



Rialtas na hÉireann  
Government of Ireland

# Criminal Justice (Fixed Charge Processing System) Working Group

## 2018 Progress Report

Implementation of Garda Síochána Inspectorate report, *'The Fixed Charge Processing System: A 21st Century Strategy'*.

# Contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
<b>2</b>	<b>Ongoing recommendations</b>	<b>4</b>
<b>3</b>	<b>Implemented recommendations</b>	<b>12</b>
<b>4</b>	<b>Full list of recommendations</b>	<b>24</b>

# 1 Introduction

The Criminal Justice (Fixed Charge Processing System (FCPS)) Working Group has prepared an annual progress report for 2018 on the implementation of the recommendations contained in the Garda Síochána Inspectorate's ninth report, *'The Fixed Charge Processing System: A 21st Century Strategy'*, published in 2014.

The Criminal Justice (FCPS) Working Group was established in 2014 to oversee and facilitate the implementation of the recommendations of the Inspectorate's FCPS report, which envisages a new method of issuing, processing and adjudicating on Fixed Charge Offences. The Working Group also provides a useful forum for co-operation on a range of related issues.

The Working Group comprises the Departments of Justice & Equality and Transport, Tourism & Sport (Joint Chairs), the Courts Service, An Garda Síochána, the Road Safety Authority, and the Offices of the Director of Public Prosecutions and the Revenue Commissioners.

This progress report has been submitted to the Ministers for Justice & Equality and Transport, Tourism & Sport and is published simultaneously by both Ministers.

In summary, 22 of the FCPS report's 38 recommendations have been fully implemented to date; 5 additional recommendations have been accepted with modification and are, therefore, concluded; and 11 recommendations remain ongoing and are longer-term in nature.

## 2 Ongoing recommendations

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
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.	<p>An internal review of the entire summons serving process in An Garda Síochána was undertaken to ascertain the reasons for the significant level of unserved summonses and to make recommendations to provide a more effective summons serving process.</p> <p>The internal review identified that the current summons tracking process is inadequate and places an unnecessary administrative burden on members with processes varying from station to station.</p> <p>A review conducted in 3 Garda Districts identified that the facility to track summonses on PULSE needs to be enhanced. This has led to manual records being maintained at stations and a reduction in confidence in the summons key performance indicator, which is drawn from PULSE.</p> <p>The Summons Service Working Group identified the following possible actions to improve summons service:</p> <ul style="list-style-type: none"> <li>• Review of summons distribution rules is required, e.g. should summonses be sent to Station of offence or Station of service?</li> <li>• Place barcode on summons to facilitate scanning for easier tracking;</li> <li>• Electronic service of documents should be considered;</li> <li>• Original summons to be held by courts and PDF version available on PULSE, which can be printed off when summons is to be served;</li> <li>• When a member is assigned to serve a summons, the summons should be placed on member's and member's supervisor's PULSE Browser;</li> </ul>	Assistant Commissioner Roads Policing

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
		<ul style="list-style-type: none"> <li>• Attempts at service must be recorded on PULSE and should be available on the Key Performance Indicator.</li> </ul> <p>Garda actions for 2019:</p> <ul style="list-style-type: none"> <li>• Identify and implement the most appropriate rules for distribution and service of summonses;</li> <li>• Improve summons key performance indicator to better meet the needs of An Garda Síochána;</li> <li>• Identify the legislative changes required for electronic service.</li> </ul> <p>An Garda Síochána has achieved a notable improvement in the rate of summons service since the commencement of its review, with summons service rates now at their highest in a decade.</p> <p>The introduction of the third payment option (Recommendation 4.4 refers) is significant in the context of summons service. It is hoped that the knock-on effect of the third payment option will translate into an increase in Fixed Charge Notice (FCN) payment rates following receipt of the first fixed charge notice and, hence, a decrease in summons activity. 2018 saw an increase in the percentage of FCNs paid following receipt of the first notice from 73.8% in 2017 to 76.5% in 2018, however it remains too early to make a definitive finding in relation to the improvement in FCN payment rates.</p>	

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
2.9	<p>The Inspectorate recommends that the Department of Transport, Tourism and Sport address the legislative deficiency noted, where the driver of:</p> <ul style="list-style-type: none"> <li>- a commercial company vehicle,</li> <li>- a hire agency vehicle, or</li> <li>- an unregistered vehicle</li> </ul> <p>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.</p>	<p>This recommendation will be addressed in a Road Traffic (Miscellaneous Provisions) Bill that is currently being developed in DTTAS.</p> <p>It is hoped to publish the General Scheme of this Bill in Quarter 3 2019.</p>	Criminal Justice Working Group
2.10	<p>The Inspectorate recommends that a system be introduced immediately to ensure that all penalty points are endorsed on driving licences.</p>	<p>The Department of Transport, Tourism &amp; Sport (DTTAS) established the Master Licence Record (MLR) project to create associations between the vehicle and driver components of the National Vehicle and Driver File (NVDF) database.</p> <p>There are two main streams to the MLR project:</p> <p>Matching of vehicle and driver records: The first phase of the matching project was to establish the MLR and populate it by directly matching the name and address details of private owners of active vehicles in the NVDF against the name and address details of driving licence holders, also stored in the NVDF. After duplicate vehicle owner and driver records were removed to reduce the likelihood of mis-matches, approximately 18% of active private vehicle owner records have been uniquely matched by this method.</p> <p>Establishing vehicle owner identity: The second phase of the MLR is focused on establishing vehicle owner identity by collecting identifying particulars (e.g. Driver number, PPSN, Public Service Identity (PSI) Dataset info, etc.) at</p>	Criminal Justice Working Group

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
		<p>the points in the vehicle life-cycle at which individuals engage with DTTAS systems. DTTAS is planning measures for populating the MLR at the following events: Online private-private change of vehicle ownership; Motor tax application/renewal; Vehicle registration; Motor insurance application/renewal.</p> <p>The project is proceeding on three separate streams:</p> <p>Legal Basis Assessment: DTTAS is conducting a legal basis assessment by formally requesting advice from the Department’s legal advisor and the Office of the Attorney General on the legal basis for each of the methods outlined above. The receipt of advice on all measures has been impacted due to high priority items, including Brexit. Once all required advice has been received, the legislative plan will be finalised with the required amendments to primary and secondary legislation.</p> <p>Privacy Impact Assessment: DTTAS is conducting a Privacy Impact Assessment (PIA) for all streams to determine the compliance of the programme to the Data Protection Acts and the General Data Protection Regulations (GDPR). This assessment will be completed on receipt of all outstanding legal advices and finalisation of the legislative plan.</p> <p>Business Analysis and Requirement-Gathering: DTTAS is conducting business analysis and gathering requirements on all proposed measures. These measures include changes to existing processes and systems, new process and system development and data cleansing activities. Once the legislative plan has been finalised all measures will be scheduled.</p> <p>Implementation of this recommendation will depend on the enactment of the Road Traffic (Miscellaneous Provisions) Bill. Passage of the Bill is estimated for Quarter 1 2020.</p>	

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
2.14	<p>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.</p>	<p>An Garda Síochána introduced an on-line payment facility on 14 March 2017 in relation to <i>non-penalty point</i> Fixed Charge Notices (FCNs) to coincide with the Third Payment Option Project (See Recommendation 4.4). These represented approximately 28% of payments in 2018.</p> <p>The remaining part of this recommendation for implementation will involve the introduction of an on-line payment facility for penalty point-Fixed Charge Offences. There are greater challenges associated with the implementation of this part of the recommendation, as the system will need to ensure that penalty points are associated with the correct individual/legal entity. Currently, for penalty point FCNs, the driver must be verified in person at a Post Office before payment can take place.</p> <p>The Department of Justice &amp; Equality (DJE) established a subgroup to progress this recommendation, which has met twice to date in 2019, with discussions ongoing. The recommendation is linked to the ongoing Garda ACTIVE Mobility project and improved data capture within DTTAS, via the MLR project. These projects will improve the integrity within the FCN data model, which should eliminate the need for the current face-to-face verification for penalty point FCNs.</p>	<p>Criminal Justice Working Group</p>
2.15	<p>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.</p>	<p>The Fines (Payment and Recovery) Act 2014 commenced on 11 January 2016. Its primary purpose was to provide for alternatives to imprisonment for non-payment of fines including attachment of earnings, community service and debt recovery proceedings.</p> <p>A number of enforcement challenges have arisen in the administration of the Act, much of which concerns the low appearance rate of convicted persons at enforcement hearings under section 7 of the Act when they are notified to attend following default of payment.</p> <p>In response, the Minister for Justice and Equality has authorised a review of the terms, operation and enforcement of fines by a High Level Working Group, which met for the first time in May 2019. The Group comprises</p>	<p>Criminal Justice Working Group</p>



#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
		<p>representatives of the Department of Justice and Equality, the Offices of the Attorney General and the Director of Public Prosecutions, the Courts Service, An Garda Síochána, the Irish Prisons Service and the Probation and Welfare Service.</p> <p>The purpose of the Group is to bring the expertise of all of the relevant stakeholders together, so as to determine the most effective way of ensuring that the policy of minimal committals is preserved to the extent possible, while maximising the effectiveness of the alternative sanctions available to the courts in cases of default.</p> <p>It should be noted that the majority of people continue to pay fines properly imposed by the Courts. Any changes deemed necessary, including legislative change, will be pursued when the Group reports.</p> <p>The Criminal Justice (FCPS) Working Group will continue to monitor developments to identify more efficient ways of collecting fixed charges and fines imposed by the Courts.</p>	
4.2	<p>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.</p>	<p>See Recommendation 4.1 (Pages 21-22 of this progress report).</p> <p>This recommendation is overtaken by the ongoing Garda ACTIVE Mobility project and improved data capture within DTTAS, via the MLR project.</p>	Criminal Justice Working Group
4.3	<p>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.</p>	<p>See Recommendation 4.1 (Pages 21-22 of this progress report).</p> <p>This recommendation is overtaken by the ongoing Garda ACTIVE Mobility project and improved data capture within DTTAS, via the MLR project.</p>	Criminal Justice Working Group

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
4.5	<p>The Inspectorate recommends that the Criminal Justice Working Group coordinate the establishment and implementation of the case callover list process.</p>	<p>See Recommendation 4.1 (Pages 21-22 of this progress report).</p> <p>The original sub-group charged with examining this issue was established in 2014 and acknowledged that many of the issues which this recommendation sought to solve would be addressed by the introduction of the third payment option (Recommendation 4.4).</p> <p>This recommendation is overtaken by the ongoing Garda ACTIVE Mobility project and improved data capture within DTTAS, via the MLR project.</p> <p>The primary objective of the mobility project is to move to a <i>‘once and done’</i> system, whereby a person caught committing an offence at the roadside is processed to potential court date upon interception. The medium-long-term vision involves the availability of information to the Garda member on intercept to enable a Fixed Charge Notice to issue electronically, which will include a scheduled court date for non-payment.</p>	<p>Criminal Justice Working Group</p>
4.6	<p>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.</p>	<p>See Recommendation 4.1 (Pages 21-22 of this progress report).</p> <p>This recommendation is overtaken by the ongoing Garda ACTIVE Mobility project and improved data capture within DTTAS, via the MLR project.</p> <p>The medium-long-term vision involves the transition to e-service; as such, roadside printing of pre-summons documentation will not be comprehended by the mobility project.</p>	<p>Criminal Justice Working Group</p>
4.7	<p>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.</p>	<p>See Recommendation 4.5 (Page 10 of this progress report).</p>	<p>Criminal Justice Working Group</p>

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
5.1	<p>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.</p>	<p>A high-level future vision for the FCPS was prepared by the Criminal Justice (FCPS) Working Group during 2018.</p> <p>The future vision proposes the establishment of a technology-focussed system to enable more effective, timely enforcement and promote improved compliance by road users.</p> <p>The future vision has been endorsed by the Inspectorate and was presented to the Ministers for Justice &amp; Equality and Transport, Tourism &amp; Sport at the Ministerial Committee on Road Safety on 18 June 2019.</p> <p>The delivery of the future vision for the FCPS is long-term and will take many years of investment and change to deliver.</p> <p>Implementation of the future vision will be progressed via annual action plans, containing key milestones for delivery within a 12-month period, and accounting for current Government priorities, e.g. implementation of the report of the Commission on the Future of Policing in Ireland. The first Action Plan has been prepared for 2019.</p> <p>The Garda ACTIVE Mobility project and the introduction of an App to create Fixed Charge Notices is the first step in progressing the FCPS future vision. Ongoing liaison is taking place with DTTAS and the Court Services to identify data requirements from each of the stakeholders involved to enhance the data quality/complete data required to implement a full vision. The ultimate vision is to progress to electronic service of documents. 2,000 mobile devices will be issued under the Mobility project by Quarter 4 2019.</p> <p>An Garda Síochána has liaised with external police forces in respect of its mobility project and the project incorporates best practice in other jurisdictions. Continued consultation with other police forces is ongoing to share learnings and insight from experiences.</p>	<p>Criminal Justice Working Group</p>

### 3 Implemented recommendations

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
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, An Garda Síochána and the Road Safety Authority to oversee and facilitate the implementation of the recommendations in this report.	<p>The Criminal Justice (FCPS) Working Group was first convened on 18 March 2014 and has met on 38 occasions to date. This tabular report is the fifth progress report to be submitted to the Ministers for Justice &amp; Equality and Transport, Tourism &amp; Sport.</p> <p>It was decided subsequently that the Working Group's membership would be broadened; the Working Group currently also encompasses representatives from the Offices of the Director of Public Prosecutions and the Revenue Commissioners.</p>	Criminal Justice Working Group
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.	<p>A consolidated manual on the Fixed Charge Processing System (FCPS) was completed, incorporating all directives and circulars relating to the FCPS. The manual also includes the accepted recommendations made in the Inspectorate's Report. Following a review of the manual by the DPP the revised manual was published on 16 June 2014.</p> <p>In light of issues identified in respect of Fixed Charge Notices (FCNs)/summonses, An Garda Síochána has reviewed the manual issued in 2014. The release of the revised 5<sup>th</sup> addition has been delayed due to necessary updates required in relation to the development of the Mobility App for FCNs (See Recommendations 4.1 and 5.1).</p> <p>An Garda Síochána developed a quick FCPS guide to assist members and this guide was circulated in August 2018.</p>	Assistant Commissioner Roads Policing

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
2.2	<p>The Inspectorate recommends that there should be ongoing training on the Fixed Charge Processing System (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.</p>	<p>This recommendation has synergies with Recommendation 3.7.</p> <p>FCPS training is being delivered on the BA in Applied Policing programme for new Garda Trainees.</p> <p>Training of staff attached to the FCPO was completed in November 2015.</p> <p>Training for CPD staff on the FCPS Policy Document has taken place and CPD staff are training Superintendents and Inspectors on a continuing basis.</p> <p>The Garda Training College has developed a policy on ‘examination of decision making’ for administrative decisions. The four cancelling authorities have received training on this policy.</p> <p>In light of issues identified in respect of Fixed Charge Notices/summonses, An Garda Síochána has reviewed training provided to members. A Learning and Development Strategy is currently being developed within the time frames contained in ‘A Policing Service for the Future. Implementing the Report of the Commission on the Future of Policing in Ireland’, which dictates a Q4 2019 timeframe for completion, to improve how An Garda Síochána provides information to members. In addition, An Garda Síochána developed a quick FCPS guide to assist members and this guide was circulated in August 2018.</p>	<p>Executive Director HR&amp;PD</p>
2.3	<p>(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 (FCPS).</p>	<p>This recommendation has synergies with Recommendation 2.6.</p> <p>In light of the appointment of retired Judge Matthew Deery as Independent Oversight Authority (See (b) below), no further audits have been conducted by the Garda Internal Audit section, however the Garda Professional Standards Unit (GPSU) conducts a monthly random examination of terminations to ensure that they are in compliance with procedures.</p>	<p>Executive Director HR&amp;PD</p>

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
	<p>(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.</p>	<p>(b) Judge Deery was appointed as Independent Oversight Authority (IOA) for the Garda FCPS Cancellation Policy in January 2015 following a recommendation in the GPSU report, 'Examination of the Procedures, Policy and Decision-Making Processes in relation to Cancellations on the Fixed Charge Processing System of Road Traffic-related Offences', published in January 2015.</p> <p>The role of the IOA is to review and monitor the cancellation of the FCPS notices by An Garda Síochána with a view to ensuring compliance with Garda policy. An annual report is submitted to the Minister and published on the Department of Justice &amp; Equality's website.</p> <p>The IOA's review for 2018 continued to confirm 'substantial compliance' with FCPS cancellation policy and procedures and will be published shortly.</p> <p>An Garda Síochána is of the view that the Independent Oversight Authority and the examinations conducted by GPSU have provided additional governance of the FCPS, which is further enhanced by internal governance within the FCPO.</p> <p>An Garda Síochána would welcome a full, 'end-to-end' review of the FCPS by the Inspectorate, encompassing both the processes and the technical aspects of the system.</p>	
2.4	<p>The Inspectorate recommends that the Fixed Charge Processing Office is given full responsibility for the administration of the National Tracking Allocation System, immediately.</p>	<p>The Fixed Charge Processing Office has assumed full responsibility for the administration of the National Tracking Allocation System.</p>	<p>Assistant Commissioner Roads Policing</p>

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
2.5	The Inspectorate recommends that the Fixed Charge Processing Office (FCPO) 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.	A robust process for managing 'sendbacks' was implemented in 2014. 'Sendbacks' are tracked and the system audited. There is enhanced supervision at District and Station levels to ensure 'sendbacks' are processed and returned to the Fixed Charge Processing Office within a reasonable timeframe. The process and timeframes are outlined in the Fixed Charge Processing System policy manual.	Assistant Commissioner Roads Policing
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.	This recommendation has synergies with Recommendation 2.3. Compliance with the timeframes laid down in the Fixed Charge Processing System (FCPS) policy manual is monitored by the Garda Internal Audit Section.  An Garda Síochána is of the view that the examinations conducted by the Independent Oversight Authority and the Garda Professional Standards Unit have provided additional governance of the FCPS in respect of the timeframes laid down in the FCPS policy manual .	Executive Director HR&PD
2.8	The Inspectorate recommends that an electronic document scanning and management system be introduced into the Fixed Charge Processing Office immediately.	Electronic document scanning system was fully deployed in the Fixed Charge Processing Office in Quarter 4 2017.	Executive Director ICT
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.	The final Garda Robot vehicles were deemed end of life in Quarter 4 2017. Non-intercept detection is now fully outsourced. These vehicles were not suitable for redeployment to other duties and were utilised until no longer serviceable.	Assistant Commissioner Roads Policing & Criminal

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
			Justice Working Group
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.	Having reviewed the functions of both the Office for Safety Camera Management and the Fixed Charge Processing Office, An Garda Síochána was of the view that the functions of both offices are inherently different and should remain separate. A copy of the Garda review report has been furnished to the Inspectorate.	Assistant Commissioner Roads Policing & Criminal Justice Working Group
2.13	The Inspectorate recommends that the Fixed Charge Processing System recognises that driver and vehicle documents have been produced irrespective of the Garda station where they are produced.	<p>The Garda Roads Policing Bureau wrote to the Inspectorate to seek the views of the Inspectorate in relation to a new IT Solution to give effect to this recommendation.</p> <p>A change to the PULSE system to enable it to recognise the production of driver and vehicle documents to any Garda Station was under development, however this recommendation has since been reviewed by An Garda Síochána. A process operated by Garda Information Services Centre in relation to the looking up of the 'production of Driver and Vehicle Documents' addresses the issue identified without the necessity for a PULSE update.</p> <p>This process was communicated to the Inspectorate, which indicated it is a satisfactory solution to the issue.</p>	Executive Director ICT
2.16	The Inspectorate recommends that the Criminal Justice Working Group should review the 614 fixed charge offences currently listed and make recommendations on whether certain	The Inspectorate recommended a review of existing fixed charge notice offences to determine whether certain offences should be designated for adjudication through an administrative process, thereby reducing the burden on busy District Courts.	Criminal Justice Working Group



#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
	<p>offences should be designated for adjudication through an administrative process, rather than further congest the local district courts.</p>	<p>A sub-group of the Criminal Justice (FCPS) Working Group examined this issue and reviewed the range of relevant offences in consultation with the Office of the Attorney General.</p> <p>The Working Group concluded that, in these circumstances, the value of any change would likely be outweighed by the risk of legal challenge and associated uncertainty.</p> <p>The Working Group is willing to explore the implications of this recommendation further with the Inspectorate, having regard to the other measures being introduced to improve the operation of the FCPS.</p>	
<p><b>3.1</b></p>	<p>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.</p>	<p>Garda ICT is formally notified of a retirement or termination of service by means of a Headquarters Bulletin issued by HRM.</p> <p>An electronic process of notification was developed by Executive Director HR&amp;PD and Executive Director ICT, which results in PULSE access being deactivated on the date the employee ceases to be a member of the Garda Síochána; this is a real-time, web-based solution to allow deactivation of Gardaí accounts for all personnel leaving the force.</p>	<p>Executive Director HR&amp;PD &amp; Executive Director ICT</p>
<p><b>3.2</b></p>	<p>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.</p>	<p>The Department of Justice and Equality considered this recommendation in consultation with the Office of the Attorney General.</p> <p>The conclusion reached following this consideration was that the existing procedures appear to comply with the general guideline on the exercises of prosecutorial discretion.</p> <p>The Working Group is willing to explore the implications of the advice provided by the Attorney General's Office with the Inspectorate, in the context of the broader improvements, which have been made to the operation of the Garda Fixed Charge Processing System (FCPS) cancellation policy.</p>	<p>Department of Justice &amp; Equality</p>

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
		<p>The appointment of the IOA for the Garda FCPS Cancellation Policy in January 2015 to review and monitor the cancellation of the FCPS notices by An Garda Síochána with a view to ensuring compliance with Garda policy is noted in the context of this recommendation.</p>	
3.3	<p>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.</p>	<p>An Garda Síochána’s policy on fixed charge cancellations includes clear guidelines indicating what constitutes ‘exceptional circumstances’ when cancelling a Fixed Charge Notice.</p> <p>A copy of the Garda policy has been provided to the Inspectorate.</p>	<p>Assistant Commissioner Roads Policing &amp; Criminal Justice Working Group</p>
3.4	<p>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.</p>	<p>This recommendation has synergies with Recommendation 3.5.</p> <p>A Garda Headquarters Directive was issued, outlining the requirement to notify the District Officer in respect of each detected road traffic offence of an on-duty member, the purpose of which is 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.</p>	<p>Executive Director HR&amp;PD</p>
3.5	<p>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.</p>	<p>This recommendation has synergies with Recommendation 3.4.</p> <p>A Garda Headquarters Directive issued on 3 July 2014, outlining the requirement to notify the District Officer of any road traffic offence detection involving any Garda or Civilian member which occurred while on duty.</p> <p>In addition, any Garda or Civilian member, whose duties involve the driving of any vehicle, who receives penalty points for a road traffic offence while off-duty bringing the total to more than 8 penalty points at any time, must report the matter, as these may impact on the assignment of driving duties for the member concerned.</p>	<p>Executive Director HR&amp;PD</p>

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
3.6	<p>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.</p>	<p>The updated manual on the Fixed Charge Processing System outlines that previous cancellations are now considered when a new petition for cancellation in relation to the same driver and vehicle is made at the Fixed Charge Processing Office.</p> <p>In light of issues identified in respect of Fixed Charge Notices/summons, An Garda Síochána has reviewed the manual issued in 2014. A revised fifth edition of the manual will be issued in due course (Recommendation 2.1).</p>	<p>Assistant Commissioner Roads Policing</p>
3.7	<p>The ‘cancelling authority’ and support staff must be provided with comprehensive training on the Fixed Charge Processing System (FCPS); in particular, the exceptional grounds, parameters and examples under which a Fixed Charge Notice may be cancelled.</p>	<p>This recommendation has synergies with Recommendation 2.2.</p> <p>FCPS training is being delivered on the BA in Applied Policing programme for new Garda Trainees.</p> <p>Training of staff attached to the FCPO was completed in November 2015.</p> <p>Training for CPD staff on the FCPS Policy Document has taken place and CPD staff are training Superintendents and Inspectors on a continuing basis.</p> <p>The Garda Training College have developed a policy on ‘examination of decision making’ for administrative decisions. The four cancelling authorities have received training on this policy.</p> <p>In light of issues identified in respect of Fixed Charge Notices/summons, An Garda Síochána has reviewed training provided to members. A Learning and Development Strategy has been drafted to improve how An Garda Síochána provides information to members. In addition, An Garda Síochána developed a quick guide to assist members, which was issued in August 2018.</p>	<p>Director of Training</p>

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
		<p>An Garda Síochána has also reviewed the FCPS manual issued in 2014. A revised fifth addition of the manual has been delayed due to necessary updates required in relation to the development of a Mobility App for FCNs. A revised manual will be issued in due course.</p>	
3.8	<p>The Inspectorate recommends that the cancellation authority for Fixed Charge Notices be centralised immediately in the Fixed Charge Processing Office only.</p>	<p>The new policy manual includes that the cancellation authority for Fixed Charge Notices is centralised at Fixed Charge Processing Office.</p>	<p>Assistant Commissioner Roads Policing</p>
3.9	<p>The Inspectorate recommends that when a Fixed Charge Notice petition is received at the Fixed Charge Processing Office, 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.</p>	<p>The new policy manual outlines the cancellation petition policy.</p> <p>This recommendation has synergies with Recommendation 3.10.</p> <p>An Garda Síochána can confirm that this recommendation is adhered to operationally by the cancelling authorities, as confirmed in the report from the Independent Oversight Authority (See Recommendation 2.3).</p>	<p>Assistant Commissioner Roads Policing</p>
3.10	<p>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</p>	<p>The cancellation petition policy of the FCPS, including the discretionary grounds and parameters by which they may be cancelled in exceptional circumstances, is published on the Garda website and clearly stated on the Fixed Charge Notice.</p>	<p>Assistant Commissioner Roads Policing</p>

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
	the Garda website and clearly stated on the Fixed Charge Notice.		
3.11	The Inspectorate recommends that a request to cancel a Fixed Charge Notice (FCN) should be submitted to the Fixed Charge Processing Office (FCPO) on a FCN Cancellation Form only. The Form should be available on the Garda Síochána website or by request from the FCPO.	The request to cancel a Fixed Charge Notice (FCN) shall be submitted to the Fixed Charge Processing Office (FCPO) on a FCN Cancellation Form only. The form is available on the Garda Síochána website and by request from the FCPO.	Assistant Commissioner Roads Policing
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.	The new policy manual cancels HQ Directive of 30 August 2013 and reflects the Inspectorate's and the Comptroller and Auditor General's recommendations on the authority to cancel Fixed Charge Notices.	Assistant Commissioner Roads Policing
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.	<p>Recommendations 4.1, 4.2, 4.3, 4.5, 4.6 and 4.7 are medium-long-term in nature, requiring significant investment and planning.</p> <p>Issues relating to Recommendation 4.5 previously received preliminary examination by a sub-group of the Working Group. This sub-group has been recently reconvened (meeting on 4 March and 17 April 2019) to provide for a more focussed consideration of Recommendations 4.1, 4.2, 4.3, 4.5, 4.6 and 4.7, and the progression of these recommendations have been included in the Working Group's Work Programme for 2019.</p> <p>The sub-group acknowledges that a number of significant current developments (i) overlap with, or (ii) have overtaken these recommendations, chief of which are the Garda ACTIVE Mobility project, which is being rolled out to the Garda National Roads Policing Bureau in</p>	Criminal Justice Working Group

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
		<p>2019, and the Commission on the Future of Policing in Ireland report, published in September 2018 and now the focus of priority implementation.</p> <p>The pursuit of the Garda mobility project as an organisational priority has overtaken the ‘manual’ recommendation at 4.1.</p> <p>The Garda Mobility Pilot in 2018 provided the opportunity to deploy the core mobility features to a limited number of members with the following basic functionality:</p> <p>Vehicle Data - Basic vehicle information (Source: PULSE); Driving Licence Data – Basic driving licence information (Source: PULSE)</p> <p>In 2019, the focus of the Mobility project is on Roads Policing with the deployment of an additional 2,000 devices with the following additional functionality:</p> <p>Vehicle Data – Additional NCT checks, ANPR-type support; Driving Licence Data – Additional picture, vehicle types; Person Data - Basic identity data; Ability for member to create a Fixed Charge Notice and submit it for standard processing i.e. standard postal notification.</p>	
4.4	<p>The Inspectorate recommends that the third payment option to pay a Fixed Charge Notice, as provided for in Section 44 of the Road Traffic Act 2010 be commenced.</p>	<p>The Third Payment Option was rolled out on 1 June 2017 and was the culmination of a successful and challenging cross-agency project, involving An Garda Síochána, the Courts Service, the Office of the Attorney General and the Departments of Justice &amp; Equality and Transport, Tourism &amp; Sport.</p> <p>The ICT system underpinning the project was completed in 2016, however new amending primary legislation was required to be drafted, enacted and commenced in order to bring the Third Payment Option into effect. The relevant provisions were conveyed via the Road Traffic Acts 2010 and 2016 and the Courts Act 2017.</p>	<p>Criminal Justice Working Group</p>

#	RECOMMENDATION	COMMENT AND CURRENT STATUS	RESPONSIBILITY
		<p data-bbox="806 233 1713 521">The Courts Service has provided the Criminal Justice (FCPS) Working Group with regular reports on the operation of the third payment option over the period 25 October 2017 – to date (the period since 25 October 2017 being the first period during which third payment option summonses were scheduled for the courts since the introduction of the third payment option on 1 June 2017). Take-up of the third payment option for the period 25 October 2017 to 5 April 2019 was at 31.37%, which represents a solid take-up of this final FCN payment option.</p> <p data-bbox="806 565 1696 669">The Working Group will continue to monitor relevant statistics during the year, including the effect of the third payment option on the first Fixed Charge Notice payment rate.</p>	

## 4 Full list of recommendations

#	RECOMMENDATION	STATUS	RESPONSIBILITY
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, An Garda Síochána and the Road Safety Authority to oversee and facilitate the implementation of the recommendations in this report.	Implemented	Criminal Justice Working Group
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.	Implemented	Assistant Commissioner Roads Policing
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.	Implemented	Executive Director HR&PD
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.	Implemented	Executive Director HR&PD
	(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.	Implemented	
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.	Implemented	Assistant Commissioner Roads Policing
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.	Implemented	Assistant Commissioner Roads Policing
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.	Implemented	Executive Director HR&PD
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.	Ongoing	Assistant Commissioner Roads Policing



#	RECOMMENDATION	STATUS	RESPONSIBILITY
2.8	The Inspectorate recommends that an electronic document scanning and management system be introduced into the Fixed Charge Processing Office immediately.	Implemented	Executive Director ICT
2.9	The Inspectorate recommends that the Department of Transport, Tourism and Sport address the legislative deficiency noted, where the driver of: <ul style="list-style-type: none"> <li>- a commercial company vehicle,</li> <li>- a hire agency vehicle, or</li> <li>- an unregistered vehicle</li> </ul> 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.	Ongoing	Criminal Justice Working Group
2.10	The Inspectorate recommends that a system be introduced immediately to ensure that all penalty points are endorsed on driving licences.	Ongoing	Criminal Justice Working Group
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.	Implemented	Assistant Commissioner Roads Policing & Criminal Justice Working Group
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.	Accepted with modification	Assistant Commissioner Roads Policing & Criminal Justice Working Group
2.13	The Inspectorate recommends that the Fixed Charge Processing System recognises that driver and vehicle documents have been produced irrespective of the Garda station where they are produced.	Implemented	Executive Director ICT
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.	Ongoing	Criminal Justice Working Group
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.	Ongoing	Criminal Justice Working Group

#	RECOMMENDATION	STATUS	RESPONSIBILITY
2.16	The Inspectorate recommends that the Criminal Justice Working Group should review the 614 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.	Accepted with modification	Criminal Justice Working Group
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.	Implemented	Executive Director HR&PD & Executive Director ICT
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.	Accepted with modification	Department of Justice and Equality
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.	Implemented	Assistant Commissioner Roads Policing & Criminal Justice Working Group
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.	Implemented	Executive Director HR&PD
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.	Accepted with modification	Executive Director HR&PD
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.	Implemented	Assistant Commissioner Roads Policing
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.	Implemented	Director of Training
3.8	The Inspectorate recommends that the cancellation authority for Fixed Charge Notices be centralised immediately in the Fixed Charge Processing Office only.	Implemented	Assistant Commissioner Roads Policing

#	RECOMMENDATION	STATUS	RESPONSIBILITY
3.9	The Inspectorate recommends that when a Fixed Charge Notice petition is received at the Fixed Charge Processing Office, 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.	Implemented	Assistant Commissioner Roads Policing
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.	Implemented	Assistant Commissioner Roads Policing
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.	Implemented	Assistant Commissioner Roads Policing
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.	Implemented	Assistant Commissioner Roads Policing
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.	Accepted with modification	Criminal Justice Working Group
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.	Ongoing	Criminal Justice Working Group
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.	Ongoing	Criminal Justice Working Group
4.4	The Inspectorate recommends that the third payment option to pay a Fixed Charge Notice, as provided for in Section 44 of the Road Traffic Act 2010 be commenced.	Implemented	Criminal Justice Working Group
4.5	The Inspectorate recommends that the Criminal Justice Working Group coordinate the establishment and implementation of the case callover list process.	Ongoing	Criminal Justice Working Group
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.	Ongoing	Criminal Justice Working Group

#	RECOMMENDATION	STATUS	RESPONSIBILITY
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.	Ongoing	Criminal Justice Working Group
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.	Ongoing	Criminal Justice Working Group