



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

FREEDOM OF INFORMATION REQUEST



Request Number: F-2009-01219

Keyword: Human Resources

Subject: EXCHANGE OF OFFICERS BETWEEN PSNI & AN GARDA SIOCHANA

Request and Answer:

Question 1

Why is there an exchange with a foreign police force and not with a police service within the U.K?

Answer

Question 1 is seeking a member of the Service to express an opinion regarding exchanges with other forces, and as such this is not a valid request for recorded information held by the Police Service of Northern Ireland.

I can however advise that although there is currently no personnel exchange programme with any other UK police service all UK Police Services do have the opportunity to seek or send secondments as opposed to attachments between services.

Question 2

Are the same numbers of Garda now serving in Northern Ireland as PSNI in the Republic?

Answer

The Police Service of Northern Ireland can advise that both the An Garda Siochana (AGS) and PSNI exchange the same number of officers.

Question 3

Are there any instructions given to the PSNI officers serving in the Republic as to the force orders in that Jurisdiction prior to the exchange and if so what are they?

Answer

I can advise that as any officers would be serving in the Republic of Ireland the AGS would be best placed to answer this question. Each PSNI officer is attached to different areas / departments within the AGS and is provided with any appropriate information by their AGS liaison officer.

Question 4

Are there any instructions given to the Garda officers serving in N.I as to the force orders in this Jurisdiction prior to the exchange and if so what are they?

Answer

The PSNI Human Resources Department have advised that all AGS attend a one-day induction course covering a number of areas including Health & Safety; Code of Ethics; and Diversity.

Question 5

Specify the requirements of the Intergovernmental Agreement to which these officers are subject.

Answer

Officers are subject to Recommendation 159 of The Report of the Independent Commission on Policing for Northern Ireland, which states: - *“There should be a programme of long-term personnel exchanges, such as fixed term secondments, between the Northern Ireland police and the Garda Síochána, in specialist fields where co-operation between the two services is most needed, such as drugs, and in areas such as training.”*

This recommendation was addressed through the framework of an Inter-Governmental Agreement on Policing Co-operation, which was signed by both Governments on 29 April 2002. A copy of this is attached for your information.

Question 6

Are the Garda required to remain in N.I during the entirety of their period of service or are they for example allowed to return to their homes when off duty?

Answer

Human Resources have advised that the choice to remain or travel is at the discretion of the officers concerned.

Question 7

If they are permitted to return home how many of them are within the vicinity of their placement if there is an emergency?

Answer

Human Resources department who implement the Intergovernmental Agreement have advised that the PSNI have no direct control over AGS officers and as such they are not required to report to us where they are staying and when. The AGS would be best placed to provide an answer with regard to this question.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psni.police.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.



Ireland No. 1 (2002)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of Ireland

on Police Co-Operation

[Belfast, 29 April 2002]

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 2002*

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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF
IRELAND ON POLICE CO-OPERATION**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland:

Having regard to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10 April 1998¹ (“the British-Irish Agreement”) and to the Multi-Party Agreement reached at Belfast on 10 April 1998 annexed to the aforesaid Agreement;

Having regard also to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Dublin on 8 March 1999² establishing a British-Irish Intergovernmental Conference;

Considering the report of the Independent Commission on Policing for Northern Ireland published in September 1999 (“the Patten Report”);

Taking into account the progress made within the European Union on improving police co-operation pursuant to the provisions of Title VI of the Treaty on European Union;

Recalling the discussions that took place between the two Governments at Weston Park in July 2001, the measures announced on 1 August 2001 and the Updated Implementation Plan for the Patten Report published in August 2001;

Noting the establishment of the new Policing Board for Northern Ireland;

Have agreed as follows:

ARTICLE 1

Eligibility to apply for posts

- (1)
 - (a) The Government of the United Kingdom of Great Britain and Northern Ireland shall introduce the necessary administrative and legislative measures to enable members of the Garda Síochána to apply for posts at ranks of above Inspector level in the Police Service of Northern Ireland.
 - (b) When determining the eligibility of a member of the Garda Síochána to apply for such posts in the Police Service of Northern Ireland, appropriate recognition will be given to the rank, experience and qualifications that would be required for an equivalent rank in the Garda Síochána. An eligible applicant will be required to compete in a merit-based selection procedure with all other applicants.
- (2)
 - (a) The Government of Ireland shall introduce the necessary administrative and legislative measures to enable members of the Police Service of Northern Ireland to apply for posts at ranks of above Inspector level in the Garda Síochána.
 - (b) When determining the eligibility of a member of the Police Service of Northern Ireland to apply for a post in the Garda Síochána, appropriate recognition will be given to the rank, experience and qualifications that would be required for an equivalent rank in the Police Service of Northern Ireland. An eligible applicant will be required to compete in a merit-based selection procedure with all other applicants.

¹Treaty Series No. 50 (2000) Cm 4705.

²Treaty Series No. 54 (2000) Cm 4709.

ARTICLE 2

Secondment with Policing Powers

- (1)
 - (a) The Government of the United Kingdom of Great Britain and Northern Ireland shall introduce the necessary administrative and legislative measures to enable members of the Garda Síochána to be seconded to the Police Service of Northern Ireland for periods not exceeding three years.
 - (b) For the duration of such secondments, the member in question shall have the same powers, duties, rights and obligations, including as appropriate the wearing of the uniform, as an attested member of the Police Service of Northern Ireland. For the duration of the secondment, the member shall not be subject to the direction and control of the Garda Commissioner and shall not exercise police powers within the jurisdiction of the Government of Ireland.
- (2)
 - (a) The Government of Ireland shall introduce the necessary administrative and legislative measures to enable members of the Police Service of Northern Ireland to be seconded to the Garda Síochána for periods not exceeding three years.
 - (b) For the duration of such secondments, the member in question shall have the same powers, duties, rights and obligations, including as appropriate the wearing of the uniform, as an attested member of the Garda Síochána. For the duration of the secondment, the member shall not be subject to the direction and control of the Chief Constable of the Police Service of Northern Ireland and shall not exercise police powers within Northern Ireland.

ARTICLE 3

Police Protocols

- (1) The Police Service of Northern Ireland and the Garda Síochána shall, as appropriate, draw up written Protocols between them addressing detailed aspects of co-operation between them, including in particular the issues referred to in Articles 2, 3, 5, 6, 7, 8, 9 and 10 of this Agreement.
- (2) Such Protocols shall be signed by the Commissioner of the Garda Síochána and the Chief Constable of the Police Service of Northern Ireland or persons authorised to do so on their behalf. Copies of all such Protocols shall be forwarded to the Minister for Justice, Equality and Law Reform, the Secretary of State for Northern Ireland and the Northern Ireland Policing Board.
- (3) Such Protocols shall not constitute international agreements and shall not have binding effect on either Government.

ARTICLE 4

Annual Conference

An annual conference shall be convened between the Police Service of Northern Ireland and the Garda Síochána. It shall be hosted by each service on an alternating basis and the conference topics shall be decided by mutual arrangement between the two services. The costs of the conference shall be met by the host service and each service shall meet their own travel costs in attending the conference.

ARTICLE 5

Personnel Exchanges

(1) A programme shall be introduced to facilitate members of the Police Service of Northern Ireland being placed in the Garda Síochána, and members of the Garda Síochána being placed in the Police Service of Northern Ireland for periods not exceeding one year.

(2) The purpose of these placements will be to further enhance links and to transfer experience and expertise, including in the area of training.

(3) Members of the Garda Síochána will, for the duration of their placement, report to and work with the Police Service of Northern Ireland. However the member placed will remain a full member of the Garda Síochána subject to the overall direction and control of the Garda Commissioner and shall not exercise any police powers in Northern Ireland.

(4) Members of the Police Service of Northern Ireland will, for the duration of their placement, report to and work with the Garda Síochána. However the member placed will remain a full member of the Police Service of Northern Ireland subject to the overall direction and control of the Chief Constable and shall not exercise any police powers in the jurisdiction of the Government of Ireland.

ARTICLE 6

Liaison

(1) Officers in both services shall be designated as liaison officers as considered appropriate to enhance co-operation between the Garda Síochána and the Police Service of Northern Ireland.

(2) The Commissioner of the Garda Síochána and the Chief Constable of the Police Service of Northern Ireland shall, in consultation with the respective Governments, explore other methods of enhancing liaison including the possible exchange of liaison officers.

ARTICLE 7

Training

The Police Service of Northern Ireland and the Garda Síochána shall enhance structures for co-operation in the area of training.

ARTICLE 8

Disaster Planning

The Police Service of Northern Ireland and the Garda Síochána shall, in consultation with other authorities responsible for the emergency services in both jurisdictions, work together in promoting improved joint planning.

ARTICLE 9

Joint Investigations

- (1) The Police Service of Northern Ireland and the Garda Síochána shall, as appropriate, make full use of existing arrangements for facilitating joint investigations and additional arrangements that are put in place in the context of European Union developments.
- (2) An expert group shall be established by both Governments to review the existing arrangements and to make recommendations on legal and administrative measures that could be taken to facilitate further the operation of joint Police Service of Northern Ireland and Garda Síochána investigations.

ARTICLE 10

Communications

- (1) The Police Service of Northern Ireland and the Garda Síochána shall review communication links on an ongoing basis with a view to establishing and enhancing fast, effective and reliable communications.
- (2) The Police Service of Northern Ireland and the Garda Síochána shall, as appropriate, consult with one another in the context of the procurement and development of their communications and information technology systems, and shall take into account the desirability of achieving greater compatibility between their systems.

ARTICLE 11

Relationship with other international agreements

This Agreement shall not affect the rights and obligations of the Parties under other international agreements.

ARTICLE 12

Entry into force

Each Government shall notify the other in writing of the completion, so far as it is concerned, of the requirements for entry into force of the Agreement. This Agreement shall enter into force on the date of the receipt of the later of the two notifications.

In witness whereof the undersigned, being duly authorised thereto by the respective Governments, have signed this Agreement.

Done in two originals at Belfast on the Twenty-ninth day of April 2002.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

JOHN REID

For the Government of Ireland:

JOHN O'DONOGHUE



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