

Justice Vote Group
Submission to Special Group on Public Service
Numbers and Expenditure Programmes

Note – The submission is structured in two parts. ‘Part 1’ gives an overview of each Programme, listing inputs and headline outputs. ‘Part 2’ is a overview of the Justice Sector Vote Group with an analysis of each vote focusing on key programme outputs, challenges facing the sector and the impact of reductions in funding and numbers. ‘Part 2’ deals with questions posed by the Special Group.

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PART 1 – PROGRAMME OVERVIEW

Programme 1: “Community Security, Law Enforcement, Crime Prevention by support for the Garda Síochána”

- **High Level Goal advanced by this Programme:** Supporting An Garda Síochána and Tackling Crime
- **Impact indicator:** Reduction in crime and a safer environment in which to live and work

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	1,322.7	1,431.1	1,402.8
- Capital	42.2	62.2	44.9
Administration and Other Support			
- Pay	70.5	81.0	80.1
- Non-Pay	91.9	93.9	94.4
TOTAL GROSS PROGRAMME EXPENDITURE	1,527.2	1,668.2	1,622.2
Public service numbers for Programme (Whole Time Equivalents):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	1,634	2,061	2,354
- Other Public Servants	14,516	15,394	15,412

Headline Outputs:

2007 Output Achieved	2008 Output Achieved	2009 Output Target
Garda Strength as at 31 st Dec 2007: 14, 845	1. The strength of the Force (attested & in training) as at 31st December 2008 was 15,355.	1. Resources targeted at organised crime including the provision of €21m for Operation Anvil.
Personnel Strength of the Traffic Corps at 31 st Dec 2007: 1030	2. The numbers in the Traffic Corps as at 31 st December, 2008 was 1,093.	2. Garda National Model of Community Policing implemented.
Impact assessment of implementation of a National DNA Database completed	3. Figures under Operation Anvil show an increase of 60% in arrests for murder, serious assaults, burglary, robbery offences and theft and a 45% increase in searches for drugs and theft and for offences under the Offences Against the State Act.	3. Rollout of National Digital Radio Service completed in the Dublin Metropolitan and Eastern Regions

Programme 2: “The maintenance of safe and secure custody for offenders by support for the Prisons Service”

- **High Level Goal advanced by this Programme:** Developing Justice Services
- **Impact indicator** Delivery of a more effective justice system entailing a range of responses appropriate to today’s society

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	310.2	356.2	331.1
- Capital	36.0	38.0	38.7
Administration and Other Support			
- Pay	10.9	9.7	10.1
- Non-Pay	2.6	2.7	1.8
TOTAL GROSS PROGRAMME EXPENDITURE	399.5	406.6	383.9
Public service numbers for Programme (Whole Time Equivalents):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	177	188	131
- Other Public Servants	3,331	3,517	3,518

Headline Outputs:

2007 Output Achieved	2008 Output Achieved	2009 Output Target
Thornton Hall contract close to finalisation. It is expected that negotiation with the preferred bidder will conclude mid 2008.	The Environmental Impact Assessment has been published and planning consent approved by the Oireachtas in accordance with the Prisons Act 2007. Design and Technical close substantially completed. The project has been delayed due to funding issues created by the global credit crunch. Financial close is due by Quarter 2 2009.	Award Contract and commence construction of new prison development at Thornton, County Dublin
Integrated Sentence Management now being piloted in Wheatfield and Arbour Hill prisons.	Roll-out of Integrated Sentence Management (ISM) at two pilot prisons (Wheatfield and Arbour Hill) is continuing, involving 65 prisoners in total, as well as parallel design work on the detailed business process.	Evaluation of pilot phase of the Integrated Sentence Management.
	The preliminary Business Case has been approved by the IPS Interim Board and forwarded to the Secretary General for approval to proceed to detailed planning and Business Case preparation.	Additional Capacity will be brought on stream in Portlaoise, Castlerea and Wheatfield Prisons. This will result in an increased capacity in 2009 of 400 places (11%) over 2008 levels.

Programme 3: “Management of the Courts and supporting the Judiciary”

- **High Level Goal advanced by this Programme:** Provision of Immigration and Related Services
- **Impact indicator** Delivery of a more effective justice system entailing a range of responses appropriate to today’s society

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	74.7	81.2	73.8
- Capital	34.7	36.5	28.8
Administration and Other Support			
- Pay	24.4	26.6	26.6
- Non-Pay	72.3	78.9	62.7
TOTAL GROSS PROGRAMME EXPENDITURE	206.1	222.8	191.8
Public service numbers for Programme (Whole Time Equivalent):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	165*	448	533
- Other Public Servants	885	911	803

* Legal Aid Board not included in 2007 staffing.

Headline Outputs:

2007 Output Achieved	2008 Output Achieved	2009 Output Target
Construction of the Criminal Courts Complex began in May 2007 and is expected to be operational 2010	The Criminal Justice Interoperability Pilot Project went live on the 17 November 2008. The benefits being achieved include: <ul style="list-style-type: none"> • Expeditious processing of summons applications • Reduction in duplication and manual work in both Court Offices and in An Garda Síochána. Case results communicated electronically immediately to An Garda Síochána, the Prison Service and the Department of Transport	Complete the installation of Digital Audio Recording in all Supreme, High and Circuit Court courtrooms in Dublin.
The new Central Courts Accounting Office has been rolled out on a pilot basis during 2007 and has been very successful	The Circuit Court Family Law Case Progression legislation came into operation on the 1st October. The effect of this legislation is to facilitate family law case progression by County Registrars	Implementation of Family Law Case Progression by County Registrars
On-line Small Claims System pilot implemented 2007	The Courts Accounting System (CAS) has been deployed, as scheduled, to 28 District Court offices incl all major urban centres. The deployment of this system also supports e-Government by enabling the payment of fines online and the electronic payment of family law case maintenance.	Complete construction of Criminal Courts Complex and establishment of unified office.

Programme 4: “The promotion of a safe society through the provision of a wide range of Justice Services”

- **High Level Goal advanced by this Programme:** Promotion of a Secure and Peaceful Society
- **Impact indicator:** The security of the State advanced through appropriate measures and policies

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	32.6	26.7	27.5
- Capital	0.0	0.0	0.0
Administration and Other Support			
- Pay	1.9	1.9	1.9
- Non-Pay	5.0	5.1	4.4
TOTAL GROSS PROGRAMME EXPENDITURE	39.5	33.8	33.8
Public service numbers for Programme (Whole Time Equivalents):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	95	148	124
- Other Public Servants	3	5	5

Headline Outputs:

2007 Output Achieved	2008 Output Achieved	2009 Output Target
National Property Services Regulatory Authority established, a code of practice finalised and a National Public Register of all licensed auctioneers and house agents established and published	A Bill providing for the establishment of the Property Services Regulatory Authority on a statutory basis is at the final stage of drafting.	Enactment of the legislation to establish the Property Services Regulatory Authority on a statutory basis.
Licensing of circa 20,000 individuals providing security guarding and door security services in both security companies and in-house security in shops, pubs, nightclubs, etc by the Private Security Authority	Progress to date has seen the draft Private Security Authority code of practice completed and public consultation on the code completed. The contributions from the consultation process are currently being considered.	Commencement of licensing for CCTV installers.
		Implementation of licensing for the providers of protected forms of transport for cash in transit.

Programme 5: “The promotion of a tolerant and equitable society”

- **High Level Goal advanced by this Programme:** Promotion of a Caring, Integrated and Equitable Society
- **Impact indicator :** A more integrated society in which equality of opportunity is promoted and advanced

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	29.3	27.9	31.6
- Capital	0.0	0.0	0.0
Administration and Other Support			
- Pay	4.4	3.1	3.0
- Non-Pay	8.9	6.1	5.4
TOTAL GROSS PROGRAMME EXPENDITURE	42.6	37.1	40.0
Public service numbers for Programme (Whole Time Equivalents):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	157	244	302
- Other Public Servants	0	4	0

Headline Outputs

2007 Output Achieved	2008 Output Achieved	2009 Output Target
The implementation of systems to monitor progress towards realisation of 3% employment target of people with disabilities. The initial statutory report on the compliance by the public service has now been submitted by the NDA.	Draft Code of Practice on access to Heritage Sites completed.	Publication of Code of Practice on access to Heritage Sites early 2009
The National Women’s Strategy was published in April 2007 and work has commenced on implementation	Equality for Women Measure launched in May 2008. Applications invited under “Access to Employment Strand” with €18 million budget over three years.	Continue to foster implementation of National Women’s Strategy 2007 – 2016 through its Monitoring Committee and two Sub-Committees and implement “Equality for Women Measure” as key element of Strategy if funding/financial situation permits.
Pursuing planning acquisition of site for decentralisation of Equality Tribunal to Portarlinton		Full implementation of the Budget 2009 decision concerning the integration by the Human Rights Commission and Equality Authority of facilities, back office and access for citizens

Programme 6: “The provision of Immigration and Related services”

- **High Level Goal advanced by this Programme:** Provision of Immigration and Related Services
- **Impact indicator:** Policies implemented effectively and enhanced delivery of migrant systems

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	137.9	146.0	112.0
- Capital	0.0	0.0	0.0
Administration and Other Support			
- Pay	9.7	12.1	11.4
- Non-Pay	23.9	29.8	19.5
TOTAL GROSS PROGRAMME EXPENDITURE	171.5	187.9	142.9
Public service numbers for Programme (Whole Time Equivalents):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	677	731	740
- Other Public Servants	0	0	0

Headline Outputs

2007 Output Achieved	2008 Output Achieved	2009 Output Target
The Minister of state with special responsibility for integration policy has been appointed and the Immigrant Integration Unit has been established	Due to the changed situation in Public Finances the establishment of the Ministerial Council for Immigrants has been re-examined and will be established in 2009.	
Drafting of Immigration Residence and Protection Bill	The Immigration and Residence Bill was published on January 29 th 2008 and was introduced to the Oireachtas on February 13 th 2008. It completed committee stage in Dáil Éireann on 11 November 2008	Subject to the passage and enactment of the Immigration and Residence and Protection Bill, the bringing into effect of the provisions of the Bill.
		Reception and Integration Agency will ensure that full board accommodation and ancillary services are provided to those asylum seekers who require them.

Programme 7: “The provision of Probation Services”

- **High Level Goal advanced by this Programme:** Developing Justice Services
- **Impact indicator:** Delivery of a more effective justice system entailing a range of responses appropriate to today’s society

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	41.2	45.4	43.0
- Capital	1.6	1.8	4.5
Administration and Other Support			
- Pay	5.5	7.9	7.7
- Non-Pay	7.1	10.3	6.4
TOTAL GROSS PROGRAMME EXPENDITURE	55.4	65.4	61.6
Public service numbers for Programme (Whole Time Equivalents):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	80	93	92
- Other Public Servants	392	400	369

Headline Outputs

2007 Output Achieved	2008 Output Achieved	2009 Output Target
6 relevant sections of the Children’s Act are now fully implemented. 5 are partially implemented with the remaining 3 to receive high priority in 2008	A dedicated team to manage high risk offenders was established in 2008.	Develop and implement an all island risk assessment instrument for sex offenders.
Value for Money Review into funding of community based bodies drafted.	The regional distribution of resources to allow for implementation of all sections of the Children Act at a local level.	Develop a work plan from the recommendations of the Value for Money Review Initiative and implement as appropriate.
		Establish premises and programmes to address the needs of the higher risk adult offender population in Limerick.

Programme 8: “The provision of a coherent effective Youth Justice Service”

- **High Level Goal advanced by this Programme2.** Developing Justice Services
- **Impact indicator:** Delivery of a more effective justice system entailing a range of responses appropriate to today’s society

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	22.0	37.4	43.8
- Capital	1.8	2.5	8.7
Administration and Other Support			
- Pay	1.2	1.7	1.6
- Non-Pay	2.1	3.4	4.4
TOTAL GROSS PROGRAMME EXPENDITURE	27.1	44.9	58.5
Public service numbers for Programme (Whole Time Equivalents):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	34	38	31
- Other Public Servants	247	355	331

Headline Outputs

2007 Output Achieved	2008 Output Achieved	2009 Output Target
National Youth Justice Strategy Launched	National Youth Justice Strategy Oversight Group established in March 2008. Oversight Group subsequently has met twice in 2008.	Progress the implementation of the National Youth Justice Strategy 2008 – 2010 subject with available resources. The National Youth Justice Oversight Group will oversee progress and report to the Cabinet Committee on Social Inclusion.
Garda Youth Diversion Projects have been increased to 100 during 2007	The number of Garda Youth Diversion Projects remained at 100 because of the economic downturn. A baseline analysis of GYDPs, which comprised the initial phase of the process to improve effectiveness of diversionary measures, was successfully completed.	Develop and roll out of measures to improve the effectiveness of the GYDPs in dealing with local crime problems.
Responsibility for the management of detention school facilities transferred to the Irish Youth Justice Service in 2007	OPW appointed to design new detention school facilities.	Complete design phase and prepare for tendering process for the construction of the new national detention facility.

Programme 9: “The provision of Property Registration Services”

- **High Level Goal advanced by this Programme:** Developing Justice Services
- **Impact indicator:** Delivery of a more effective justice system entailing a range of responses appropriate to today’s society

Programme Rationale and Prioritisation: Rationale as per programme Title, High Priority.

Inputs

	2007 € million	2008 Outturn € million	2009 Estimate € million
Programme Expenditure:			
- Current	32.8	36.4	34.9
- Capital	4.0	4.6	3.2
Administration and Other Support			
- Pay	5.8	3.8	3.8
- Non-Pay	1.2	0.9	1.0
TOTAL GROSS PROGRAMME EXPENDITURE	43.8	45.7	42.9
Public service numbers for Programme (Whole Time Equivalents):	2007 WTE	2008 WTE	2009 WTE
- Civil Servants	705	727	676
- Other Public Servants	0	0	0

Headline Outputs

2007 Output Achieved	2008 Output Achieved	2009 Output Target
Completion of 218,000 legal transactions	Completion of over 240,000 Legal Transactions (Dealings).	Completion of a further 200,000 Legal Transactions.
1,140,000 certification and searching services by electronic means.	952,974 inspection and certification transactions were carried out on the www.landdirect.ie portal, all of which generated a fee. In addition, some 2 Million other inspections and enquiries, which do not attract a fee, were also conducted	800,000 Certification and Searching Transactions by Electronic Means Activity, in respect of searches for which a fee is charged, is expected to drop due to the free availability of maps over the internet as a result of the digital mapping roll-out.
8 County maps fully digitised	A further 6 Counties Maps fully digitised in 2008 with another county, Limerick, due to go live in January 2009	A further 8 Maps to be fully digitised. Completion of the digitisation of a further 8 county maps in 2008 will ensure that 23 counties in total will have fully digitised maps by the end of 2009. This project is critical to the provision of an electronic registration framework

PART 2 – VOTE GROUP OVERVIEW AND ANALYSIS

1. Vote Group Overview

The Justice Sector Vote Group comprises five Votes – Justice, Equality and Law Reform; Garda Síochána; Prisons; Courts; and Property Registration Authority. The sector's 2009 gross allocation amounts to €2.6 billion, compared with a gross outturn of €2.7 billion in 2008.

Almost 26,000 persons are employed across the sector, ranging from Gardaí to prison officers, probation officers to general civil servants. Accordingly, expenditure on pay and pensions amounts to €1.9 billion - 74% of the sector's total budgetary allocation. The bulk of the remaining allocation comprises mainly non-discretionary expenditure.

The key features of the Justice Sector Votes are as follows:

Vote 19- Justice, Equality and Law Reform (€434.9m in 2009) - Includes over 70 individual subheads ranging from the Department's administrative budget, which accounts for only 10% of expenditure, to areas such as Commissions and Special Inquiries, Legal Aid, Immigration, disability services and a range of other offices and agencies and services such as the Criminal Assets Bureau, Probation Service, State Pathology and Forensic Science Laboratory.

Vote 20- Garda Síochána (€1,480m in 2009) - Accounts for over 60% of gross expenditure in the Justice Sector. Apart from the salaries and allowances of serving Gardaí and civilian employees, 8,000 Garda pensioners are also paid from the Vote. In addition, a provision is made for ICT equipment which is an essential part of modern policing, as well as day to day costs of running the organisation, conducting investigations, maintenance of premises and payment of compensation under the Garda Acts and in respect of civil cases taken against An Garda Síochána.

Vote 21- Prisons (€363m 2009) - Apart from pay and allowances, the day to day cost of running the Prison institutions is met from this Vote. In order to meet the increasing demand for prison places a capital building programme is also funded.

Vote 22-Courts Service Vote (€77m 2009) - While the salaries of the judiciary are met from the Central Fund all other expenses in relation to the day to day costs of providing a Courts Service throughout the State are met from this Vote, including the cost of building and refurbishing existing Courthouses. In addition the Courts Service generates significant fee income (projected 2009 intake is in excess of €41m).

Vote 23- Property Registration Authority (PRA) (€41m 2009) - The PRA (formerly the Land Registry and Registry of Deeds) has the smallest budget within the Vote Group. It employs in the region of 680 staff and is self-financing through the revenue it generates from fees income. The fee income in 2008 was in the region of €66 million. The corresponding voted allocation was €46.8 million. The income is not reflected in the Vote but rather goes directly to the exchequer.

1.1 Individual Vote Allocations

Gross

	Rev 2009 €000	Rev 2008 €000	Provisional Outturn 208 €000
Justice	465,214	502,326	506,073
Garda	1,566,957	1,616,011	1,618,958
Prisons	379,319	394,346	402,283
Courts	122,027	136,195	139,198
PRA	42,620	46,820	45,708
Total	2,576,137	2,695,698	2,712,220

Net

	Rev 2009 €000	Rev 2008 €000	Provisional Outturn 208 €000
Justice	434,887	480,409	476,913
Garda	1,480,021	1,577,537	1,565,357
Prisons	363,586	392,167	402,283
Courts	77,619	107,260	100,199
PRA	41,472	46,820	45,708
Total	2,397,585	2,604,193	2,590,460

1.2 Role of Accounting Officers

The Secretary General is the accounting officer for the Justice and Prisons Votes. The Chief Executive Officers of the Courts Service and the Property Registration Authority are the accounting officers for the Votes of their respective organisations. In July 2006, the accounting officer responsibility for the Garda Vote transferred from the Secretary General to the Garda Commissioner.

The Secretary General is the lead official in terms of resource provision for the Justice Sector Vote Group, reflecting the fact that the Minister is the resource provider for the entire Vote Group and retains political responsibility for the Group. This approach has the backing of the Department of Finance and all budgetary negotiations – both at Ministerial and official level – are conducted on this basis.

As a corollary of his role as lead official, the Secretary General maintains close contact with the Group's other accounting officers in ensuring that an ethos of stringent financial management, financial control, corporate governance and oversight pervades throughout the entire sector and that all relevant Government procedures in regard to these matters are followed.

1.3 Group Financial Management and Oversight

For budgetary and accounting purposes each vote, by necessity, is viewed as a discrete area of expenditure. However, while each vote can be characterised as having particular core functions and distinct expenditure lines, operational reality shows that a high degree of cross correlation and interaction exists. This is particularly the case for the Garda, Prisons and Courts votes where, for example, an increase in Garda detections of crimes has a knock on effect in the Courts Service through increased case loads and in the Prisons Service with increased prison committals.

These linkages are commonplace across the sector and accordingly the approach to fiscal governance is to manage the five votes on a group basis, facilitating robust financial management and oversight of the entire sector. Individual vote allocations

are managed at both vote level (primary responsibility resting with budget holders at subhead level) and at group level with oversight provided by the Department's Financial Management Unit and the group's Finance Directors who meet regularly, under the chairmanship of the Assistant Secretary with responsibility for all finance matters, to review budgetary positions.

The "group basis" approach also facilitates, with the agreement of the Minister for Finance, making adjustments within and across votes as circumstances dictate. Inevitably, given the wide expanse and nature of expenditure programmes encompassed by the sector, situations arise that impact negatively on planned expenditure outlays. It follows that budgetary flexibility of this kind allows for timely and targeted reprioritisation of expenditure and redirection of resources to areas of greatest need. In particular, this ensures that the needs of front line services and core functions are fully met.

1.4 Financial Shared Services

The Department fully supports the concept of Shared Services and already operates a major public sector financial shared services centre in Killarney. The Financial Shared Services (FSS) Centre provides payroll and other financial services to the Departments of Justice, Equality and Law Reform, the Taoiseach, and Arts, Sport & Tourism, the Garda Síochána, the Irish Prison Service, the Courts Service, the Property Registration Authority, the National Museum and the National Library. The combined annual budgets of these organisations amount to €3.3 billion. FSS operations include:

- Payroll payments to 27,000 employees (72% of which are paid weekly)
- 423,000 Invoices, Grants, Imprests, Travel Expenses and Fees paid annually.
- Financial Management and Accounting support services
- Payroll and Financial Management Systems maintenance and development
- Administration and Payment of 7,900 Garda Pensions
- Customer Relationship Management
- Business Continuity and Disaster Recovery Facilities

In November 2008 the *Report of the Task Force on the Public Service* identified the FSS as an organisation that could be developed to provide financial services on a wider scale for the public sector. A high-level working group, chaired by the Department's Secretary General, was recently established to advance the Financial Shared Services strand of the programme of the Cabinet sub-Committee on Transforming Public Services. An early objective of this group is to implement shared services for the public sector payroll. It will also investigate the best approach to implementing other financial shared services, including the payment of invoices, travel expenses, grants, fees, etc., and the necessary supporting accounting systems.

1.5 Transforming Public Services

The Department is fully engaging, through the Cabinet Committee process and with the Agencies in the Sector, in advancing the broad TPS Agenda. In regard to ICT, for example, the Department already has IT Shared Services in place encompassing the core Department, 17 sectoral agencies and approximately 1,600 users. The current approach is to further consolidate this service within the Justice Sector with the potential for the number of users to exceed 2400 by end 2010. On procurement, pending the establishment of the new National Procurement Operations Unit, we have been re-establishing and strengthening the JELR sectoral procurement network - it has been agreed that forthcoming procurements for goods and services should be done on a framework basis. This will allow for repeated mini competitions to get the best price from the market.

1.6 Executive Office Model

In recognition of the need to restrict the proliferation of State bodies and agencies, the Department has devised an Executive Office Model which has provided a streamlined and cost efficient structure for setting up new offices within the Department where it has been necessary to provide new services and programmes. Offices established under this model are structured within the existing framework of the Department, thus avoiding the substantial levels of set up and running costs that would be incurred under traditional systems and structures. This model also ensures that the Department,

while providing a distinct and identifiable service, retains full operational management and oversight of the Executive Office's activities and expenditure. Executive Offices recently established include Cosc, the Anti-Human Trafficking Unit, the Office for Internet Safety, and the Victims of Crime Office.

2. Principal Features of Vote Group

2.1 Pay and Employee Numbers

The sector's 2009 gross allocation (including capital allocation) is €2.6 billion, of which 74% (€1.9 billion) accounts for expenditure on pay and pensions.

	Proportion of Vote Pay Related	
Justice	35%	€163m
Garda	88%	€1.38bn
Courts	48%	€58m
Prisons	75%	€283m
PRA	73%	€31m
Total	74%	€1,915m

The current total number of whole time equivalent persons employed in the organisations encompassed by the sector is **25,351**.

	Employee Numbers		
Justice	2,505		
Garda	17,475	Gardaí	14,569
		Student Gardaí	774
		Civilians	2,132
Courts	1,081		
Prisons	3,618	Prison Officers	3,440
		Civilians	178
PRA	672		

2.2 “Programme” Expenditure

Gross current non-pay expenditure for the Vote Group is €527m in 2009 which includes everything from the cost of all operations in An Garda Síochána, Prisons, Courts etc to housing asylum seekers and the running costs of the Legal Aid Board.

Broken down between Votes this amounts to:

Justice Vote -	€281m
Garda Vote -	€145m
Prisons Vote -	€58m
Courts Vote -	€35m
Property Registration Authority -	<u>€8m</u>
	€527 million

2.2.1 Services and Funding provided under the non-pay heading

When a capital allocation of €136m is combined with the non-pay allocation of €527m the “programme” expenditure for the Vote Group is almost €663m or 26% of the Group. However, a substantial part of this allocation relates to “big ticket” demand led spending items which are for the most part of a non discretionary nature. The largest are as follows:

Immigration Services and Asylum Accommodation -	€125m
Legal Aid (Criminal and Civil) -	€77m
Commissions and Inquiries	€18m
Compensation (Garda and Prisons) -	<u>€19m</u>
	€239m

In addition, for a wide range of operational day to day type subheads there is little discretion. Garda travel and subsistence expenses, utility bills, Garda fleet costs and expenses in relation to investigations have to be paid as they arise. Similarly the cost of utility bills and food costs have to be met in the Prisons, as well as education services and sex offender treatment programmes. The Courts Service has very little

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discretion in relation to the daily operational costs of the Courts from light and heat to translation expenses etc. Expenses of this nature are unavoidable if the basic functioning of these services is to be maintained.

The budget for expenditure of this nature is in the region of:

Garda	€90m
Prisons	€42m
Courts and PRA	<u>€40m</u>
	€172m

The position in relation to the remaining allocation across the Justice group of €252m is further exacerbated by the fact that in the region of 25 Agencies/Offices - ranging from the Garda Ombudsman to the Equality Authority- is funded from the Justice Vote Group.

The **capital allocation** for the Justice Group is only €136m or 5.3% of the overall allocation. The breakdown between the Votes is as follows:

	€000	Purpose
Justice	20,240	Irish Youth Justice Service – Detention Centres €9m, Probation Service Accommodation €4.5m, State Pathology Lab €6.5m
Garda	44,854	ICT €35m, Telecommunications including Digital Radio Project €10m
Prisons	38,683	Prison Building including Wheatfield and Portlaoise €38m
Courts	28,758	IT Systems €7m, Courthouse Building and Refurbishment €21m
Property Registration Authority	3,195	Digital Mapping Project €2.3m and Ordnance Survey Ireland, Copyright charges €0.8m
Total	135,730	

Capital funding for the Garda Building Programme is provided under the OPW Vote.

3. Vote Analysis – Programme Outcomes and Challenges

3.1 Justice, Equality and Law Reform Vote

The Department is structured around clusters of Divisions responsible for key aspects of the Department's mandate – these develop policy and provide advice to the Minister and senior management, as well as liaising with the Agencies in their areas of responsibility. A significant part of the Department's work involves delivering on the Government's Programme of Criminal and Civil Law Reform - this accounts for approx 40% of the Government's legislative programme.

On the Equality side, the allocation for the various **Equality Programmes** is some **€23m** including **€7.7m** for the Office of the Minister for Integration, which has responsibility for integration programmes for migrants. The figure also includes the Grant-in-Aid to the Equality Authority (**€3.3m**), the budget for the Equality Tribunal (**€2.5m**), funding of **€4.9m** for Gender Mainstreaming and Positive Action for Women, pursuant to the National Women's Strategy, and **€2.7m** for Cosc, the National Office tasked with addressing Domestic, Sexual and Gender-based violence.

Considerable controversy has arisen in recent months about the 2009 allocation for the Equality Authority. (Its budget was reduced by €2.6m – from €5.9m to €3.3m). The role of the Authority is principally to promote a fairer more equal society through advocacy, public information campaigns and in some instances individual equality claims. The body charged with the determination of equality claims is the Equality Tribunal – its budget in 2009 was increased €2.2m to €2.5m.

In making its recommendations to Government, the Special Group is asked to have regard to the financial allocation of these bodies, taking the 2008 allocation as a starting point, in the context of their ability to fulfil their statutory function in an independent and cost effective manner.

Some **€12.8m** is allocated to Disability Programmes (Status of People with Disabilities, National Disability Authority and Disability Projects).

On the Criminal Justice side, for example offices such as the Forensic Science Laboratory, the Probation and Youth Justice Services, Criminal Assets Bureau complement the work being carried out by An Garda Síochána, the Prison Service and the Courts Service. It is also the case that the workload of many of these organisations is largely driven by Garda, Courts and Prisons operations.

The **Forensic Science Laboratory** allocation is **€8.8 m** More than 30 additional staff have been sanctioned since December 2006, in the light of the findings of a Report commissioned into the organisation's resource requirements. Amongst the new posts is a new Deputy Director position to oversee all DNA analysis at the Laboratory.

Some **€56m** is allocated to the **Irish Youth Justice Service (IYJS)** which works in partnership with other agencies to reduce youth offending. The National Youth Justice Strategy includes a commitment to review diversionary measures with the intention of improving their overall effectiveness. An example of this in 2008 was the undertaking of a baseline analysis of the Garda Youth Diversion Projects (GYDPs), to be published shortly. These projects (100 country-wide) are multi-agency, community-based, crime prevention initiatives which seek to divert young offenders and those at risk of offending from criminal and/or anti-social behaviour by providing suitable activities to facilitate personal development, promote civic responsibility and improve long term employability prospects.

The **Probation Service** has a current expenditure budget of **€47m** and plays a key role in the assessment and management of offenders under supervision in the community. It prepares risk evaluation and assessment reports for the Courts to assist judges in sentencing and prepares reports for the Parole Board, the Irish Prison Service and others. At any one time, the Service is supervising and/or assessing up to 8,700 offenders in the community including offenders subject to supervision orders from the Courts – some of whom are children under 18, prisoners on life sentences, sex offenders, and other prisoners on temporary release. A Value for Money and policy review of the Community Service Order (CSO) Scheme is nearing finalisation - it is expected that implementation of the recommendations will result in better value for money and an increase in the use of the CSO option. A Value for Money and

Policy Review of Projects funded by the Probation Service to assist the Service with the provision of support to its core client group was published in September, 2008 and a series of time bound recommendations to provide for better governance, better management information and a more effective and efficient delivery to the client group being supported are currently being implemented.

The Grant-in-Aid to the **Legal Aid Board** is **€26.6m** The principal function of the Board is to provide legal aid and advice in civil cases to persons of limited means. Applicants for legal services have to satisfy a test of financial eligibility and a merits test and are liable to pay certain contributions based on means. The Board provides legal services through 30 full time and 12 part time law centres to approximately 18,000 persons per annum, including the Refugee Legal Service.

The **Criminal Assets Bureau** (allocation **€8.7m**) continued to disrupt the activities of those who seek to benefit financially from crime. It is the key Agency tackling serious and organised crime. [TEXT WITHHELD – SECTION 23 (1) (a) (i)]

In January 2009, the Minister announced the start of a process to develop a **White Paper on Crime**. The process will last for about two years and will rely heavily on public consultation. It will provide an opportunity to evaluate our current systems and services and to focus on new and future challenges, both in terms of the changing face of crime and ensuring that we deliver best value for money. The White Paper will set out a policy framework and key priorities so that we can meet those challenges head on. In the meantime, tackling crime on a daily basis remains our number one priority and work on the White Paper will not in any way impede on-going policy developments.

3.1.1 Irish Naturalisation & Immigration Service (INIS)

INIS was established in 2005 to provide a ‘one stop shop’ for Asylum, Immigration, Citizenship and Visas, thus facilitating a more coherent approach to dealing with these issues, enabling a more efficient service to be provided. INIS is structured around a

number of key frontline operational and policy areas – asylum, visa, immigration and citizenship processing, asylum and immigration policy, repatriation, reception, accommodation and integration and it works closely with the Garda National Immigration Bureau (GNIB) particularly in the area of returns, enforcement, investigations and border controls.

3.1.1.1 Key Programme Outcomes

Asylum – decrease in number of applications

In the early 1990's, Ireland experienced a huge increase in the number of asylum applications - from 39 applications in 1992 to a high of 11,634 in 2002. Following Government approval of strategies to tackle the asylum crisis (eg tightening of legislation, restricting access to work and social welfare), a key focus was placed on stemming the flow of applications and processing applications as speedily as possible.

Since 2002 there has been a significant turnaround in this trend and since 2004 numbers have levelled out at approx 4,000 a year (3,866 in 2008). Without the implementation of various strategies aimed at dealing with backlogs etc, the application level could have been at a minimum 6000 higher per annum. While asylum applications continue to decrease here, figures are up 9% overall worldwide (UK up 12%). However, cases have become more complex as multiple grounds are frequently claimed and a higher percentage of cases now come from regions such as Afghanistan, Pakistan, Iraq and former Soviet Republics. The appetite for economic migration (often using the asylum process as a gateway) has not diminished. Any relaxation in current strategies, with an overall increasing trend worldwide in asylum applications, could become a very rapid pull factor with serious consequences in the context of increasing asylum applications.

Staffing

Asylum/Immigration Staffing Sanctions 1997-2000

In 1996, 4 staff worked in the Department's Asylum Division. By 1997, this number had risen to 22. In 1997, the Government approved recruitment of 72 additional staff to help deal with the backlog of asylum cases and the ongoing intake of new cases. In 1998, the Government approved recruitment of a further 72 staff for asylum,

immigration and citizenship work and a further 120 were sanctioned in 1999. In 2000 an additional 370 posts were sanctioned reflecting the priority the Government gave to immigration and in particular the more expeditious asylum processing and procedures.

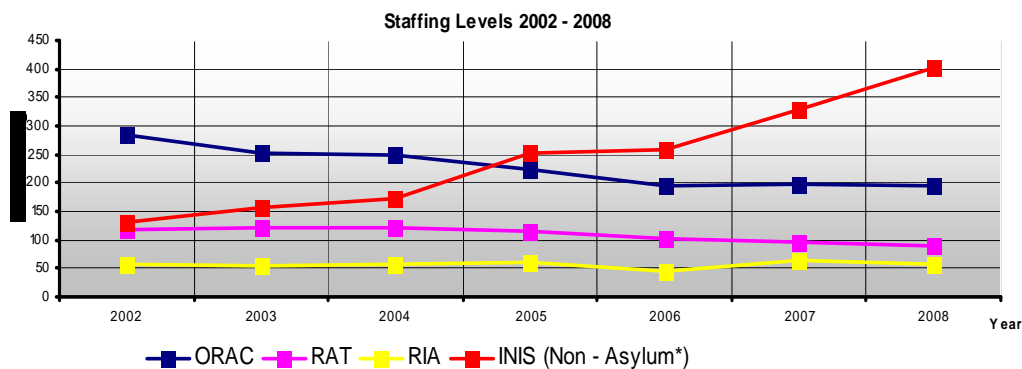
While there was large and rapid expansion in the level of all immigration applications and processing demands, parallel to the ongoing huge annual increases in the asylum area, a strategic decision was taken to concentrate initially most of the increased resources sanctioned on the asylum area. In 2002 when asylum numbers reached a peak there were 459 staff in the key asylum areas of ORAC, RAT and RIA with approx 74 in the returns area. There are currently 327 staff in ORAC, RAT and RIA.

Redistribution of resources

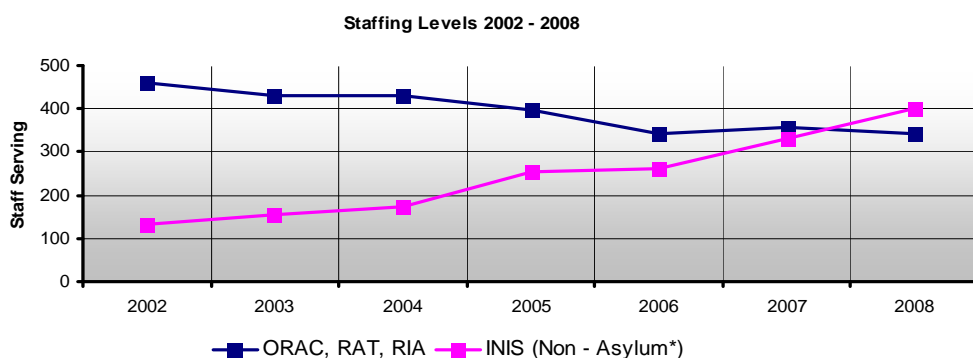
Since 2006, following the fall in asylum numbers, 132 staff from ORAC, RAT and RIA have been re-allocated to areas with increasing workloads, focusing particularly on dealing with increased numbers of Visa, Citizenship, Long Term Residency, Family Re-Unification and EU Treaty Rights applications and strengthening the capacity of the returns area (deportations, voluntary returns and Dublin II Convention returns to other EU states). It was also necessary to allocate significant resources across INIS to deal with the huge growth in Judicial Reviews.

There is a need for INIS to have flexibility in the allocation of staff resources to be able to respond to growth in demand for immigration and asylum services. It must also be aware of the continuing need to consolidate the achievements in the asylum area. This flexibility underpinned the transfer of resources from the asylum areas to other key immigration areas outlined above.

Staffing Levels 2002 – 2008



Asylum V's Non asylum



	2002	2003	2004	2005	2006	2007	2008
ORAC, RAT, RIA	458.6	430.65	428.6	397.75	343.45	356.98	326.44
INIS (NON - ASYLUM*)	132	155.5	172.5	253.3	259.45	330.08	401.93
TOTAL	590.6	586.15	601.1	651.05	602.9	687.06	728.37

* NON ASYLUM AREAS INCLUDE: CITIZENSHIP, GENERAL IMMIGRATION, LONG TERM RESIDENCY, FAMILY REUNIFICATION, EU TREATY RIGHTS, IMMIGRATION OPERATIONS, VISAS, REPATRIATION, JUDICIAL REVIEW, INVESTIGATIONS AND IMMIGRATION AND ASYLUM POLICY.

Initiatives to improve efficiency in ORAC & RAT

A major restructuring project has taken place, including a reassessment of ORAC's case processing staffing needs based on a projected figure of 4000 asylum applications annually. Every effort is made to maximise the number of asylum cases transferred to other EU States for processing under the Dublin II Regulation, resulting in substantial savings as applicants do not have to be processed and accommodated. Over 10% more decisions were made by ORAC in 2008 as compared to 2007 as well as 5% more determinations under the EU Dublin Regulation and some 25% more appeals hearings were serviced enabling RAT to increase scheduling capacity.

The recent introduction in RAT of a system of on-line access to decisions has led to

direct staff savings and elimination of a backlog of requests for access to decisions. Increases in RATs output since 2007 includes; doubling of cases scheduled since March '09 to approximately 100 per week; increase in cases scheduled in '07 and '08 by 15% and 16% over '06 and '07; an increase of 22% in Decisions issued in '08 over '07; and an increase of 25% in Appeals completed in '08 over '07.

Increase in Immigration cases

The growth of the Irish economy in recent years has resulted in a significant increase in the level of economic migration to Ireland. The last census indicated that there were c. 400,000 non-Irish nationals residing here. While the current economic downturn has led to a number of non-Irish nationals returning to their home countries, statistics show that the majority of persons leaving the State in 2008 were EEA Nationals who are not subject to Immigration Controls and as such do not come into contact with INIS, except where they apply for Citizenship.

INIS deals with non-EEA Nationals and GNIB figures show that the number of persons registering (165,000 in 2008) has increased almost fourfold since 2000 (all non EEA Nationals remaining in the State longer than 90 days must register with GNIB). Consequently, the number of applications for immigration related permissions such as Visas, Re-Entry Visas, Citizenship, Long Term Residence, EU Treaty Rights and Marriage to Irish Nationals have all increased dramatically in recent years.

Funding

The 2009 allocation is €127.798m, broken down between: pay (€33.911m); asylum accommodation (€67.392m); and non-pay (€26.495m). Non-pay expenditure is demand driven and often statutory based, particularly by costs associated with the asylum determination process - deportation/ removals, provision of legal advice to certain applicants, translation/Interpretation services, legal costs associated with Judicial Reviews, Tribunal members fees (number of hearings to double in 2009) etc.

Fees Collected

Fees collected in 2008 amounted to €19m - GNIB Registration (€12.3m); Re-Entry Visas (€5.4m); and Citizenship (€1.3m). This compares with €1.95m (2005), €10.5m

(2006), €14.9m (2007). [TEXT WITHHELD - SECTION 20(1) & SECTION 21 (1) (c)]

3.1.1.2 Major Challenges Facing the Organisation

Operation and Processing Caseload

While asylum applications continue to decrease, statistics show significant increases in a number of immigration related applications, especially Citizenship applications which have increased hugely in recent years (over 10,000 in 2008). Trends for the first months of 2009 indicate that Citizenship applications will reach 15,000 this year.

Citizenship applications 2000 to 2008

	2000	2001	2002	2003	2004	2005	2006	2007	2008
Applications	1,004	1,431	3,574	3,580	4,074	4,527	7,030	8,000	10,885

Operation & Caseload 2008 – number and % change on 2007

- Asylum Applications - 3,866 (decrease of 3%)
- Citizenship Applications - 10,885 (increase of 36%)
- GNIB Registration - 165,000 (increase of 4%)
- Long Term Residency - 4,013 (decrease of 4%)
- Family Reunification - 747 (increase of 2%)
- EU Treaty Rights - 2,167 (decrease of 4%)
- Visas - 86,098 (decrease of 5%)
- Re-entry Visas - 63,573 (decrease of 1%)
- Deportations - 162 (increase of 16%)
- Dublin II - 271 (increase of 20%)
- Voluntary Returns - 526 (increase of 26%)
- Removal Orders (EU citizens) - 40 (new)
- Judicial Review - 1,153 (increase of 5%)
- RIA Residents - 7,002 (increase of 6%)
- Subsidiary Protection - 1,465 (increase of 17%)
- Leave to Remain - 1,274 (increase of 48%)

These work areas are underpinned by domestic and EU legislation as well as some constitutional and international obligations and have to be serviced.

INIS's Priorities for 2009

- Enactment of the Immigration, Residence and Protection Bill and its timely implementation. The Bill, when commenced, will

- introduce a single procedure to replace the present multi-layered asylum and repatriation process. All grounds for an applicant to remain in the State (asylum, other protection and Ministerial discretion) will be considered together, thus resulting in the front-loading of the process at first instance.
- provide a faster removals process.
- [TEXT WITHHELD - SECTION 20 (1)]
- [TEXT WITHHELD - SECTION 20 (1)]
- [TEXT WITHHELD - SECTION 20 (1)]
- Strategic deployment of resources to ensure effective implementation of the Bill.
- Continued enhancement of the operational effectiveness of INIS through on-going identification of customer needs and the focused delivery on customer services.
- Consolidation and further progressing of processing initiatives in the asylum area.
- Early implementation of INIS decision on shared services in relation to Corporate Services, Judicial Reviews, Statistics and Investigations.
- Tackling of backlogs (Citizenship, Leave To Remain, and others).
- ICT Projects; AISIP, AFIS (Fingerprinting in Nigeria,) GNIBIS, IBIS - will underpin INIS's effectiveness in combating system fraud and abuse, strengthen investigative capacity, deliver on faster and more effective processing and improve information sharing between key State Agencies and Departments.
- Continued co-operation with EU states on asylum and immigration matters.
- Increased removals including deportations, voluntary returns and Dublin II regulation returns (reduces number of asylum applications being processed).

Judicial Review

The Judicial Review (JR) process has increasingly become a feature of the asylum/immigration process. A major concern is the worrying phenomenon of the increasing volume and ever-widening scope of legal challenges being taken by applicants against Ministerial decisions. While it is clearly an applicant's right to have a decision directly affecting their future judicially reviewed, there is reason to believe that a significant number of the legal challenges are being taken to prolong an applicant's time in the State and to frustrate the State's best efforts to bring asylum applications to finality. In 2002 when asylum numbers had peaked at near to 12,000 there were 127 JRs. This compares with 3,866 asylum applications and 1,153 JRs in 2008.

The volume of JRs being taken has major human and financial resource consequences for INIS and for all State entities involved. In 2007, JR costs were approx 23% (€8.122m) of non pay expenditure, while in 2008 it was approx 36% (€11.358m).

Pro-active strategies are being taken to reduce JR numbers and costs:

- [TEXT WITHHELD – SECTION 20 & SECTION 21 (1) (c)]

The State is now winning many of the JRs across INIS and successfully fighting and securing overturn of the majority of injunctions taken to prevent people's removal from the State. However, the process is time consuming, resource intensive and costly as the State has very little scope for securing its costs in these cases.

3.1.1.3 Impact of Reduction in Funding and Numbers

The majority of INIS's Programmes are based on domestic, EU or International law and impose obligations on the State which cannot be set aside. Under International law it is not possible to refuse to hear asylum applications and the State must also provide support to asylum seekers while awaiting determination of their claims. A statutory requirement also exists to provide legal advice and support as well as interpretation and translation services (80 languages) to asylum seekers.

The consequences of cuts or reduction in Programmes would be:

- Asylum case processing times negatively affected, a likely reversal in the trend of falling asylum numbers (with consequential costs) and further JRs encouraged.
- The inability to speedily process asylum applications would place an increased burden on the Reception and Integration Agency in terms of reception and accommodation facilities with a consequential increase in their costs.
- Increased asylum numbers would also have cost implications for the Depts of Health and Children, Education and Science, Social and Family Affairs and Environment, Heritage and Local Government.
- A negative impact on returns strategy and on our capacity to maximise the faster returns framework provided for in the IRP Bill.

- All of the above factors would act as a significant pull factor in attracting asylum applications (in the main economic migrants), with serious financial and socio-economic impacts of the State. These will be exacerbated by our current budgetary deficit and high unemployment levels (factors which did not apply to the same extent during the earlier peak of asylum applicants).
- Processing of applications for Citizenship is based on primary legislation. The discontinuation of the Programme would require repeal of the legislation.
- Any significant reduction in activity in this area would see a reversal of recent achievements in service delivery, processing timescales and increased fee income.
- Over recent years the Citizenship, Immigration and Visa areas have been provided with enhanced capacity to deal with massive increases in their work programmes through the allocation of additional staff from the sanctions outlined earlier and later through the reallocation of resources from the asylum area. This has seen major improvements in service delivery, processing timescales and large increases in fee income and has strengthened the State's capacity to protect the integrity of its immigration, security and welfare systems. The implications for the State of reduced capacity in these areas are clear.
- The various ICT projects currently functioning, being enhanced and developed are critical to the effectiveness of INIS service delivery, processing and operational, and investigative abilities and underpin a range of functions from delivery on those areas to a platform for fee generation (€19m last year) and a capacity to implement critical elements of the IRP Bill. The discontinuance of these developments would greatly diminish capacity and effectiveness in all these areas.

3.1.2 Criminal Legal Aid

The cost of the Criminal Legal Aid scheme has experienced a marked rise over the past 8 years. To some extent, this is to be expected. Increased Garda numbers, more judges, increased efficiency in the courts have increased the throughput which has naturally impacted on the number of people availing of criminal legal aid.

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Expenditure showed an average increase year on year for the years 2001 to 2007 of just over 10%. The most marked increase previously noted was in 2006, when costs rose by 14% - this coincided with the first large increase in the numbers of Gardai graduating from Templemore. However, 2008 showed an increase of around 25% in the period up to September, easing off over the final three months of the year to an overall increase of 19%.

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008
Total Certs Granted:	23,095	25,084	27,241	30,060	33,241	36,423	41,582	46,620	55,265
Variance:		9%	9%	10%	11%	10%	14%	12%	19%
Cost (€m)	€25.11	€25.19	€28.88	€37.35	€34.14	€40.22	€42.10	6.67	€55.30
Variance:		0%	15%	29%	-9%	18%	5%	10%	19%

Expenditure for 2009 has continued to show an upward trend in the first 3 months. However, the number of certificates granted by the Courts decreased by 3% and 7% in January and February 2009 respectively and while certificates granted in March has increased by 12%, this is not a significant increase given that March 2008 included the Easter break.

Factors Contributing to Increase

- In 2007 there were 46,620 certificates granted. However, in 2008, 55,265 certificates were granted, an increase of 19% on 2007.
- 14 additional judges were appointed in 2007. Six of these to the District Court, four to the High Court and four to the Circuit Court. A further three additional District Court judges were appointed towards the end of 2008 which may also have a knock-on effect on the throughput and/or the numbers granted legal aid.
- As mentioned above, the number of Gardaí has also increased steadily over recent years. In 2002 there were 11,895 gardaí compared to a figure of 14,391 in January, 2009, an increase of 21%.
- There have been a number of High Court judgments relating to legal aid. If a District Court judge refuses aid, the legal practitioner tends to judicially review the decision, leading to large costs for the State if the decision is overruled by the High Court. Anecdotally it seems these decisions have led to aid being granted for some more minor offences which traditionally would not have attracted it.

- Amendments to criminal justice legislation, including the creation of presumptive minimum sentences, and a general strengthening of the criminal justice system could also be expected to have an impact on criminal legal aid.

Generally, increases in the fees paid under the Schemes have been limited to national wage agreement increases. Under *Towards 2016*, an increase of 2.5% was implemented from 1 March, 2008. In view of the increased costs and the further deteriorating budgetary situation, a decision was taken (in consultation with the DPP) not to pay the 2.5% due from 1 September, 2008. Since then the Government decision to reduce professional fees by 8% has also been implemented for legal practitioners and professional witnesses.

Options to Curb Expenditure

Means testing

Although not explicitly mentioned in the Constitution, the courts regard the provision of legal aid as a Constitutional right – established in the case *State (Healy) v. Donoghue* [1976] I.R. 325. The majority of people appearing before the Courts, particularly the District Court, are not wealthy but there are some people charged with offences who may have the means to pay for their own defence. While the courts have the power (section 9 of the Criminal Justice (Legal Aid) Act 1962) to require an applicant for legal aid to complete a statement of means, in practice this is seldom done.

The cost of the Scheme has been an issue periodically with a major review (Tormey) carried out in 1978 and again (Buchanan) between 1998 and 2002. The Buchanan group considered means testing in detail and reported that it did not favour the introduction of financial eligibility guidelines, pointing out that the capacity of an accused to pay for their own representation is contingent on such factors as the anticipated length of the trial, the complexity of the trial, the seriousness of the charges preferred and the actual means of the accused. They rejected the introduction of a formal means testing system involving the mandatory completion of a Statement of Means form on the basis that this would give rise to additional administrative cost to the State and lead to delays and increased costs in the processing of the courts lists.

The Department's approach at the current time is predicated on the need to direct scarce funds where they are required and justified in a fair and constitutional manner.

[TEXT WITHHELD – SECTION 20 & SECTION 21 (1) (c)]

In line with a commitment in the Agreed Programme for Government, the Department has been examining the scope for tightening up on means testing procedures without negatively impacting on court delays and related costs, including Garda costs.

A wide ranging consultation has taken place within the criminal justice system including discussions with the Judiciary, An Garda Síochána, the Courts Service and the office of the Director of Public Prosecutions. Arising from that process, a number of possible measures are under consideration:

- [TEXT WITHHELD – SECTION 20 & SECTION 21 (1) (c)]

[TEXT WITHHELD – SECTION 20 & SECTION 21 (1) (c)]

3.2 Garda Síochána Vote

3.2.1 Key Programme Outcomes

An Garda Síochána has made significant progress in implementing an extremely ambitious change and modernisation programme, largely driven by the Garda Síochána Act 2005 and the reports of the Morris and Barr Tribunals, to further enable frontline policing capability and service delivery improvement. These changes include developments in crime investigative capability; improved analysis capability; civilianisation; establishment of Joint Policing Committees with consequent boundary realignment; technological upgrades and integration with other criminal justice agencies; and significantly enhanced governance arrangements.

Organisation Management and Structures

An Garda Síochána has remodelled its organisational structures to meet the challenges of policing in the 21st century flowing, in particular, from changing social, economic and community conditions and recommendations made by various independent reviews. The structural changes have included realignment of operational policing to the forefront of the organisation; enhanced expertise via civilianisation; enhanced management structures; realignment of Regional and Divisional Boundaries; and the establishment of new Divisions. The Commissioner has also set up an Executive Committee that meets weekly to review organisational, financial, operational and administrative matters.

Oversight, Governance and Accountability

- **Garda Inspectorate** – established in 2005 as a source of independent and expert advice for the Minister. To date the Inspectorate has published reports covering senior management structures, practices and procedures for barricade incidents, policing in Ireland, roads policing and missing persons. The vast majority of these reports' recommendations have been implemented by An Garda Síochána.
- **Garda Síochána Ombudsman Commission (GSOC)** - established in 2005 to provide independent investigation into complaints against Gardaí.
- **Garda Síochána Audit Committee** – established in 2006, this independent

committee advises the Commissioner on significant financial matters as well as promoting good accounting practice, propriety and value for money.

- **Garda Professional Standards Unit** – established in 2006 to examine and review the operational, administrative and management performance at all levels.
- **Ethical Standards** – a Confidential Reporting (whistleblowers) Charter providing a confidential reporting mechanism has been introduced. New discipline and promotion regulations and a new Code of Ethics have also been developed. A separate Internal Audit Unit has been established.

Significant Operational Successes

Over the past three years increased resources, both financial and human, has allowed An Garda Síochána to maintain successful operations in the following areas:

- **National and International Security** – the national and international security of the State has been maintained notwithstanding the threats posed by dissident republican groups and international terrorist groups.
- **Criminal Activity Disrupted** – substantial resources have been devoted to disrupting the activities of persons involved in serious and organised crime. Reflecting the need for value for money, intelligence-led policing methods form the basis for operations launched against such criminals. Operation Anvil is an example of one such operation which has been used to target criminal individuals. Key indicators of Garda successes in targeting criminal activity are: a reduction in the murder rate from 61 in 2006 to 49 in 2008 (20% reduction); 2,469 firearms seized; 1,867,111 prosecutions taken; and drug seizures valued over €880 million.
- **Public Order** – The Gardaí works closely with communities, local authorities and local representatives, in particular through the Joint Policing Committee structure, to identify and address local public order problems. In the past three years drunkenness offences have reduced by 26% and detection of public order incidents increased by 25%. Anti Social Behaviour Orders and on-the-spot fines have also been introduced to target anti social and public disorder behaviour.
- **Roads Policing** – The successful implementation of the Roads Policing Strategy has led to changes in driver behaviour and a reduction of 30% in road fatalities over the past three years. Increased resources has facilitated the expansion of the Traffic Corps, the roll-out of mandatory alcohol testing, and the procurement of

new mobile speed detection vehicles and an automatic number plate recognition system for installation in Garda vehicles.

Enhanced Operational Capacity

- **Garda Strength** – Garda numbers have increased from 12,435 (31 March 06) to 14,569 (31 March 09); a 17% increase. The strength of the force is scheduled to reach almost 14,900 by end 2009. Consequently, the number of Gardaí per 1000 of population has risen from 2.95 (2006) to 3.22 (2009) allowing for greater policing capacity. In other EU states the ratio is: Belgium (3.71), Greece (4.36), Spain (4.81), France (3.84), Italy (5.52), Netherlands (2.16), Austria (3.22), Portugal (4.55), and United Kingdom (2.75). (Note - these ratios do not take account of states' security services which the figure for Ireland does).
- **Civilianisation** – Between October 2006 and end March 2009, 865 civilian support staff were recruited – 68% increase – which has freed up Gardaí for frontline operational duties. At senior levels these posts include Chief Administrative Officer, Executive Directors of ICT and Finance, Director of Communications and Head of Legal Affairs. 24 civilian crime and policing analysts have also been recruited. Notwithstanding this increased level of civilian recruitment, the ratio of civilians to Gardaí is still relatively low by UK and EU comparisons.
- **Human Resource Management** - It is the intention of An Garda Síochána to integrate the current Garda and Civilian HR functions in order to streamline resources, improve efficiencies and ultimately free up more Gardaí for frontline operational duties.
- **Garda Information Services Centre** – This central call answering service, manned by civilian staff, facilitates Gardaí in recording and querying crime incidents while on patrol, thus increasing the time Gardaí can remain patrolling.
- **Garda Specialist Units** – An Garda Síochána's capacity to confront serious and organised crime has been greatly augmented by the establishment of the Organised Crime Unit and the Regional Support Units, and the placing of criminal assets profilers in each Garda Division who work in close association with the Criminal Assets Bureau in identifying and seizing criminal assets.
- **Community Policing** – A new National Model of Community Policing has been

developed and it is currently being rolled out across the organisation. Building on existing community policing practice the model will enhance Garda visibility and create collaborative partnerships between the Gardaí and communities resulting in reductions in crime and the fear of crime. The Joint Policing Committees initiative, being rolled out to all 114 local authorities, is also contributing to closer cooperation between An Garda Síochána, local authorities and communities in addressing local policing issues.

- **Garda Reserve** – The Reserve has a current strength of 327 with an additional 111 in training. The impact of the Garda Reserve is especially evident in increased Garda visibility.

Information and Communications Technology

- [TEXT WITHHELD – SECTION 23 (1) (a) (i)]
- **CCTV** – 26 Garda CCTV systems nationally are in place or nearing completion.

Estate Management

- Since 2006, in addition to the general maintenance of the Garda estate, 13 new Garda stations have been built, there have been eight extensions, six refurbishments and two modular firing ranges have been provided.

3.2.2 Major Challenges Facing the Organisation

The successful implementation of An Garda Síochána's reform and modernisation programme will continue and will bring a new professional discipline which is essential for success in the complex and challenging policing environment of today and the future. An Garda Síochána will ensure that resources are used effectively and efficiently towards this overall objective – from the people on the beat and working in local units through to specialist units, national support services and civilian support staff. An Garda Síochána will continue to target those people who are committing crime as well as focusing on anti-social behaviour and public disorder which can

affect the quality of life in local communities. Road traffic enforcement directed at reducing the levels of death and serious injury on our roads will continue. The focus across all areas of activity will, as always, be on intelligence led operations, high visibility patrolling and utilising our resources to the greatest effect to get the best results.

State Security

One of the key priorities of the Garda Síochána, as our security and intelligence service as well as our national police force, is to protect the security of the State and to combat domestic and international terrorism. [TEXT WITHHELD – SECTION 24 (1) (a)]

Serious & Organised Crime

Combating drug-related crime, including gangland crime, organised crime and firearms offences, is also imposing a significant and increasing burden on the Garda Síochána. Considerable success has been achieved, in terms of drugs and firearms seized and convictions secured, but the scale of seizures also illustrates the scale and the seriousness of the challenge facing the Garda Síochána. [TEXT WITHHELD – SECTION 23 (1) (a) (i) & SECTION 24 (1) (a)]

Demographics and Impact on Crime

The Garda Síochána also faces continuing pressure in policing a growing population, pressure which would be exacerbated by any deterioration in the ratio of police to population and also by any increase in crime, such as acquisitive crime, influenced by the recessionary period which we have entered.

Between 2003 and 2008 the State's population increased by 11% (3.98m to 4.42m). The population is expected to further increase to 4.7m by 2011 and 5.1m by 2016, a 23% increase since 2003 (Source: CSO). Additionally, the number of males aged 15 years or over has increased by 3% in the period November 2006 to November 2008. Significantly, over the same period the unemployment rate of this age group has increased by 114%. (Source: CSO).

International and domestic research has shown that population, demographic and societal changes can impact on crime. Studies have found, for example, that areas where certain social problems (eg unemployment) occur with greater frequency also tend to have higher incidences of crime. Higher rates of offending are generally recorded for young men and consequently changes in the size of this group can be expected to affect the overall crime rate. Increases in, for example, the general population, the number of young men, and alcohol and drug consumption, as well as local social factors, can cause crime rates to trend upwards. [TEXT WITHHELD – SECTION 23 (1) (a)]

Increased Garda numbers and operational activity, and strengthened criminal legislation can also contribute to increases in some crime categories, through higher detection levels. However, even where these factors are the direct cause for an increase in an offence grouping, it generally holds that population, demographic and societal changes remain the underlying drivers.

While there have been significant reductions in a number of crime categories in the past year, between 2003 and 2007 the crime rates trended upwards. Of the 16 Irish Crime Classification System Offence Groups increases were recorded in all but 3 – sexual, robbery, burglary and other related offences – over this period.

	2003	2007	% increase
Dangerous or Negligent Acts (incl drink driving, dangerous driving and speeding)	177,499	257,790	45%
Disorderly Conduct	37,671	51,170	36%
Criminal Damage Offences	33,947	43,090	27%
Assaults	12,430	15,104	21%
Possession of Drugs (for personal use)	6,453	14,033	117%
Possession of Offensive Weapons (excl firearms)	1,283	2,510	101%

Substantial increases were also recorded in other serious offences over this period - possession of drugs for sale or supply (up 56%) and firearms offences (up 29%).

[TEXT WITHHELD – SECTION 20]

Information and Communications Technology

The Chief Administrative Officer has undertaken a review of all IT and Telecommunications projects in order to ensure that the projects that can be accommodated within the 2009 budgets are directed towards maintaining and supporting front line policing. [TEXT WITHHELD – SECTION 20 & SECTION 21 (1) (c)]

Impact of resource reductions already imposed

The gross 2009 budget for the Garda Vote amounts to €1.567 billion which is 3% less than the 2008 budget of almost €1.616 billion. To ensure that he can direct the maximum amount of resources to front line policing the Commissioner has initiated a number of action plans to allocate resources to address this issue. [TEXT WITHHELD – SECTION 20 (1), SECTION 21 (1) (c) & SECTION 23 (1) (a) (i) and (iii)]

Pay Budget

The reduction in the **Garda pay budget** of 3% (€34m) this year over last year has had a particularly significant impact on the Force. This is not only because pay and superannuation make up such a large proportion of its overall budget, but also because of the lengthy training period for Garda recruits. It takes just over a year for a new Garda recruit to become an attested member of the Force (and be paid a full salary rather than a training allowance). The number of Garda recruits who were in the pipeline at the start of this year, and who will become attested members during this year, means that, provided retirements stay at their normal level, there will be a significant increase in Garda numbers in 2009.

This in itself is a positive development, but it has placed considerable pressure on the Garda budget. [TEXT WITHHELD – SECTION 20 (1) & SECTION 21 (1) (c)]

Non-Pay Budget

The **non-pay Garda budget** is also under intense pressure with approx €100m reduction in 2009 over the 2008 expenditure [TEXT WITHHELD – SECTION 20 (1), SECTION 21 (1) (c) & SECTION 23 (1) (a) (i) and (iii)]

Compensation

The level of compensation awards, over which An Garda Síochána has no control, is impacting greatly on its finances. Court awards are decided by judges and must be paid out regardless of the financial allocation which was overspent in 2008 in the amount of €13m. While the budget for 2009 has remained unchanged from last year there is every indication the actual spend will remain at 2008 levels thus generating a similar overspend this year.

Implementation of National Digital Radio System

The implementation of the National Digital Radio System (NDRS) commenced at the end of 2008 and an estimated €26m will be spent on this project in 2009. [TEXT WITHHELD –SECTION 21 (1) (c)] The associated capital and current costs of the NDRS will have a significant impact on the Garda Vote in future years. When fully implemented the ongoing costs will be €44m per annum. Therefore it is imperative that the necessary funding is provided for all subsequent years.

3.2.3 Impact of reduction in funding and numbers

An Garda Síochána acknowledges that in the current changed economic environment that it must contribute to the management of the Public Finances in order to stay within the economic parameters set by the Government. However, it is the public duty

and civic responsibility of An Garda Síochána to maintain an orderly and safe environment for all persons and to provide policing and security services for the State.

The current personnel strength and resource allocation of An Garda Síochána reflects the mandate and duty of the Force and is commensurate with the level of Garda operational activity demanded by public representatives and the public in general, and which is necessary to maintain law and order in the State.

[TEXT WITHHELD – SECTION 20, SECTION 21 (1) (c) & SECTION 23 (1) (a) (i)]

Moratorium – The recent moratorium on recruitment and promotion until the end of 2010 will necessarily impact on the Government’s commitment to increase Garda strength to 15,000 by 2012. [TEXT WITHHELD – SECTION 23 (1) (a) (i)]

Retirements - [TEXT WITHHELD – SECTION 20, SECTION 21 (1) (c) & SECTION 23 (1) (b)]

Traffic and Road Safety - The main objective of Ireland’s Third Road Safety Strategy 2007-2012 is to radically and substantially improve safety on Irish roads. Action No. 23 of the Road Safety Strategy outlines the rollout of Garda Traffic Corps across all Divisions to planned manning levels and with all necessary equipment, technology and administrative support. The setting up of a dedicated Garda Traffic Corps and the building of the numbers to reach the required target of 1,200 members has been one of the key drivers in expenditure over the last 5/6 years. The target of increasing the Traffic Corps to 1,200 was achieved during 2008.

Furthermore, the European Commission adopted its Third Road Safety Action Programme in 2003 (2003-2010). In this Strategy Programme the EU has set an overall target of a 50% reduction in the number of road collision victims by 2010 from the base year of 2003. To join best practice countries, Ireland must reduce road deaths to between 50 to 60 deaths per million of population. Achieving 60 road deaths per million of population is equal to 21 deaths per month and 252 deaths per annum. Ireland now ranks 9th out of the 25 countries in the EU with an average of 23

road deaths per month in 2008. This has largely being achieved through the setting up of the dedicated Traffic Corps. In order to continue the downwards trend in road deaths that was achieved over the last four years, and to meet the EU target of 21 deaths per month, there should be no reduction in resources deployed to the Garda Traffic Corps. To do so would be contrary to the Garda Road Safety Strategy and would also lead to an increase in road fatalities and serious injuries.

Garda to Population Ratio – The current number of Gardaí per 1,000 of population is 3.22. Taking CSO population projections, even if the strength of the Force is maintained at current levels, the Garda to population ratio will fall to approximately 3.1 per 1,000 in 2011 and 2.86 in 2016. These figures are well below that of most other EU states.

[TEXT WITHHELD – SECTION 20]

3.3 Irish Prison Service Vote

3.3.1 Key Programme Outcomes

The programme outcomes of the Irish Prison Service (IPS) must be viewed in light of the increasing high number of prisoners being committed to custody, particularly since 2008 coupled with the additional challenge of decentralisation to Longford in 2007 which led to an 80% turnover of headquarters staff and a significant loss of corporate knowledge. It should also be noted that the Irish rate of imprisonment is moderate when compared to international figures and there are no indications that the courts are sending people to prison unnecessarily

The IPS's key outcomes can be summarised as the following:

Security Initiatives

A major challenge facing all prisons is the need to prevent contraband (eg mobile phones, weapons and drugs) entering the prisons and combat organised criminal activity within and from prisons. Major new initiatives, largely in the past two years, were introduced by the IPS to modernise and enhance existing security measures:

- [TEXT WITHHELD – SECTION 23 (1) (a) (v)]

Human Resources

- **New Working Arrangements** - The 'additional hours' system introduced in 2005/06 eliminated overtime working in the Prison Service and reduced the staffing hours required to run the prison system by 1m hours and has resulted in savings of the order of €30 million a year for the IPS.
- **Sick Leave** - Intensive management and new working arrangements have led to reductions in sick leave of 17.63% in 2007 and 7.75% in 2008 (lowest since '02).
- **Recruitment** – There are currently almost 3,500 prisons officers employed in the IPS. The current ratio of Prison Officer to prisoner is 0.86 staff to each prisoner. However, it must be emphasised that as prisons must be staffed 24/7, the actual number of staff on duty at any one time is considerably less.

Prison Estate

- **Provision of additional Prison Spaces** - Almost 1,400 new prison spaces since the late 1990s. In 2007 and 2008 approximately 100 additional permanent prison spaces were introduced. Current capital developments will provide an extra 400 prison spaces by summer 2009 in Portlaoise, Castlerea and Wheatfield Prisons.

Services to Prisoners

- **Integrated Sentence Management (ISM)** - Pilot system commenced in two prisons in 2008. ISM manages a prisoner's sentence with a strong focus on rehabilitation.
- **Education** - Education services are provided in all prisons. At end 2007, 50% of prisoners were involved in education; with 25% for 10 hours or more per week. Work and vocational training facilities and programmes have been upgraded in over 90 workshops catering for in excess of 800 prisoners daily. The number of prisoners participating in accredited courses increased by 21% to 381 during 2008.
- **Psychology Service** - Psychology staff increased from 16 in 2006 to 18 in 2008, allowing a significant increase in group and individual interventions. The Sex Offender Programme evaluation was completed and new interventions commenced in Jan 2009 aimed at reaching a larger number of offenders.

Healthcare

- **Healthcare service provision** - Has been greatly enhanced through, for example, introduction of nurse managers and nurse-led initiatives such as health screening, diabetic and vaccination clinics, and establishment of clinical multi-disciplinary teams. The healthcare screening and management of approx 1,000 prisoners per month for significant general and mental health problems including drug and alcohol issues, presents a major logistical challenge for the IPS.
- **Drugs Policy and Strategy** - Commenced in May 2006. Currently the IPS provides drug treatment for an average of 700 prisoners per month. [TEXT WITHHELD – SECTION 21 (1) (c)]

3.3.2 Major Challenges Facing the Organisation

The main challenges facing the Irish Prison Service, now and into the future, are:

- **Increasing prisoner numbers**
- **Increased use of Temporary Release**
- **Requirement to open new facilities in a time of reduced resources**
- **Ageing Prison Estate/Infrastructure**
- **Requirement to improve security measures**
- **Independent oversight of the Prison Regime**

Prisoner Numbers

In the past year there has been a dramatic rise in the numbers in custody and on temporary release. While the number of persons in custody fluctuates daily, at present the figure is approx 4,300, an increase of over 7% on last year. Numbers on temporary release are up 11% on the same time last year. Over the past 12 years, the numbers in custody have increased by 65%. In 2007 the numbers serving sentences of 10 years or over more than doubled.

Projections in 2005 predicted that by 2015 the prisoner population would reach 4,100. This number was first exceeded in December 2008.

Demand on prison spaces shows no signs of abating. During the last 12 to 18 months, it became necessary to introduce additional contingency accommodation through the doubling up of cells in a number of prisons. [TEXT WITHHELD – SECTION 20 & SECTION 23 (1) (a) (v)]

The increase in numbers is the result of a number of external factors including:

- Increased Garda activity
- Increased Courts sittings and imposition of longer custodial sentences
- Increase in population and crime

Increased use of Temporary Release (TR)

The net result of the expansion in prison committals is a greater use of TR.

Date	Number in custody	Number on TR	Total in System	% on TR
6/2/97	2,334	505	2,839	18%
6/2/01	3,024	196	3,220	6%
6/2/04	3,167	326	3,493	9%
6/2/07	3,262	104	3,366	3%
6/2/08	3,433	231	3,664	6%
6/2/09	3,698	352	4,050	9%
3/4/09	3,878	436	4,314	10%

Reduced Resources

The reduction in financial resources – capital and current expenditure - comes at a time when the IPS is under pressure to bring on stream new facilities in Castlerea, Portlaoise and Wheatfield. New blocks in Castlerea and Portlaoise are due to be opened in the first half of 2009. [TEXT WITHHELD – SECTION 20 (1) & SECTION 21 (1) (c)]

Ageing Prison Estate/Infrastructure

The prison estate requires constant upgrading and attention – a number of prisons date from mid-1850s. Almost 30% of prisoners in custody still do not have 24 hour access to in-cell sanitation. The new prison at Thornton Hall will replace the ageing Mountjoy complex. The proposal for a new prison at Kilworth, County Cork will replace the ageing and greatly overcrowded Cork Prison.

Thornton Hall Project

The new prison is designed to accommodate 1,408 prisoners based on single cell occupancy over a range of prison facilities with design capacity for operational flexibility reasons to accommodate up to 2,200 prisoners. This design flexibility will future proof the development in capacity terms for the next 50 years.

[TEXT WITHHELD – SECTION 21 (1) (c)]

Requirement to improve security measures

[TEXT WITHHELD – SECTION 23 (1) (a) (v)]

Independent oversight of the Prison Regime

There are a number of independent prison oversight mechanisms including: the Visiting Committees appointed to each prison; the Inspector of Prisons; and the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

The common thread across all of the above is a concern expressed on numerous occasions about prison overcrowding and the consequent threat to prisoner safety.

In reply to the CPT Report (October, 2007) the Government indicated that whilst it did not accept the Committee's view that three prisons could be classified as 'unsafe' it indicated that it recognised and accepted that further measures were needed. Consequently, a significant security package agreed by Government in June, 2007, included the creation of 178 new posts for the IPS (outlined above). Additionally, the outcome of the Independent Commission of Investigation into the death in prison of Gary Douch may have implications for the prison system.

3.3.3 Impact of Reduction in Funding and Numbers

It is the mission of the Irish Prison Service to provide safe, secure and humane custody for people who are sent to prison.

- It is not an option to scale back or discontinue this programme of work as the number of committals escalates due to drivers outside the control of the IPS.

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- [TEXT WITHHELD – SECTION 20 (1), SECTION 21 (1) (c) & SECTION 23 (1) (a) (v)]
- External pressure exists to increase and improve service delivery. The impact of increased Garda and Courts resources combined with more stringent legislative provisions will continue to impact on the numbers entering the prison system.
- The current building programme is needed to take account of the current situation and to provide a level of accommodation for the next 25 years or so. [TEXT WITHHELD – SECTION 20 (1), SECTION 21 (1) (c) & SECTION 23 (1) (a) (v)]
- [TEXT WITHHELD – SECTION 20 (1), SECTION 21 (1) (c) & SECTION 23 (1) (a) (v)]
- [TEXT WITHHELD – SECTION 20 (1), SECTION 21 (1) (c) & SECTION 23 (1) (a) (v)]
- It can be taken that the independent oversight bodies at national and international level will continue to criticise our prison regime if we are not able to show that the substantial progress made in recent years is maintained and improved on where necessary.
- With the expected return of the CPT in 2010 the Government will again come under scrutiny on how we care for the prisoner cohort in terms of care and custody, rehabilitation and the provision of healthcare. Any reduction in budget will impact adversely on the range and quality of care that can be provided. 2008 showed a marked increase in deaths in custody where 11 such deaths were recorded compared to six in 2007. Such tragic occurrences put the spotlight on what is happening within individual prisons and do raise legitimate questions as to the efforts being made to rehabilitate and help vulnerable individuals.

3.4 Courts Service Vote

3.4.1 Key Programme Outcomes

A key output of the Courts Service is the processing of cases. In 2007 the Courts disposed of 449,879 criminal cases, 183,489 civil cases, and 30,312 family law cases. In 2008 the respective figures were 562,327; 170,687; and 33,270. As courts business is demand led, it is not possible to accurately set future targets. However, as shown by 2007 and 2008 the overall trend is upwards (+15%).

Significant progress has been made in improving the management of the courts and the benefits delivered for court users and the Exchequer.

Reforming court process

The Courts Service has driven a substantial programme of legislative and procedural reform to enable improved operation of the courts, efficiency in employment of court resources and reducing the cost of litigation. Some 150 separate pieces of secondary legislation have been promulgated in the last 5 years, and a range of primary legislation enacted at the request of the Courts Service.

Modernisation and Reform of Court Procedure

- Personal injury litigation procedures reformed for High, Circuit and District in '05
- Procedure for applications and appeals to the High Court streamlined - Jan 2007
- Scheme (Sept 08) for family law case progression in Circuit Court - County Registrars supervise and make pre-trial orders, freeing up judges for trial work
- Civil Law (Misc Provisions) Act 2008, inter alia, removed juror separation restrictions while considering verdict (reduction in expenditure on hotel accommodation); and expanded service of documents methods in Circuit and District Courts to eliminate the need for Civil Bill Servers
- Court Rules to facilitate discovery of electronically stored information (approved in Oct 08 and awaiting concurrence)
- Court Rules (Mar 09) to enable District Court Clerks to sign warrants and orders in place of District Court judges

Work in progress in this area

- [TEXT WITHHELD – SECTION 20 (1) & SECTION 21 (1) (c)]

Containing/Reducing the Cost of Litigation

- Contribution to Legal Costs Working Group Report; the subsequent implementation group; and at present the preparation of a Legal Costs Bill.
- Court Rules (Feb 08) to implement the Groups' recommendations in the High Court which require the court when disposing of a pre-trial to decide on costs liability (rather than after the trial), save where it would be unjust; allow the court to have regard, when awarding costs, to the terms of a written offer (incl an offer made without prejudice save as to costs); and empower the Court to require the parties to produce and exchange with each other estimates of costs incurred
- Court Rules (Oct 08) to implement in the Circuit Court the Groups' recommendations on terms of written offers and estimates of costs (as above)

Enabling use of technology in the courts

- Digital Audio Recording introduced in the Courts in Sept and Oct 2008
- Rules of court to facilitate centralised electronic receipt of District Court summonses from An Garda Síochána and the centralised issue of summonses
- Introduction of statutory basis for use of video conferencing in civil proceedings to reduce litigation costs by reducing the need for witnesses traveling costs

Improved processing of cases, reduced waiting times

Major Achievements:

- Commercial and Drugs Courts established
- Digital Audio Recording in Superior and Circuit Courts
- Court rules changed to enable central management of court funds
- Circuit Court case progression of Family law litigation
- High Court case progression scheme developed
- Re-organisation of the District Courts – closure of small venues
- Video conferencing in Court rooms

Benefits:

- High Court sittings outside Dublin; cases received earlier dates
- Increase in Sitting Days leading to reduced waiting times - the allocation of cases to venues outside of Dublin meant 32 additional judicial sitting weeks were added to the High Court calendar in 2007 and 144 in 2008.
- Central Criminal Court sitting outside Dublin, to hear rape cases, in venues like Galway, Cork, Cloverhill and Dundalk.
- Savings for An Garda Síochána, Prison Service, litigants, witnesses, victims, families relatives and the cost of travel & accommodation.
- Eliminates short sittings in small venues; full days freed for sittings in larger venues
- Expert witnesses and witnesses from abroad can give evidence via video link - reduces the costs of litigation and facilitate more efficient case processing.

Family Law Cases

Major achievements:

- Separation of Family Law cases from other work
- Dedicated judges assigned in Dublin and Cork Districts
- Dedicated family law sittings now in 42 venues nationwide
- New Dublin Circuit Family Law Court – with 3 new dedicated family law courts
- Refurbishment of Dublin District Family Law courts – 5 new enlarged courtrooms

Benefits:

- Has enabled growth in family law cases to be dealt with (annual number of divorces granted has increased by 35% between 2007 and 2000)
- Waiting times have been reduced for family law cases
- Improved facilities for family law cases including consultation rooms

Building Programme

Major Achievements

- Over 50 courthouses have been refurbished
- Criminal Courts Complex will be delivered this year via PPP. The facility will comprise 22 Courts and judicial chambers together with a full suite of jury facilities and a secure holding facility
- Significant ongoing investment in maintaining refurbished courthouses

Benefits:

- Over 100 small District Court venues closed since 2000 - more efficient use of court time and resources
- More suitable and dignified accommodation for court users
- More court sittings, thus reducing waiting times
- More family law courts provided in provincial court venues
- More High Court cases can be dealt with in provincial locations thus reducing waiting times and the cost of litigation

Information Technology Programme

Major Achievements:

- Criminal Case Tracking System (CCTS) for all District Courts
- [TEXT WITHHELD – SECTION 23 (1) (a) (viii)]
- E-Small Claims system implemented
- Digital Audio Recording and video conferencing in court rooms
- Courts Service website with considerable volume of information, forms and e-services – over 10,000 pages, 1.6m visits in 2008 by 560,000 visitors

Benefits:

- Improved productivity in the operation of the courts and of court offices
- [TEXT WITHHELD – SECTION 23 (1) (a) (viii)]
- 24 hour access to online services and information including the legal diary, on-line payment of fines, on-line lodgement of small claims, and on-line court forms.

Financial Management

Major Achievements

- Centralised management of funds held in trust on behalf of wards of court and minors (€1 billion)
- Central management through a shared service approach for all financial transactions in District Courts (over 700,000 transactions)
- Use of the Department's Financial Shared Services (FSS) for all financial transactions associated with Voted monies (payroll, travel and subsistence etc)

Benefits:

- Reduced fund management charges for beneficiaries
- Provision of electronic and on-line payment facilities
- Reduced cost to the Exchequer as a result of additional fee income generated
 - Fee income has increased by 80% between 2003 and 2008
 - In the same period the net current expenditure cost to the Exchequer only increased by 40%. Without increased fees would have been 78%
 - Based on 2009 budgets - increase in net expenditure from 2003 only 13%
- Reduced cost (est saving of €850,000 p.a.) to Exchequer through using FSS.
- Centralised processing and effective use of technology - annual savings €1m

3.4.2 Major Challenges Facing the Organisation

The funding allocated to the Courts Service for 2009 represents a significant reduction on the 2008 outturn. The current non-pay expenditure budget is 21% lower than actual expenditure in 2008 and capital has been reduced by 15%. Also, a €2m reduction in pay costs must be achieved.

The significantly reduced budget in 2009, at a time when much of the work of the Courts and Courts Service is growing, is posing very serious challenges to the Courts Service, in seeking to protect front-line services and the operation of the courts.

Pay expenditure represents approx 60% of current expenditure and is effectively a fixed cost. Non-pay current expenditure has increased by 78% between 2002 and 2008. Most of this expenditure (80%) is either demand led and or directly related to the operation of the courts. For example interpretation costs have increased by over 800% since 2002. This reflects the significant increase in non-English speaking persons coming before the courts. Also courthouse maintenance and related costs have increased significantly since 2002. Travel expenses have also increased and this has been driven by an increase in the number of judges and extra court sittings.

The following are some of the main drivers of expenditure/numbers increase in recent years. These will continue to impact on the Courts Service in future years:

Increase in litigation - connected with the deterioration in the economic climate is anticipated in 2009 and following years, i.e. proceedings for recovery of debt; proceedings for possession by legal mortgages and lessors; mortgage suits; liquidation, examinership, bankruptcy and receivership proceedings.

Most areas of litigation have experienced year on year increases generally over the past five years, whether associated with population increase or changes in social norms, e.g. divorce and judicial separation (see statistics below).

Court workloads are increasing as a result of demographic and economic factors which are outside the control of the Courts, such as

- Increasing and shifting population has resulted in an increase in all court business and increased costs in dealing with cases.
- Increased ethnic population mix is resulting in significant costs of interpretation and an increase in immigration-related court business.
- An increase in Garda resources in recent years to deal with crime has resulted in an increased workload in the criminal courts.
- Increases in civil and family cases are currently being experienced as a result of the economic downturn and an increase in marital and relationship breakdown rates.

Demographic shifts - Demographic trends are creating a growing and more diverse population with substantial consequences for the Courts Service. The 2006 census shows the extent of these changes in recent years. Compared with 2002, divorced persons has increased by 70% and 10% of the population is now non-Irish nationals. The former is represented by a 35% increase in the annual number of divorce cases processed since 2000. The latter by an 800% increase in interpretation services costs.

Economic climate - In 2008 the courts experienced a dramatic increase in the number of new cases initiated: the Commercial Court (243 cases, 24% increase); recovery of possession of lands and premises (760 cases, 103%); and recovery of debt (25,371 cases, 43%). It has also driven increases of 30% in default judgements in the High

Court in 2008 compared with 2007 (with all jurisdictions increasing by 7% (37,690 cases), execution orders (1,603 cases 33%), judgment registrations (4,886 cases 47%), and judgment mortgage affidavits (643 cases, 36%).

Improved detections by An Garda Síochána - During 2008 there was a 30% increase in the number of murder cases and a 7% increase in the number of rape cases and a new block of cases under the Competition Act, returned for trial to the Central Criminal Court. Increased Garda numbers has generated additional court work.

Maintenance of Court Buildings - The major refurbishment programme of buildings has made it necessary to put in place appropriate ongoing maintenance arrangements to ensure that mechanical and electrical systems are properly maintained and the fabric and upkeep of buildings, many of which are of historical and architectural importance, is maintained and the investment made is protected.

Criminal Court Complex (PPP) - A very significant contributory factor to increased expenditure in 2010 and future years will be the new 22 Court Room Criminal Courts Complex at Parkgate Street. This new facility, developed by PPP, will become operational in Nov 2009. [TEXT WITHHELD – SECTION 21 (1) (c)]

Appointment of Additional Judges - Ireland has one of the lowest ratios of judges per capita in the OECD. Since 2000 there has been a 32% increase in the number of judges appointed. The additional judges have enabled the growth in court business to be dealt with and waiting times to be reduced. However, additional judges mean extra costs, in particular increased support costs, including court registrars, usher and criers and travel and subsistence.

Official Languages Act 2003 - In common with all government departments and agencies the Courts Service has been obliged by the terms of this Act and the Schemes that the Service was required to devise to provide translations of all publications, including the Courts Service News and the contents of its website. These obligations have had a significant impact on financial resources. They also give rise to an opportunity cost in terms of staff diverted for the purposes of the Act.

3.4.3 Impact of Reduction in Funding and Numbers

Discontinuing this programme even in part, given the function of the courts under the Constitution, would have serious consequences for courts system and the State.

Criminal Courts - [TEXT WITHHELD – SECTION 20 (1) & SECTION 21 (1) (c)]

Due to improved detections by An Garda Síochána, more cases were returned for trial to the Central Criminal Court in 2008 than were disposed of in that court for the first time since 2001. The present time lapse in the Central Criminal Court from return to trial to hearing is approximately 7 months, but any reduction in the number of court sitting days will automatically add greatly to that delay.

Civil and Family Law Courts - [TEXT WITHHELD – SECTION 20 (1) & SECTION 21 (1) (c)]

Commercial Court - Approximately 30% more new cases for recovery of debt and arising from commercial disputes generally were lodged in the courts in 2008 than were received in 2007. [TEXT WITHHELD – SECTION 20 (1) & SECTION 21 (1) (c)]

Staffing

Of the total staff complement of 1,081, a total of 984 (91%) are specifically dedicated to court operational processes. Of this figure 502 (51%) are located within the greater Dublin Area supporting sittings of the Supreme, High, Circuit and District Courts and 482 (49%) in provincial locations nationwide. The balance of 97 staff provide essential support services in areas such as HR, Finance, Infrastructure Services (IT & Buildings) and Reform and Development.

The opportunities for rationalising the staffing resources are limited, given the function of the courts under the Constitution and the need to ensure that justice is provided at a local level close to court users. However, the Courts Service is

conscious of the need to constantly review structures and methods of service delivery and where appropriate rationalise and modify these.

The Courts Service Strategic Plan covering the period 2008 – 2011, sets out a clear vision of the organisation over the next ten years and also the key actions that need to be taken in the next three years to enable it achieve that vision while recognising that the changing economic environment requires improved value for money.

An organisational efficiency review is currently underway. It is the most comprehensive organisational review undertaken in relation to structures, locations, resources, technology deployment and process efficiency. It is expected the review will yield opportunities for further rationalisation of court venues as well as the amalgamation of Circuit and District Court Offices, further deployment of technology and standardisation and streamlining of processes.

Review of Court Fees

A comprehensive review of all court fees has commenced. [TEXT WITHHELD – SECTION 20 (1) & SECTION 21 (1) (c)]

Summary

Since the establishment of the Courts Service in 1999 significant progress has been made in implementing an extremely ambitious modernisation programme, which has transformed many aspects of the operation and management of the Courts. This has been driven by the critical role the Courts Service has in providing an effective and efficient court administration system that supports an independent judiciary to meet the needs of court users.

Key achievements include significant reform of court procedures and processes; deployment of technology, refurbishment of court buildings and improved human resource and financial management. These have resulted in significant improvements including; reduced waiting times, reduced costs of litigation, improved facilities and access for court users and improved value for money.

While good progress has been made, we acknowledge there is more to do. This is

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reflected in the new strategic plan, which includes a wide range of initiatives and projects. It also includes an organisational review which is currently underway.
[TEXT WITHHELD – SECTION 20 (1) & SECTION 23 (1) (a) (iv)]

3.5 Property Registration Authority Vote

3.5.1 Key Programme Outcomes

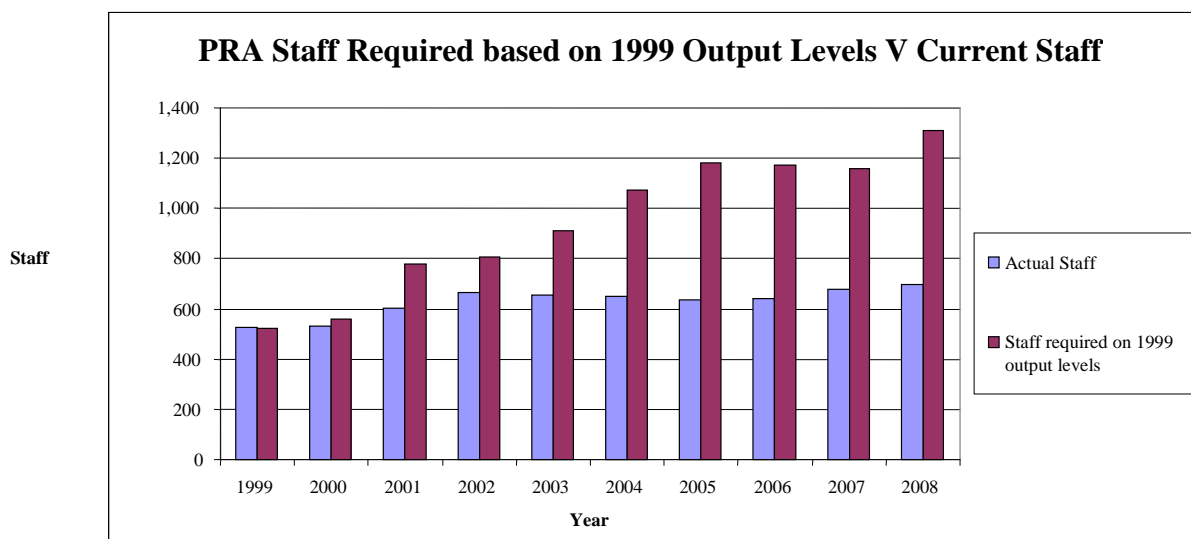
The key outcomes of the Property Registration Authority (PRA) in recent years are the following:

Increased Levels of Output and productivity

The PRA modernisation programme, coupled with a high level of staff cooperation, has led to a significant increase in the levels of registrations completed in recent years in line with the levels of demand on the services of the PRA.

- Dealings output increased from 98,479 in '99 to 246,517 in '08 (250% rise).
- In 2005–'08 productivity increased by 38% over the previous four years. Average staff numbers in this period were 663, as compared to 643 in the period 2001-'04.

The table beneath illustrates the savings in administrative costs, which otherwise would have been required to meet output necessitated by increased demand. In effect, without the successful implementation of its modernisation programme, the PRA would have required virtually double its complement of staff to achieve its 2008 output.



Extension of Compulsory First Registration

The extension of the title registration system is an essential prerequisite for eConveyancing. Compulsory first registration (CFR) of ownership of land means that ownership of the title to land must be registered in the Land Registry. Compulsory first registration of ownership of land has now been extended to 12 counties with the effect that compulsory first registration applies to all sales of unregistered freehold and leasehold titles in CFR areas. Compulsory first registration will extend to 24 counties by 1 January 2010.

Delivery of Electronic Services

Delivery of electronic services has been a central element of the PRA's strategy for the last decade. The following initiatives have been initiated in recent years:

- **Digital Mapping** - A 5 year programme that commenced in '05. Project is now fully operational in 16 counties and is schedule to be completed by Q.3 of 2010.
- **Data Conversion** project to convert remaining imaged textual records into fully digitised format. Due to be completed in September 2009.
- **eDischarges**, which will go live in April 2009, is a new system that will enable redeemed mortgages to be removed from the land register where no paper is lodged, issued or stored. eDischarges will allow the lender to request the cancellation of registered charges by electronic means. It is anticipated that eDischarges will eliminate many of the inefficiencies and delays that currently exist. The development of this capability by the PRA is central to the development of a system of eRegistration and is the **first element of eConveyancing to go live in Ireland.**

Almost 90% of textual records and 70% of mapping records have been fully digitised.

This has been the basis for the following achievements:

- More than 98% of business customers (solicitors, lending institutions, public authorities, architects, engineers etc.) are now accessing services via the Internet.
- Almost 100% of applications for some services are made on-line.
- Some 5,000 on-line fee paying business transactions *per day* are being conducted.
- 100% of registrations are made on our electronic register.
- On-line professional users has increased from 1,700 in 2000 to 13,872 in 2008.

- On-line transactions increased from 0.2 million in 2000 to 3 million in 2008.

This successful transition from paper to a fully electronic national register of property ownership has paved the way for further developments in the areas of electronic registration and electronic conveyancing and will support the further integration of property related services in future years.

Customer Service

The major beneficiaries of PRA systems in terms of cost saving, quality of product and quality and expansion of services have been its **customers**. In general, these customers operate in the conveyancing, lending, surveying, farming and land related business sectors. The success of the system has also encouraged usage by new customers groups. Among our larger customers, who previously had to physically visit the PRA, are other public service bodies, semi-State companies and utilities all of whom now avail of services from their own offices.

Exchequer Surplus

The PRA continues to return revenues to the Exchequer in excess of its levels of Voted expenditure. This is illustrated in the following table:

Year	Fee Income	PRA Vote 23	PRA Cash Surplus for Exchequer
	€000	€000	€000
2005	69,058	36,613	32,445
2006	78,757	38,207	40,550
2007	79,700	41,505	38,195
2008	65,569	46,216	19,353

Therefore, in the 2005 – 2008 period fee income returned as Exchequer Extra Receipts exceeded Vote 23 expenditure by €130 Million. It should also be noted that there has been no increase in Land Registration Fees since 2000.

3.5.2 Major Challenges Facing the Organisation

Clearance of the Arrear

Despite the increase in output, given the levels of intake experienced, a substantial arrear in the number of cases to be completed has arisen. As at end February 2009 in excess of 200,000 such cases remained on hand.

Completion of the Register

By international standards, Ireland has a high incidence of property ownership and approximately 1.8 million registered titles covering about 2.5 million land parcels are now catered for in the land register. This represents about 85% of all legal titles within the State. It is an express mandate of the PRA to complete the register by extending registration to the estimated 300,000 unregistered titles within the state.

Completion of Projects

The PRA is currently engaged in the completion of two key strategic long term projects in **Digital Mapping** and **Data Conversion**. These projects remain on course for completion within the allotted timescale and budget. The current work by the PRA in relation to digital mapping, completing its electronic register, broadening the range of electronic services available to its customers and the extension of compulsory registration is laying the foundation for what will become a system of electronic registration and a major component of electronic conveyancing.

3.5.3 Impact of Reduction in Funding and Numbers

A reduction in either the Property Registration Authority's funding or employee number could be expected to have the following impact.

- Failure to eliminate the arrear of 200,000 cases, leading to the attendant risk factors associated with delays in completing cases. [TEXT WITHHELD – SECTION 23 (1) (a) (i)]

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- Inability to complete the Register through the introduction of Compulsory First Registration.
- Inability to deliver upon Government policy in respect of eConveyancing.
- Inability to complete long term projects and meet with related contractual obligations.