



**UCD GEARY INSTITUTE  
DISCUSSION PAPER  
SERIES**

**The Governance of Crime and  
Security in Ireland**

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**09 November 2007**

This paper is an output of the Governance Research Programme at  
UCD Geary Institute, funded by PRTL13.

The views expressed by the authors do not necessarily reflect those of the Geary Institute. All errors and omissions remain those of the author.

Geary WP/32/2007

## ***Introduction***

One of the most striking recent developments within the field of criminology has been the growth of interest in issues of governance and regulation. This literature has examined the diversification of security provision, particularly through an expansion of private or commercial security as well as the emergence of new hybrid public-private forms of policing. These various transformations raise important concerns in light of traditional definitions of the state as the monopoly provider of policing (and 'legitimate coercion' generally). In this chapter, I examine the governance of crime and security in Ireland in light of the issues raised by this emerging literature. First, I elaborate the key features of criminology's engagement with governance. Second, I outline the historical context of the governance of crime and security in Ireland, both in terms of the stability that for decades characterised this field, and a series of changes from the 1970s and 1980s onwards that radically altered it. In the third section, I examine some of the most significant recent Irish developments in this area, before concluding with some observations on the challenges that these developments pose for the democratic governance of security in Ireland.

## ***Criminological Shifts and the rise of the Governance Paradigm***

One of the most striking developments within criminology in recent years has been the emergence of a sustained focus on issues of governance and regulation. Of course governance always was at the heart of the discipline, but this generally had been cast within a state-centred framework, as 'government' rather than a more pluralistic 'governance'. This was particularly evident in the manner in which policing was invariably associated with the public state police, and social control more generally was narrowly equated with the formal criminal justice system. The recent

criminological shift towards 'governance' arises from several factors. In addition to the influential work of specific theorists such as Michel Foucault (1977; Burchell, Gordon and Miller 1991) and Nikolas Rose (1989), it reflects in particular the reconfiguration of the state in light of ongoing global processes of social change, and the diversification of the market of security provision.

One of the key imperatives of the neo-liberal political regimes that came to power in several Western countries in the 1970s and 1980s (most commonly associated with the Conservative Party under Margaret Thatcher in the United Kingdom, and the Republican Party under Ronald Reagan in the USA) was to promote the market over the state. This position held that the state had, especially in light of the economic restructuring necessitated by the fiscal crisis of the 1970s, over-extended its reach. By comparison with the market, it was depicted as an ineffective and inefficient service provider that restricted individual choice and undermined individual responsibility. As such, the proper role of the state was depicted in the metaphorical shift from 'rowing' the boat to 'steering' it. This minimalist role was in turn associated with other factors.

First, it reflected the changing political order under conditions of globalisation, whereby the mobility of capital and information (and, less so, people), the emergence of various forms of political and economic transnational governance, and the increasing impact that events in one jurisdiction could exert in another, repeatedly called into question the state's capacity to govern (Ericson and Stehr 2000; see also Beck 1992, and Castells 2000). Second, the state's ability to offer a decisive solution to crime seemed to be contradicted by the apparent worldwide and dramatic increase in crime levels since the 1960s in particular, to the extent that high crime levels

became what Garland (1996) called a ‘normal social fact’. Although the police role as crime fighters was firmly embedded in popular culture, research suggested that the ‘limits of the sovereign state’ (Garland 1996) were all too apparent insofar as crime levels were concerned. Accordingly, the quest for decisive ‘solutions’ to crime was gradually displaced by an ‘actuarial justice’ perspective (Feeley and Simon 1994) that constituted the population in terms of specific ‘risk categories’, seeking to promote and encourage ‘responsible citizenship’ and sanction its opposite. Accordingly, the focus of criminal justice agencies moved towards issues of prevention, management and regulation, rather than the eradication of criminal behaviour as such.

Related to this, one of the key factors explaining criminology’s focus on governance is the recognition that the state is only one player among many in terms of security provision, albeit one that holds a pivotal role not least in terms of the regulation of this expanded security market. Whereas the public or state police were generally considered the primary (and perhaps even the only) authority in terms of crime prevention, the state’s monopoly on security provision is no more. ‘Private’ security staff now outnumber the ‘public’ (or ‘state’) police in many – if not most – industrialised countries.<sup>1</sup> This proliferation of private security agencies, and public-private partnerships and hybrids extends to international governance, and there is now a significant transnational private security sector that undertakes many of the

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<sup>1</sup> Johnston (2006: 33) suggests that this is by a factor of almost two to one in Britain, two to one in India, between two and three in North America, five to one in Hong Kong, and perhaps as much as seven to one in South Africa. Estimates of the size of the private security sector in Ireland vary considerably, but suggest that it probably does not exceed that of the public police (Vaughan 2003: 69).

functions previously associated with government, including providing security to heads of state, guarding defence installations, and playing significant roles in various military operations (Gill 2006; Johnston 2006; O'Reilly and Ellison 2005).

This diversification of security provision does not necessarily conform to a hierarchical structure in which the state holds the dominant role while the private sector is relegated to the role of 'junior partner'; instead this new landscape of security provision is 'multilateral' in nature (Bayley and Shearing 2001), involving an extensive network of actors and agencies. This blurring of the public-private boundary and the establishment – in place of a single state-centred response – of networks to address crime and security raises significant issues related to equity and democracy. In 1983, Shearing and Stenning warned of the 'new feudalism' that could emerge from conditions in which the vast tracts of property that were controlled by private interests – what they called 'mass private property' – were 'policed' by private security to impose corporately sanctioned visions of social order. The prospect of 'gated communities' (Davis 1992) in particular served as a potent reminder of the social divisions and segregation that might increasingly be manifested through a contraction of the public sphere, and differential access to safety and security in the basis of individuals' purchasing power. Johnston and Shearing (2003: 141) outline this apocalyptic vision of the future (and, in some places, the present):

public space is privatised, the urban landscape is militarised, video-surveillance is endemic, city life is 'feral', vigilantism is rife and those who can afford to do so retreat behind 'gated' enclaves, protected by private guards.

These concerns are evident in Garland's (2001) argument that contemporary crime control policies in the Western world are shaped by a tendency on the one hand towards 'partnership and prevention' – including actuarial practices and the expansion

of private security – and on the other towards ‘punishment and expressiveness’ in which rational evidence-based policy rational debate plays a secondary role to a more emotive and visceral demand for punitive criminal justice policy. Garland associates this combination of ‘volatile and contradictory punishments’ (O’Malley 1999) with the gradual emergence of a ‘culture of control’ whereby societies are effectively consumed by crime-related fears and anxieties, leading to a massive expansion of risk-based technologies and private solutions to crime and its control, and a vast increase in the number of people in prison or under the supervision of the justice system.

While Garland’s thesis offers a fairly dystopian vision of the broad trajectory of social control, admittedly largely based on the discrete experiences of the USA and the UK, a further corpus of work within the sphere of governance – especially the writings of Clifford Shearing and his colleagues (Bayley and Shearing 2001; Johnston and Shearing 2003; Shearing 2005; Wood and Dupont 2006) – offers a decidedly more optimistic account of these various transitions. This approach seeks to overcome the defensive criminological response to the expansion of private security – ‘How can we re-impose state police control over policing?’ (Johnston and Shearing 2003: 11) – with a more empirically-based assessment, and appreciation, of the potential of the diversification of security provision. This focus upon the potential of ‘nodes’ (or key hubs) within security networks views them as an innovative means of overcoming the exclusionary practices of the state *and* the market, by harnessing local expertise to maximise local capacity and local democracy. This active promotion of a new nodal-based framework for the governance of security has been criticised for appearing to downplay or neglect the role of the state, which Loader and Walker (2006: 183) argue ‘remains indispensable to any project concerned with optimizing the human good of

security'. Models of nodal governance have been advocated as a means of addressing pressing problems of police legitimacy and effectiveness in 'weak and failing states' (Dupont, Grabosky and Shearing 2003), and the nodal logic of 'policing as everybody's business' underpinned the report of the Patten Commission on policing in Northern Ireland (of which Shearing was a member), and has also been applied in other settings such as South Africa (Johnston and Shearing 2003).

Therefore, while the growth of criminological interest in governance and regulation is one of the defining features of recent criminological writing on security, its full impact on the governance of security is less apparent. This work does, however, offer insights into recent developments in Ireland. Before turning to this, I first outline the historical context of crime and policing in Irish society, highlighting the various factors which lent this field of activity such stability.

### ***The Historical Context***

The context of crime and policing in Ireland for much of the twentieth century was one of remarkable continuity and stasis. In the years immediately following independence, political instability in various parts of the state caused predictable problems for the police and the political establishment generally (Brady 2000; O'Halpin 1999). This was particularly evident in western and border areas where republican sentiments were strong, and conflict related to this continued up till the Second World War. Nevertheless, by the 1930s most parts of Ireland were characterised by high levels of political stability, and the upheaval surrounding the formation of the state and the subsequent civil war appeared to be largely resolved.

This political stability, however, did not simply arise from the ‘bedding down’ of the state as its birthing pains subsided and its institutions took root. It also arose from the conjunction of various factors that gave post-independence Ireland its distinctive social character. First, the dominant cultural nationalism of the day privileged specific conceptions of community and identity. Independence had, of course, provided access to new routes of social mobility through the various positions to be filled within the state infrastructure, but for the most part Irish nationalism was underpinned by visions of a rural idyll, characterised by asceticism and innocence. Eamon de Valera’s famous 1943 characterisation of independent Ireland may, with the passage of many decades, have become clichéd, but it remains an evocative elaboration of this vision:

That Ireland which we dreamed of would be the home of a people who valued material wealth only as a basis for right living, of a people who were satisfied with frugal comfort and devoted their leisure to the things of the spirit – a land whose countryside would be bright with cosy homesteads, whose fields and villages would be joyous with sounds of industry, with the romping of sturdy children, the contests of athletic youths and the laughter of comely maidens [dancing at the crossroads].

Second, this privileging of rural innocence largely consisted of making a virtue out of a necessity, for in the years following independence, Ireland’s economy was precarious. The government’s policies of economic protectionism as a means of fostering indigenous industries were a disaster, and little investment was made to stimulate the economy. A trade war with Britain in the 1930s also proved costly, and it was not until the 1960s in particular that coherent policies of economic development were pursued. This in turn involved a decisive shift towards industrialisation and attracting foreign investment, and away from any lingering notions of rural self-sufficiency, yielding a severe contraction of the agricultural sector.



Third, the limited economic prospects in Ireland ensured a constant stream of emigrants. Ireland's population was in continual decline from the foundation of the state (a trend that extended back to the 1840s) until the 1960s, by which time the 1961 census recorded a population of 2,828,341 people. Their emigration ensured that any criminal behaviour they engaged in featured in the statistics of their host country rather than their country of origin (see, for example, O'Donnell 2005a: 118-9).

Fourth, Irish society was dominated by social conservatism. Much of this emerged from the prominent role played by the Catholic Church in the spheres of education, sexuality and public morality generally (Inglis 1998). This was bolstered by other factors, including the high level of ethnic homogeneity and monoculturalism, and the profound localism that was reflected in the development of a strongly clientelist brand of politics. Within this context, much social control was exercised in spheres other than the formal criminal justice system, and involved a blurring of the line between morality and criminality. Thus, unmarried mothers, alcoholics and the mentally ill were subjected to regimes of social control that often were more extensive and open-ended than those applied to convicted criminals. As Kilcommins et al. (2004: 76) note, in 1956 'one in every hundred Irish persons was detained within a closed institution.' Of these, though, only a small number (574 people in total) were detained in prisons and other criminal justice institutions, while the vast majority (a further 29,308 people) were confined in a variety of other institutions, including industrial schools, hospitals, and homes for unmarried mothers. In effect, for every person confined within the criminal justice system, a further 51 people were confined in various 'welfare' institutions.

Collectively, these various factors provided a socio-political stability that militated against demands for far-reaching changes to particular spheres of government. In addition, however, two factors internal to the field of crime and crime control also ensured that it largely escaped scrutiny: the low crime levels that prevailed and the model of policing that developed following independence.

In comparison with other European states, crime levels in Ireland were strikingly low. In 1958 the Minister for Justice reassured the public that Ireland was 'freer of crime than almost any other country' (quoted in Allen 1999: 153), and Rottman (1980) described crime levels prior to 1964 as 'negligible'. The level of public anxiety aroused by crime also appeared minor. Between 1980 and 1994, even following a large and sustained increase in crime levels from the mid-1960s onwards, a series of public attitude surveys repeatedly saw crime feature at the bottom of or low down the list of issues that respondents identified as the most important problems facing the country (Kilcommins et al. 2004: 132-41). Such was this apparent lack of concern that Adler (1983) characterised Ireland as one of a small number of countries 'not obsessed by crime.' As a consequence, garda numbers were allowed to fall and a significant number of garda barracks were closed. The Northern Ireland conflict clearly had an inhibitory impact on the level of scrutiny applied to policing, but this situation was inhibited further by the lack of criminological development, a feature which led Rolston and Tomlinson (1982) to describe it as 'Ireland's absentee discipline'.

In addition to this, two key factors in the development of policing proved consequential. First, pragmatism demanded that the policing void which had developed in many parts of Ireland during the war of independence and the civil war,

be filled as quickly as possible. As such, the organisational structure of An Garda Síochána was closely based on that of its predecessor force, the Royal Irish Constabulary (RIC). Although the RIC had been a central part of the British administration in Ireland and had played a military as well as a policing role, its efficiency and effectiveness were widely admired (it had been the template for many of Britain's imperial police forces). Moreover, the fact that several senior RIC officers were involved in designing the new force ensured predictable similarities between the RIC and the Garda Síochána. As a consequence, the heavily centralised structure of the RIC became the heavily centralised structure of An Garda Síochána.

This centralisation, however, co-existed with a keen determination that the legitimacy of this new police force would be firmly established through a new consensually-based relationship with the public, expressed in Michael Staines' (the first Garda commissioner) oft-quoted edict that: 'The Civic Guard will succeed not by force, or numbers, but on their moral authority as servants of the people.' While this vision of policing was apparent in a number of highly symbolic measures that sought to distinguish the 'civic'-oriented Garda Síochána from the heavily militarised RIC – not least through the choice of name (meaning 'guardians of the peace') and the policy that it would be an unarmed force – it was also manifested in a number of further measures that crafted close links between policing and the cultural nationalism of the day (McNiffe 1997). These included the prominence given to the Irish language (at one stage, training was initially provided through English and then repeated through Irish), and to links between the Catholic church and the police. For instance, 250 officers went on a pilgrimage to Rome in 1928, while 340 travelled to Lourdes in 1930; and up until the 1980s, Garda recruits were marched to a Catholic church for mass every Sunday. Police involvement in gaelic sports was another important

dimension of this. As Brady put it, ‘with their sporting prowess, they were to “play their ways into the hearts of the people”’ (2000: 117). The involvement of garda officers in amateur and vocally ‘gaelic’ sports, organised on a geographic basis in which affiliation with and loyalty to a specific community was pre-eminent, provided a ready means of identifying the police with ‘the people’; to this day it remains a prominent feature of police culture in Ireland.

These various factors reflected particular notions of nation and community that privileged the role of the Garda Síochána and limited the scrutiny applied to it. The manner in which the police came to embody particular characteristics of the imagined community at the heart of Irish cultural nationalism was especially significant in this regard, for it constituted this institution as self-evidently ‘natural’ and appropriate to the challenges and demands of policing Irish society. The governance of security in this context was structured through almost implicit understandings of the proper nature of Irish society, the role of the police, and the empathetic manner in which the police would regulate the boundaries of community. This situation, however, would not last.

### ***Crime and Crisis in a Changing Ireland***

From the mid-1960s onwards, the field of crime and crime control increasingly featured on the public agenda. Against the broad backdrop of social change in Irish society, particularly through increased urbanisation, mobility and secularisation, this period witnessed dramatic pressures being exerted on the police and the overall framework for the provision of community safety. Crime levels rose dramatically from the mid-1960s onwards; the number of indictable crimes nearly doubled during

the second half of the 1960s, and increased six-fold in the twenty-year period between 1964 and 1983, when for the first time the threshold of 100,000 recorded offences was crossed. Although surveys indicate that the population at large may have been more concerned with economic and employment issues (Kilcommins et al. 2004), increased governmental concern with crime and the police response was fully apparent (Association of Garda Sergeants and Inspectors 1982; Vaughan 2003).

One key dimension of this was the emergence in the late 1970s of a serious heroin problem concentrated in particular parts of Dublin. Prior to then, problems associated with illegal drugs in Ireland were minuscule by international standards, and attracted little attention from the Gardaí. As such, the rapid upsurge in heroin use found the Gardaí ill-prepared for this development. The rapid increase in heroin use in the early 1980s and a subsequent peak in the mid-1990s was evident not merely in the health issues involved, but also in the wider social consequences of a large number of addicts concentrated in particular areas of Dublin. One survey in a north inner-city area in 1982-83 found that '10 per cent of the fifteen to twenty-four age group had used heroin in the year prior to the survey, with 93 per cent of that group admitting that they had taken heroin at least once a day' (Kilcommins et al. 2004: 226). The ripple effects of drug use were immense, and one Dublin City Council official described it as the 'biggest problem' associated with local authority housing estates generally, while Keogh (1997) estimated that over the course of a single year known drug-users committed two-thirds of all crime in the Dublin metropolitan area. Senior Gardaí interviewed by Brewer et al. (1997: 46-7) noted that drugs had been 'the biggest single influence on the crime profile during their time of service', its impact exceeding that of the Northern Ireland conflict, while government officials were 'shaken' by the scale of heroin-related problems in Dublin. The situation was further

complicated by the fact that communities in which heroin use was concentrated repeatedly claimed that state indifference had greatly contributed to the escalation of the problem, and that direct community action was necessary against suspected drug dealers. Cumulatively, this volatile mixture of drugs and drug-related crime, marginalisation, and vigilante activity had an immensely negative impact on police-community relations in many quarters (see generally, Bennett 1988; Mulcahy and O'Mahony 2005; Punch 2005).

The outbreak of widespread violence in Northern Ireland in the late 1960s and the subsequent development there of a sustained armed conflict also brought very specific pressures to bear on the police. Enormous amounts of resources were absorbed by the conflict, and it was directly implicated in fundamental changes in security policies generally. Some crimes, such as armed robberies, increased dramatically in number, as these were often undertaken by paramilitaries as a key source of funds. The dangers facing the police also increased. Prior to the conflict, 1942 was the last year in which a garda was murdered. Since 1970, 14 officers have been killed, 12 of them by republican paramilitaries (Mulcahy 2005).

### ***Developments in the Governance of Crime and Security***

While the various developments outlined above posed considerable challenges for the criminal justice system, arguably the most significant drivers of the state's response arose from changes in other spheres of the political arena. From the mid-1990s onwards, political reactions to crime and policing shifted from a context in which issues of law and order had been reasonably muted factors in party politics, to one in which they took a pre-eminent role. Historically, Fine Gael had been most closely associated with the mantle of 'law and order party', but that changed dramatically in

the run up to the 1997 general election. John O'Donoghue, the Fianna Fail justice spokesperson at the time, promoted an uncompromising 'law and order' agenda, and the party went on to form a coalition government with the Progressive Democrats on the basis of an explicit 'tough on crime' stance (O'Donnell and O'Sullivan 2003).<sup>2</sup>

This new agenda encompassed various means to expand the scope and scale of the criminal justice system, including an extensive prison-building programme, an increase in police numbers, and new measures to target crime and disorder, including a constitutional amendment to limit access to bail, lengthy sentences for drug offenders, and other explicitly populist measures such as 'zero-tolerance' policing. This echoed the development of 'popular punitiveness' (Bottoms 1995) in other settings, whereby stringent responses to crime had been implemented largely on the basis of politically vocal and emotive sentiment (see generally, Garland 2001). The average daily prison population duly increased from 2,141 in 1994 to 3,231 by 2004, while the number of police personnel rose from 10,816 in 1995 to 12,445 by March 2006, with the goal of reaching 14,000 officers by the end of 2006<sup>3</sup>. These changes,

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<sup>2</sup> This era of 'active government' in relation to matters of crime and policing also brought with it a demand for increased capacity in terms of policy formulation and development. Consequently, and partly as a direct result of the increased financial resources available, a range of criminal justice initiatives were undertaken to generate a greater reservoir of data on which future policies could be based (Kilcommins et al. 2004; O'Donnell 2005a).

<sup>3</sup> This would represent an increase in the ratio of police officers to members of the population from 1:335 in 1995 to 1:298 in 2006 (Department of Justice press release, 18 July 2005).

however, occurred against a backdrop of an overall decline in crime levels. The level of homicides and violent crimes generally rose significantly in the late 1990s (O'Donnell 2005b), but these do not account for the vast expansion of the prison population. The new era of law and order was, first and foremost, a political creation. Yet although demonic depictions of criminals underpinned much of the policy agenda advanced during the late 1990s, the nature of specific developments within the field of crime and policing was often rather more nuanced. This was especially evident in relation to drug dealers and organised criminal gangs. While they had increasingly featured as modern day folk devils, one of the most significant measures used against them emerged from the sphere of civil justice.

### ***Between Punitiveness and Civil Justice: The Criminal Assets Bureau***

The Criminal Assets Bureau (CAB) was established in 1996. The *Criminal Justice Act 1994* had introduced measures to prevent money-laundering (largely through tighter regulation of the banking industry), and the *Proceeds of Crime Act 1996* allowed for the proceeds of crime to be frozen and forfeited, but the emergence of CAB signalled a more focused approach on targeting the financial proceeds of crime. In particular, the 1996 murder of crime reporter Veronica Guerin apparently due to her ongoing coverage of organised criminal gangs gave this measure far greater impetus. Its political salience was firmly established through the perception that a new type of 'super-criminal' had emerged against whom new and innovative measures were required (Vaughan 2003).



The CAB was significant in several respects<sup>4</sup>. First, it specifically targeted the proceeds of crime, rather than crime itself. Second, it operated under civil law and its associated burden of proof ('the balance of probabilities') rather than the higher level ('beyond a reasonable doubt') required for criminal cases. The judge in one case involving CAB (*Gilligan v. Criminal Assets Bureau*) justified the agency's existence on the basis of the advent of:

an entirely new type of professional criminal who...renders himself virtually entirely immune to the ordinary procedures of criminal investigation and prosecution... [necessitating use of the] lower probative requirements of the civil law...not to achieve penal sanctions but to effectively deprive such persons of such illicit financial fruits of their labours. (Quoted in Vaughan 2003: 65)

Third, although headed by a Garda Superintendent, it was staffed by personnel drawn from various backgrounds, and it also worked in close cooperation with other agencies in Ireland and beyond, factors which the CAB claimed were central to its success.

The unique multi-agency aspect of the Bureau provides a synergy that would not otherwise be possible in a single agency operation...The assistance provided by the broader international law enforcement community cannot be underestimated and was once again a significant factor in the work of the Bureau... (CAB Annual Report for 1999: 25)

In terms of its impact, CAB became 'probably the most highly praised development in Irish policing in the last ten years' (Kilcommins et al. 2004: 228). It was involved in a number of high profile assets' seizures, while it also claimed responsibility for 'the

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<sup>4</sup> For a fuller discussion of CAB and the seizure of criminal assets generally, see the 1999 special issue of the *Irish Criminal Law Journal* (volume 9, number 2) devoted to these issues.

displacement of major criminal figures, many of whom have left the jurisdiction since coming to the attention of CAB' (<http://www.garda.ie/angarda/cab.html>). The CAB stated that its structure and modus-operandi 'have been identified as models for other countries which are in the process of targeting the proceeds of crime' (CAB Annual Report for 1999: para 3.2, p.5), resulting in a regular flow of international delegations anxious to learn from its success. Subsequently, an international network was established of agencies targeting the proceeds of crime, the Camden Assets Recovery Interagency Network (CARIN), of which Ireland was nominated to hold the first presidency given its prominent role in this field.

### ***Local Authorities, Communities and Partnership***

While CAB remained a prominent measure in targeting organised crime, simultaneously a series of further developments were underway which, arguably, are at least as significant in shaping the contours of social control in contemporary Ireland. These, however, rested more on logics of *prevention and partnership* rather than *punishment and expressiveness* (Garland 1996) and, as such, are rather more modulated and nuanced in their tone and content than their more strident policy counterparts. These measures represent part of a gradual change in government thinking and policy formation that, in relation to specifically policing matters at least, can be traced back to the influential reports from the Committee of Inquiry into the Penal System (Whitaker 1985) and the Interdepartmental Group on Urban Crime and Disorder (1992). Recognising the limits of the 'fire-brigade' model of policing, these reports highlighted the clear links between crime, deprivation, and antagonistic relationships with the police, and emphasised the need for sustained multi-agency partnership approaches to crime prevention issues. This theme of partnership was

further promoted in a number of interventions in these debates (see, for example, National Crime Council 2003).

Local authorities have taken on a far greater role in this respect, and have become one of the key pillars of this putative partnership<sup>5</sup>. Much of the impetus for this arose from persistent problems with crime, disorder and anti-social behaviour in local authority estates, much of which was drug-related (McAuliffe and Fahey 1999). As a consequence, local authorities became more involved in estate management through such measures as the establishment of area housing offices to provide local on-the-ground services in specific estates. One local authority official<sup>6</sup> described these as evidence of its more hands-on and consultative approach: ‘we really adopted the whole concept of consultation with residents ... I think the results of that or the outcome of that are probably not measurable in financial terms, but certainly we have much less problems in our estates than we had years ago.’ The most significant development in the process of extending the council’s role was the *1997 Housing (Miscellaneous Provisions) Act* which provided for ‘exclusion orders’ to be made against ‘illegal occupiers’ and tenants engaged in illegal or anti-social behaviour. This gave local authorities enhanced powers to sanction their tenants and ultimately evict them. One council official described this as ‘the year that we took our role seriously in

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<sup>5</sup> Discourses of partnership had already been a key pillar of the multi-agency task forces approach which had been developed to address problems associated with the use of illegal drugs, and was also a prominent feature of the economic policy agenda underpinning the ‘celtic tiger’.

<sup>6</sup> This and subsequent quotations are taken from Mulcahy and O’Mahony (2005).

relation to getting rid of drug dealers out of our flat complexes', and contrasted this with the council's previous 'lack of role':

Lack of role is probably as close to, like, what we had...Back in the seventies and eighties, we basically built large housing schemes to house people who were on the homeless list, people coming from the city centre. There were no local residents. The only time you heard from Dublin City Council was if you were in arrears in rent. Whereas now, when you hear from us, it's about the start of initiatives. It's about getting crèches for children. It's about perhaps where we can put a playground that's going to be well looked after. It's going to be community involvement.

Since the 1997 Act was introduced, the number of evictions for anti-social behaviour has dropped steadily: from 44 in 1998 to 30 in 1999, 12 in 2000, 10 in 2001, 8 in 2002 and 15 in 2003 (figures supplied by Dublin City Council). The Council carried out a higher number of evictions of 'illegal occupiers' allegedly involved in anti-social behaviour, although this figure too has dropped since the introduction of the Act (from 97 in 1998, to 23 in 2003). While these powers can become an important resource for the police, one senior Garda officer nevertheless spoke of his concern at the 'massive powers' involved, wondering whether they were 'draconian'. As one housing official stated, 'About five years ago we were very inactive in relation to dealing with these problems. Five years on, we're very proactive and that brings its own problems'.<sup>7</sup>

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<sup>7</sup> Some of the difficulties associated with the application of these enhanced powers were crystallised by the case of Noel Cahill who died in January 2003 after developing hypothermia while sleeping rough outside the local authority flat from which he had been evicted in October 2002 following allegations that some of his acquaintances had been engaged in anti-social behaviour in his flat (*Irish Times* 2 and 3 February, 2003).

This proactive approach also has implications for the nature of the consultation that occurs with local authority tenants. Because of the impact that drug-related issues have had on local authority housing estates generally, residents identified policies surrounding the allocation of tenants as particularly significant. Moreover, it is an issue over which the boundaries of 'consultation' and community involvement in official decision-making are tested and negotiated (see also McAuliffe and Fahey 1999). One official explained the process of consulting with representatives of residents' groups and the complex issues involved:

We would ask them do you have any information that we don't know about why this person shouldn't get an allocation. Now they've no veto on it...but they do have an input...Now in some estates, there's no doubt that the residents would have felt that they should have total say in who comes into their flat scheme or flats complex... It could just be very politically motivated. They could feel that the corporation has let them down so often before that they would like control for themselves...But it's always a difficult battle for us if we meet a Resident's Association where there might be 2 or 3 extremely strong people ... Because they're very active and very strong doesn't [mean] that they're actually doing better for their community. They could have personal agendas, they could have political agendas. So we do have to be very careful about who we deal with and make sure that they do have some kind of representation or some kind of mandate. But there's no doubt at times there's people that have become the spokesperson for a community and mightn't be acting in their best interests. It's just something that we have to deal with. We have to dance around because you have to keep people on board at the same time.

The greater involvement of local authorities in estate management and with it the greater availability of the sanction of eviction gave added weight to allocation decisions. Away from the glare of publicity and the procedural requirements of the formal criminal justice process, these hugely consequential decisions become a quasi-policing environment in which the resource of accommodation (and its potential removal) is dependent first and foremost on a contract with a landlord, with the potential input of residents' representatives (see also Crawford 2003). Moreover, the

fact that police have been in attendance at some meetings adds a further dimension to this process. As one resident noted: ‘if, you know, the guards need to be involved in, you know, in assessing somebody’s right to live in a particular area, it’s like, there’s a worrying aspect about it as well.’

The *Garda Síochána Act 2005* significantly extended the mandate of local authorities in relation to the governance of crime and security, specifying that: ‘A local authority shall, in performing its functions, have regard to the importance of taking steps to prevent crime, disorder and anti-social behaviour within its area of responsibility’ (37.1). The Act also provided for various mechanisms of police-public consultation (discussed further below). Lest these measures be dismissed out of hand for their modesty, it is necessary to recognize that they represent a considerable departure from established practices. There is, quite simply, no tradition of formal police-community consultation in Ireland. The Act’s stipulation that the force now has a statutory requirement to obtain the views of the public, provides for the first time a legislative footing for police-public consultation in Ireland. Moreover, the Act also provided for the establishment of a Garda Reserve, a voluntary part-time force who would work in support of attested members of the force.<sup>8</sup>

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<sup>8</sup> Although some Garda staff associations voiced strong opposition to this measure, characterising it as ‘policing on the cheap’, the Minister for Justice envisaged the first members of the reserve being in place by September 2006, rising in due course to a total of 4,000 members. For a discussion of the deployment of ‘community support officers’ in London, an initiative not dissimilar to the Garda Reserve, see Johnston (2005).

The Act outlines a number of specific ways in which local authority involvement in crime prevention may occur, such as the provision of closed circuit television schemes, but the most prominent mechanism of local authority involvement is in relation to the establishment of ‘joint policing committees’ (JPCs) in each local authority area (with the cooperation of the Garda Commissioner). The stated function of JPCs is ‘to serve as a forum for consultations, discussions and recommendations on matters affecting the policing of the local authority’s administrative area’ (36.2). The Act specifies that JPCs are obliged to keep under review the ‘levels and patterns of crime, disorder and antisocial behaviour in the area’ and ‘the factors underlying and contributing to’ these; and to ‘advise the local authority concerned and the Garda Síochána on how they might best perform their functions having regard to the need to do everything feasible to improve the safety and quality of life and to prevent crime, disorder and anti-social behaviour within the area’. The Act also notes that JPCs may, in consultation with the local Garda Superintendent, establish local policing fora within specific neighbourhoods in the area, and coordinate the activities of such fora.

### ***Accountability and Oversight Mechanisms***

A further significant development in the governance of security relates to the scrutiny applied to the police. This has occurred through two main approaches, comprising on the one hand a greater focus upon issues of organisational efficiency, and on the other, significant changes in the system of police accountability.

In relation to organisational efficiency, a broad programme of reform was instituted throughout the public sector in the 1990s as a key plank of the modernising agenda promoted by the Fianna Fail/Progressive Democrat coalition government. Under the auspices of the Strategic Management Initiative, this had prioritised issues of

institutional effectiveness and efficiency, but it had involved a thorough review of the entire organisational structure of An Garda Síochána (Garda SMI Implementation Steering Group 2004). The 2005 Act added some further measures to the managerial toolkit. It provided for performance measures to be introduced within the force and for the establishment of a 'Professional Standards Unit', and it designated the Garda Commissioner as the Accounting Officer of the force. Importantly, the Act also provided for the establishment of a Garda Inspectorate with the goal of ensuring that 'the resources available to the Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services' (117.1).

In terms of the police complaints system, up until the 1980s police accountability in Ireland was based on an 'internal' model in which investigations into allegations of police misconduct were investigated by other officers. Following allegations of police misconduct in relation to the 1984-85 Kerry Babies case – in which the police secured confessions from a woman and other members of her family in rural Kerry to the effect that she had killed her baby and then disposed of the body by having it thrown from a cliff some forty miles away, despite forensic evidence indicating that this could not have occurred (Inglis 2003) – the Garda Síochána Complaints Board (GCSB) was established in 1987. The GCSB was an independent body, but its remit was largely restricted to overseeing police investigations of complaints. Its impact, however, was negligible, and the GCSB itself repeatedly criticised the government for failing to provide it with the resources necessary for it to execute its role effectively. A series of high-profile scandals into allegations of police corruption in Donegal (the subject of the ongoing Morris Tribunal) and of police assault against May Day



protesters in Dublin city centre in 2002 gave further enormous impetus for the development of a more robust mechanism to secure police accountability.

Reflecting these various events and concerns, the *Garda Síochána Act 2005* provided for the establishment of a Garda Síochána Ombudsman Commission. Although the function of the Ombudsman Commission was the familiar one of recording and investigating complaints against police officers, the significance of the Commission was that it constituted a fully independent system, and had the added objective of promoting public confidence in the complaints system. The Commission also was given the power to make reports to the Minister for Justice on matters concerning grave or exceptional circumstances (80.5), and to ‘examine’ a ‘practice, policy or procedure’ of An Garda Síochána with a view to preventing or reducing the incidence of complaints associated with them (106.1).

## ***Conclusion***

It is necessary to recognise that many of the measures that now form key pillars of structure and thought within the changing landscape of the governance of security in Ireland are novel creations. Their emergence in the aftermath of a sustained period of stability and stasis stands as one dimension of wider social change unfolding across Irish society. Given the short period time in which they have been in operation, their consequences are not yet fully apparent, and this nascent process requires close attention from researchers to determine the full nature and contours of this process. Nevertheless, on the basis of this admittedly brief and selective review of developments in the governance of crime and security in Ireland, I offer some observations in relation to democratic oversight under conditions of globalisation.

First, there is no doubt that democratic governance and accountability of the police was significantly enhanced by the Act through its introduction of the Ombudsman Commission. Legislative provision for Joint Policing Committees and Community Policing Fora also constitutes a significant and welcome departure from established practices in Irish policing, whereby public consent to policing was often assumed rather than demonstrated. However, this democratic impulse has proceeded hand in hand with a centralising tendency that casts a question mark over the potential of these measures.

For instance, one of the main concerns with the Act is the extent to which the implementation of its provisions are dependent on guidelines to be issued by the Minister of Justice (these are expected to be published later in 2006). Moreover, while the Act specifies that the Minister may – after consultation with the Minister for Environment, Heritage and Local Government, and for Community, Rural and Gaeltacht Affairs – ‘revise’ the guidelines or withdraw them and issue new ones, it does not specify any grounds on which this might occur, nor does it impose any requirement to consult with the joint policing committees themselves. The democratic thrust of the Act was also undermined by the requirements that the Ombudsman Commission’s ability to ‘examine’ a ‘policy, practice or procedure’ could only be undertaken at the request of the Minister for Justice, and by the further stipulation that the Minister for Justice may issue directives to the Garda Commissioner ‘concerning any matter relating to the Garda Síochána’, to which the Commissioner must comply.

Given that the Office of the Police Ombudsman for Northern Ireland (OPONI) had been such a core feature of the 1999 Patten Report on policing in Northern Ireland, which in turn had been so widely acclaimed as an authoritative statement of police

best practice (Mulcahy 2006), it is rather ironic that the most significant overhaul of policing in the history of the Irish state should be so ambivalent towards these developments. For example, although modelled in principle on OPONI, the scope and powers of the Ombudsman Commission fell short of what had been introduced in Northern Ireland where debate on the powers of police oversight bodies had been extensive, perhaps in an effort to prevent the emergence of an overly robust Ombudsman<sup>9</sup>. Moreover, in 2004 the Minister for Justice rejected calls for an oversight body equivalent to the Northern Ireland Policing Board, stating that such a structure ‘would diminish if not remove the supervisory role of Dáil Éireann’ – despite the fact that the Dáil’s traditional and ill-defined role in performing this function had been roundly criticised as ineffective (Walsh 1998). As he stated in evidence to a Dail committee: ‘What is good for Northern Ireland is not necessarily good for a sovereign state’ (Joint Committee in Justice, Equality, Defence and Women’s Rights 2005: 28). Thus while some specific components of the ‘new managerialism’ agenda may be seamlessly applied in one jurisdiction following their introduction in another – such as the Garda Inspectorate, which closely mirrors the role and functions of Her Majesty’s Inspectorate of Constabulary in Britain – others, which are more closely focused on issues of democratic accountability and thus more

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<sup>9</sup> In Northern Ireland, Nuala O’Loan, the Northern Ireland police Ombudsman, had been politically unpopular in some quarters for her apparent willingness to pursue allegations of police misconduct irrespective of any political embarrassment this caused.

central to core issues of state, may not. In this respect at least, the local trumped the global<sup>10</sup>.

This, in turn, raises the related question of Ireland's location within broader frameworks of change. Here, Garland's (2001) theory of the development of a 'culture of control' offers a troubling vision of the trajectory of crime control under conditions of late modernity. Yet as Kilcommons et al. (2004) demonstrate in their exhaustive survey of crime and justice in Ireland in light of Garland's theory, the great expansion of social control in Ireland from the mid-1990s onwards arose largely from the convergence of specifically local factors, rather than general punitive pressures arising from late modernity per se. These include: public outrage surrounding the 1996 murder of crime journalist Veronica Guerin; the opportunism of the 1997 Fianna Fáil/Progressive Democrat government's 'law and order' agenda (itself a considerable departure from Irish tradition, within which issues of crime and justice were never as overtly politicised as was the case in the USA and the UK); and greatly increased economic capacity to finance this expansion (also a historical novelty). They also suggest that risk logics are conspicuous for their absence within the Irish context, itself reflecting the poor connections between evidence and criminal justice policy in Ireland. As such, their work adds a convincing note of caution in

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<sup>10</sup> For example, in relation to developments across Europe to target organised crime, Den Boer suggests that while greater European integration has not produced a convergence of criminal justice system responses, it 'has increased the transparency and knowledge of one another's systems', a process she characterises as 'horizontal cross-pollination' rather than the centralised imposition of specific initiatives (Den Boer 2001: 272).

regard to grand theories, raising the question of whether processes apparently unfolding in the USA and the UK – and which Garland uses to underpin his discussion of the crime complex as a globalising phenomenon – are, in fact, the exception rather than the rule.

The cause of democratic governance requires, then, a balancing act to be managed, one that nurture local initiatives while being receptive to developments in other jurisdictions. This entails promoting those recent initiatives that carry the promise of equity and accountability, and of enhancing local capacity to address and solve pressing problems of crime and insecurity. In this regard, local police-community consultative mechanisms and the Ombudsman Commission have enormous promise. Ensuring that their potential is fully realised will, however, require public awareness, political commitment, and resources – ingredients that were not always present in the formulation and implementation of criminal justice policy in the past.

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