robot vans are mobile units, equipped with road offence detection equipment managed by the Garda Síochána.

## Fixed Charge Processing Office

The FCPO is the national processing office responsible for administering the FCPS. The office is managed by a garda superintendent and supported by a garda inspector, an assistant principal officer (office manager), two higher executive officers and supported by up to fifty-eight administrative, clerical and support staff. The organisation chart of the FCPO is at Figure 1.1. The function of the FCPO is the recording and processing of the information obtained on breaches of fixed charge offences. The following offences consistently represent the highest volume of road traffic offences processed by the FCPO:

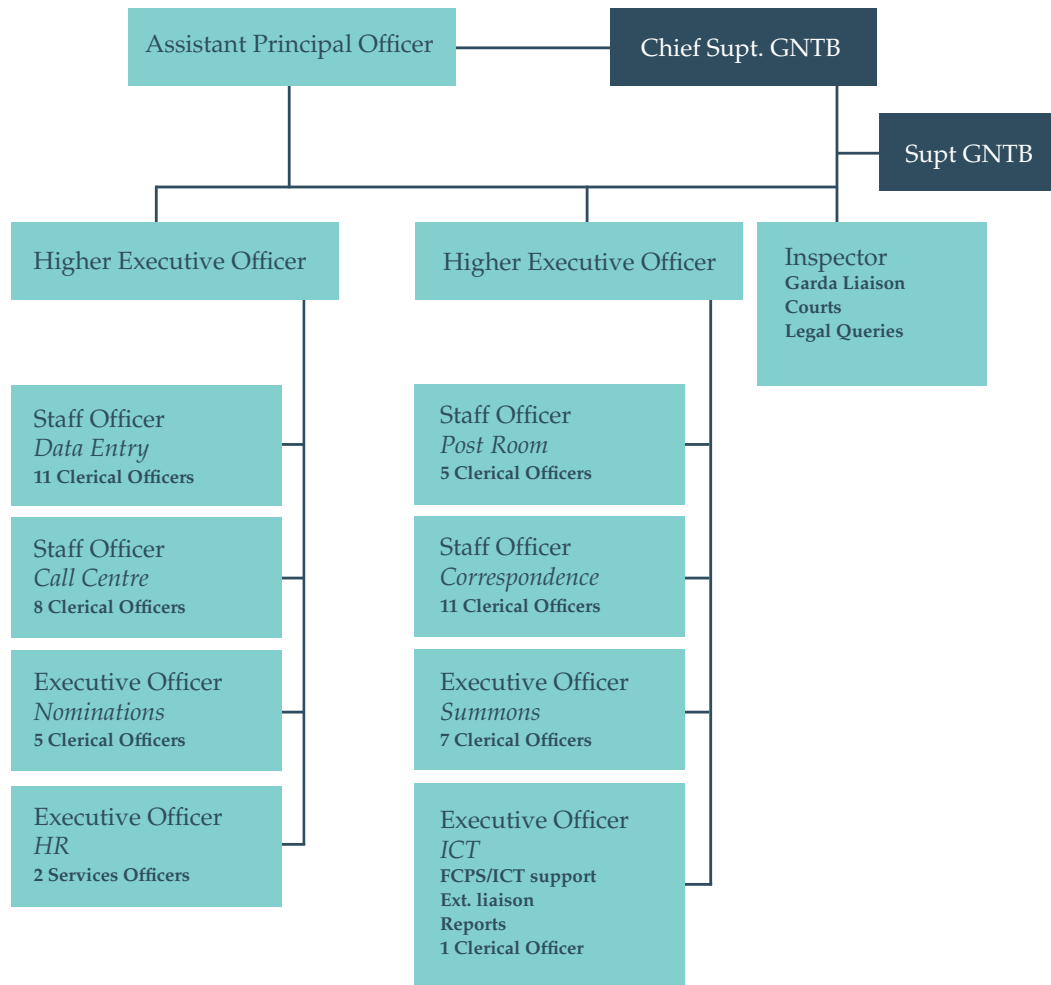
- Speed;
- No Tax / Insurance Disc;
- Seat Belt;
- Mobile Phone; and
- Public Order.

## Detection of Fixed Charge Offences

A fixed charge offence may be detected under the FCPS in one of two ways: intercept or non-intercept. An intercept occurs when a garda or a traffic warden stops an offender at the time of the offence. It is at this point that discretion is used by members of the Garda Síochána. On a daily basis discretion may be applied across a range of circumstances including

<sup>2</sup> Road Traffic Act, 2002

<sup>3</sup> FCPO Offence Code List, October, 2012

**FIGURE 1.1****Organisation Chart for Fixed Charge Processing Office, Thurles at September, 2013**

**Note:** From the 55 clerical officers originally assigned to the FCPO, there are 45.9 full-time equivalents now serving from a complement of 48.

whether to issue a FCN or not. A garda or a traffic warden may record this offence by using either a hand-held device or a notepad. A non-intercept offence is captured either by a safety camera or by a garda robot van. Figure 1.2 as published in the manual, details the cycle of the FCPS from the time an intercept or non-intercept occurs right through to the end of the process.

## Intercept - The Fixed Charge Notice Process

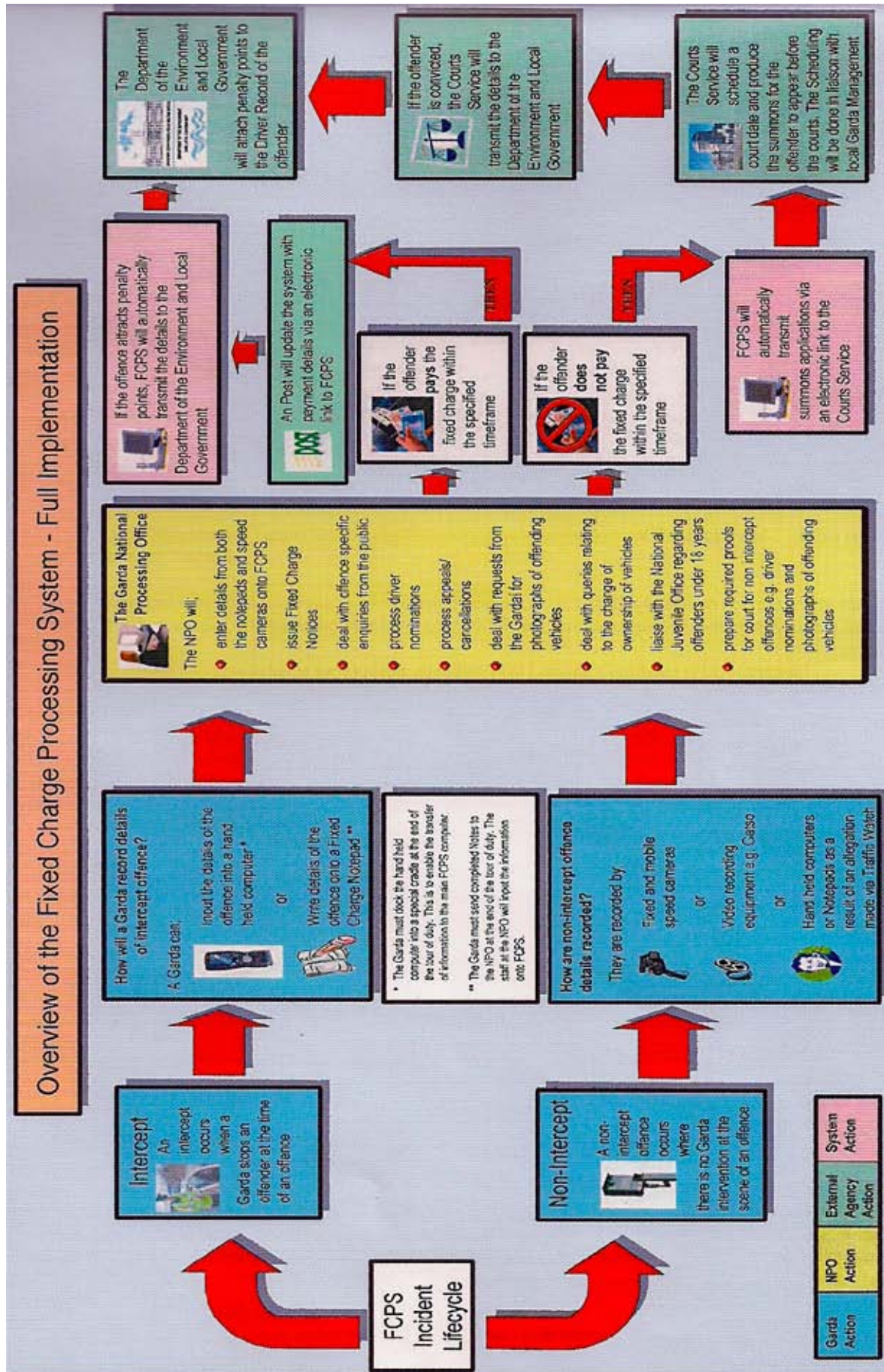
### Notepads

To facilitate the enforcement of fixed charges, specifically designed notepads were introduced for use for all fixed charge offences. The notepad contains 20 notes. Each note is used to record the details of the offence(s) and possesses a unique

number, which is tracked on the National Tracking Allocation System (NTAS). Notepads are allocated and tracked from Garda Central Stores in Santry to individual garda divisions, who assign them to district stations, where they are ultimately allocated to individual members on the NTAS. Where a member or traffic warden has almost finished issuing the twenty notes in their notepad, a request for a new notepad is made to the member-in-charge of their station on a Notepad Requisition Form. The manual clearly demonstrates the onerous and repetitive nature of the work involved in assigning notepads to members with six graphic pages of repetitive instructions on allocating a notepad.<sup>4</sup>

<sup>4</sup> An Garda Síochána, *FCPS Operational User Manual, Policy & Procedures*, Third Edition 2005, Page 8

FIGURE 1.2



Generally, in the case of intercepts, the member manually completes a note from the notepad, documenting the relevant FCN offence(s). The manual provides that the detecting member submits completed notes at the end of a tour of duty to the member-in-charge of their station, who completes an 'End of Tour FCPS Return' form and forwards the notes to the Data Entry Section in the FCPO for inputting on the FCPS. Data Entry Section quality assesses all notes for issues requiring clarification including instances where handwriting is illegible, for return to the relevant district office for correction. These are referred to as 'sendbacks'. Those notes are returned to the district office for forwarding to members for correction and then sent back to the FCPO for processing. Figures 1.3 and 1.4 show a sample of a note which records offender, vehicle and fixed charge offence details.

Unused notepads are returned to the member-in-charge of the station for updating on the NTAS for re-allocation. Where allocated notepads are lost, stolen or damaged, the member must inform the member-in-charge who completes the 'Lost, Stolen, or Damaged NTAS Update' form, indicating the note number range and whether they have been lost, stolen or damaged. Damaged notes must be attached to the form and forwarded to the NTAS Administrator at the FCPO to update the status on NTAS. Similarly, spoilt notes are to be processed in the same manner.

### Hand-Held Device

Hand-held devices were introduced into the FCPS in June, 2004 to provide a more efficient means of recording details of drivers in breach of fixed charge offences. The devices are primarily used by garda traffic units and allow for fixed charge offences to be entered onto the hand-held device by garda members at the scene of an incident. At the end of tour of duty, the hand-held devices are docked to a PULSE computer at their station and the data is electronically downloaded through PULSE onto the FCPS. The seamless electronic transfer of data onto the FCPS offers a means of significantly reducing issues relating to garda errors, illegible handwriting and inaccurate offence codes. A new more user-friendly hand-held device is being piloted, the results of which will be evaluated by the Garda Síochána.

Once the data is recorded on the FCPS, it is merged with the National Vehicle Driver File (NVDF). The vehicle ownership details are then forwarded to the private contractor, to print and issue the FCNs by post to the offenders.

In cases involving a juvenile, a FCN cannot be generated by the FCPS as the system automatically recognises from their date of birth, that the offender is less than eighteen years of age. In such instances, the FCPO sends notification to the Garda National Juvenile Office who will either accept or reject the juvenile for inclusion on the Garda Juvenile Diversion Programme. This process applies to intercept and non-intercept juvenile offenders.

### Fixed Charge Notice (FCN)

A FCN is an official document posted to an offender following the detection of a fixed charge offence e.g. a road traffic offence for speeding. A copy of the FCN is at Appendix 6. The notice identifies the date, time and location of the offence. In the case of a non-intercept, the notice includes picture evidence of the vehicle. The notice also provides the timeframe in which to make payment of the appropriate fine. If the registered owner of the vehicle is not the offending driver, an option to nominate the driver is provided for.

### Payment of a Fixed Charge Notice

The Garda Síochána has a contract in place with An Post/Bill Pay through which FCN payments are processed. When a FCN is issued:

- the offender has 28 days to pay the fine ;
- failure to pay results in a 50% increase in the fine with a further 28 days to pay; and
- after 56 days, payment cannot be accepted and a summons to attend court is issued.

When paying a FCN, driving licence details must be provided at time of payment. The FCN payment is then forwarded electronically by An Post to the FCPO for updating on the FCPS. There is no online facility to pay a FCN.

### Assignment of Penalty Points


Traffic offences attracting penalty points are recorded on the NVDF database which is administered by the Road Safety Authority (RSA), a body which is under the aegis of the Department

Figure 1.3  
An Garda Síochána, FCN Notepad

## An Garda Síochána

N 11643601 H

<input type="checkbox"/> Non Intercept	Garda/Warden No. <input style="width: 100%;" type="text"/>	Date <input style="width: 100%;" type="text"/>	Time <input style="width: 100%;" type="text"/>
Offence Location <input style="width: 100%;" type="text"/>		<input type="checkbox"/> Non FCPP Offence	
Offence Location/Town <input style="width: 100%;" type="text"/>		County <input style="width: 100%;" type="text"/>	
Offence District Court Area <input style="width: 100%;" type="text"/>	Offence Station Name <input style="width: 100%;" type="text"/>	Traffic Watch <input type="checkbox"/>	
Driving Licence No. <small>(The driving licence number is at number 5 in black writing on a paper licence/permit or at 4d on a plastic licence/permit)</small> <input style="width: 100%;" type="text"/>			Foreign Licence <input type="checkbox"/>
Offender Forename <input style="width: 100%;" type="text"/>	Offender Surname <input style="width: 100%;" type="text"/>		
Offender Address 1 <input style="width: 100%;" type="text"/>	Non Resident <input type="checkbox"/>		
Offender Address 2 <input style="width: 100%;" type="text"/>			
Town <input style="width: 100%;" type="text"/>	County <input style="width: 100%;" type="text"/>		
Country <input style="width: 100%;" type="text"/>			
Gender Male <input type="checkbox"/> Female <input type="checkbox"/>	D.O.B. <input style="width: 100%;" type="text"/>	Estimated <input type="checkbox"/>	
Witness Required <input type="checkbox"/>	Driver <input type="checkbox"/>	Driver/Owner <input type="checkbox"/>	Non Driver <input type="checkbox"/> Hirer <input type="checkbox"/>
Veh. Reg. No./Trade Plate No. <input style="width: 100%;" type="text"/>	Make <input style="width: 100%;" type="text"/>	Model <input style="width: 100%;" type="text"/>	
Colour <input style="width: 100%;" type="text"/>	Trade Plate <input type="checkbox"/>	Foreign Registration <input type="checkbox"/>	As Gaelige <input type="checkbox"/>
Actual Speed <input style="width: 100%;" type="text"/>	Speed Limit <input style="width: 100%;" type="text"/>	C.R.W. <input type="checkbox"/>	NCT <input type="checkbox"/> Licence <input type="checkbox"/> Insurance <input type="checkbox"/>
Nominated Station <input style="width: 100%;" type="text"/>			




N 11643601 H

Figure 1.4  
An Garda Síochána, FCN Notepad

**An Garda Síochána**

N 11643601 H

Fixed Charge Offences - Tick box as appropriate			
tick	SPEED	tick	SEAT BELTS
	R3706 National Road 100 km/h (Exceed Limit)		RR54A5D Adult Occupant Failing to Wear Safety Belt -N3
	R3707 Special 100 km/h (Exceed Limit)		RR54B5A Driver Fail to ensure Passenger U/17 Wears a Safety Belt -M1
	R3708 Special 30 km/h (Exceed Limit)		RR54B5B Driver Fail to ensure Passenger U/17 Wears a Safety Belt -N1
	R3709 Road works (Exceed Limit)		RR54B5C Driver Fail to ensure Passenger U/17 Wears a Safety Belt -N2
	R3717 (General) Ordinary Limit Exceeded for Certain Vehicles		RR54B5D Driver Fail to ensure Passenger U/17 Wears a Safety Belt -N3
	R3718 (Built Up Area) Ordinary Limit Exceeded for Certain Vehicles		RR54C5A Driver Fail to Restrain Child U/3 (Category M1)
	R3719 (Regional & Local Roads) Ordinary Limit Exceeded for Certain Veh		RR54C5B Driver Fail to Restrain Child U/3 (Category N1)
	R3727 Regional & Local 80 km/h (Exceed Limit)		RR54C5C Driver Fail to Restrain Child U/3 (Category N2)
	R3728 Special 80 km/h (Exceed Limit)		RR54C5D Driver Fail to Restrain Child U/3 in Child Restraint System - N3
	R3736 Built Up Area 50 km/h (Exceed Limit)		RR54D5A Driver Fail to Restrain Child of 3 Yrs+ in Restraint System - M1
	R3745 Special 60 km/h (Exceed Limit)		RR54D5B Driver Fail to Restrain Child of 3 Yrs+ in Restraint System - N1
	R3746 Special 50 km/h (Exceed Limit)		RR54D5C Driver Fail to Restrain Child of 3 Yrs+ in Restraint System - N2
	R3747 (Motorway) Ordinary Limit Exceeded for Certain Vehicles		RR54D5D Driver Fail to Restrain Child of 3 Yrs+ in Restraint System - N3
	R3748 (National Road) Ordinary Limit Exceeded for Certain Vehicles		RR54E5A Fail to De-activate Airbag When Child Restraint System Used - M1
	R3757 Motorway 120 km/h (Exceed Limit)		RR54E5B Fail to De-activate Airbag When Child Restraint System Used - N1
	R3758 Speed - Special Limit 120 km/h (Exceed Limit)		RR54E5C Fail to De-activate Airbag When Child Restraint System Used - N2
	R37A05 Speeding Buses Motorway/Dual Carrigeway		RR54E5D Fail to De-activate Airbag When Child Restraint System Used - N3
	R37A15 Speeding Buses no standing passengers		RR54F5A Occupant Fail to Wear Safety Belt (Category M2)
	R37A25 Speeding Buses standing passengers		RR54F5B Occupant Fail to Wear Safety Belt (Category M3)
	R37A35 Speeding Ordinary Vehicles > 3500		RR54G5A Owner Fail to Inform Passenger of Regs to Wear a Safety Belt - M2
	R37A45 Speeding Combination of Vehicles		RR54G5B Owner Fail to Inform Passenger of Regs to Wear a Safety Belt - M3
	RC204 Speed - General Obligation -Stop Visible Distance		RR54I4 Driver No Seat Belt (Category N2)
TAX/INSUR DISC			
	R1254 Non-Display Tax Disc- Use		RR54J4 Driver No Seat Belt (Category N3)
	R1264 Non-Display Tax Disc- Park		RR54K4 Driver No Seat Belt (Category M2)
	R1274 Non-Display Tax Disc-(Keep)		RR54L4 Driver No Seat Belt (Category M3)
	R4234 User Insurance Disc No Display		RR54M4 Driver No Seat Belt (Category M1)
	R4244 Owner Insurance Disc No Display		RR54N4 Driver No Seat Belt (Category N1)
MOBILE PHONE			
	R5804 Driving - Holding a Mobile Phone		
DRIVING A VEHICLE WITHOUT REASONABLE CONSIDERATION			
	R3514 MPV -Sec 51A RTA		
tick	SEAT BELTS	tick	No. of Offences
	RR54A5A Adult Occupant Failing to Wear Safety Belt -M1		
	RR54A5B Adult Occupant Failing to Wear Safety Belt -N1		
	RR54A5C Adult Occupant Failing to Wear Safety Belt -N2		
<b>DDFP OFFENCE CODE</b>		<b>INSERT CODES FOR ADDITIONAL OFFENCES</b>	
<b>SPECIMEN TYPE AND READING</b>		<b>LINKED OFFENCES - TICK BOX</b>	



N 11643601 H



of Transport, Tourism and Sport. The FCPO electronically transfers licence and penalty point details of offenders for updating on the NVDF, where penalty points are placed on the licence of the offender. The offender is notified of the assignment of penalty points on their driving licence by the Department of Transport, Tourism and Sport on behalf of the RSA.

### Summonses

The FCPO electronically informs the Courts Service of offenders who fail to pay the FCN within the 56 day period. The Courts Service is responsible for issuing summonses for unpaid FCNs and setting a court date. Where the offender receives penalty points, the Courts Service electronically forwards the offenders details to the NVDF where penalty points are allocated.

### Summons Initiation and Serving Process

The process for issuing summonses in respect of unpaid FCNs commences after 56 days from the date of issue. An electronic file of unpaid FCNs is forwarded by the FCPO to the Courts Service office, Dublin, who commence a process of generating a summons. On receipt of the electronic file, each FCN is automatically assigned an application date by the Courts Service Criminal Case Tracking System (CCTS). The Courts Service office in Dublin schedules all Dublin FCN summonses for processing. The remaining FCN summons requests are assigned to relevant local district court clerks, for allocation of a court date. This requires both the local district court office or the Dublin district court office to manually search and assign a suitable date, which matches with the detecting garda member's roster availability. Once scheduled, this information is returned to the Courts Service office, Dublin, for printing and issuing of the summonses. In the case of summonses for non-intercepts these are forwarded directly to the FCPO where a court pack is compiled manually and includes the summons, speed camera photograph, vehicle ownership details and any further correspondence which the FCPO may have had with the offender. The completed pack is then forwarded to the garda district office for serving of the summons. This process requires a significant amount of administrative time by the Courts Service, the FCPO, garda district offices and garda stations in processing and serving a summons.

On receipt of a summons in the district office, it is manually recorded on the summons register and forwarded to the relevant station for serving. An assigned member (not the issuing member) serves the summons on the offender, certifies service and updates PULSE indicating the summons was served.

## Non-Intercept Fixed Charge Notice Process

### Outsourced Safety Cameras

The Garda Síochána has outsourced speed enforcement and surveying to a private independent contractor to provide 7,475 hours per month, of which 6,725 hours coverage are assigned for speed enforcement and the remaining hours for speed surveying across 727 designated zones.<sup>5</sup> These cameras detect speed on all national roads and gather data to compile traffic surveys which are utilised for future deployment strategies. The private contractor operates on the basis of agreed speed thresholds, locations, dates and times determined by GNTB. Traffic fatalities, injuries and collisions are analysed by GNTB to identify locations for deployment of the safety cameras. The cost of this contract to the Garda Síochána is estimated to be €1.4 million per month or €16.6 million in 2013.<sup>6</sup>

### Garda Robot Vans

As outlined earlier, the Garda Síochána has eight mobile robot vans for the detection of road traffic offences, one of which is assigned to each of the six garda regions, and the other two vans are shared nationally. These mobile vans are operated by traffic gardaí and assigned to locations by local regional traffic management.

The GNTB has responsibility for the administration, maintenance and upkeep of robot vans and equipment used in capturing road traffic offences. It has no responsibility for directing the deployment of the robot vans, or in directing the assignment of speed thresholds of the vans. The speed threshold assignment is at the discretion of the traffic member operating the robot van. This

5 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, 8.6, Page 111 and 8.8, Page 112

6 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, 8.11, Page 113.

leads to inconsistent speed thresholds applied by the eight robot vans against that of the agreed contracted speed thresholds applied by safety cameras nationally. However, the deployment of robot vans is the responsibility of the Regional Traffic Superintendents, who liaise with Divisional Traffic Inspectors in assigning them to locations requested by the 110 operational districts.

Camera images from the garda robot vans are downloaded onto two CDs by the traffic garda operating the vehicle. One CD is kept by the traffic garda and the other is forwarded to the OSCAM in Dublin for processing. All the images are individually quality assessed and those determined to be prosecutable are merged with the car owner details and uploaded onto the FCPS. The garda robot vans are deployed in addition to the contracted safety camera vans and undertake identical functions in detecting road traffic offences. However, the garda robot van system operates independently of the safety camera and is not compatible with the modern technology deployed by the private contractor.

## Detection of Non-Intercept Fixed Charge Offences

As outlined earlier, non-intercept cases refer to instances where there is no interaction with either a member of the Garda Síochána or an operator of a safety camera at the time of the offence. Non-intercept offences are generally captured electronically by safety cameras. The captured images from safety cameras are analysed and quality assessed by the contractor prior to forwarding the images to the garda IT system where it is then merged with the car registration details from the NVDF and automatically uploaded onto the FCPS. The process for issuing, payment and assignment of penalty points and the summons process is managed in the same way as intercepts.

### Nomination Process for Non-Intercepts

In cases of non-intercept offences, the FCN is issued to the registered owner of a vehicle. However, where the registered owner is not the driver at the time of the offence, the owner has 28 days to nominate the person who was driving. When the FCPO receives a nomination, a new FCN is issued to the nominated person who has 56 days to pay the fine from date of

issue of the new FCN. The same process applies for payment of the fine, assigning penalty points and the summons process, as outlined above.

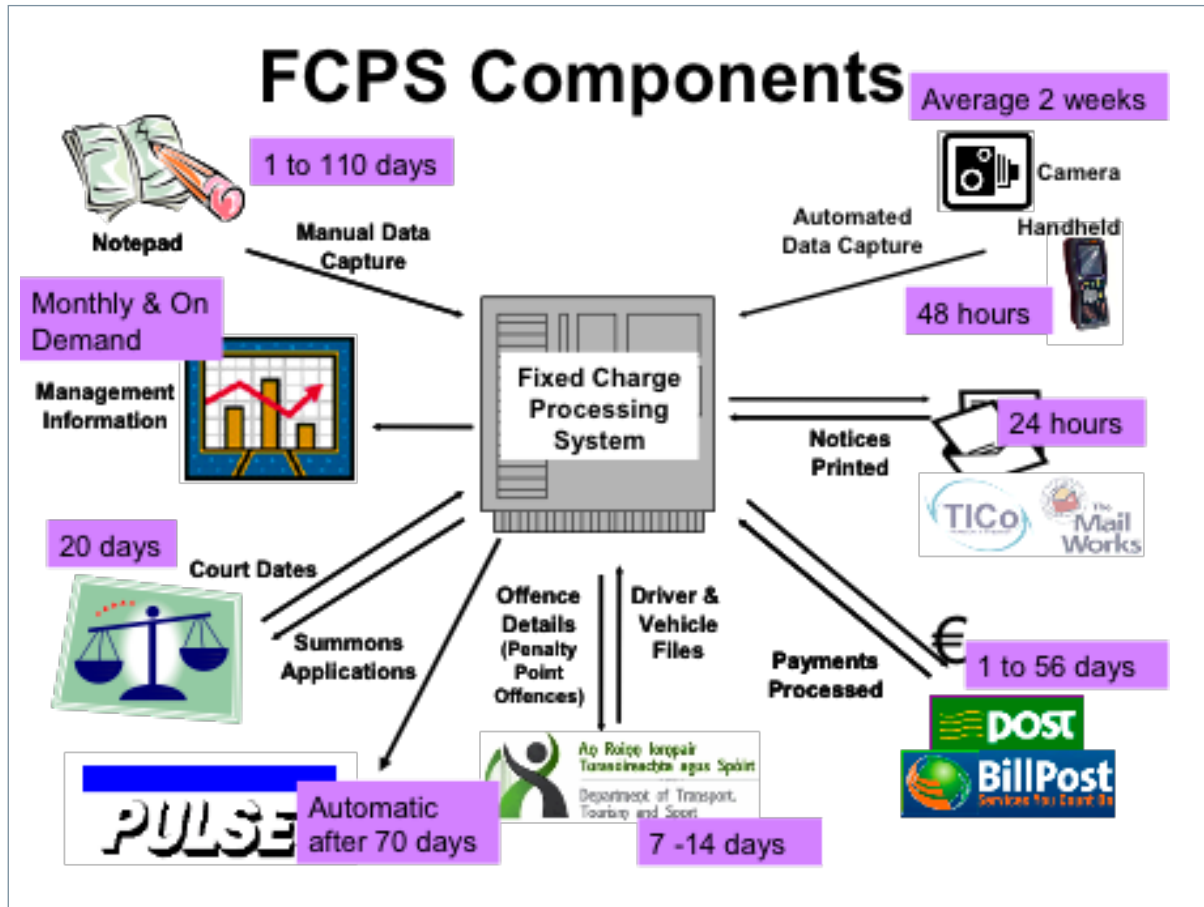
The FCPO compiled a time bound model, Figure 1.6, showing each step in the current FCPS process. This model reflects the current FCPS process, which is an updated version of the one presented in the FCPS manual at Figure 1.2, outlined earlier in this chapter. In reviewing this model, the Inspectorate calculates, in a best case scenario, that the processing time for both intercepts and non-intercepts is approximately 210 days from offence detection through to a court hearing.

Many issues arising in this review are the responsibility of various public bodies. This report contains a number of recommendations which requires a coordinated response across these organisations. Because of the cross-government coordination involved, the Inspectorate recommends that the Department of Justice and Equality convene and chair a working group consisting of relevant stakeholders to oversee a holistic response to the development and implementation of the recommendations made in this report that involves these stakeholders.

#### Recommendation 1.1

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

FIGURE 1.6  
FCPS Time Bound Model



Chapter  
**02**

---

**ANALYSIS AND  
FINDINGS ON THE  
CURRENT SYSTEM**

The Inspectorate examined the management and effectiveness of the current FCPS to understand the strengths and identify any weaknesses. Whilst conducting this review the Inspectorate also identified many of the same concerns previously highlighted in the published Garda Síochána and C&AG reports on the system. The Inspectorate considers there is value in restating these and other deficiencies. This chapter will address these concerns and make recommendations under the following headings for a more effective and efficient FCPS:

- Policy;
- Management Enforcement and Monitoring;
- Legislative Changes;
- Duplication and Speed Detection Processes; and
- Inefficient Processing Systems.

## Policy

### Document Consolidation

The current FCPS manual is the official policy document on the management of the processing system. The manual has not kept pace with ongoing changes in FCPS policy, including auditing, cancellation of FCNs, automated upgrades and enhancements. FCPS directives and circulars, which postdates the manual, are not consolidated in one convenient document. This makes it difficult to access what is current relevant policy. By way of example, the Inspectorate notes from the Assistant Commissioner and PSU reports and from focus group meetings that requests for cancellation of FCNs are accepted over the phone. This process is in breach of current policy, where all FCN cancellation requests must be in writing. However, the Inspectorate accepts that in some cases FCN cancellation requests are undertaken in good faith where the evidence is clear that the person concerned is not at fault. An example of this may occur where the registration details of a vehicle are misread by the detection camera. The Inspectorate believes this is an example of policy which needs to be addressed in the manual. A consolidated manual relating to the current processes and procedures of the FCPS must be available to all garda members, thus avoiding any confusion as to current practice, management and operation. The FCPS manual must be updated to reflect current changes as provided for in HQ circulars and directives as recommended

in the PSU report.<sup>7</sup> The Inspectorate is aware that the Garda Síochána is currently in the process of updating the manual.

### *Recommendation 2.1*

**The Inspectorate recommends that the Garda Síochána produce within six weeks of the publication of this report, a consolidated manual containing all directives and circulars relating to the Fixed Charge Processing System. The manual should also include accepted recommendations made in this report. Where the policy is amended, the manual should be amended simultaneously to reflect the change.**

## Management, Enforcement and Monitoring

### Training on Fixed Charge Processing System

The Inspectorate noted the absence of any structured training guidance on the implementation of any aspects of the FCPS policy. In particular, no training is provided to district officers who have responsibility to adjudicate on appeals from members of the public to have a FCN cancelled. The Inspectorate notes that no HQ Directive was issued to accompany PULSE release 6.3.2, which amended and extended the discretionary grounds for cancelling a FCN. There is no ongoing Continuous Professional Development (CPD) training on the FCPS or in the use of hand-held devices. As a result, members are opting to record intercept offender details in their official notebooks and re-entering the same data on a hand-held device or notepad when back at their station, resulting in unnecessary processing delays.

<sup>7</sup> An Garda Síochána Professional Standards Unit (2013), Examination of the Processes and Systems in Place to Deal With Cancellation of Fixed Charge Processing System Notices by Superintendents and Inspectors Acting in That Capacity April 2013, Page 71

### *Recommendation 2.2*

The Inspectorate recommends that there should be ongoing training on the FCPS and where any significant changes to policy and procedures of the FCPS are introduced, this must be accompanied by an assessment and implementation of training needs and requirements.

### **Absence of Auditing**

The Inspectorate reviewed audit reports conducted at the FCPO. No organisational reports on the operation and management of FCPS at divisional or district level existed at the time of the field inspections. During fieldwork visits, the Inspectorate found no evidence of regular divisional or headquarters auditing of districts in regard to the processing of the FCPS. The manual requires each divisional and district officer to have a "... monitoring mechanism in place to ensure compliance with policy and procedures and with particular emphasis on quality of data and data entry timeframes."<sup>8</sup> The Inspectorate found no such "monitoring mechanism" in place at any of the divisions and districts inspected.

A rigorous audit process is required to restore public confidence in the processes and systems of managing the FCPS. During this inspection and in previous inspections, the Inspectorate was informed of the heavy workload of district officers who have a number of other responsibilities and that the FCPS is low on their list of their overall policing priorities. Consequently, the Inspectorate found no regular audits by district officers of the FCPS. The failure to properly audit the FCPS was

noted by the C&AG. Internal Garda reports also identified this weakness, resulting in the PSU

recommending that the Internal Audit Section of the Garda Síochána assume the audit role for the FCPS. However, in HQ Directive 071/2013, the Garda Commissioner established a three tiered auditing process, with roles for the Assistant Commissioner of Traffic, PSU and the Internal Audit Section. The Inspectorate believes that if its recommendations are implemented the extent of the audit process within the HQ Directive, which is onerous and

disjointed, will not be necessary. Therefore, the Inspectorate agrees with the PSU that the audit of the FCPS should have a single owner.

### *Recommendation 2.3*

(a) The Inspectorate recommends that the Garda Síochána Internal Audit or Professional Standards Unit undertake regular audit checks of the full operation of the Fixed Charge Processing System.

(b) The Inspectorate recommends that a full review of the management and operation of the FCPS be initiated by the Inspectorate within twelve months of publication of this report.

### **Notepad Tracking Allocation System**

As mentioned earlier, the Notepad Allocation Tracking System (NTAS) in the Garda Síochána tracks the distribution and allocation of all notepads to members. The Inspectorate was informed on field visits that up to 10 per cent of notes received at the FCPO for entry onto the FCPS were either incorrectly allocated or not allocated to a member at all. In such instances, the FCPO previously corrected the note by assigning the correct details however, under PULSE release 6.3.5 dated 3 August 2012, staff of the FCPO no longer have the facility to re-allocate notes to members.

In its report, the C&AG analysed notes issued between January 2011 and May 2013 and found that approximately 235,400 notes were issued.<sup>9</sup> Analysis of these notes on the NTAS indicated 18,900<sup>10</sup> were never recorded or accounted for, suggesting a potential revenue loss to the Exchequer. The C&AG suggests this loss may be accounted for by skipped sequences, spoilt notes discarded locally, members deciding not to proceed with the note or in other cases notes lost in the post.<sup>11</sup> It is clear that there is no Garda Síochána unit responsible for tracking the missing notes. The Inspectorate considers that the FCPO should be responsible for administration of the NTAS, ensuring that where notes remain unused i.e. spoilt, lost, stolen, damaged or not issued, they are tracked and fully accounted for,

8 *An Garda Síochána, FCPS Operational User Manual, Policy & Procedures, Third Edition 2005, Page 4*

9 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012, 7.23, Page 93*

10 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012, 7.25, Page 94*

11 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012, 7.25, Page 94*

as provided for in the policy manual. Tracking of notes should form part of the audits of the FCPS as recommended at 2.3.

*Recommendation 2.4*

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

**Notepad Process Deficiencies**

As outlined in Chapter 1, notes are used to manually record intercept FCN offences and when completed are forwarded to the FCPO for entry onto the FCPS. During this inspection the Inspectorate found numerous data problems concerning notes including:

- unavailable allocation details;
- incorrect allocation details;
- illegible handwriting;
- incorrect and incomplete recorded data relating to drink driving tests; and
- incorrect car registration details.

Where an error is detected, the note is returned to the district office for correction by the member, and the corrected note returned to the FCPO. This whole course of action is known as the ‘sendback’ process.

In a recent development, the FCPO commenced an internal detailed audit trail of all ‘sendbacks’ for the nine month period January to September, 2013. The Inspectorate’s analysis of this audit shows a total of 64,330 notes issued, of which 8,199 (13%) ‘sendback’ notes were returned to district offices from the

FCPO for correction with the absence of garda allocation details and illegible handwriting issues amongst others. Of these, 5,301 (65%) were not returned to the FCPO for processing, realising a potential revenue loss of almost €0.5 million for this nine month period, details of which are outlined in Table 2.1.<sup>13</sup>

The Inspectorate observed a high level of basic errors contained in ‘sendback’ notes and is concerned at the considerable level of administrative resources required to manage this process. A significant part of the administrative workload attached to the ‘sendback’ process could be minimised or eliminated with enhanced supervision at district and station level as well as accountability audits and management reports. The C&AG in its report highlighted similar concerns relating to the ‘sendback’ process.

*Recommendation 2.5*

**The Inspectorate recommends that the Fixed Charge Processing Office implement a robust ‘sendback’ process ensuring ‘sendbacks’ are tracked and the system audited with enhanced supervision at district and station levels to ensure ‘sendbacks’ are processed and returned to the FCPO within a reasonable timeframe.**

**Timeliness – Non Compliance**

Road traffic legislation provides that traffic offences become statute barred 180 days after the date of an offence. PULSE release 6.3.5 of 3 August 2012, provides that an offence cannot be entered on the FCPS where the offence date is greater than 110 days. In assessing timeliness of submitted intercept notes to the FCPO, the Inspectorate found a total

**TABLE 2.1**  
**Unreturned ‘Sendbacks’<sup>12</sup>**

Year	Notes Issued	Sendbacks Issued By FCPO	Sendbacks Returned To FCPO	Sendbacks Unreturned To FCPO	Potential Revenue Loss
2012	114,507	15,408	4,707	10,701 (69%)	€850,000
Jan - Sept 2013	64,330	8,199	2,898	5,301 (65%)	€0.5m (9 months)

12 Garda Síochána Statistics from Information Request 2013

13 An Garda Síochána Information Request 2013

**TABLE 2.2**  
**FCN Summonses 2011 and 2012 –**  
**Calculations based on C&AG Percentages<sup>14</sup>**

Year	Summons Issued	Summons Served	Summons Unserved	Potential Revenue loss from Unserved Summonses
2011 and 2012	178,500	85,000 (48%)	93,500 (52%)	€7.4m

of 1,475 notes were statute barred for the period January to September, 2013.<sup>15</sup> As a result of gardaí not submitting notes to the FCPO, offenders are not issued with a FCN, representing an Exchequer potential revenue loss of €118,000<sup>16</sup> for that nine month period. The manual provides that notes should be submitted to the member-in-charge at their station at the end of tour of duty for posting to the FCPO. The level of statute barred notes received in the FCPO clearly shows some notes are not submitted in accordance with the timeframe set out in the FCPS policy manual. It is imperative that this gap is resolved immediately.

#### *Recommendation 2.6*

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

#### **Summonses**

The issuing of a summons indicates that an offender has not paid a FCN and must now appear in court. Having examined the C&AG percentage figures for FCNs issued for 2011 and 2012, the Inspectorate used these percentage figures to calculate the approximate number of FCNs involved. In reviewing the level of non-payment of FCNs for 2011 and 2012, the C&AG found that approximately 238,000<sup>17</sup> fines were unpaid. Of these an estimated

56,000 FCNs were cancelled petition requests, company summonses and statute barred offences. Of the remaining unpaid FCNs, approximately 178,500<sup>18</sup> summonses were issued in 2011 and 2012. Of these summonses, 85,000 (48%) were served and 93,500 (52%) went unserved. As outlined in

<sup>14</sup> Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*. Page 106

<sup>15</sup> An Garda Síochána Information Request 2013.

<sup>16</sup> Statute Barred notes 1,475 x €80 = €118,000

<sup>17</sup> Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, Figure 7.11, Page 106.

<sup>18</sup> Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, Figure 7.11, Page 106.

Table 2.2, the Inspectorate, using C&AG figures, conservatively estimates the potential Exchequer revenue loss from the non-payment of the FCNs resulting in unserved summonses to be a minimum of €7.4 million.<sup>19</sup> Summonses must be served by a member of the Garda Síochána and the time diverted to serving summonses, which at best has less than a fifty per cent success rate, impacts on garda availability to undertake more urgent policing duties. The Inspectorate believes the high level of garda resources involved in the summons process and the low outputs for all the efforts involved is inefficient.

#### *Recommendation 2.7*

**The Inspectorate recommends that a review of the summons serving process be undertaken by the Garda Síochána to ascertain the reasons for the significant level of unserved summonses and to make recommendations to provide a more effective summons serving process.**

#### **File Document Management**

The inspection of the FCPO, Thurles revealed that vast amounts of paper documents and files are held at the office, placing serious pressure on limited storage capacity. This situation has arisen despite the clear intention that the FCPO would be a paperless office, with all paperwork electronically stored. This clearly has not happened.

The FCN is a bar coded document. Given this, consideration should now be given to the installation of an electronic filing and retrieval system via a scanning method. This system should provide the following:

- capability of scanning;
- automatically indexing and validating documents; and

<sup>19</sup> Unserved summonses 93,500 x €80 = €7.4 million



- a bar code scanning system which would have the capacity to also scan and auto index receipt of letters, forms and any other form of correspondence which the office may receive.

The simplicity of bar coding would have the impact of electronically linking documents automatically, saving hours in manually retrieving documents and minimising on-site storage capacity issues.

The Inspectorate notes that the FCN issued to offenders is already a bar coded document, which allows the private contractor appointed by the Garda Síochána to facilitate payment of the FCN. In order for the FCPO to synchronise any FCN with correspondence received, a facility is needed to create and print a bar code label with bar code recognition software to facilitate the scanning and retrieval of documents across the system.

#### *Recommendation 2.8*

**The Inspectorate recommends that an electronic document scanning and management system be introduced into the Fixed Charge Processing Office immediately.**

The Inspectorate was informed that since the date of the field visit to the FCPO, scanners have been obtained for that purpose at the FCPO and a tender for the appropriate software to facilitate the electronic bar coding system will issue in 2014.

## Legislative Changes

### Company Cars

The C&AG's report identified problems with issuing of FCNs for company cars as far back as 2003.<sup>20</sup> This problem remains unresolved. Companies do not always nominate persons driving their vehicle at the time of the offence, explaining that the driver cannot be identified. Due to the complex nature of identifying the correct legal entity, together with the fact that penalty points can only be assigned to a driving licence holder and not to a registered company; company summonses are automatically cancelled. This was highlighted in the C&AG's report, which identified that approximately 10,200<sup>21</sup> FCNs issued during 2011 and 2012 had a 'company summons' status, indicating the summonses could

not be served as it was in the name of a company. For this two year period, company summonses potentially had an exchequer revenue loss of just in excess of €800,000.<sup>22</sup> The Department of Transport, Tourism and Sport should address this legislative deficiency and consider imposing financial penalties on companies who do not nominate details to the FCPO of the person driving the vehicle at the time of the offence. In not identifying the offender drivers, companies are ignoring the road safety issues arising and are allowing offenders to proceed with impunity.

### Hire Cars

Similarly, some car hire companies are not nominating the person who had hired the car when the offence occurred. In the case of an intercept, a member will have obtained the personal details of who was driving at the time of the offence. Difficulties arise particularly in non-intercept cases where nominations are not submitted by the car hire companies. Consideration must now be given to introducing legislation providing for penalties where hire car companies fail to supply driver details.

Acknowledging the difficulty of gathering fines from non-domestic drivers, police in England and Wales are empowered to demand a deposit from such drivers at the time of an offence if detected via an intercept. New Zealand pursues those committing offences while driving hired vehicles through an agency acting on behalf of vehicle rental companies. In the USA, vehicle hire companies deduct funds from the driver's credit card in the event of a fine by virtue of the driver having completed a pre-authorisation form to that effect at the point of renting the vehicle.

### Unregistered Vehicles

Separate to the difficulties in issuing FCNs to owners of company and hired cars, the Inspectorate was informed of the problem of unregistered vehicles. This issue has implications, not alone for the issuing of FCN's to the offending driver but impacts on the accuracy of intelligence available in the fight against crime. Where unregistered vehicles

<sup>20</sup> 2003 Annual Report of the Comptroller and Auditor General, page 57

<sup>21</sup> Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012, 7.57, Page 102*

<sup>22</sup> Company Summons status 10,200 x €80 = €816,000

are detected, offenders should be prosecuted and prevented from selling on their vehicle until all fines are executed.

#### *Recommendation 2.9*

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

- a commercial company vehicle;
- hire agency vehicle or;
- an unregistered vehicle

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

#### **Production of Driving Licence in Court**

Road traffic offenders who receive a FCN and who do not pay it are served with a summons to attend a local district court. Focus group and stakeholder meetings suggested that on conviction offenders were avoiding penalty points by intentionally not producing their driving licence in court. The court summons advises the offender to bring their driving licence and a copy of their licence to court. Where offenders do not bring their driving licence to court, there is no system to ensure penalty points are endorsed on the driving licence. This is a very serious issue. In a recent Parliamentary Question,<sup>23</sup> the Minister for Justice and Equality published figures indicating production rates of driving licences in court for convicted offenders. In the period March 2012 to August 2013 a total of 16,493 offenders were convicted of penalty point offences across all district courts of which only 6,653 (40%) had their driving licence number recorded.

The individual rates of recording of driving licence details across all district courts varied from a rate of 15% at Drogheda/Dundalk District Court to 60% recorded in the DMR region. A total of 9,840 (60%) convicted offenders avoided penalty points on their licence during this 18 month period and this deficiency in the system needs to be addressed. A full list of rates of production of driving licences

in court for convicted offenders for the period March 2012 to August 2013 is at Appendix 5. The Inspectorate understands that a joint working group consisting of the Department of Justice and Equality, Courts Service and the Department of Transport, Tourism and Sport officials are finalising their report on the penalty points system which will address this matter.

#### *Recommendation 2.10*

**The Inspectorate recommends that a system be introduced immediately to ensure that all penalty points are endorsed on driving licences.**

## **Duplication of Speed Detection Processes**

### **Garda Robot Vans**

As outlined in Chapter 1, the Garda Síochána has eight robot vans which are utilised for road traffic offence detections. These vans are performing the same function in detecting road traffic offences as that of the privately operated safety cameras. Detailed offence detections for the robot vans was sought, however it is not possible to differentiate between detections by garda robot vans and safety cameras.<sup>24</sup> The Garda Síochána does not record individual detection rates for robot vans but records the combined detection rates for both robot vans and the safety cameras. Table 2.3 details the FCN detections for non-intercepts which includes robot vans and safety cameras. Speed thresholds agreed for the operation of the safety cameras differ to those operating for robot vans. The Inspectorate has identified that such speed variances can differ significantly. It is unclear to the Inspectorate, what if any significant additional role or function robot vans provide in road traffic offence detection that could not be provided by the Garda Síochána safety camera private contractor. Further, the garda robot vans are non-compatible with the private safety cameras. The detected road traffic offence data for both safety cameras and the robot vans are processed separately. This results in duplicate processing costs, additional staffing resources, with image quality issues and maintenance costs. The initial purchase, fit out and equipment cost for each of the eight robot vans was approximately €100,000 with a total annual maintenance cost in

<sup>23</sup> Parliamentary Question Written Reply, Tuesday 15th October, 2013, Reference 43556/13

<sup>24</sup> An Garda Síochána Information Request 2013

2012 of approximately €51,000 for all eight vans.<sup>25</sup> In essence, the garda robot vans provide no more than a costly supplementary service.

**TABLE 2.3**  
**FCNs issued from Camera Detections<sup>26</sup>**

Year	FCNs Issued from Camera Detections (GoSafe / Robot Vans)
2010	102,963
2011	215,823
2012	178,070
2013 (Jan–Sept)	121,936
<b>Total</b>	<b>618,792</b>

The Inspectorate believes that the maintenance of eight robot vans operated by trained garda members, supported by four administrative staff and associated accommodation costs is unnecessary and inefficient. Of the 110 districts, the individual district demand for delivering an effective response to emerging road traffic offence detection cannot be adequately met by the robot vans. The Inspectorate recommends that robot vans and associated support functions be re-deployed for other operational duties. Future non-intercept road traffic offence detection operations should be fully outsourced to a private contracted operator. Consequently, this will significantly reduce the role and function of the OSCAM office. Any ancillary work remaining after the complete outsourcing of road traffic detections should transfer to the FCPO.

### Safety Cameras

As outlined in Chapter 1, the private contractor provides speed detection and traffic surveying across 727 zones. The cost of operation of the private contractor in 2011 was €15.8 million, €15.6 million in 2012 and an estimated cost in 2013 of €16.6 million.<sup>27</sup> The outsourcing contract for speed detections and traffic surveying will be due for renewal in 2015. The Inspectorate believes that the safety camera contract should be expanded to allow for flexibility based on speed detections and traffic surveys. In addition to the location sites for safety cameras to be identified in the new contract, it should also include flexibility in assigning safety cameras to locations,

which in the opinion of the Garda Síochána need particular and urgent attention. The savings from the redeployment of robot vans could be offset against any additional cost of the contract.

#### *Recommendation 2.11*

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

#### *Recommendation 2.12*

**The Inspectorate recommends that following the implementation of recommendation 2.11, the residual functions of the Office for Safety Camera Management should transfer to the Fixed Charge Processing Office.**

## Inefficient Processing Systems

### Production of Driver and Vehicle Documents

As part of the FCPS, where members intercept an offender for a road traffic offence, the offender may be requested to produce their driver and vehicle documents at a nominated garda station. The Garda Information Services Centre (GISC) monitors the production of documents and updates this information onto the FCPS. Where non-production is detected a summons is issued.

The Inspectorate was informed that when an offender produces the requested documents at an alternate station to the nominated garda station, PULSE does not recognise the production of documents. This problem means that a summons is incorrectly issued for non-production, thereby requiring the motorist to attend court. When this issue was discussed at focus groups, some members were not aware of the implications of offenders producing documents at an alternate station to the nominated station.

This system failure results in needless administration for both the Garda Síochána and the Courts Service and significant inconvenience for the compliant motorist. Production of documents at any garda station should be recognised by the system as meeting the production of documents requirement and should not result in a summons for non-production.

<sup>25</sup> An Garda Síochána Information Request 2014

<sup>26</sup> Statistical data obtained from the Garda Síochána Information Request

<sup>27</sup> Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, 8.11 pg 113

*Recommendation 2.13*

**The Inspectorate recommends that the Fixed Charge Processing System recognise that driver and vehicle documents have been produced irrespective of the garda station where they are produced.**

## Payment Options

### Enhanced Payment Options

The Inspectorate learned during focus group meetings, that there is no FCN on-line payment facility or installment payment arrangement available to offenders. The eGovernment Strategy, eGovernment 2012-2015<sup>28</sup> provides for a continued focus on making available to the public e-payment facilities appropriate to customer requirements. It is recommended that the Criminal Justice Working Group referred to in Chapter 1 be tasked to review this issue and make recommendations to accommodate payment of fines in a more customer friendly manner.

*Recommendation 2.14*

**The Inspectorate recommends that the Criminal Justice Working Group facilitate the introduction of an on-line payment option for the payment of Fixed Charge Notices.**

### Recovering Unpaid Fines

The Inspectorate noted that approximately 70% of FCNs are paid.<sup>29</sup> In its submission to the Department of Transport as part of its Strategy Statement 2008-2010, the Courts Service recommended handing collection of fines over to a debt collection agency. It was suggested that the Government could collect outstanding fines at the renewal of motor tax, vehicle registration or driving licences and that there be an increase of penalty points for unpaid fines.<sup>30</sup> There may be other methods to ensure settlement of outstanding fines or even placing a charge on the offender's home or car and not allowing them to sell a vehicle until the fine is paid. The Inspectorate believes that where a FCN is not paid, consideration should be given to legislating for alternate means of fine collection.

The Inspectorate notes that in 2012 approximately 8,300 offenders were committed to prison for the non-payment of fines.<sup>31</sup> The Courts Service suggested that other jurisdictions have taken minor traffic offences out of the criminal justice system and instead developed an even more efficient administrative system to adjudicate these offences using some of the alternative collection means outlined above. By implementing an administrative process for some offences, an ancillary benefit will be the reduction in penal warrants being served by the Garda Síochána and the concurrent administrative processing by the Irish Prison Service.

*Recommendation 2.15*

**The Inspectorate recommends that the Criminal Justice Working Group consider alternative measures for collecting unpaid fixed charge fines and bring forward solutions to address administrative inefficiencies in this area.**

*Recommendation 2.16*

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

## Conclusion

In relation to policy and administrative gaps identified, the Inspectorate believes that these recommendations should be implemented immediately to deliver a more functional, cost effective and efficient FCPS.

28 [www.egovstrategy.gov.ie](http://www.egovstrategy.gov.ie)

29 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, Page 106

30 Submission by the Courts Service on the *Department of Transport Statement of Strategy 2008 – 2010*, August 2008

31 Minister for Justice and Equality, Press Release 19 July, 2013

Chapter  
**03**

---

**CANCELLATION  
OF FIXED CHARGE  
NOTICES**

As mentioned in Chapter 1, the most recent FCPS policy guidelines are outlined in the Operational User Manual Policy and Procedures, Third Edition 2005 manual. The manual details the processes in the administration of the FCPS, including the cancellation of FCNs in exceptional circumstances on both a statutory and discretionary basis. In 2011 and 2012 the Garda Síochána cancelled a total of 44,741 fixed charge notices or 5% of the total number of FCNs issued in those two years; details of which are broken down by divisions and outlined at Appendix 3.<sup>32</sup>

Table 3.1 details the total number of FCN cancellations undertaken by the Garda Síochána in 2011, 2012 and 2013. The Inspectorate notes the significant drop of 23% in the number of FCNs issued since 2011 and the corresponding decrease in the number of cancellations. The timing of this decrease corresponds with the publicity around allegations of corruption with the cancellation process of the FCPS.

**TABLE 3.1**  
**Total FCNs Issued and Total Cancelled<sup>33</sup>**

Year	Total FCNs Issued	Total FCNs Cancelled
2011	514,959	22,781 (4.4%)
2012	449,403	21,960 (4.8%)
2013	393,588	17,393 (4.4%)

This chapter considers the process of managing the cancellation of FCNs as provided for in the manual. It will also address the recently published HQ Directive of 30 August, 2013 'Revised Cancellation Procedures – Garda Fixed Charge Processing System'.

## Cancellation Authority

The manual provides for the cancelling of FCNs by the 'cancelling authority' and identifies it as the "district officer of the location where the fixed charge offence occurred or the district officer/superintendent responsible for the detecting member or the person in charge of the FCPO. The

authority to cancel notices will be extended to inspectors only in circumstances where they are acting for the district officer/superintendent."<sup>34</sup>

Prior to September 2009, all ranks had full access to cancel FCNs on the FCPS. A Garda HQ directive issued on 11 September 2009, restricting all access for eleven months in order to correct the problem of full access.<sup>35</sup> During that period, the FCPO was the only location where FCNs could physically be cancelled on the FCPS. The FCPS was amended to provide access only to district officers and acting district officers for cancellation of FCNs. However, the Inspectorate was informed during this inspection that all chief superintendents, superintendents and inspectors, both designated and non-designated officers for cancelling FCNs still had full access to the FCPS system to cancel a FCN in any district. Since the completion of fieldwork visits, the Inspectorate was informed that this technical issue has been addressed and the only member who can now physically cancel a FCN on the system is the Inspector in charge of the FCPO.

A serious breach of policy noted in the Assistant Commissioner's report indicated a FCN was cancelled using the registered number of a superintendent, two weeks after his/her retirement.<sup>36</sup> The C&AG similarly identified this weakness and reported that there are "no controls

32 An Garda Síochána Professional Standards Unit (2013), Examination of the Processes and Systems in Place to Deal With Cancellation of Fixed Charge Processing System Notices by Superintendents and Inspectors Acting in That Capacity April 2013, Page 99

33 An Garda Síochána Professional Standards Unit (2013), Examination of the Processes and Systems in Place to Deal With Cancellation of Fixed Charge Processing System Notices by Superintendents and Inspectors Acting in That Capacity April 2013, Page 96. Updated figures for 2013 sought and provided by the Garda Síochána in an information request. Total FCNs issued include nominations, drink-driving and public order offences.

34 An Garda Síochána, FCPS Operational User Manual, Policy & Procedures, Third Edition 2005, Page 28

35 An Garda Síochána Professional Standards Unit (2013), Examination of the Processes and Systems in Place to Deal With Cancellation of Fixed Charge Processing System Notices by Superintendents and Inspectors Acting in That Capacity April 2013, Page 41

36 An Garda Síochána Report (2013), Correspondence received from the Department of Justice & Equality on the 19th of October 2012 concerning Allegations of Irregularities in the operation of the Fixed Charge Processing System (FCPS).

in the system to restrict garda members who have the facility to terminate cases from doing so in relation to cases not within their authority".<sup>37</sup>

### Recommendation 3.1

**The Inspectorate recommends that where a garda employee retires or leaves the force, their PULSE access registered number must be deactivated on the date the employee ceases to be a member of the Garda Síochána.**

## Cancellation Policy

The manual defines the cancellation of FCNs as "... the decision of a Cancelling Authority to *discontinue proceedings and to withdraw* the Notice for a Fixed Charge Offence after carrying out a review".<sup>38</sup> The FCN cancellation policy, as set out in the manual, provides that the 'Cancelling Authority' may cancel FCNs "only in exceptional circumstances".<sup>39</sup> The policy provides that:

- Where a FCN offence has not reached summons active stage, a request to cancel must be submitted in writing, with any supporting documentation as evidence, to the district officer of the area in which the offence occurred;
- On receipt of a cancellation request, the district officer ensures an acknowledgment letter is sent, informing the applicant that this request does not alter any payment obligations as set out on the FCN;
- On the basis of the circumstances and evidence provided, the district officer will examine each request to consider whether it warrants cancellation;
- If warranted or not, a decision letter on the cancellation request will issue to the applicant; and
- All documentation in this regard is stored for audit purposes.

The policy details the statutory basis of exemptions where FCNs may be cancelled, such as conditions where a person is not required to wear a seat

belt, which may include a person occupying a seat which is not fitted with a safety belt and / or a driver of a car while reversing. Section 27 of the Road Traffic Act, 2004 provides exemptions for drivers of emergency vehicles, including fire brigade, ambulance or "the use by a member of the Garda Síochána of a vehicle in the performance of the duties of that member or a person driving or using a vehicle under the direction of a member of the Garda Síochána, where such use does not endanger the safety of road users."<sup>40</sup>

In addition to statutory grounds for cancelling FCNs, advice was sought by the Garda Síochána from the Attorney General regarding the use of 'discretion' in the cancelling of FCNs,<sup>41</sup> which is not statute based and has no specific enabling legislation. The advice, dated 21 May, 2006, outlined that Section 103 (3)(b), Road Traffic Act, 1961 does not **disallow** the normal prosecutorial discretion applied by members of the Garda Síochána on a daily basis. The Attorney General further advised that it would be of benefit to the organisation to have in place best practice policy guidelines and examples in the exercise of discretion in deciding on the cancelling of FCNs. **This Attorney General's advice was not acted upon.** The Inspectorate believes that had the Garda Síochána taken account of the Attorney General's legal advice in 2006, it is reasonable to assume that the policy may have been implemented as intended. Under PULSE release 6.3.2, published on 28 March 2012, some six years later, the GNTB further extended the list of cancellation reasons, including consideration of discretion for a family bereavement, medical emergency or "discretionary other" and again failed to follow the Attorney General's advice to provide clear examples when such reasons may be applied. Figure 3.2 sets out the cancellation reasons as provided for in the manual with Figure 3.3 outlining the cancellation reasons post-publication of the manual.

<sup>37</sup> Comptroller and Auditor General (2013), Report on the Accounts of the Public Services, 2012, 7.36, Page 96

<sup>38</sup> *An Garda Síochána, FCPS Operational User Manual, Policy & Procedures*, Third Edition 2005, Page 28

<sup>39</sup> *An Garda Síochána, FCPS Operational User Manual, Policy & Procedures*, Third Edition 2005, Page 28

<sup>40</sup> Section 27, Road Traffic Act, 2004

<sup>41</sup> An Garda Síochána Professional Standards Unit (2013), Examination of the Processes and Systems in Place to Deal With Cancellation of Fixed Charge Processing System Notices by Superintendents and Inspectors Acting in That Capacity, April 2013, Pages 58-63 and 11.4 Appendix D, Pages 79-86

**FIGURE 3.2**  
Cancellation reasons provided for in the policy manual

Statutory - Exemptions	Non-Statutory: Exceptional Circumstances	Juvenile Diversion Programme
<ul style="list-style-type: none"> <li>Wearing of seat belts in certain circumstances and as certified by medical practitioner</li> </ul>	<ul style="list-style-type: none"> <li>Doctors/Medical Union answering urgent calls while driving and parking</li> </ul>	<ul style="list-style-type: none"> <li>Less than 18yrs of age in line with the Children's Act, 2001</li> </ul>
<ul style="list-style-type: none"> <li>Emergency services vehicle drivers in the performance of their duties and where not endangering the safety of other road users</li> </ul>	<ul style="list-style-type: none"> <li>Stolen or broken down vehicles</li> </ul>	
<ul style="list-style-type: none"> <li>Local Authority bye-law conditions to parking restrictions</li> </ul>	<ul style="list-style-type: none"> <li>Offender resident outside the jurisdiction</li> </ul>	
	<ul style="list-style-type: none"> <li>Claim of diplomatic immunity</li> </ul>	
	<ul style="list-style-type: none"> <li>Road Fund Licence (Tax) already applied for and awaiting delivery</li> </ul>	
	<ul style="list-style-type: none"> <li>Licence lost, stolen or accidentally removed</li> </ul>	
	<ul style="list-style-type: none"> <li>Hire car agreement</li> </ul>	

**FIGURE 3.3**  
Additional cancellation reasons post publication of the manual

System Errors – 2006-2012	Discretionary – Issued in PULSE release 6.3.2, March, 2012 – No Policy Guidelines issued	Discretionary – Issued HQ Directive August 2013
<ul style="list-style-type: none"> <li>Undeliverable postal address</li> </ul>	<ul style="list-style-type: none"> <li>Family Bereavement</li> </ul>	<ul style="list-style-type: none"> <li>Humanitarian Grounds</li> </ul>
<ul style="list-style-type: none"> <li>Scanned vehicle registration number error</li> </ul>	<ul style="list-style-type: none"> <li>Medical Emergency</li> </ul>	
<ul style="list-style-type: none"> <li>NDV File defect</li> </ul>	<ul style="list-style-type: none"> <li>Other</li> </ul>	
<ul style="list-style-type: none"> <li>System error</li> </ul>		

## Garda Policy on Discretion

The manual outlines the process and procedure for the cancellation of a FCN, where a petition is submitted to the district officer in writing, with supporting documentation, in the district where the offence occurred or to the inspector-in-charge of the FCPO. A recipient of a FCN must submit the petition to cancel it before 56 days has elapsed from the issue date, after which the district officer must refuse the application as the summons process has commenced. On receipt of the completed cancellation petition, the district officer examines it on the basis of the “evidence presented”.<sup>42</sup> The review may require an investigation that includes “a consultation with the detecting member to ascertain if there are any objections to the cancellation.”<sup>43</sup> When the FCN is cancelled or the request denied,

the applicant is informed in writing by the ‘cancelling authority’ of the outcome. Currently there is no statutory provision that enables the use of discretion by the Garda Síochána in cancelling FCNs.

### *Recommendation 3.2*

**The Inspectorate recommends that the Department of Justice and Equality bring forward enabling legislation providing the Garda Síochána with authority to cancel Fixed Charge Notices on a discretionary basis, providing clear parameters on the use of that discretion.**

Currently the Garda Síochána cancels FCNs using discretionary grounds though no guidance or interpretation on application is provided. The Inspectorate believes that cancellation requests to the FCPO will be reduced when the definition of “exceptional circumstance” for cancellation requests is defined through legislation. In addition,

<sup>42</sup> An Garda Síochána, *FCPS Operational User Manual, Policy & Procedures*, Third Edition 2005, Page 28

<sup>43</sup> An Garda Síochána, *FCPS Operational User Manual, Policy & Procedures*, Third Edition 2005, Page 28



implementation of the Attorney General’s advice on best practice guidelines and examples in the exercise of discretion will assist in this process. However, the Inspectorate questions the discretionary policy providing for cancellation of FCNs based on a category of ‘Other’ with no reference outlining circumstances or categories upon which it can be used.

Similar to the exceptional circumstances in the garda manual, Victoria Police, Australia when considering cancelling a notice, are bound by ‘special circumstances’ that are statutorily defined such as state of health, disability, disorder and addiction.

In line with recommendation 3.2, the Inspectorate recommends that the GNTB issue instructions on the interpretation and application of each statutory, exempt and discretionary ground when the ‘cancelling authority’ is considering offender petitions to terminate a Fixed Charge Notice.

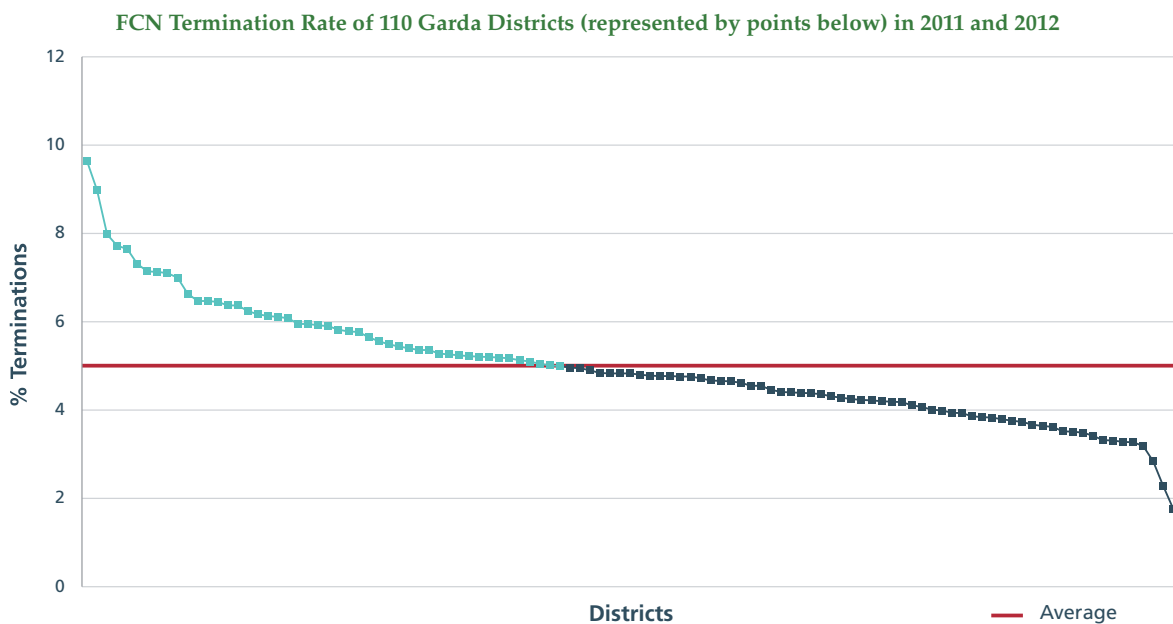
*Recommendation 3.3*

**The Inspectorate recommends that the Garda Síochána policy on fixed charge cancellations, include an unambiguous definition of ‘exceptional circumstances’ when cancelling a Fixed Charge Notice.**

### Cancellation Rate Analysis

As referenced in the PSU report, an average of 5% of all FCNs issued in 2011 and 2012 were cancelled.<sup>44</sup> However, further analysis of these cancellation rates by individual district officers ranged from as high as 48.6% above the average to 51.4% below the average cancellation rate. The Inspectorate was informed that the number of rejected petitions is not available. Figure 3.4 demonstrates the range of cancellation rates in each district for 2011 and 2012. **This is indicative of an inconsistent approach from 113 cancelling authorities, making subjective decisions, without training or clear policy guidelines.** The Inspectorate believes there is an inconsistent nation-wide application of the current FCN petition policy.

**FIGURE 3.4**  
PSU Data Analysis



<sup>44</sup> An Garda Síochána Professional Standards Unit (2013), Examination of the Processes and Systems in Place to Deal With Cancellation of Fixed Charge Processing System Notices by Superintendents and Inspectors Acting in That Capacity, April 2013. 11.8 Appendix H, District Breakdown of Total Notices Terminated for 2011 and 2012. Pages 96-99

## Review of FCN Cancellation Files

As part of its fieldwork, the Inspectorate examined the FCN cancellation files from the nine districts inspected for August 2012 and January 2013, which resulted in the examination of 103 files from nine districts. In respect of all files examined the analysis showed:

- 51% of cases reviewed had no supporting documentary evidence present.
- 49% of cases had supporting documentary evidence attached,
- 32% had requests for further supporting evidence;
- 49% showed that the issuing member was consulted prior to cancelling the FCN;
- 98% had a decision recorded on the FCPS;
- 30% had no decision letter on file;
- 70% had a decision letter issued; and
- 4% were rejected.

The Inspectorate notes that in only one of the nine districts examined, was the cancellation policy implemented as required by the manual. This district independently created its own Fixed Charge Notice Cancellation Flow Chart, (see Figure 3.5) indicating the individual steps required to be undertaken prior to making a decision to approve the cancellation of a FCN. These files were well managed with supporting evidence relating to the reason for cancellation. Where this evidence was absent, a request for supporting evidence from the district officer to the offender was on file. In each case the member that issued the FCN was consulted and their views requested, prior to a decision being made on the cancellation request. Where evidence was weak or absent, the request for cancellation was denied.

Further analysis of the sample was undertaken in regard to the rate of FCN cancellations granted across the nine districts reviewed. This analysis revealed a wide range in cancellation rates, with one district refusing all petition requests, while another district granting all requests, with the remaining districts falling between these two variances. This finding is supported by the C&AG report, where a review of cancellation rates across ten districts found similar inconsistencies, with

three of the districts reviewed in that report having more than fifty times the rate of cancellations than the two lowest districts reviewed.<sup>45</sup> In reviewing most of the districts, the Inspectorate found poorly maintained cancellation files, with no audit process present. The Assistant Commissioner's report stated that some transferring or retiring 'Cancelling Authorities' had "shredded" their FCN termination paperwork, where the requirement stipulated that it be maintained.<sup>46</sup> Indeed, the C&AG stated that because of the lack of records available during their inspection, they held the view that "many cases have been terminated without due cause."<sup>47</sup>

The C&AG concluded that the "rates of termination in many districts are too high to be considered reflective of 'exceptional circumstances'."<sup>48</sup> The Inspectorate also made this finding and agrees that "a significant proportion of cases appear to have been terminated in circumstances that do not satisfy the stated policy."<sup>49</sup> The Inspectorate notes the inconsistent application, interpretation and subjectivity of cancellation of FCNs, which must be addressed.

### Analysis of Cancellation files from one District

In a separate exercise the Inspectorate undertook an analysis of cancellation files from one district. A total of thirty cancellation files were examined which showed:

- 7 files with documented paperwork; and
- 23 files had no documented cancellation paperwork available to the Inspectorate, with only the cancellation FCPS screen shot available on the file presented.

45 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012, 7.41, Page 97.*

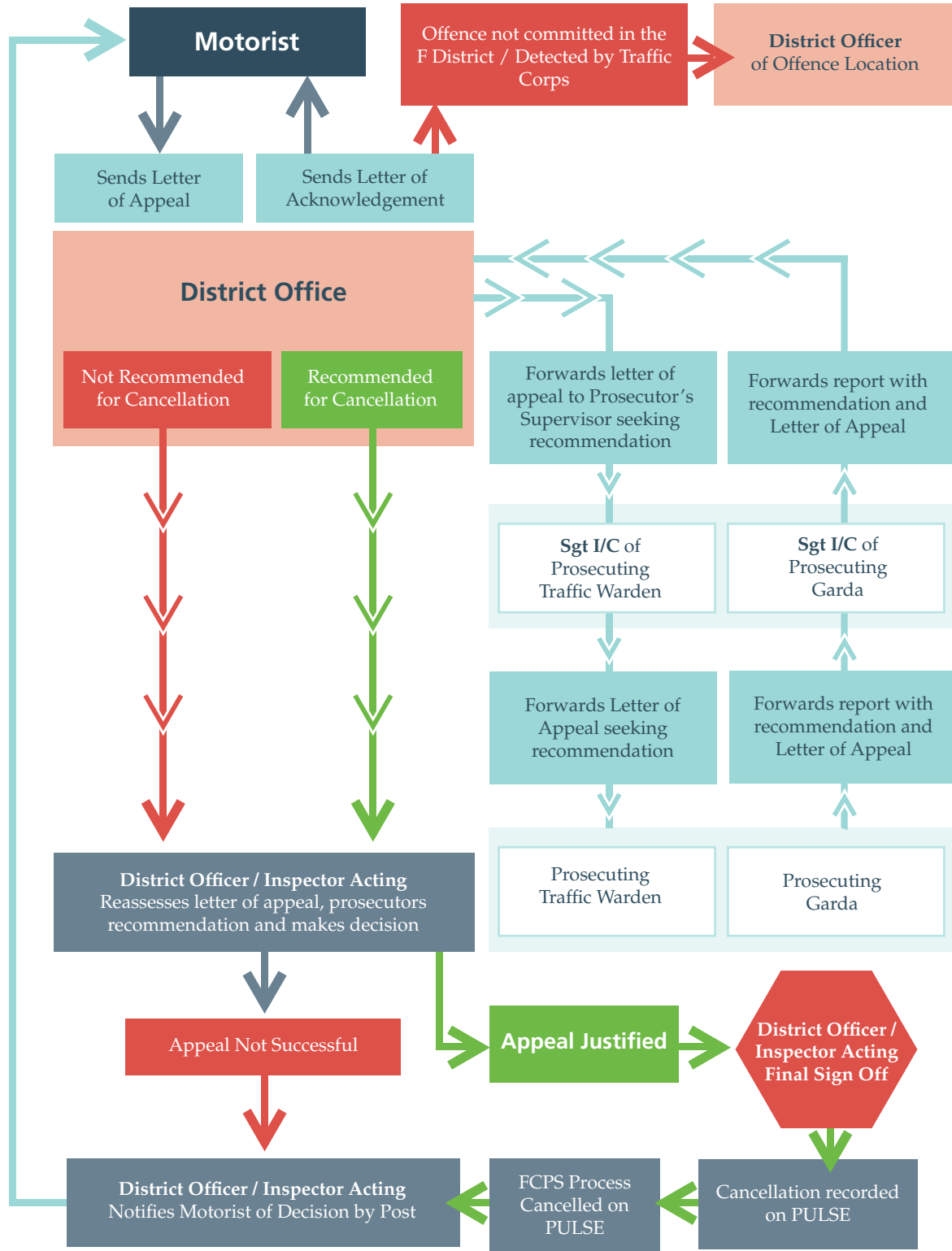
46 An Garda Síochána Report (2013), Correspondence received from the Department of Justice & Equality on the 19th of October 2012 concerning Allegations of Irregularities in the operation of the Fixed Charge Processing System (FCPS).

47 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012, 7.81, Page 108.*

48 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012, 7.81, Page 108*

49 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012, 7.81, Page 108*

**FIGURE 3.5**  
**District Fixed Charge Notice cancellation flow chart**



### Of the 23 files without paperwork documentation:

- 13 files had no details entered in the termination comment box on the FCPS and therefore cannot be determined as to the reason the FCN was cancelled;
- 10 files had comments in the FCPS box with 4 of the termination reasons conflicting with the reason on the district office cover sheet list provided to the Inspectorate; and
- Contrary to established policy, for the 6 remaining files, the reason for termination is entered on the screen shot as provided to the Inspectorate and not on the paper file.

Analysis of this district's cancellation files clearly shows evidence of non-compliance with FCPS cancellation policy. The Inspectorate also noted a breach in policy where FCNs were cancelled by a 'cancelling authority' from another district. Within this district, in many instances no paperwork trail existed as to why the FCN was cancelled, and no entry on the FCPS comment box detailing the circumstances supporting the cancellation of the FCN was recorded. In conjunction with the findings of other reports and audits, the Inspectorate believes that had a comprehensive audit process of the FCPS been in place with regular audits of the district undertaken, this unacceptable system of cancelling FCNs, in clear breach of policy, would have been identified and arrangements put in place to ensure the cessation of such breaches.

### Policy – Non-Compliance

Focus groups told the Inspectorate that with all the administrative tasks and accompanying paperwork, they did not have the time to monitor, what they consider, a very small piece of their portfolios. They also advised that oversight of the local operations of the FCPS is not the only supervisory task in their management portfolio and they did not have the time necessary to monitor it adequately. These comments are supported by the findings in the Inspectorate's Report on Front-Line Supervision published in February 2013, where supervisors said they have to "trust" that the rules are being followed by their staff.

The Assistant Commissioner's examination identified 113 'cancelling authority' positions in the Garda Síochána authorised by policy to cancel fixed charge notices. This report covered a forty-two month period, which coincided with the irregularities identified by the confidential reporters. The Inspectorate's analysis of the Assistant Commissioner's examination indicated widespread policy non-compliance across the 113 'cancelling authority' positions. A total of fifty-five inspectors and superintendents were identified as breaching policy in cancelling fixed charge notices of varying degrees of seriousness.<sup>50</sup> As a result of these breaches of policy, most were referred to their divisional officers for a "reminder" to comply with policy and three referred to Garda Internal Affairs for investigation.<sup>51</sup>

### Cancellation of FCNs for Garda Members

In reviewing the level of cancellations of FCNs issued to garda members, the Assistant Commissioner's report indicates that, in their examination of 1,537 FCN cancellations, 123 were issued to members, of which, 76 were determined to be "on-duty".<sup>52</sup> Chapter 35.64 of the Garda Code requires that any member using their personal vehicle on duty must have an "Authorisation of Use of Private Vehicle" certification and obtain permission from the supervising officer of their station before use.

In its review of cancellation files, the Inspectorate found no evidence where petitions for cancellation from off-duty members were denied by a 'cancelling authority'. Most of the cancellation petitions from the members indicated some police purpose, which was construed as actually being on-duty, which would make them exempt under Road Traffic Acts 1961 to 2004. The Inspectorate found little evidence of any inquiry by management to confirm that

50 An Garda Síochána Report (2013), Correspondence received from the Department of Justice & Equality on the 19th of October 2012 concerning Allegations of Irregularities in the operation of the Fixed Charge Processing System (FCPS).

51 An Garda Síochána Report (2013), Correspondence received from the Department of Justice & Equality on the 19th of October 2012 concerning Allegations of Irregularities in the operation of the Fixed Charge Processing System (FCPS).

52 An Garda Síochána Report (2013), Correspondence received from the Department of Justice & Equality on the 19th of October 2012 concerning Allegations of Irregularities in the operation of the Fixed Charge Processing System (FCPS). Terminations relating to members of An Garda Síochána on and off duty, Page 25

the member was actually “on duty” from either computer-aided dispatch (CAD) or intelligence reports. The Inspectorate believes that all petitions made by off-duty members must be evaluated using the same criteria which applies to the general public. If the member is claiming on-duty status, independent corroborating information, for example a CAD or PULSE incident report must be provided for management prior to any decision on the petition request.

An analysis of these cancellations by the Inspectorate shows that many of the FCNs should not have been cancelled. A sample of the cancellations analysed are listed below, with a brief outline of the case and the reason the Inspectorate considers the FCNs should not have been cancelled.

#### Example A

This case involves the cancellation of five FCNs for a garda member on duty between 2007 and 2011.

- The FCNs relate to:
  - o 88km/h in a 50km/h zone (76% above the speed limit);
  - o 105km/h in a 80km/h zone (31% above the speed limit);
  - o 72km/h in a 50 km/h zone (44% above the speed limit);
  - o non display of a tax disc on a private car;
  - o 63km/h in a 50km/h zone (26% above the speed limit).

The Inspectorate considers that the reasons given for driving in excess of the speed limits are not justified. The explanations provided included the member’s sergeant requesting them to work at a summer festival, late for a meeting and where a member’s house alarm was activated. The Inspectorate believes that these explanations were not commensurate with a real need to breach the speed limits. In relation to the tax disc, this was found to be in order by the inspector who cancelled the FCN.

In three of the instances above, the FCNs were cancelled by the ‘cancelling authority’ outside of the district in which the offences occurred and therefore, constituted a breach of policy.

#### Example B

This example refers to the cancellation of three FCNs issued for speeding offences between 2010 and 2011 to a Detective Sergeant in their private car while on duty. The FCNs relate to

- 141km/h in a 100km/h zone (41% above the speed limit);
- 69km/h in a 50km/h zone (38% above the speed limit);
- 65km/h in a 50km/h zone (30% above the speed limit).

The Inspectorate considers that the reasons given for driving in excess of the speed limits are not justified. The explanations provided included carrying out inquiries and the Inspectorate believes that these explanations were not commensurate with a real need to breach the speed limits.

In respect of each offence, it is stated that the member was rostered on duty and using their private car. No documentary evidence was provided that the sergeant was rostered on duty at the time of the offences or authorised to use their private vehicle. In relation to one FCN, no reason for the cancellation was recorded, and therefore constituted a breach of policy.

#### Example C

This example refers to two detective sergeants working in two different areas who both received speeding offence FCNs while using their private cars.

##### **Sgt A received FCNs between 2007 and 2012.**

- 93km/h in a 80km/h zone, (16% above the speed limit);
- 111km/h in a 100km/h zone (11% above the speed limit);
- 115km/h in a 80km/h zone (44% above the speed limit);
- 106km/h in a 80km/h (33% above the speed limit).

The Inspectorate considers that the reasons given for driving in excess of the speed limits are not justified. The explanations provided included taking his wife to visit a sick relative in hospital, visiting an ill relative and undertaking investigations. The

Inspectorate believes that these explanations were not commensurate with a real need to breach the speed limits.

In one incident, while driving their own private car, the member placed themselves on duty, outside of rostered hours without prior sanction to attend the station where an offender was being questioned. No documentation sanctioning the use of the member's private car for official purposes was made available or prior sanction that the member was rostered on duty.

In another incident one FCN was cancelled by a superintendent outside of the district in which the offence occurred and therefore constituted a breach of policy.

**Sergeant B** had four FCNs cancelled while driving their private car for dates between 2007 and 2012.

- 67 km/h in a 50km/h zone (34% above the speed limit);
- 72km/h in a 50km/h zone (44% above the speed limit);
- 71km/h in a 50km/h zone (42% above the speed limit);
- 102km/h in a 80km/h zone (28% above the speed limit).

The first instance refers to the member, who while on sick leave, was requested to attend the station to address confidential correspondence. The second refers to a request to go back to the station to return a set of keys which were inadvertently taken home. The third offence refers to the member using their private car to collect an official car at another station and carrying out official enquiries. No documentation relating to the request or the decision to cancel was found. The final cancellation relates to the member using his private car to undertake confidential enquiries. No evidence was available that the member was authorised to use his private car. The FCN was cancelled outside of the district in which the offence occurred, constituting a breach of policy.

In relation to another FCN cancellation, no correspondence was found relating to the request for cancellation or the decision to cancel it. In the instance where the member returned from sick leave to attend to confidential correspondence, the

Inspectorate notes that no reference is made in the Assistant Commissioner's report that the member was rostered on duty for this occasion.

The Inspectorate considers that the reasons given for driving in excess of the speed limits are not justified. The Inspectorate considers that all four FCNs were not in accordance with policy in that the speed levels were not commensurate with a real need to breach the speed limits.

#### Example D

This member had one FCN cancelled for speeding while driving a car registered to their spouse while on duty.

- 102 km/h in a 80km/h zone (28% above the speed limit).

The FCN was cancelled by an inspector who was not an authorised officer to cancel FCNs in any district. There is no reference to what duties the member was carrying out at the time of the offence, no documentation that the member was actually rostered on duty at the time of the offence or any evidence that they were authorised to use this vehicle for official duties.

The Inspectorate considers that the reason given for driving in excess of the speed limit is not justified. The Inspectorate considers that the FCN was not cancelled in accordance with policy in that the speed level was not commensurate with a real need to breach the speed limit.

#### Members on Duty - Automatic Statutory Exemption

As outlined earlier, on-duty members of the Garda Síochána are statutorily exempt from speeding offences under the Road Traffic Act, 1962. However, in analysing the Assistant Commissioner's report, it appears that some members are placing themselves on duty outside of rostered hours to attend an incident or take police action as a means of avoiding payment of the FCN and receiving penalty points. In most of these cases, the FCN was cancelled without any documentary evidence relating to the detection e.g. incident report.

A member detected while on-duty, should also be subject to the same scrutiny as if off-duty, to determine if the breach of the road traffic offence

was appropriate in the circumstances. An on-duty member driving a garda vehicle or authorised private vehicle detected driving at an excessive speed when not dealing with an emergency call, should not be automatically exempt from any internal sanctions. In the first instance, it should be determined if the driver of the detected vehicle had reasonable cause to breach the FCN traffic regulations. Where this is not determined, the Inspectorate recommends that the member should be subject to further internal sanction. Furthermore, the district officer should be notified of any road traffic offence detection involving any on or off-duty garda member, as this may impact on the assignment of driving duties for the members concerned, and may expose the State to liability.

In relation to managing requests for cancellation from police officers, the Vancouver Police Department require that where a road traffic offence occurs, any tickets incurred by an officer are reported to their supervisor who in turn reports it to the Traffic or Professional Standards Section, depending on the nature of the offence.

#### *Recommendation 3.4*

**The Inspectorate recommends that the district officer be notified of each detected road traffic offence of an on-duty member to determine whether the member breached the road traffic regulation while on duty and whether cause to breach traffic regulations was present; and if not, recommend internal sanction.**

#### *Recommendation 3.5*

**The Inspectorate recommends that the district officer should be notified of any road traffic offence detection involving any off-duty garda member as this may impact on the assignment of driving duties for the member concerned.**

## Multiple Petition Cancellation Requests

The Inspectorate noted the level of repeat offenders submitting requests to different district officers for cancellation of FCNs, avoiding detection of multiple offences. In reviewing a sample of cancellation files, the Inspectorate observed no evidence where the district officer reviewed the FCPS for previous FCNs cancelled. The C&AG outlined in their report cases where offenders had multiple FCNs cancelled,

ranging from three up to ten FCNs cancelled<sup>53</sup> with many more similar examples outlined in the Assistant Commissioner's report.

### Multiple FCN Cancellation Files Analysis – Assistant Commissioner Report

The Inspectorate reviewed a sample from the Assistant Commissioner's report where there was multiple FCN cancellations granted and concluded that a significant number of the FCNs should not have been cancelled as they were not in line with the Garda Síochána cancellation policy.

#### Example 1

The petitioner had three FCNs for speeding cancelled between 2010 and 2012. Two FCNs were received on consecutive days and the third 13 months later. The granted cancellations involved the driver:

- (i) speeding at 101 km/h in a 50 km/h zone - (102% above the speed limit);
- (ii) the following day, speeding at 90 km/h in a 50 km/h zone – (80% above the speed limit); and
- (iii) speeding at 74 km/h in a 60 km/h zone - (23% above the speed limit).

In two of the instances no written cancellation requests were received from the offender. These requests were made over the phone through an inspector from outside the district in which the offences occurred, who in turn contacted the 'cancelling authority' in the relevant district for cancellation. The third cancellation offence was also requested by telephone, however in this instance it was followed up with a copy of the FCN. No further supporting documentary evidence to cancel the FCN was received, which is a breach of policy. The explanations provided relate to being late for work.

In cancelling these FCNs no regard was taken of previous cancellations, the reckless speed detected or to the safety of other road users. The Inspectorate considers that the reckless speeds detected are not commensurate with a real need to put other road users in danger and therefore the FCNs should not have been cancelled.

<sup>53</sup> Comptroller and Auditor General (2013), Report on the Accounts of the Public Services, 2012, Chapter 7, Management of the Fixed Charge Notice System, 7.55 and Figure 7.10, Page 102.

### Example 2

In this case five cancellations for one individual, whose profession is a taxi driver, over a 10 month period between 2011 and 2012 were made. Details of which include:

- (i) parking offence – vehicle broken down;
- (ii) driving without reasonable consideration;
- (iii) travelling at 59km/h per hour in a 50km/h zone (14% above the speed limit);
- (iv) travelling at 45km/h per hour in a 30km/h zone (50% above the speed limit);
- (v) travelling at 73km/h per hour in a 50km/h zone (46% above the speed limit).

All cancellation requests were received in writing, but however, were cancelled by a superintendent outside the district in which the offences occurred, which is breach of policy. The offence referred to at (i) could be accepted as an exceptional circumstance in that the vehicle could not be moved. Offence (ii), following undocumented discussion with the investigating member, seems to have been entered onto the FCPS in error at the time of the offence. A new FCN should have issued with the correct offence details however, this did not happen. In the remaining three offences (iii), (iv) and (v) relating to speeding, no further documented evidence was requested to support the petitioners request for cancellation. These cancellation requests were granted.

No consideration was given to the numerous cancellations granted to this offender or the prolific disregard for road safety. In these circumstances the Inspectorate believes that having regard to the profession of the offender, the frequency of offences detected and the reckless speeds detected, these offences should not have been cancelled.

#### *Recommendation 3.6*

**The Inspectorate recommends that when the Fixed Charge Processing Office is examining a petition for cancelling a Fixed Charge Notice, previously granted cancellation petitions in relation to the same vehicle and the same driver must be considered as part of the decision making process.**

## Training - Cancellation Procedures

The Inspectorate did not find an inspector or superintendent who had received any formal FCPS training, nor had they received any special management training on the cancellation of FCNs. This was also found to be the case for garda employees involved in the cancellation process in district offices and the FCPO.

As referred to earlier, the GNTB issued, under PULSE release 6.3.2, revised and extended discretionary grounds under which FCNs could be cancelled. This PULSE release was not accompanied by any formal instructions on the application or interpretation of the grounds under which a FCN could be considered for cancellation. This omission was also identified as a gap in the PSU report which states that “no instruction that explained the rationale behind these reasons or on what occasion that you should use them, particularly in the case of ‘Discretionary Other’,”<sup>54</sup> was made available to district officers. In the course of the inspection, the Inspectorate found that some ‘cancelling authorities’ were not aware of how to complete the required entries on PULSE to cancel a FCN and consequently, gave access to unauthorised staff. The Inspectorate believes that not providing parameters or guidance on the application of discretion in cancellation of FCNs has contributed directly to a wide variation in rates of cancellation occurring. As stated earlier, the Inspectorate believes that had the Garda Síochána taken account of the Attorney General’s legal advice in 2006, it is reasonable to assume that the policy may have been implemented as intended.

#### *Recommendation 3.7*

**The ‘cancelling authority’ and support staff must be provided with comprehensive training on the Fixed Charge Processing System; in particular the exceptional grounds, parameters and examples under which a Fixed Charge Notice may be cancelled.**

<sup>54</sup> An Garda Síochána Professional Standards Unit (2013), Examination of the Processes and Systems in Place to Deal With Cancellation of Fixed Charge Processing System Notices by Superintendents and Inspectors Acting in That Capacity, April 2013. Analysis of the Fixed Charge Processing System Policies and Procedures Manual, Fixed Charge Processing System Termination Reasons, Page 43



## New Proposed Cancellation Process

It is important that strict controls are introduced to restore public confidence in the management and operation of the FCPS. The Inspectorate believes this is best achieved through a centralised process where all requests for FCN cancellations are submitted, considered and adjudicated upon by one single entity; the FCPO. Centralisation of this process will provide consistency in approach and management of the FCN cancellation process by minimising any subjectivity in what can and cannot be cancelled. When required, the FCPO may consult with the appropriate district officer regarding any special circumstances surrounding a request for cancellation. Centralising the cancellation process will alleviate district officers of the management of a resource intensive process and allow them to concentrate more on other policing matters. District officers may well continue to receive petitions from the public, even though offenders are advised to petition the FCPO, however, such petition requests should be forwarded directly to the FCPO for determination. This will provide controlled and consistent application of the cancellation policy of FCNs for all offenders and also allow for a single audit location at the FCPO. The C&AG in its report made a recommendation that, “authority on the FCPS to terminate cases should be restricted only to senior personnel in the Fixed Charge Processing Office,..”<sup>55</sup> The Garda Commissioner in his response agreed with the C&AG’s recommendation. The Inspectorate’s recommendation on centralising the cancellation adjudication authority at the FCPO concurs with the C&AG’s recommendation, as agreed by the Garda Commissioner.<sup>56</sup>

### *Recommendation 3.8*

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

### *Recommendation 3.9*

**The Inspectorate recommends that when a Fixed Charge Notice petition is received at the Fixed Charge Processing Office, that it will only be considered where the petition is accompanied by factual third party evidence supporting the reason for cancellation. Where a petition is not supported by such evidence, the petition is to be denied and the recipient of the Fixed Charge Notice informed immediately.**

## Publication of Cancellation Procedure

The cancellation policy of FCNs, as provided for in the manual is not publicly advertised in any official garda literature, available on the Garda Síochána website or outlined on the actual FCN posted to offenders. During this inspection, the Inspectorate learned that members of the public have enquired from a garda member if they can appeal the FCN and were advised to write to the local superintendent. In cases where the FCPO is directly contacted, the offender is informed to send their appeal directly to the FCPO Inspector in that office or to the local district officer.

Assessing the level of requests for cancellation, it is clear to the Inspectorate that not all members of the public are aware of the discretionary powers of the ‘cancelling authority’ to terminate a FCN. The Inspectorate believes that this creates inequality and a lack of transparency for offenders who receive FCNs and are unaware of the discretionary policy for cancelling them. The Inspectorate was informed that the Garda Síochána made a conscious decision not to publicise this policy. This policy should be accessible to all, publicly available on the garda website and printed on all FCN forms posted to offenders.

### *Recommendation 3.10*

**The Inspectorate recommends that the Garda Síochána immediately put in place a mechanism ensuring that all offenders are informed of the cancellation petition policy of the Fixed Charge Processing System, including the discretionary grounds and parameters by which they may be cancelled in**

<sup>55</sup> Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, Recommendation 7.83, Page 109

<sup>56</sup> Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, Recommendation 7.82, page 108

**exceptional circumstances. This information must be available on the garda website and clearly stated on the Fixed Charge Notice.**

## FCN Cancellation Application Form

In order to facilitate the consistency and standardisation of FCN cancellation requests, the Inspectorate recommends that all cancellation requests be completed on a FCN Cancellation Form. This form should provide a check list for the petitioner on the documents required prior to submitting their FCN cancellation request. Where such documentation is not submitted, the FCN cancellation request must be rejected immediately and returned to the petitioner informing them that their request is rejected. The FCN Cancellation Form should be available for download on the Garda Síochána's website or by request from the FCPO.

The Inspectorate's current recommendation for a written and publicly available cancellation procedure comports with good policing practice. For example, the Australian Customs and Border Protection Service, has published guidelines as to where the cancelling of a notice is appropriate and the procedures to be followed.

### *Recommendation 3.11*

**The Inspectorate recommends that a request to cancel a FCN should be submitted to the FCPO on a FCN Cancellation Form only. The Form should be available on the Garda Síochána website or by request from the FCPO.**

## Revised HQ Directive 30 August 2013

Following the publication of the two garda reports on the FCPS, the Garda HQ Directive – 'Revised Cancellation Procedures – Garda Fixed Charge Processing System' issued on 30 August 2013. This directly instructs the district officer of changes to the cancellation policy, advising that once the district officer recommends cancellation of the FCN, they will instruct the Inspector in Charge of the FCPO to cancel the FCN on the FCPS. A copy of the application form to the FCPO for cancellation of a FCN is at Appendix 4.

This new HQ Directive provides for an additional discretionary cancellation provision, 'Discretionary – Humanitarian Grounds', under which district officers may also consider cancelling a FCN. The directive does not provide any guidance or examples of what humanitarian grounds may or may not be considered under this new provision. The Directive also states that:

- the chief superintendent is now the 'cancelling authority' where district officers have a conflict of interest, where a petitioner is a public figure or a garda member (on or off-duty), including retired members; and
- that three separate areas of the Garda Síochána, including the Garda Professional Standards Unit, Garda Internal Audit Section and Assistant Commissioner, Traffic, are required to conduct examinations/audits of the operation of the FCPS to ensure compliance with the revised policy. (See recommendation 2.3)<sup>57</sup>

The new HQ Garda Directive of 30 August 2013 does not show meaningful agreement with the C&AG's subsequent report. As mentioned previously, the C&AG made a recommendation that the "authority on the FCPS to terminate cases should be restricted only to senior personnel in the FCPO and those overseeing the Juvenile Diversion Programme. District officers should have authority to **recommend** termination in cases that comply with termination policy".<sup>58</sup> The Garda Commissioner's response to the C&AG's recommendation states that the:

*"authority on the FCPS to terminate cases will be restricted only to senior personnel in the FCPO and those overseeing the Juvenile Diversion Programme. District officers will have authority to recommend termination in cases that comply with the termination policy".<sup>59</sup>*

57 Upon completion of this inspection, the Garda Síochána made a presentation to the Inspectorate regarding the newly implemented audit process. Such structure repeats the burdensome process. The Inspectorate maintains its recommendation at 2.3(a)

58 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, Recommendation 7.8, Page 108

59 Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*, Recommendation 7.5, Page 108

This is not actually happening in practice. The Inspector in Charge of the FCPO has no discretion to amend or reject a “recommendation” of a district officer to cancel a FCN. The FCPO, in cancelling the FCN, does so using the registered number of the district officer, who is instructing the FCPO to cancel it. The Inspector at the FCPO has only a technical role in cancelling the FCN. The actual decision to cancel remains with the district officer.

*Recommendation 3.12*

**The Inspectorate recommends that the HQ Directive of 30 August 2013 be amended to reflect clearly the Inspectorate’s and the Comptroller and Auditor General’s recommendations on the authority to cancel Fixed Charge Notices.**

In analysing the cancelled FCN files in the Assistant Commissioner’s report, it is the Inspectorate’s belief that the majority of these requests for cancellation should have been refused. Indeed, the potential loss of revenue is substantial and if left to continue unchecked, the probability is the likelihood of the loss of millions of euro to the Exchequer, not to mention a main purpose of the system: the deterrent effect on offenders who otherwise have escaped sanction from detection for a road traffic offence.

Chapter  
**04**

---

PROPOSED NEW  
SYSTEM

The Inspectorate proposes a process which will address the gaps and deficiencies identified in the FCPS and recommends a more effective system. Increased resources will be required to implement the changes outlined in this chapter which can be implemented on an incremental basis. The Inspectorate believes that the long term savings achieved will more than cover the short term costs of the new system.

The Garda Síochána has made several adjustments to the FCPS since reports of irregularities in the administration relating to petitions for cancellation surfaced in autumn 2012. These adjustments culminated in the issuing of the previously mentioned HQ Directive of 30 August 2013. This Directive, with some variations reinforces the old cancellation policy. The Inspectorate has been advised that the new audit mechanism implemented under the Directive has been initiated in several areas and identified recent policy compliance. It does not address the core management issues that had widespread inhibiting effects on the FCPS and allowed the irregularities found in the system to go unchecked for several years. This chapter outlines a proposal for a fit for purpose, modern FCPS. The proposal will minimise financial, personnel and administrative costs to the State in executing the system and will ensure a fair, consistent, transparent, just and timely resolution for all FCN offenders.

## New FCPS Model

The FCPS, as described in the first three chapters of this report, details the various stages involved in managing, processing and issuing of a FCN, including the appeals process provided for in the manual. The recommendations made in those chapters are submitted for immediate implementation in order to correct identified gaps in the current process. This chapter provides forward thinking recommendations designed to put the FCPS on the road to a fit for purpose 21st Century process.

As currently structured, significant amounts of garda resources are wasted unnecessarily with time consuming administrative processing and operational inefficiencies dedicated to a relatively minor part of the Garda Síochána's law enforcement responsibility, albeit, an important aspect of road safety. As detailed earlier, millions

of euro unnecessarily expended annually on administrative and personnel costs of the FCPS could be diverted to other operational activities.

## The Pre-Summons Document

The Inspectorate proposes the introduction of a statutorily enabled document that serves as a notice of fine and also provides a court date appearance if the fine is not paid. The new FCPS intercept model redesigns the FCN into a bar coded pre-summons document, which can be electronically tracked for ease of retrieval. If payment of the fine is not received within the specified timeframes, the pre-summons document which will contain the date to attend court for a case callover listing will be activated. In the case of a non-intercept offence, the currently posted FCN will now become a pre-summons document with details of a date to attend court for a case callover list; if payment of a fine is not made in the time allowed.

The current FCPS does not provide an offender with any documentation relating to their offence until a FCN arrives in the post. The Inspectorate believes that the notepad currently used to record intercept fixed charge offences should be redesigned as a pre-summons court document, to be issued to the offending driver by the detecting garda at the scene of an offence. The pre-summons document will be a court summons, with a court appearance date, if the new third payment option, outlined below, is not paid seven days prior to the court date. The Inspectorate understands that legislation may be required to implement this process. This change will eliminate inefficient processes across the FCPS and the Courts Service. For example, the Courts Service manually allocates dates, times and locations for court summonses and must coordinate these dates with the detecting members' work rosters. In 2011 and 2012, the Courts

Service processed approximately 178,500<sup>60</sup> FCN summonses, which must be served by gardaí. In the proposed new FCPS this manual process is eliminated with thousands of garda members and Courts Service staff hours saved and replaced with an automated and cost efficient system.

#### *Recommendation 4.1*

**The Inspectorate recommends that the Criminal Justice Working Group coordinate the development of a bar coded pre-summons notepad for recording and serving a notice of a fixed charge offence.**

#### *Recommendation 4.2*

**The Inspectorate recommends that the Criminal Justice Working Group coordinate a process to ensure compatibility of the various agency systems to accommodate the implementation and activation of the pre-summons document.**

## Pre-Summons – Intercept Process

The intercepting garda member will complete the pre-summons document and issue it to the offender, recording the offender's personal and vehicle information, offence details and the offender's driving licence numbers where available or request production at a nominated station. This document will include a case callover court date, scheduled locally, should the offender decide not to pay the pre-summons fine. The pre-summons, which will be in duplicate form, will be offered for signature to the offender as an acknowledgement and certification of receipt of it. The offender is then given the copy of the pre-summons. The following process will then be followed:

- the original document will be provided to the member-in-charge of the member's station; and
- forwarded to the district office, who will scan the document to the FCPO and maintain the original at the district office for presentation at the district court, should the offender not pay the fixed charge fine.

This process avoids the need to issue a FCN to the offender and by signing the document, the offender is acknowledging receipt of the notification to pay

the fine or attend court on the date provided on the pre-summons. Similarly, the garda member will give the offender a bi-lingual information leaflet, explaining the options on how to pay a fixed charge notice, the statutory timeframes within which to make the payment and details for a third payment option. The information leaflet will also explain the Garda Síochána petition process for appealing the pre-summons as recommended in Chapter 3. Figure 4.1 outlines the proposed new intercept process showing how the interim recommendations will significantly reduce the need for the current resource-intensive system.

## Expanded Role of the Garda Information Services Centre

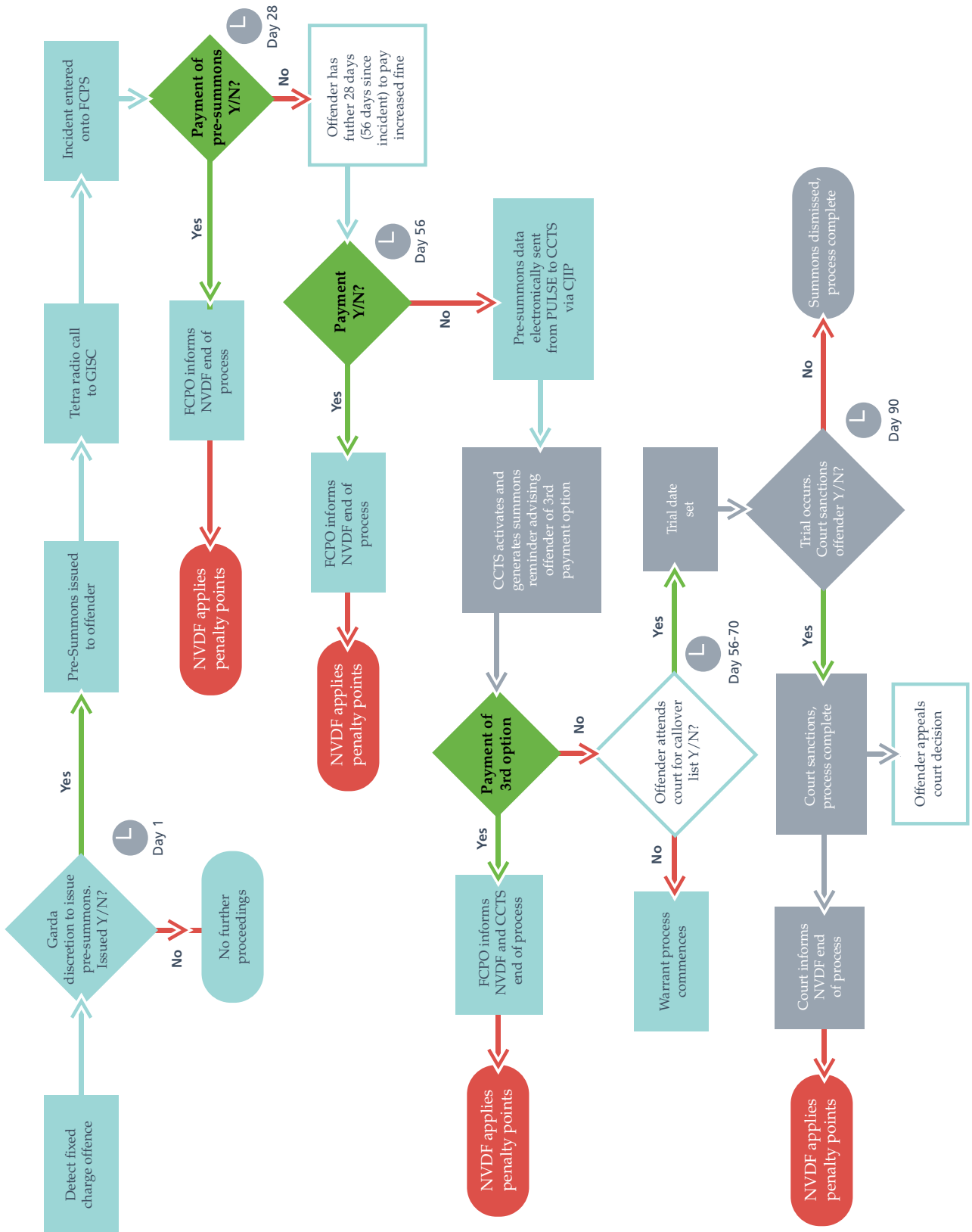
Current garda policy requires all incidents to be recorded on a computer system called PULSE. The Garda Information Services Centre (GISC) has a key role in the recording of PULSE entries. The Inspectorate proposes that the GISC will play a central role in the new FCPS. Where an intercept occurs and the member issues a fixed charge pre-summons, the garda member will utilise the current Garda Síochána practice for recording incidents on PULSE, by calling GISC, which operates on a 24/7 basis with skilled data entry staff, from the scene of the detection and recording the issuing of the fixed charge pre-summons onto the FCPS. This is current practice for all PULSE entries from the field. This will facilitate the member providing the exact location of the offence from the coordinates listed on their garda radio. In addition, the number of cases which fail to proceed at court, through mistakes in recording location co-ordinates, will be reduced. Offence location identification will also assist traffic analysts in the GNTB to pinpoint in real time, emerging problem locations and facilitate more effective preventative deployment of traffic enforcement resources. Other than where an offender seeks a full court hearing of the matter, the pre-summons process is completed for the detecting garda member. The Inspectorate recognises that this recommendation will require some adjustments to staffing and IT resources at the GISC.

#### *Recommendation 4.3*

**The Inspectorate recommends that all intercept pre-summonses be reported by the detecting member to the Garda Information Service Centre for entry into the Fixed Charge Processing System.**

<sup>60</sup> Comptroller and Auditor General (2013), *Report on the Accounts of the Public Services, 2012*. Figure 7.11, Page 106. Calculation based on extraction of percentages in Figure 7.11.

**FIGURE 4.1**  
New Intercept FCPS Model



## Third Payment Option

As outlined in Chapter 1, an offender has two critical dates within which to pay a pre-summons at either the lower or higher fine rate, after which payment cannot be accepted as the court summons process will have commenced. The Inspectorate was advised by the FCPO that many offenders, upon receipt of a summons, attempt to pay the FCN. Similar to the third option payment system in place in Northern Ireland, the Inspectorate proposes that a third payment option should be available. The Inspectorate notes that Section 44, Road Traffic Act, 2010 already makes provision for the introduction of a third payment option, seven days prior to the scheduled court date. Where offenders opt to avail of this payment option, it will positively impact on court administration and free up garda resources for operational deployment. This option will provide for an enhanced fine schedule and penalty point sanction.

The Inspectorate envisages that after 56 days has elapsed since the date of issue of the FCN, and the fine has not been paid, the FCPS will electronically forward the pre-summons data to the Courts Service for updating on the Court's Criminal Case Tracking System (CCTS). The CCTS will electronically activate the pre-summons document. The Courts Service will then generate and send a notice to the offender reminding them that the 56-day payment option has elapsed. The notice will also contain a reminder about the third payment option, and that if this option is not availed of, they must appear in the district court on the date and location noted on the pre-summons, a copy of which they received at the time of the intercept or by post for non-intercept cases.

Where the third payment option is availed of, this data is downloaded onto the FCPS and transferred electronically to the CCTS, avoiding the need for a court sitting and the garda member to attend court.

### *Recommendation 4.4*

**The Inspectorate recommends that the third payment option to pay a Fixed Charge Notice, as provided for in Section 44, Road Traffic Act, 2010 be commenced.**

## Pre-trial Court List Callover

Where the offending driver still wishes to contest their fixed charge offence, the relevant court, will hold a pre-trial court list callover for all fixed charge offenders summoned for that court date. The offender will be allocated a trial date by the court at that time and the detecting garda member notified for attendance. Failure of the offender to appear for the case callover will result in the commencement of the established warrant process. The Inspectorate understands that new court rules may be required to allow for this process.

### *Recommendation 4.5*

**The Inspectorate recommends that the Criminal Justice Working Group coordinate the establishment and implementation of the case callover list process.**

## New Hand-Held Device

The Inspectorate proposes the introduction of a modern multi-functional, user-friendly hand-held device capable of capturing all required data. The current hand-held device has limited electronic capabilities and is not user-friendly. As mentioned in Chapter 1, most garda divisional traffic units utilise hand-held electronic devices for issuing fixed charge notices. A more user-friendly hand-held device for capturing fixed charge offences is being piloted in the Dublin Metropolitan Region (DMR), which has some additional functional capacity. To implement the proposed new system a hand-held device is required which is capable of:

- multi-functionality, including the capacity to download data from a pre-populated drivers licence to populate the pre-summons document on the hand-held device;
- accepting an electronic signature;
- printing the pre-summons; and
- emailing a pre-summons receipt and related leaflet information on the FCPS.

However, until the availability of a specifically designed hand-held pre-summons device, capable of printing a pre-summons document instantly and allowing for a manual or electronic signature by the offending driver, the Inspectorate recommends that use of hand-held devices be suspended and that all fixed charge intercepts be recorded on the



new pre-summons notepads. The Inspectorate is aware that other policing jurisdictions, including Nova Scotia and Portugal are currently operating a similar system.

Once the new hand-held electronic system is in place, the manual pre-summons notepads and the use of the GISC to record the fixed charge detections onto the FCPS, will not be necessary. This will be further discussed in Chapter 5.

#### *Recommendation 4.6*

**The Inspectorate recommends that a hand-held electronic device capable of populating and printing a pre-summons be developed for use as part of the Fixed Charge Processing System.**

## Non-Intercept Fixed Charge Processing System

As stated in Chapter 1, the offender does not interact with a member of the Garda Síochána in a non-intercept detection and therefore the process for these offences will differ in certain respects from the intercept process previously recommended.

The non-intercept detection process detailed in Chapter 1 will remain unchanged. Similar to receiving a FCN, specific changes include:

- the vehicle registered owner will receive a pre-summons notice document in the post from the FCPO;
- the FCPO will have electronic access to the local court sitting dates from which to automatically populate the pre-summons with a preliminary hearing court date, time and location;
- the same payment options as for intercepts applies;
- the pre-summons will be accompanied by an information leaflet similar to that provided for intercept offences, including information on the nomination process if the registered owner was not driving the vehicle at time of the offence;
- where a nomination application is received, the fixed charge pre-summons sent to the registered owner will be cancelled by the FCPO and a bar coded new pre-summons will issue to the nominated offender. In having access electronically to the local court sitting dates, the

FCPO will, in this instance, assign a scheduled court appearance date on the pre-summons in a similar manner as that for intercept detections which will have a date at least seventy days hence; and

- the offender will have the same timeframes as for intercepts to pay the fine or they must appear in court.

Figure 4.2 provides details of the new Non-Intercept FCPS model. Once the envisaged future system proposed in Chapter 5 is developed, it will eliminate most of the remaining resource-intensive processes required for the Garda Síochána and its agency partners

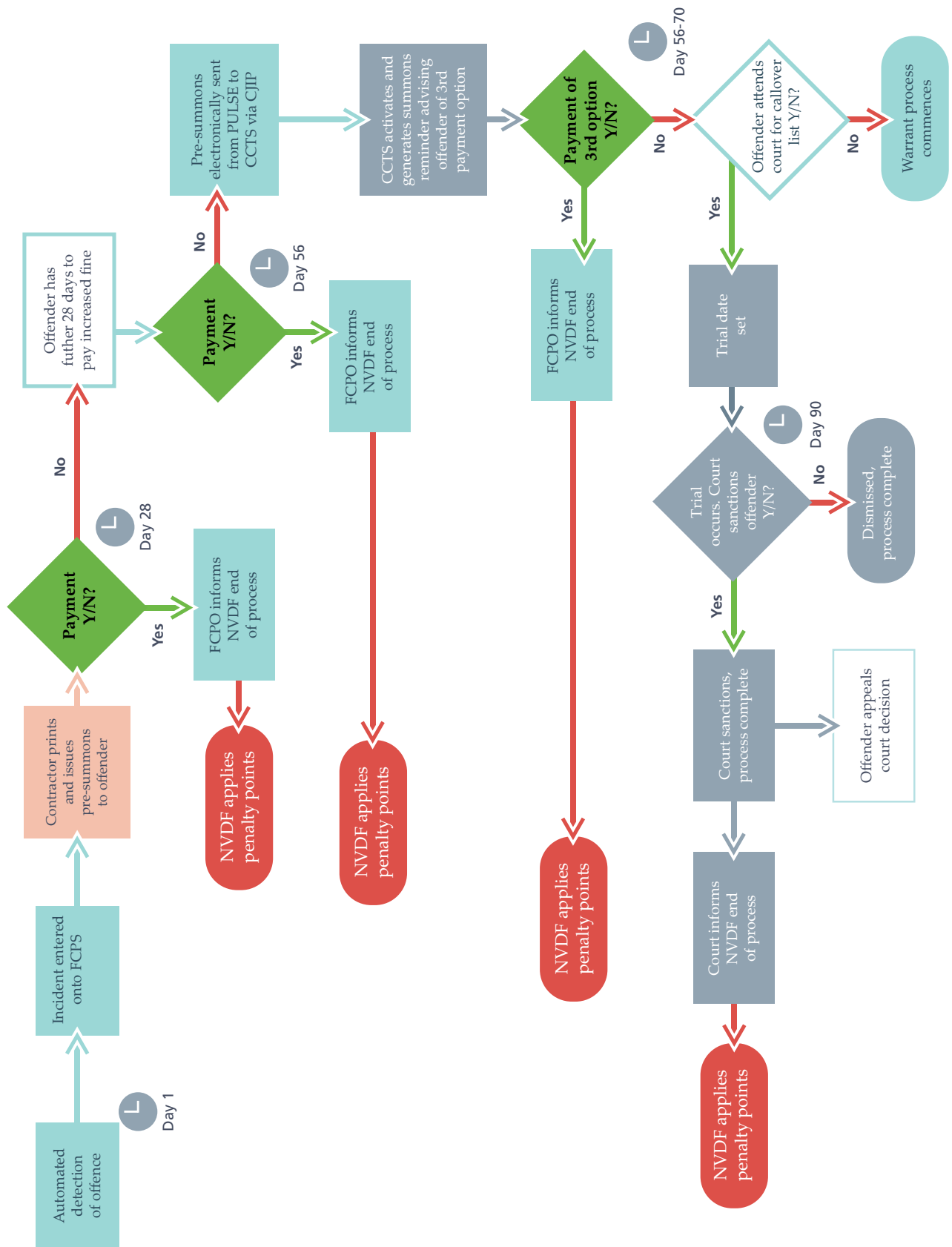
The Inspectorate accepts that this process may take some administrative time to identify the appropriate district court and the scheduled sitting dates, until such time as an electronic process can be implemented. However, the cost involved in this new process will be more than off-set by the significant resource savings in other areas of the system.

When 56 days has elapsed after the date of issue of the pre-summons and where the fine has not been paid, the FCPO will, similar to the process for intercept offences, forward this information to the CCTS for the court appearance reminder notice and information on the third payment option to issue. Where the third payment option is not availed of, the offender will attend the local district court case callover for all fixed charge summonses and be scheduled for a trial date, similar to that for intercept offenders. As is the current practice, the FCPO will continue to prepare a court pack for transmission to the relevant district office for non-intercept scheduled court trials.

#### *Recommendation 4.7*

**The Inspectorate recommends that the Criminal Justice Working Group coordinate the development of the non-intercept bar coded pre-summons for issuance by the Fixed Charge Processing Office to registered vehicle owners detected committing fixed charge offences.**

**FIGURE 4.2**  
New Non-Intercept FCPS Model



## Other Intercept Offences

In the case of stationary fixed charge offences, where the driver or owner is not present e.g. parking offences, a garda or traffic warden will complete a fixed charge pre-summons and contact GISC for the creation of an entry onto the FCPS, just as for an intercept detection. The pre-summons will be scanned for electronic transfer to the FCPO and the original retained at the district office. The FCPO will process the detection similar to other non-intercept offences by immediately sending the fixed charge pre-summons with the information leaflet to the registered owner of the detected vehicle. Once 56 days from date of issue of the pre-summons has elapsed, and the fixed charge fine is not paid, this information will then be forwarded to the CCTS for generation of the court appearance reminder/notice to the offender with information on the third payment option. As with all non-intercepts, the court process will remain the same.

## Conclusion

The modern, fit for purpose model as detailed in this chapter will require insight and collaboration from all stakeholders involved. The new FCPS proposal incorporates many parts of the established core FCPS processes in order to minimise the overall impact on the Garda Síochána and other agency stakeholders. The new system will:

- improve the current FCPS procedural timeframe of over 210 days in duration from detection to adjudication to approximately 90 days for most intercepts by garda members;
- reduce the case load before the courts;
- recapture revenue to the state lost through the processes currently in place;
- free up significant administrative time consumed by the stakeholder agencies involved in the FCPS;
- no longer provide the offender with a defence of not being in receipt of the FCN, or not having been served with a summonses for non-payment of the FCN fine; saving millions of euro of wasted administrative time; and
- provide user-friendly payment systems, including an on-line facility and the third payment option. This should result in increased payment of fines by offenders.

All recommendations are designed not only to impact on the Garda Síochána, but be effective in the overall reduction in the current workloads for the Department of Transport, Tourism and Sport, Courts Service and private contractors. These recommendations, when fully implemented should address and correct the identified gaps, shortfalls and irregularities identified earlier in Chapters 2 and 3, and put the FCPS on the road to best international practice. The Inspectorate fully comprehends that this process will take some time to fully implement. However, if undertaken incrementally and collaboratively, the potential to realise an enhanced and efficient FCPS and a significant level of expenditure savings can be achieved.

Chapter  
**05**

---

A MODEL FOR THE  
FUTURE

As outlined in Chapters 2 and 3, a series of immediate recommendations to fill in the gaps and deficiencies were identified during the inspection. Chapter 4 contains a longer term second phase of recommendations that will significantly change the existing system and establish an even more efficient, effective and less resource intensive FCPS. This chapter details a strategic vision of what would be the ultimate 21st Century process for administering and supporting a fixed charge processing system.

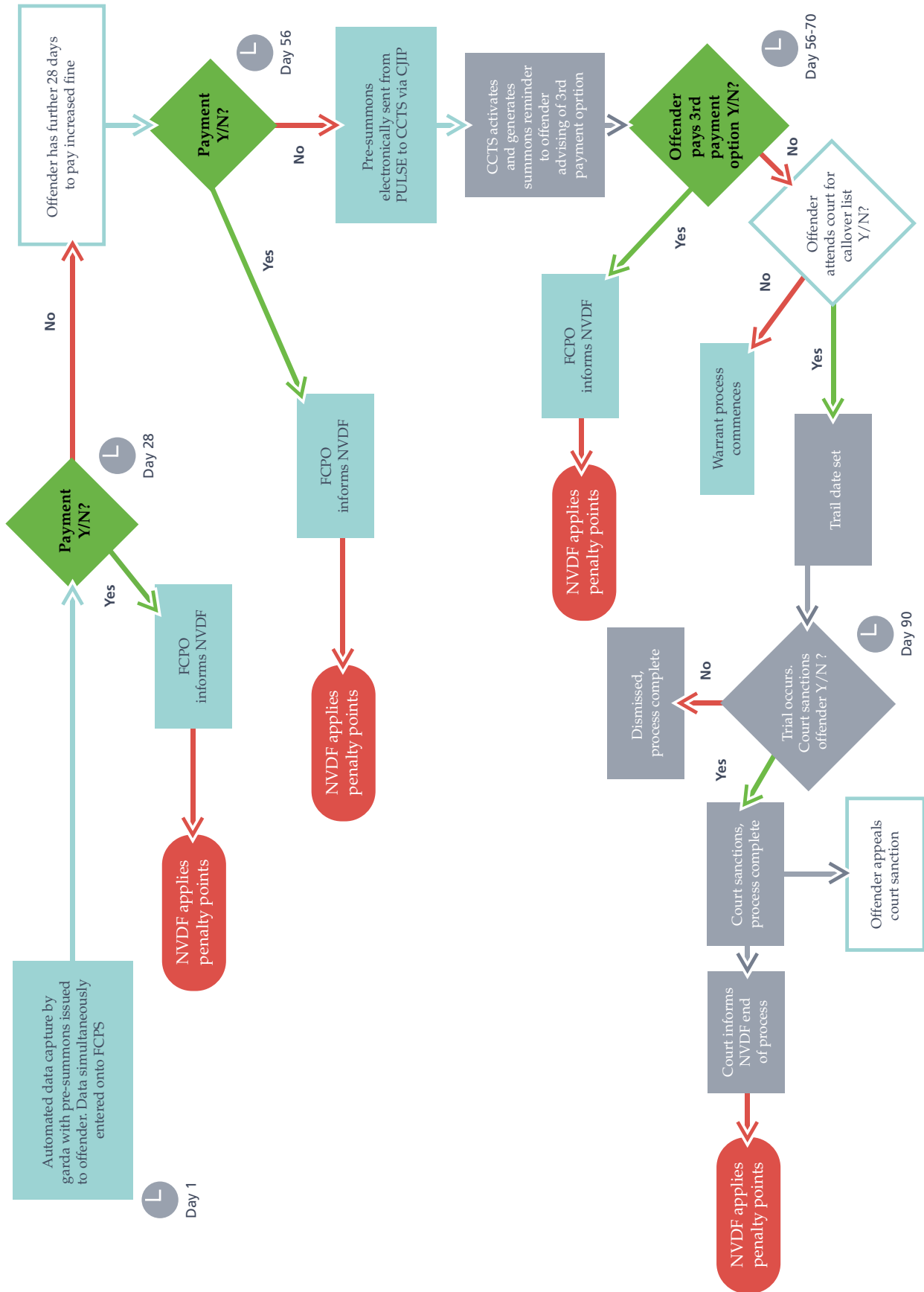
In the course of the Inspectorate's research of comparable international FCPS, it found that these systems were greatly varied in how they operated, owing in large part to the wide and diverse legal and administrative environments in which they functioned. There were, however, many efficient and effective components to some of these systems that could be applicable to the Irish environment. Where applicable, variations of promising best practices from that research are incorporated here.

## A Model for the Future

The Inspectorate envisages a new way of issuing, processing and adjudicating fixed charge offences in Ireland. The initial action recommendations made in this report are intended to be a road map to the future, not only for the Garda Síochána but all affected offenders and agencies that have a stake in the FCPS. This model is based on current technology and would basically eliminate manual administrative intervention. The overall model is one where:

- (a) a member detects a fixed charge offence and intercepts the suspected offender. Having advised the driver of the offence and hearing any mitigating information, the member uses their police discretion whether to charge or caution (release) the offender;
- (b) in charging the offender, a modern, technology-focused system will equip the member to officially issue a pre-summons for a fixed charge processing offence and not have any further involvement in the process, unless the offender later requests a trial;
- (c) at the scene of the detection, the member will request the new driving licence (which contains a micro chip with all driver personal information) from the offender, similar to a bank credit card. The member will scan the licence on a hand-held device and enter the vehicle registration number. All the offender and vehicle information is then automatically populated onto the required fields on the pre-summons court document on the device. The device will automatically record the location of the offence as well and will also be capable of adding video or digital images of the vehicle and driver;
- (d) the offender will be required to sign on the device electronically with a signature and/or thumb print. (certifying that the offender received the FCN pre-summons);
- (e) the member will then transmit the entire offence and pre-summons information electronically to the FCPS from the device at the scene of the detection;
- (f) once uploaded onto the FCPS and before the offender is released, the system will simultaneously and automatically interface with all electronic government databases for verification of the information and any warrants or other information the detecting garda should be made aware of; including driving licence suspensions, car tax arrears, penalty point accumulations and unpaid fines;
- (g) the offender may then receive a copy of the pre-summons and settlement information via e-mail or, if preferred, by a paper copy that can be printed by the device and handed to the offender along with a hard copy information leaflet. The leaflet will include all required cautions, petition processes, fine schedules, payment timelines and payment options and be available in Irish and English;

**FIGURE 5.1**  
Proposed Future FCPS



- (h) all information collected and any correspondence (e-mail or paper) is filed electronically and immediately available for future reference, audit or any other administrative requirements;
- (i) where a fixed charge preliminary summons is not cancelled or remains unpaid within the required timelines, the offender will have the normal recourse to a court hearing and if requesting a trial on the summons date appearance, the adjudication process will commence; and
- (j) all the actions of all agencies involved in the process will be recorded electronically from beginning to end, as all agency systems will be seamlessly interfaced.

This flow chart (Figure 5.1) shows how the future FCPS will not only reduce the adjudication process from in excess of 210 days to just approximately 90 days, but will minimise any manual processing by any of the stakeholders.

The technology suggested here is currently available and most of them are operational in many jurisdictions around the world. A recent article detailed below, outlines the electronic ticketing system in place in Nova Scotia, Canada.

“RCMP members in Nova Scotia are taking tickets into the digital age. In October, after a year-long pilot project, the RCMP began rolling out the electronic summary offense ticketing (ESOT) system across the province. Nova Scotia is the first province in which the RCMP will be using e-ticketing. During a traffic stop, members whose vehicles are equipped with the system can input a violator’s information directly into an electronic form on their in-car computers. Those with printers installed next to their vehicle’s arm rests can print a copy of the ticket, hand it to the violator and leave the scene with that information already in the RCMP’s record management system. E-ticketing is also linked with the Nova Scotia Department of Justice’s case management system so members can send ticket information directly to the province once they enter it into their computers. “Within one minute of uploading the ticket, it’s in the court,” says Insp. Ray Oliver, who heads Traffic Services for the RCMP in Nova Scotia. “A person could

get a ticket and 15 minutes later they can be at the courthouse to pay it.” David Aikens, of the Nova Scotia Department of Justice, says the electronic nature of the tickets has lightened the provincial government’s workload because they receive them as they happen instead of all at once. “In the past, because the ticket took so long to get it into the system, people would go to the front counter and say they wanted to pay their ticket when we didn’t have any record of it yet,” Aikens says. “That’s always been a bit of a complaint from the public and that’s gone away.” This efficient way of ticket issuing also has huge benefits for officer safety. “The less time our members spend on the side of a highway issuing tickets where traffic is always a concern and danger to our members, the safer they will be,” says Oliver. “We’re reducing the time of exposure.”<sup>61</sup>

The Inspectorate also noted a recently implemented system in Portugal:

“The Portuguese Police and the National Road Safety Authority developed a new integrated information system, the Sistema de Contra-ordenacoes de Transito (ScoT), to increase efficiency of the registration and issuance of notices and fine collections. The solution allows officers to have improved access to information at the right moment and in the right place through the use of a personal digital assistant (PDA) or mobile tablet at the scene. Officers are able to record traffic offences at the scene and the pre-population of required data helps speed up the process. Furthermore, the solution provides access to procedural support (back office) to facilitate offence management processes from where the offence was logged, while the incorporated business intelligence function enables officers to analyse logged offences and review appropriate handling procedures immediately. Finally, the solution integrates applications with external databases and automatic payment terminals, to streamline

61 Gazette, Future of Policing, Be Ready to Change and Adapt; Vol. 75, No. 1, 2013, Mallory Procnunier, page 5

the procedures and provide a richer intelligence for officers at the right moment and at the right place.”<sup>62</sup>

The Inspectorate recognises that reaching the ultimate goal of a 21st century, state of the art system, that is technologically robust with minimal manual human resource requirements, will take years to fully implement. As stated, the initial set of recommendations set out in Chapters 2, 3 and 4 outlines what the Government can do now and in the near future to resolve the recently exposed system gaps, management lapses and excessive resource requirements of the current FCPS. At the same time, these recommendations will provide the foundation for longer term implementation of a best practice approach based on international technology standards.

With the current economic climate in Ireland, the Inspectorate realises that it will be some time before a new modern system, as set out above, could be implemented and it must be done in conjunction with upgrading all of the operational and administrative activities of the Garda Síochána that would equally benefit from such a coordinated system.

## Recommendation for the Future

### *Recommendation 5.1*

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

## Conclusion

During the course of all implementation stages of the recommendations in this report, there will undoubtedly be a requirement for statutory and/or regulatory adjustments that will have to be legislated for or agreed between the various stakeholders. It is recommended that the Criminal Justice Working Group facilitate these legislative initiatives as well.

When the interim recommendations outlined in Chapters 2, 3 and 4 are implemented, significant savings in administrative human resource time better spent elsewhere will be saved for all involved. Implementation of this 21st Century system will remove any remnants of the old manual, human resource intensive system currently utilised in Ireland.

The vision proposed in Chapter 5 may seem unattainable to some, but with the right champion, collaboration, determination and use of technology currently available and in operation in many jurisdictions around the world, it is certainly achievable. Taken together, the recommendations and analysis in this report paves the way for an improved and economically sound, fit for purpose Fixed Charged Processing System.

62 Daly, G. M., Sanchez Lopez, Slessor J. (2013) Preparing police services for the future – Six steps towards transformation page 13. Available at [www.accenture.com](http://www.accenture.com). Accessed on 21 November, 2013



# SUMMARY OF RECOMMENDATIONS

## Chapter 1 – The Current Fixed Charge Processing System

The first chapter outlines the current system of issuing and processing fixed charge notices. Chapters 2 and 3 set out the gaps and deficiencies in the FCPS, which were identified by the Inspectorate and make twenty-eight recommendations that can be implemented now to cover these gaps and make the entire FCPS more efficient and effective in identifying offenders, increasing fine payments and ensuring penalty points are assigned appropriately.

There is one general recommendation, which is applicable to many of the recommendations in this report, addressing the fact that the FCPS affects several government agencies and other public and private stakeholders; not just the Garda Síochána.

### *Recommendation 1.1*

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

## Chapter 2 – Analysis and Findings on the Current System

This chapter outlines recommendations to generally make the FCPS more efficient and effective by putting procedures in place to minimise shrinkage of the numbers of detected offenders who should have been subject to fines and penalty points, but were not for reasons articulated in this report. These recommendations, in tandem with those in Chapter 3, will benefit all of the partner agencies, whose successful outcomes depend on the management of the FCPS.

### *Recommendation 2.1*

The Inspectorate recommends that the Garda Síochána produce within six weeks of the publication of this report, a consolidated manual containing all directives and circulars relating to the Fixed Charge Processing System. The manual should also include

accepted recommendations made in this report. Where the policy is amended, the manual should be amended simultaneously to reflect the change.

### *Recommendation 2.2*

The Inspectorate recommends that there should be ongoing training on the FCPS and where any significant changes to policy and procedures of the FCPS are introduced, this must be accompanied by an assessment and implementation of training needs and requirements.

### *Recommendation 2.3*

- (a) The Inspectorate recommends that the Garda Síochána Internal Audit or Professional Standards Unit undertake regular audit checks of the full operation of the Fixed Charge Processing System.
- (b) The Inspectorate recommends that a full review of the management and operation of the FCPS be initiated by the Inspectorate within twelve months of publication of this report.

### *Recommendation 2.4*

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

### *Recommendation 2.5*

The Inspectorate recommends that the Fixed Charge Processing Office implement a robust 'sendback' process ensuring 'sendbacks' are tracked and the system audited with enhanced supervision at district and station levels to ensure 'sendbacks' are processed and returned to the FCPO within a reasonable timeframe.

### *Recommendation 2.6*

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

#### *Recommendation 2.7*

The Inspectorate recommends that a review of the summons serving process be undertaken by the Garda Síochána to ascertain the reasons for the significant level of unserved summonses and to make recommendations to provide a more effective summons serving process.

#### *Recommendation 2.8*

The Inspectorate recommends that an electronic document scanning and management system be introduced into the Fixed Charge Processing Office immediately.

#### *Recommendation 2.9*

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

- a commercial company vehicle;
- hire agency vehicle or;
- an unregistered vehicle

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

#### *Recommendation 2.10*

The Inspectorate recommends that a system be introduced immediately to ensure that all penalty points are endorsed on driving licences.

#### *Recommendation 2.11*

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

#### *Recommendation 2.12*

The Inspectorate recommends that following the implementation of recommendation 2.11, the residual functions of the Office for Safety Camera Management should transfer to the Fixed Charge Processing Office.

#### *Recommendation 2.13*

The Inspectorate recommends that the Fixed Charge Processing System recognise that driver and vehicle documents have been produced irrespective of the garda station where they are produced.

#### *Recommendation 2.14*

The Inspectorate recommends that the Criminal Justice Working Group facilitate the introduction of an on-line payment option for the payment of Fixed Charge Notices.

#### *Recommendation 2.15*

The Inspectorate recommends that the Criminal Justice Working Group consider alternative measures for collecting unpaid fixed charge fines and bring forward solutions to address administrative inefficiencies in this area.

#### *Recommendation 2.16*

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

## Chapter 3 – Cancellation of Fixed Charge Notices

The total amount of FCNs cancelled for 2011 and 2012 was 5% of the entire number issued under the FCPS, but was the catalyst for exposing the entire FCPS to significant public scrutiny. This chapter addressed that relatively small, but important process and the recommendations made there are meant to be implemented in tandem with the recommendations in Chapter 2.

#### *Recommendation 3.1*

The Inspectorate recommends that where a garda employee retires or leaves the force, their PULSE access registered number must be deactivated on the date the employee ceases to be a member of the Garda Síochána.

*Recommendation 3.2*

The Inspectorate recommends that the Department of Justice and Equality bring forward enabling legislation providing the Garda Síochána with authority to cancel Fixed Charge Notices on a discretionary basis, providing clear parameters on the use of that discretion.

*Recommendation 3.3*

The Inspectorate recommends that the Garda Síochána policy on fixed charge cancellations, include an unambiguous definition of 'exceptional circumstances' when cancelling a Fixed Charge Notice.

*Recommendation 3.4*

The Inspectorate recommends that the district officer be notified of each detected road traffic offence of an on-duty member to determine whether the member breached the road traffic regulation while on duty and whether cause to breach traffic regulations was present; and if not, recommend internal sanction.

*Recommendation 3.5*

The Inspectorate recommends that the district officer should be notified of any road traffic offence detection involving any off-duty garda member as this may impact on the assignment of driving duties for the member concerned.

*Recommendation 3.6*

The Inspectorate recommends that when the Fixed Charge Processing Office is examining a petition for cancelling a Fixed Charge Notice, previously granted cancellation petitions in relation to the same vehicle and the same driver must be considered as part of the decision making process.

*Recommendation 3.7*

The 'cancelling authority' and support staff must be provided with comprehensive training on the Fixed Charge Processing System; in particular the exceptional grounds, parameters and examples under which a Fixed Charge Notice may be cancelled.

*Recommendation 3.8*

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

*Recommendation 3.9*

The Inspectorate recommends that when a Fixed Charge Notice petition is received at the Fixed Charge Processing Office, that it will only be considered where the petition is accompanied by factual third party evidence supporting the reason for cancellation. Where a petition is not supported by such evidence, the petition is to be denied and the recipient of the Fixed Charge Notice informed immediately.

*Recommendation 3.10*

The Inspectorate recommends that the Garda Síochána immediately put in place a mechanism ensuring that all offenders are informed of the cancellation petition policy of the Fixed Charge Processing System, including the discretionary grounds and parameters by which they may be cancelled in exceptional circumstances. This information must be available on the garda website and clearly stated on the Fixed Charge Notice.

*Recommendation 3.11*

The Inspectorate recommends that a request to cancel a FCN should be submitted to the FCPO on a FCN Cancellation Form only. The Form should be available on the Garda Síochána website or by request from the FCPO.

*Recommendation 3.12*

The Inspectorate recommends that the HQ Directive of 30 August 2013 be amended to reflect clearly the Inspectorate's and the Comptroller and Auditor General's recommendations on the authority to cancel Fixed Charge Notices.

## Chapter 4 Proposed New System

Once the recommendations in Chapters 2 and 3 are in train, the Criminal Justice Working Group should turn its attention to implementing the seven recommendations for the new Fixed Charge Processing System model outlined in this chapter. These recommendations will take a little more time and some redeployment of the resources saved in the long term. Upon implementation, these recommendations will conservatively recoup any short term start up costs, which will be offset by the additional revenue generated to the Exchequer through the increases in the collection of fines previously lost under the current FCPS.

### *Recommendation 4.1*

**The Inspectorate recommends that the Criminal Justice Working Group coordinate the development of a bar coded pre-summons notepad for recording and serving a notice of a fixed charge offence.**

### *Recommendation 4.2*

**The Inspectorate recommends that the Criminal Justice Working Group coordinate a process to ensure compatibility of the various agency systems to accommodate the implementation and activation of the pre-summons document.**

### *Recommendation 4.3*

**The Inspectorate recommends that all intercept pre-summons be reported by the detecting member to the Garda Information Service Centre for entry into the Fixed Charge Processing System.**

### *Recommendation 4.4*

**The Inspectorate recommends that the third payment option to pay a Fixed Charge Notice, as provided for in Section 44, Road Traffic Act, 2010 be commenced.**

### *Recommendation 4.5*

**The Inspectorate recommends that the Criminal Justice Working Group coordinate the establishment and implementation of the case callover list process.**

### *Recommendation 4.6*

**The Inspectorate recommends that a hand-held electronic device capable of populating and printing a pre-summons be developed for use as part of the Fixed Charge Processing System.**

### *Recommendation 4.7*

**The Inspectorate recommends that the Criminal Justice Working Group coordinate the development of the non-intercept bar coded pre-summons for issuance by the Fixed Charge Processing Office to registered vehicle owners detected committing fixed charge offences.**

## Chapter 5 A Model for the Future

This chapter creates a guidepost for the CJWG to use as a roadmap for implementation of the recommendations in the previous chapters. It also contains one recommendation for their consideration for the future.

### *Recommendation 5.1*

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

Taken together, this analysis and these recommendations pave the way for an improved and economically sound, fit for purpose fixed charge processing system for Ireland

# LIST OF APPENDICES

## **APPENDIX 1**

Essential Principles of the Fixed Charge Notice system

---

## **APPENDIX 2**

Terms of Reference for a review of the Fixed Charge Processing System

---

## **APPENDIX 3**

PSU Report breakdown of Fixed Charge Notices Issued and Terminated by Districts

---

## **APPENDIX 4**

Application to the FCPO for cancellation of a FCN

---

## **APPENDIX 5**

Extract from response to Parliamentary Question Ref 43556/13

---

## **APPENDIX 6**

Fixed Charge Notice

---

## APPENDIX 1

### **Extract from press release 15 May 2013 by Minister for Justice and Equality Mr Alan Shatter T.D. outlining seven basic, essential principles which should apply to the Fixed Charge Notice system.**

*"I believe there are seven specific basic, essential principles which should apply to the Fixed Charge Notice system and the consequent application of penalty points. These are as follow:*

- 1. There must be no question mark hanging over the integrity of the Fixed Charge Notice system and in the application of penalty points.*
- 2. No individual should receive preferential treatment because of their perceived status, relationship or celebrity.*
- 3. The law and any discretionary application of it to individuals must be administered fairly, with compassion and common sense.*
- 4. No member of the Garda Force should feel compelled by a person's position, relationship or celebrity status to treat that person any more or less favorably than any other person.*
- 5. There must be proper oversight and transparency to the discretionary decision making process and the applicable rules and procedures must be fully complied with.*
- 6. All statutory provisions, regulations, rules, protocols and procedures applicable to the termination of Fixed Charge Notices must be readily accessible to all members of the Garda Force and the circumstances, factors and procedures applicable to the termination of Fixed Charge Notices should be detailed clearly on the Garda website for the information of members of the public.*
- 7. Where application is made to terminate a fixed ticket charge, where possible and appropriate, material to support any application made should be sought while understanding in some circumstances no such material may exist or be obtainable."*

## APPENDIX 2

### **Terms of Reference for a review of the Fixed Charge Processing System**

In accordance with section 117 of the Garda Síochána Act 2005, as amended, the Minister for Justice and Equality hereby requests the Garda Síochána Inspectorate to carry out a review of the operation of the fixed charge processing system by the Garda Síochána.

The Inspectorate is requested to take into account the recommendations listed in the report by Assistant Garda Commissioner John O'Mahoney into allegations of irregularities in the operation of the fixed charge processing system and the related report by the Garda Síochána Professional Standards Unit. The Minister further requests that the Inspectorate make any wider recommendations it considers desirable with a view to enhancing the efficiency and effectiveness of the operation by the Garda Síochána of the fixed charge processing system.

The Garda Síochána Inspectorate is requested to report to the Minister on this matter as a priority so that an improved process of cancellation of fixed charge notices can be implemented quickly.

4 July, 2013

# APPENDIX 3

## PSU Report breakdown of Fixed Charge Notices Issued and Terminated by Districts

Division	Total Issued 2011	Total Terminated 2011	% Terminated 2011	Total Issued 2012	Total Terminated 2012	% Terminated 2012
<b>Cavan/Monaghan</b>						
Monaghan	2109	90	4.27	1856	120	6.47
Cavan	4658	224	4.81	2116	101	4.77
Ballyconnell	239	6	2.51	219	5	2.28
Carrickmacross	3223	136	4.22	1964	120	6.11
Bailieboro	3305	129	3.9	2780	164	5.9
<b>Division Total</b>	<b>13534</b>	<b>585</b>	<b>4.32</b>	<b>8935</b>	<b>510</b>	<b>5.7</b>
<b>Clare</b>						
Ennis	11769	748	6.36	10478	667	6.37
Ennistymon	1261	64	5.08	1795	110	6.13
Killaloe	2644	211	7.98	1328	93	7
Kilrush	548	28	5.11	1234	119	9.64
<b>Division Total</b>	<b>16222</b>	<b>1051</b>	<b>6.47</b>	<b>14835</b>	<b>989</b>	<b>6.66</b>
<b>Cork City</b>						
Anglesea St	8800	440	5	7696	271	3.52
Gurrabraher	5815	219	3.77	5374	290	5.4
Mayfield	4724	114	2.41	5358	175	3.27
Togher	5518	178	3.23	7754	271	3.49
<b>Division Total</b>	<b>24857</b>	<b>951</b>	<b>3.82</b>	<b>26182</b>	<b>1007</b>	<b>3.84</b>
<b>Cork North</b>						
Fermoy	3947	160	4.05	3139	138	4.4
Cobh	8151	263	3.23	6972	295	4.23
Mallow	10115	580	5.73	10312	516	5
Midleton	4920	265	5.39	4045	225	5.56
<b>Division Total</b>	<b>27133</b>	<b>1268</b>	<b>4.67</b>	<b>24468</b>	<b>1174</b>	<b>4.79</b>
<b>Cork West</b>						
Bandon	3513	145	4.13	2971	155	5.22
Bantry	1233	72	5.84	1036	74	7.14
Clonakilty	1851	96	5.19	1628	83	5.1
Kanturk	1039	41	3.95	1317	78	5.92
Macroom	3418	145	4.24	2817	164	5.82
<b>Division Total</b>	<b>11054</b>	<b>499</b>	<b>4.51</b>	<b>9769</b>	<b>554</b>	<b>5.67</b>



<b>DMR East</b>						
Dun Laoghaire	8942	581	6.5	6761	494	7.31
Blackrock	11293	391	3.46	6929	266	3.84
<b>Division Total</b>	<b>20235</b>	<b>972</b>	<b>4.8</b>	<b>13690</b>	<b>760</b>	<b>5.55</b>
<b>DMR North</b>						
Ballymun	13451	379	2.82	16443	794	4.83
Coolock	7974	218	2.73	9604	328	3.42
Raheny	6442	325	5.05	5493	334	6.08
Balbriggan	1654	93	5.62	1697	88	5.19
<b>Division Total</b>	<b>29521</b>	<b>1015</b>	<b>3.43</b>	<b>33237</b>	<b>1544</b>	<b>4.64</b>
<b>DMR North Central</b>						
Store St	6361	263	4.13	7588	541	7.13
Fitzgibbon	5161	179	3.47	2570	126	4.9
Bridewell	5124	195	3.81	7801	363	4.65
<b>Division Total</b>	<b>16646</b>	<b>637</b>	<b>3.82</b>	<b>17959</b>	<b>1030</b>	<b>5.73</b>
<b>DMR South</b>						
Crumlin	4651	245	5.27	3213	153	4.76
Tallaght	8519	234	2.75	5797	222	3.83
Terenure	5656	185	3.27	6259	208	3.32
<b>Division Total</b>	<b>18826</b>	<b>664</b>	<b>3.52</b>	<b>15269</b>	<b>583</b>	<b>3.81</b>
<b>DMR South Central</b>						
Pearse St	8993	423	4.7	8387	374	4.46
Kevin St	14890	563	3.78	11455	614	5.36
Donnybrook	6184	256	4.14	4042	210	5.2
<b>Division Total</b>	<b>30067</b>	<b>1242</b>	<b>4.13</b>	<b>23884</b>	<b>1198</b>	<b>5</b>
<b>DMR West</b>						
Blanchardstown	16349	631	3.86	16221	774	4.77
Clondalkin	11195	442	3.95	10107	377	3.73
Lucan	4715	133	2.82	11914	611	5.13
<b>Division Total</b>	<b>32259</b>	<b>1206</b>	<b>3.73</b>	<b>38242</b>	<b>1762</b>	<b>4.6</b>
<b>Donegal</b>						
Letterkenny	3348	158	4.72	2255	109	4.83
Buncrana	3013	106	3.52	2294	92	4.01
Glenties	919	29	3.16	748	34	4.55
Ballyshannon	5048	275	5.45	4132	316	7.65
Milford	727	43	5.91	398	7	1.76
<b>Division Total</b>	<b>13055</b>	<b>611</b>	<b>4.68</b>	<b>9827</b>	<b>558</b>	<b>5.67</b>

<b>Galway</b>						
Galway City	11690	986	8.43	9460	396	4.19
Cliften	258	13	5.04	121	6	4.96
Ballinasloe	2989	243	8.13	3639	176	4.84
Gort	1250	73	5.84	1075	62	5.77
Loughrea	1613	50	3.1	851	31	3.64
Salthill	2780	91	3.27	2706	143	5.28
Tuam	3101	129	4.16	3384	158	4.67
<b>Division Total</b>	<b>23681</b>	<b>1585</b>	<b>6.69</b>	<b>21236</b>	<b>972</b>	<b>4.57</b>
<b>Kerry</b>						
Tralee	2147	62	2.89	2283	90	3.94
Killarney	5836	206	3.53	5998	252	4.2
Listowel	2969	100	3.37	2285	100	4.38
Cahirciveen	386	24	6.22	308	13	4.22
<b>Division Total</b>	<b>11338</b>	<b>392</b>	<b>3.45</b>	<b>10874</b>	<b>455</b>	<b>4.18</b>
<b>Kildare</b>						
Naas	11857	278	2.34	10118	433	4.28
Leixlip	3832	182	4.75	4247	173	4.07
Kildare	9577	525	5.48	5439	361	6.64
<b>Division Total</b>	<b>25266</b>	<b>985</b>	<b>3.89</b>	<b>19804</b>	<b>967</b>	<b>4.88</b>
<b>Kilkenny/Carlow</b>						
Kilkenny	8633	352	4.08	8673	287	3.31
Carlow	7618	283	3.71	4614	147	3.19
Thomastown	4431	126	2.84	3246	123	3.79
<b>Division Total</b>	<b>20682</b>	<b>761</b>	<b>3.67</b>	<b>16533</b>	<b>557</b>	<b>3.36</b>
<b>Laois/Offaly</b>						
Portlaoise	6090	207	3.4	6463	237	3.67
Tullamore	4057	103	2.54	2933	117	3.99
Birr	1473	58	3.94	1201	58	4.83
<b>Division Total</b>	<b>11620</b>	<b>368</b>	<b>3.16</b>	<b>10597</b>	<b>412</b>	<b>3.88</b>
<b>Limerick</b>						
Henry St, Limerick City	19375	918	4.74	13858	824	5.95
Askeaton	4813	226	4.7	4838	308	6.37
Bruff	1324	42	3.17	1476	74	5.01
Newcastle West	4399	157	3.57	3155	166	5.26
Roxboro Rd	6197	469	7.57	5246	275	5.24
<b>Division Total</b>	<b>36108</b>	<b>1812</b>	<b>5.01</b>	<b>28573</b>	<b>1647</b>	<b>5.76</b>

<b>Louth</b>						
Drogheda	6293	277	4.4	4856	231	4.76
Ardee	2312	94	4.07	2579	106	4.11
Dundalk	2913	300	10.3	2299	130	5.65
<b>Division Total</b>	<b>11518</b>	<b>671</b>	<b>5.82</b>	<b>9734</b>	<b>467</b>	<b>4.79</b>
<b>Mayo</b>						
Castlebar	2284	106	4.64	1470	132	8.98
Belmullet	525	21	4	290	15	5.17
Ballina	1209	57	4.71	1042	74	7.1
Claremorris	900	23	2.56	840	67	7.98
Swinford	2794	88	3.15	1231	35	2.84
Westport	317	5	1.58	474	26	5.49
<b>Division Total</b>	<b>8029</b>	<b>300</b>	<b>3.73</b>	<b>5347</b>	<b>349</b>	<b>6.52</b>
<b>Meath</b>						
Navan	2414	207	8.57	1323	57	4.31
Kells	1761	94	5.34	934	39	4.18
Ashbourne	9867	569	5.77	4979	235	4.72
Trim	4577	153	3.34	3123	113	3.62
<b>Division Total</b>	<b>18619</b>	<b>1023</b>	<b>5.49</b>	<b>10359</b>	<b>444</b>	<b>4.28</b>
<b>Roscommon/ Longford</b>						
Roscommon Town	5805	384	6.61	4444	343	7.72
Castlerea	3932	187	4.76	3352	217	6.47
Granard	781	27	3.46	1056	61	5.78
Longford	4300	240	5.58	4122	221	5.36
Boyle	1717	55	3.2	1329	82	6.17
<b>Division Total</b>	<b>16535</b>	<b>893</b>	<b>5.4</b>	<b>14303</b>	<b>924</b>	<b>6.46</b>
<b>Sligo/Leitrim</b>						
Sligo Town	3902	178	4.56	3211	146	4.55
Carrick-on-Shannon	2737	178	6.5	6784	423	6.24
Manorhamilton	305	12	3.93	407	16	3.93
Ballymote	2628	102	3.88	3147	203	6.45
<b>Division Total</b>	<b>9572</b>	<b>470</b>	<b>4.91</b>	<b>13549</b>	<b>788</b>	<b>5.81</b>

<b>Tipperary</b>						
Thurles	2035	134	6.58	1631	97	5.95
Clonmel	2280	76	3.33	1302	49	3.76
Nenagh	2206	81	3.67	1095	57	5.21
Templemore	1380	34	2.46	871	44	5.05
Cahir	2557	94	3.68	2449	104	4.25
Tipperary Town	1061	49	4.62	846	46	5.44
<b>Division Total</b>	<b>11519</b>	<b>468</b>	<b>4.06</b>	<b>8194</b>	<b>397</b>	<b>4.84</b>
<b>Waterford</b>						
Waterford City	7705	276	3.58	6133	215	3.51
Tramore	3208	172	5.36	1284	56	4.36
Dungarvan	3658	108	2.95	2568	99	3.86
<b>Division Total</b>	<b>14571</b>	<b>556</b>	<b>3.81</b>	<b>9985</b>	<b>370</b>	<b>3.7</b>
<b>Westmeath</b>						
Mullingar	7132	285	4	5873	282	4.8
Athlone	3798	214	5.63	3699	171	4.62
<b>Division Total</b>	<b>10930</b>	<b>499</b>	<b>4.56</b>	<b>9572</b>	<b>453</b>	<b>4.73</b>
<b>Wexford</b>						
Wexford Town	3955	175	4.42	2286	75	3.28
Gorey	4029	156	3.87	2060	96	4.66
New Ross	1621	66	4.07	1026	40	3.9
Enniscorthy	2877	81	2.82	1835	81	4.41
<b>Division Total</b>	<b>12482</b>	<b>478</b>	<b>3.82</b>	<b>7207</b>	<b>292</b>	<b>4.05</b>
<b>Wicklow</b>						
Bray	8481	436	5.14	7507	359	4.78
Baltinglass	2057	73	3.55	1919	95	4.95
Wicklow	8542	310	3.63	7813	343	4.39
<b>Division Total</b>	<b>19080</b>	<b>819</b>	<b>4.29</b>	<b>17239</b>	<b>797</b>	<b>4.62</b>
<b>Overall Totals</b>	<b>514,959</b>	<b>22,781</b>		<b>449,403</b>	<b>21,960</b>	

# APPENDIX 4

## Appendix Application to the FCPO for Cancellation of an FCN



### Certified Fixed Charge Notice (FCN) Cancellation Form

**Applicant's details** (*As per Fixed Charge Notice*):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

FCN number: \_\_\_\_\_

Vehicle Reg No: \_\_\_\_\_

district office File No: \_\_\_\_\_

1. Written request for cancellation received
2. Request for cancellation acknowledged, pending decision
3. Offence occurred in the district
4. Intercept offence - views of the investigating member sought
5. Non-intercept offence (Go-Safe/Garda mobile speed detection van):
6. Reason for cancellation as recorded on PULSE (tick one):
7. Rationale for Decision:

Views of Sergeant i/c Divisional Traffic Unit sought

- Data Entry/IT/Garda Errors - (Date & Time Incorrect  Location Incorrect  Offence Code Incorrect  Speed Zone Incorrect  Offender Details Incorrect )
- Detection Details Errors - (Reg. No. Incorrect – *Scanned Notices where no new FCN is to issue*  Weight Restriction Applicable )
- Diplomatic Corps
- Disabled Parking Pass
- Duplicate Notice
- Image Unsuitable
- Juvenile Diversion Programme
- Legislative Defect
- Seat Belt Detection – Medical Evidence
- Speed Limit Incorrect
- Statutory Exemption – Emergency Vehicles
- Tax/Insurance Disc/Trade Plate in Order
- Vehicle Stolen
- Vehicle/Driver File Defect(s) – (New Owner  Scrapped  Other  - provide details in rationale for decision)
- Discretionary – (Humanitarian Grounds  Family Bereavement  Medical Emergency  Other  - provide details in rationale for decision)

---



---



---

1. Request for cancellation approved

2. Request for cancellation rejected

I certify that all facts outlined above are correct.

Signed: \_\_\_\_\_ Reg No: \_\_\_\_\_ district officer/Cancelling

# APPENDIX 5

## Extract from response to Parliamentary Question

Total number of defendants convicted of penalty point offences and the number of driving licences recorded in each Court District for the period

March, 2012 to August, 2013

PQ Ref 43556/13 written reply by Minister Shatter on 15 October, 2013

District Number	No. of defendants convicted	No. of driving licence numbers recorded	% of Licences (rounded to nearest %)
1 - Donegal	175	29	17%
2 - Sligo/Donegal/Leitrim	337	75	22%
3 - Mayo	95	22	23%
4 - Roscommon / Galway	675	180	27%
5 - Cavan / Monaghan	236	41	17%
6 - Drogheda / Dundalk	372	57	15%
7 - Galway	412	122	30%
8 - Tipperary	110	30	27%
9 - Westmeath / Longford	470	173	37%
10 - Meath/Louth	251	53	21%
12 - Clare	395	110	28%
13 - Limerick	831	230	28%
15 - Laois /Offaly	363	103	28%
16 - Wicklow	664	123	19%
17 - Kerry	205	38	19%
18 - West Cork	335	129	39%
19 - Cork City	1,243	436	35%
20 - North / East Cork	658	164	25%
21 - South Tipperary / West Waterford	195	61	31%
22 - Carlow / Kilkenny	456	103	23%
23 - Wexford	526	311	59%
24 - Waterford City	383	104	27%
25 -Kildare	777	148	19%
Dublin Metropolitan District	6,329	3,811	60%
<b>Total</b>	<b>16,493</b>	<b>6,653</b>	<b>40%</b>

# APPENDIX 6

## Fixed Charge Notice

<p><b>An Garda Síochána</b> An Oifig Próiseála Muirir Seasta Suirí Fálmal Durlas Contae Thiobaid Árann</p> <p>Fonáilhe Teicneolaíoch: 1890 30 40 60 Lámhuainn d'Éireann: +353 504 59600 Fíorúilíthe Ríomhphoist: rpo@garda.ie Uimhir Thagartha: N6566999P9999666 Data: 09/08/2012</p>	<p><b>Cion Muirir Sheasta</b> Fíora faoi alt 103(6) (lena chur isteach le hait 11(1) den Acht um Thracht ar Bhóthra 2002 agus arna leasú ar hait 16 den Acht um Thracht ar Bhóthra, 2004) den Acht um Thracht ar Bhóthra 1961</p> <p>0000400000100480</p> <p>AB SAMPLE Penalty Point Non Intercept DUNDRUM DUBLIN IRELAND</p>	<p><b>An Garda Síochána</b> Fixed Charge Processing Office Pearall Street Thurlies County Tipperary</p> <p>Telephone Enquiries: 1890 30 40 60 Outside Ireland: +353 504 59600 Email Enquiries: rpo@garda.ie Reference Number: N6566999P9999666 Date: 09/08/2012</p>	
	<p><b>Cion Lámhuainne</b> Lámhuainne go ndéanamh don Spóirt ar luas 73 Km/h. An t-ádhúlán 60 km/h a Scrio. Comhartha GAH 47 (uma chur isteach le RA11 den Acht um Thracht ar Bhóthra 2004) den Acht um Thracht ar Bhóthra 1961 na rabh i posit sebail innéighealúala a thomáin nó a cúlú ar a n-ádhúlán REG NUMBER i n-ádh phoist ag ADAMSTOWN, KILMEADEN, WATERFORD, WATERFORD ag 13:20 a chlog ar an 05/08/2012.</p> <p><b>Muirir Seasta a loc</b></p> <ol style="list-style-type: none"> <li>Méid na ádhúláin a thomáin san fhógra seo. (a) Mura n-ádhúlán 20 é, bíonn na 60 le h-ádhúlán. (b) Mura n-ádhúlán tu an muirir seasta sin le h-ádhúlán 20 é, bíonn na 60 le h-ádhúlán. (c) Mura n-ádhúlán tu an muirir seasta sin le h-ádhúlán 20 é, bíonn na 60 le h-ádhúlán. (d) Mura n-ádhúlán tu an muirir seasta sin le h-ádhúlán 20 é, bíonn na 60 le h-ádhúlán.</li> <li>Níl tú an fhógra seo ina lánúil, agus é comhlánúil go hoimlín, agus ar an modh a tuairiscear thíos, a bheith ag gabháil le h-ádhúlán tuairiscear thíos a bhainn leis.</li> <li>Níl tuairiscear tu. (a) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (b) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (c) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (d) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (e) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (f) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (g) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (h) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (i) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (j) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (k) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán. (l) Mura n-ádhúlán 56 é, bíonn na 60 le h-ádhúlán.</li> <li>Má tá tú an fáil ag aon mhóir seasta de réir an fhógra seo tomhnuiméar 2 phoiné ar an bótarl i dteannta an chéadúna lánúil nó an chéadúna lánúil a bhaineann leis. (1) Má tú e n-ádhúlán tu an chéadúna lánúil agus go gceannóid tú na dhá dhéireann a bhaineann leis. (2) Má tú e n-ádhúlán tu an chéadúna lánúil agus go gceannóid tú na dhá dhéireann a bhaineann leis. (3) Má tú e n-ádhúlán tu an chéadúna lánúil agus go gceannóid tú na dhá dhéireann a bhaineann leis. (4) Má tú e n-ádhúlán tu an chéadúna lánúil agus go gceannóid tú na dhá dhéireann a bhaineann leis.</li> </ol>	<p><b>NOTA</b> Comhlánúil an chuid thíos má tá tú chun an muirir seasta a loc. Níl scoth i den fhógra seo. Bli condition an tinnir seo <b>REGISTRATION AND LICENSING</b> - condition an Rogan An-ádhúláin thair fáil lánúil sin, le do thoil.</p> <p>Tagairt: 889008 N6566999P9999666</p> <p><b>Cuid an Dearbhaite</b></p> <p>Níl feidhm ag an gceit seo ach amháin má tá tú chun an muirir seasta a loc. Sa dhá sin, ní mór d'ádhúlán a thabhairt thíos a shíolú agus sonraí do chéadúna lánúil a thabhairt, nó ní gá d'ádhúlán (i d'ádhúlán).</p> <p>Tá mé ar an ádhúlán a bhaineann le h-ádhúlán seo, lánúil a bhaineann le h-ádhúlán seo, lánúil a bhaineann le h-ádhúlán seo, lánúil a bhaineann le h-ádhúlán seo.</p>	
<p><b>Fixed Charge Offence</b> Notice under section 103(6) (inserted by s. 11(1) of the Road Traffic Act 2002 and as amended by section 16 of the Road Traffic Act 2004) of the Road Traffic Act 1961</p> <p>0000400000100480</p> <p>AB SAMPLE Penalty Point Non Intercept DUNDRUM DUBLIN IRELAND</p>	<p><b>Alleged Offence</b> It is alleged that an offence has been committed, driving at a speed of 73 Km/h. Exceeding Special Speed Limit 60 km/h. Contrary to Section 47 (as inserted by Section 11 Road Traffic Act 2004) of the Road Traffic Act 1961 involving the driving or use of a mechanically propelled vehicle bearing identification mark REG NUMBER in a public place at ADAMSTOWN, KILMEADEN, WATERFORD, WATERFORD at 13:20 hrs on 05/08/2012.</p> <p><b>Payment of Fixed Charge</b></p> <ol style="list-style-type: none"> <li>In respect of the offence alleged in this notice - (a) you may, during the period of 28 days, beginning on the date of this notice, pay a fixed charge of €50, or (b) at all, if the correct payment, in accordance with this notice, during that period, is made in respect of the offence specified in this notice.</li> <li>A payment of a fixed charge under this notice must be accompanied by all of this notice, fully completed, and in the manner stated below.</li> <li>You will not be prosecuted - (a) during the period of 56 days from the date of this notice, or (b) at all, if the correct payment, in accordance with this notice, during that period, is made in respect of the offence specified in this notice.</li> <li>If you pay in accordance with this notice the correct amount of the fixed charge 2 penalty points will be endorsed on the entry in the driving licence or learner permit record relating to the entry in the fixed charge and you are convicted of the alleged offence 4 penalty points will be endorsed on that entry.</li> </ol>	<p><b>NOTA</b> Comhlánúil an chuid thíos má tá tú chun an muirir seasta a loc. Níl scoth i den fhógra seo. Bli condition an tinnir seo <b>REGISTRATION AND LICENSING</b> - please complete the Nomination Section overall instead.</p> <p>Reference: 889008 N6566999P9999666</p> <p><b>Declaration Section</b></p> <p>(This section only applies if you are paying the fixed charge referred to in this notice. If so, you must sign the declaration below and give details of your driving licence/learner permit, otherwise your payment will not be accepted.)</p> <p>I am aware of the contents of this notice, have filled out the details below from my licence/permit and submit with this notice payment of €</p>	
	<p><b>Fixed Charge Offence</b> Notice under section 103(6) (inserted by s. 11(1) of the Road Traffic Act 2002 and as amended by section 16 of the Road Traffic Act 2004) of the Road Traffic Act 1961</p> <p>0000400000100480</p> <p>AB SAMPLE Penalty Point Non Intercept DUNDRUM DUBLIN IRELAND</p>	<p><b>Alleged Offence</b> It is alleged that an offence has been committed, driving at a speed of 73 Km/h. Exceeding Special Speed Limit 60 km/h. Contrary to Section 47 (as inserted by Section 11 Road Traffic Act 2004) of the Road Traffic Act 1961 involving the driving or use of a mechanically propelled vehicle bearing identification mark REG NUMBER in a public place at ADAMSTOWN, KILMEADEN, WATERFORD, WATERFORD at 13:20 hrs on 05/08/2012.</p> <p><b>Payment of Fixed Charge</b></p> <ol style="list-style-type: none"> <li>In respect of the offence alleged in this notice - (a) you may, during the period of 28 days, beginning on the date of this notice, pay a fixed charge of €50, or (b) at all, if the correct payment, in accordance with this notice, during that period, is made in respect of the offence specified in this notice.</li> <li>A payment of a fixed charge under this notice must be accompanied by all of this notice, fully completed, and in the manner stated below.</li> <li>You will not be prosecuted - (a) during the period of 56 days from the date of this notice, or (b) at all, if the correct payment, in accordance with this notice, during that period, is made in respect of the offence specified in this notice.</li> <li>If you pay in accordance with this notice the correct amount of the fixed charge 2 penalty points will be endorsed on the entry in the driving licence or learner permit record relating to the entry in the fixed charge and you are convicted of the alleged offence 4 penalty points will be endorsed on that entry.</li> </ol>	<p><b>NOTA</b> Comhlánúil an chuid thíos má tá tú chun an muirir seasta a loc. Níl scoth i den fhógra seo. Bli condition an tinnir seo <b>REGISTRATION AND LICENSING</b> - please complete the Nomination Section overall instead.</p> <p>Reference: 889008 N6566999P9999666</p> <p><b>Declaration Section</b></p> <p>(This section only applies if you are paying the fixed charge referred to in this notice. If so, you must sign the declaration below and give details of your driving licence/learner permit, otherwise your payment will not be accepted.)</p> <p>I am aware of the contents of this notice, have filled out the details below from my licence/permit and submit with this notice payment of €</p>
<p>Signature of driver:</p> <p>Driving Licence/Learner Permit Number</p> <p>Licence/permit type:</p> <p>First name(s):</p> <p>As in licence/permit</p> <p>Surname:</p> <p>As in licence/permit</p>			



**Nominación Section**  
Registered Owner and driver of alleged offence  
Do not make a payment if you are completing this section.

**REGISTERED OWNER NOT DRIVING THE VEHICLE AT TIME OF ALLEGED OFFENCE**  
If you were not driving or controlling the vehicle at the time of the commission of the alleged offence you must complete the following sections: (1) and (2). If you were not driving or controlling the vehicle at the time of the commission of the alleged offence you must also complete sections (3) and (4) if you were not driving or controlling the vehicle at the time of the commission of the alleged offence.

(1) If you were not driving or controlling the vehicle at the time of the commission of the alleged offence you must provide the following information:  
(a) not later than 28 days after the date of this notice give or send the document attached below to this notice, signed by you stating the name and address of the person who was driving or controlling the vehicle at the time of the commission of the offence, and  
(b) give or send to a member of the Garda Síochána or a traffic warden within such period as may be specified by him or her at a Garda Síochána station or a traffic warden's office a copy of the document referred to in sub-paragraph (a) above and a copy of the document referred to in sub-paragraph (b) above.

(2) If you were not driving or controlling the vehicle at the time of the commission of the alleged offence you must complete the appropriate period of payment referred to in paragraph 1 of this notice, and a prosecution in respect of the alleged offence will not be initiated against you.

(3) If you complete with sub-paragraph (1) above you do not need to make a payment referred to in paragraph 1 of this notice, and a prosecution in respect of the alleged offence will not be initiated against you.

(4) Compliance with section 103(3) of the Road Traffic Act 1961 is an offence upon summary conviction of which you are liable to a fine not exceeding €1500.

**DOCUMENT FOR THE PURPOSES OF SECTION 103(3)(B) ROAD TRAFFIC ACT 1961 STATEMENT OF NOMINATION OF NAME AND ADDRESS OF DRIVER OF VEHICLE**

I was not, or being a body corporate or an unincorporated body of persons was not capable of, driving or otherwise using the vehicle mentioned in the notice in this form at the time of the commission of the offence alleged in the notice. I state that -

Name of driver: \_\_\_\_\_  
(Block Letters) \_\_\_\_\_  
and, if known, his or her - \_\_\_\_\_  
Date of birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Driving Licence/Learner Permit Number: \_\_\_\_\_

Address: \_\_\_\_\_  
(Block Letters) \_\_\_\_\_

\_\_\_\_\_ was driving or otherwise using the vehicle at the time of the commission of the alleged offence.

Signature of registered owner: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
This statement, together with the above notice must be given or sent to the Garda Síochána, at Fixed Charge Processing Office, Parnell St., Thurles, County Tipperary, not later than 28 days after the date of the above notice.

**INFORMATION NOTES**  
These notes are for information purposes only and are not part of the fixed charge notice or a legal interpretation of the legislation governing fixed charge offences.

**PAYMENT OF FIXED CHARGE**  
Payment will not be accepted after the expiration of the period of 56 days from the date of this notice. Refunds in respect of notices duly given will not be made in any circumstances.

**UNDER AGE OFFENDER**  
If the recipient of this notice is under 18 years of age, he/she is entitled to be considered for inclusion in the Juvenile Diversion Programme (s. 18 of the Children Act 2001). The recipient of this notice should make contact with the Fixed Charge Processing Office, Parnell Street, Thurles, County Tipperary, immediately, so that consideration can be given for inclusion in the Juvenile Diversion Programme.

**NEED HELP WITH THIS NOTICE**  
If you need help understanding this notice or have any questions please call 1890 30 40 60 (Outside Ireland +353 504 59800) or access the FAQ's section of the Garda website at www.garda.ie.



No Penalty Point Non-Incarc  
Reference: 00010 165059558979999666

Reference Number: 165059558979999666

**Roinn Ainmníocháin**  
Údair Clárthaigh (BB) & bheith ag obair ar feith na chonair sa cionn na cionn seo.  
Na dtéann na cionn seo sa cionn seo.

**NI RAIBIN AN UOIRER CLARATHAIE AD TOMANT MA FETRICLE TRATH DEANTA AN CHIONA LOMHATHAIE**  
Má raibin na dtéann na cionn seo sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.

(1) Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.

(2) Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.

(3) Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.

(4) Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.

**DOCUMENT FOR THE PURPOSES OF SECTION 103(3)(B) ROAD TRAFFIC ACT 1961 STATEMENT OF NOMINATION OF NAME AND ADDRESS OF DRIVER OF VEHICLE**

I was not, or being a body corporate or an unincorporated body of persons was not capable of, driving or otherwise using the vehicle mentioned in the notice in this form at the time of the commission of the offence alleged in the notice. I state that -

Name of driver: \_\_\_\_\_  
(Block Letters) \_\_\_\_\_  
and, if known, his or her - \_\_\_\_\_  
Date of birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Driving Licence/Learner Permit Number: \_\_\_\_\_

Address: \_\_\_\_\_  
(Block Letters) \_\_\_\_\_

\_\_\_\_\_ was driving or otherwise using the vehicle at the time of the commission of the alleged offence.

Signature of registered owner: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
This statement, together with the above notice must be given or sent to the Garda Síochána, at Fixed Charge Processing Office, Parnell St., Thurles, County Tipperary, not later than 28 days after the date of the above notice.

**NOTAÍ FAINÉISE**  
Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.

**MURBEAR SEASTA A IOC**  
Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.

**CIONTOIR FADU AOIS**  
Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.

**CUMANNH I DTACA LEIS AN INFÓGRA BEO**  
Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo. Má raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo, ní raibin an uoirer clárthaigh ag obair ar feith na chonair sa cionn seo.



Gen Points Florida NiamhFainéise  
Fáil: 00010 165059558979999666

Reference Number: 165059558979999666

