

# **Critical Reviews 19 & 36 of Appendix IIb of the Public Service Reform Plan**

**(Merge the Forensic Science Laboratory into the State Laboratory)  
(Merge the Medical Bureau of Road Safety with the State Laboratory)**

**September 2012**

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## 1. Executive Summary

1.1. The Government's State Agency Rationalisation Programme combined with the Shared Services Programme, increased accountability through robust Service Level Agreements between parent Departments and State Bodies, and continuous assessment of the business cases for State Bodies, will ensure that all State Bodies are fit for purpose. While rationalisation will deliver savings to the taxpayer, the real benefits lie in the simplification of the administrative landscape, less duplication of effort and more transparent lines of responsibility of public servants. Agency rationalisation will present a challenge for senior managements of organisations to deliver on organisational change in accordance with the Government's Reform Agenda while maintaining service delivery standards.

1.2. A Review Group consisting of officials from the various organisations under review, the parent Departments, and the relevant Vote Sections in the Department of Public Expenditure and Reform has carried out critical reviews of the proposals in the Agency Rationalisation Programme to:

- Merge the Forensic Science Laboratory into the State Laboratory; and
- Merge the Medical Bureau of Road Safety with the State Laboratory.

The critical reviews carried out had regard to the principles of agency rationalisation circulated by the Department of Public Expenditure and Reform.

1.3. The Department of Public Expenditure and Reform is recommending the merger of the Forensic Science Laboratory (FSL) and the State Laboratory when funding is available to co-locate the FSL with the State Laboratory in the Backweston Campus. The Department of Justice and Equality strongly disagrees with this recommendation for reasons which are set out in Chapter 7 of the Report. The Department of Transport, Tourism & Sport and the Medical Bureau of Road Safety (MBRS) also disagree with the recommendation on the basis that facts do not support the recommendation for a merger.

1.4. There could be scope for the achievement of savings in relation to the sharing of common administrative services, e.g. procurement between the State Laboratory and the Forensic Science Laboratory in their respective present accommodation. However savings will not properly arise until the Forensic Science Laboratory is transferred from its present accommodation in Garda Headquarters to the Backweston complex, in an extension to the present premises of the State Laboratory. If/when the Forensic Science Laboratory were to be transferred to Backweston, the question of transferring the Garda Technical Bureau so that it could be housed in the same or nearby premises as the Forensic Science Laboratory should be actively considered, with the objective of achieving further administrative and scientific synergies and savings. If the Government decide to proceed with the State Laboratory/Forensic Science Laboratory merger, a first step would be to appoint a Transition Team to examine the practical steps to bring it into effect.

1.5. While there are no insurmountable operational difficulties which would preclude merging the Medical Bureau of Road Safety (MBRS) with the State Laboratory, DPER is recommending that it would not be advisable to proceed with any such merger for the present. Any merger in the foreseeable future would result in the loss of the State's recent capital investment in provision of "state of the art" purpose-built laboratory facilities for the MBRS in UCD. While agreeing with that recommendation, both the MBRS and the Department of Transport, Tourism & Sport have stated that the ending of the shared services arrangement with UCD would not contribute to the streamlining of a more focused public service. Furthermore, the MBRS and the Department of Transport, Tourism & Sport also

emphasise the need for the State to defend successfully legal challenges to the methodology used in the Bureau in the area of intoxicated driving prosecutions, the most contested legislation in this country. That need acts against any major change in the organisational arrangements and a number of previous independent reviews and Court Judgments support the significance of such a need. The Bureau and the Department of Transport, Tourism & Sport consider that the constraints to a merger proposal are, therefore, not only financial but also related to the MBRS' remit in legal and forensic functions. On the other hand, D/PER does not necessarily accept that a merger would undermine the independent status of the Bureau or curb its ability to defend itself against legal challenges – it considers that the main arguments against altering the present arrangements for the Bureau are financial.

1.6. Irrespective of the decisions reached by the Government in relation to the mergers, DPER, supported by the other members of the Group, recommends that the Laboratories should continue to liaise with each other to explore synergies in relation to procurement, training and other such opportunities. Information sharing already occurs but an increase in its incidence would benefit all three organisations and the State. The potential for further development of the informal Laboratory network should be explored.

1.7. An examination of potential synergies between the laboratories of the Department of Agriculture and the State Laboratory should be undertaken as part of the next stage of the State Agency Rationalisation Programme.

## 2. Background to Agency Rationalisation

2.1. The Programme for Government states that Public Service Reform will require a commitment from the whole of government to become more transparent, accountable and efficient. The radical streamlining of State Bodies will be a key deliverable of the reform programme. The Government believes that real benefit will come from a less crowded administrative landscape resulting in greater democratic accountability, less duplication of effort and clearer lines of responsibility for citizens.

2.2. Government Decision S180/20/10/1136A of 15<sup>th</sup> November 2011 approved the State Agency Rationalisation Programme with 48 bodies to be rationalised by the end of 2012 and a further 46 bodies to be critically reviewed by the end of June 2012. The Agency Rationalisation Programme was subsequently set out in the Public Service Reform Plan on Rationalisation and Reorganisation.

2.3. Initiative 8 of the Public Service Reform Plan calls for further rationalisation and re-configuration of the Public Service to deliver streamlined services and greater value for money, and to promote greater integration and cooperation across organisations and sectors. The State Agency Rationalisation Programme will deliver enhanced service efficiencies, together with ensuring a more focused and democratically accountable Public Service.

2.4. The State Agency Rationalisation Programme, combined with the Shared Services Programme, increased accountability through robust Service Level Agreements between parent Departments and State Bodies, and continuous assessment of the business cases for State Bodies, will ensure that all State Bodies are fit for purpose.

2.5. The Department of Public Expenditure and Reform set out a number of principles to guide the critical review of bodies. These are:

***Citizen focus:*** The relationship between citizens and the State is the key relationship in any democratic society. Proposals should respect and enhance this relationship, in particular by ensuring that bodies are designed to deliver quality public services, and to contribute effectively to the business of public administration whether directly or via their parent Department.

***Policy formulation:*** In the Irish system of public administration, Government Departments are and should be the primary locus of public policy formulation, evaluation and analysis. Policy evaluation and advisory functions should not, as a general rule, be carried on by external State-funded bodies. Specialist advice and consultancy may be availed of from time to time by Government Departments, subject to the tightened Government strictures on the budgets for external consultancies.

***Clear democratic and/or cost benefit:*** Merging and restructuring of bodies should have a clear and demonstrable benefit in terms of delivering greater democratic control, improved service delivery and/or real cash savings.

***Specialist bodies:*** Decisions should take into account whether it is appropriate that a separate agency carry out particular functions in areas where specialist skills may be required, and where independence in the performance of functions requires functional separation from Government Departments.

***Streamlining:*** Decisions should be cognisant of duplication, overlapping and similarities of functions

and roles of bodies, and the synergies from bringing together separate bodies within cognate areas.

***Service sharing:*** Even where bodies should remain separate from one another, or from a ‘parent’ Department, the possibility of sharing services, including back-office functions, should be explored to the maximum extent possible.

***Agency life cycle:*** Government should consider on a regular basis whether the goal for which an Agency was originally established has been achieved (or has been found to be unachievable) and whether the original objective remains relevant today having regard to developments in society, changes in Government priorities, and the much more limited availability of resources.

***Performance focus:*** Citizens are entitled to expect that every State agency has a clear mandate, clear benchmarks for the level of services that they are expected to deliver with their resources, and an appropriate governance structure that delivers accountability for results and performance.

***Respect for staff interests:*** Finally, in relation to the staff employed in the various bodies, the Government will abide by the commitments given in the Croke Park Agreement in considering and implementing specific agency rationalisation proposals, subject to the necessary flexibilities, in particular on redeployment, being delivered.

The reviews should also consider in their analysis the wider benefits of a simplified administrative landscape and a more focused public service with less duplication.

### 3. Review Group

3.1. In line with the guidance on the conduct of reviews supplied by the Department of Public Expenditure and Reform (D/PER), a review group was established comprising officials from the parent Departments, the State Bodies involved and the relevant Vote Sections of D/PER to review the potential for a merger of the Forensic Science Laboratory into the State Laboratory and the Medical Bureau of Road Safety with the State Laboratory. The membership of the Group is set out below.

3.2. It was agreed to run the two reviews in parallel as the results of each would impact on the other. Accordingly, a single review group was established. As it was not possible to achieve consensus within the review group, this report is primarily a Department of Public Expenditure and Reform report which reflects the dissenting views, where appropriate, of the other review group members.

#### Membership of the Review Group

John Roycroft	D/Justice and Equality
Dr Sheila Willis	D/Justice and Equality - Forensic Science Laboratory (FSL)
Dr Sean McDermott	D/Justice and Equality - Forensic Science Laboratory (FSL)
Maurice Treacy	D/Transport, Tourism & Sport
Declan Hayes	D/Transport, Tourism & Sport
Dermot Hayes	State Laboratory
Mick Nangle	State Laboratory
Ita Kinahan	State Laboratory
Prof. Denis Cusack	Medical Bureau of Road Safety (MBRS)
Pauline Leavy	Medical Bureau of Road Safety (MBRS)
David Denny	D/PER (Justice Vote)
Patricia Ballantine	D/PER (Justice Vote)
Catherine Grennan	D/PER (Justice Vote)
Joseph O'Connell	D/PER (Transport Vote)
Dermot Quigley	D/PER (Finance/Taoiseach/PER Group of Votes) (Chair)
Ciara Morgan	D/PER (Finance/Taoiseach/PER Group of Votes)
Michael Duffy	D/PER (Finance/Taoiseach/PER Group of Votes)
Monica Brack	D/PER (Finance/Taoiseach/PER Group of Votes)

## 4. Overview

### 4.1. State Laboratory – Key Information

Remit	The mandate of the State Laboratory is to provide a high quality analytical and advisory service to Government Departments and Offices that supports their policies, regulatory programmes and strategic objectives particularly in the areas of agriculture and food; revenue protection; and protection of the environment and public health. It also provides a toxicology service to assist Coroners' investigations.
Allocation (Gross)	€8.366m (2011 Outturn) €9.001m (2012 Estimate)
Staff Numbers	86.75 (wte)
Of which Administrative Staff Numbers	Corporate Services - 9.3 (wte) IT- 2.5 (wte)
Administrative Costs (Gross)	€5.006m (2011 Outturn – Pay) €5.216m (2012 Estimate – Pay)  €3.36m (2011 Outturn – Non Pay) €3.785m (2012 Estimate – Non Pay)  €8.366m (2011 Outturn - Total) €9.001m (2012 Estimate - Total)
Accommodation & Capacity	Purpose-built premises at Backweston Campus. Some excess capacity at present. The State Laboratory indicates that 800 sqm of laboratory space could be made available comprising 13 single laboratories; 7 double laboratories; and 1 triple laboratory. Limited office accommodation is also available, which could accommodate 3

administrative staff.

#### 4.2. Forensic Science Laboratory – Key Information

Remit	<p>The FSL assists in the investigation of crime and serves the administration of justice by providing scientific analysis and objective expert evidence to international standards. The Laboratory has developed through the provision of specialist services and the implementation of new technology and responds to changing trends in illegal activities. Its work reflects the incidence of subversive activities, abuse of traditional and novel drugs, and the actions of criminal gangs. It also co-operates with various anti-crime campaigns implemented by the Garda Síochána.</p> <p>The services of the Laboratory are geared mainly to the requirements of the criminal justice system, chiefly the Garda Síochána, the Garda Ombudsman (GSOC), the Military Police, and to a lesser extent Customs &amp; Excise and the Department of Agriculture.</p>
Allocation	<p>€3.28m (2011 Outturn)</p> <p>€3.152m (2012 Estimate) (Includes capital allocation of €70,000)</p>
Staff Numbers	92.4 (wte)
Of which Administrative Staff Numbers	11.1: 1AP, 0.7 HEO, 4.6 EOs, 4.8 COs-Administrative Staff (includes 1 member of IT)
Administrative Costs	<p>€3.905m (2011 Outturn – Pay)</p> <p>€3.866m (2012 Estimate – Pay)</p> <p>€2.375m (2011 Outturn – Non Pay)</p> <p>€3.216m (2012 Estimate – Non Pay)</p> <p>€3.28m (2011 Outturn – Total)</p> <p>€3.082m (2012 Estimate – Total)</p>
Accommodation & Capacity	<p>Housed in Garda Technical Bureau in Garda Headquarters in the Phoenix Park and converted temporary premises in Ratra House (also located in Garda Headquarters). Current accommodation is inadequate and over-crowded. It has been</p>

accepted by the Departments of Justice and PER that new purpose-built facilities are required. It had been intended to build a new facility in Backweston Campus at a cost of €40m with the intention that the Garda Technical Bureau would also re-house there over time. However, the project was suspended in 2011 due to reductions in available capital funding.

### 4.3. Medical Bureau of Road Safety – Key Information

Remit	The MBRS is responsible for the chemical testing of intoxicants (alcohol and other drugs) in driving in Ireland; for the approval, supply and testing of instruments and devices for determining the presence and concentration of intoxicants; for the supply of kits for intoxicant testing; for research on intoxicants and driving; and for advising the Minister for Transport on medical aspects of driving. Services are provided to the Garda Síochána, the Department of Tourism, Transport & Sport, the Courts, defence and prosecution lawyers and the public.
Allocation	€4.847m (2011 Outturn) €4.797m (2012 Estimate)
Staff Numbers	35 (wte)
Of which Administrative Staff Numbers	8 administrative staff 1 IT staff member
Administrative Costs	€2.216m (2011 Outturn – Pay) €2.215m (2012 Estimate – Pay)  €1.831m (2011 Outturn – Non Pay) €2.082m (2012 Estimate – Non Pay)  €4.047m (2011 Outturn – Total) €4.297m (2012 Estimate – Total)
Accommodation & Capacity	Purpose-built facility at the University College of Dublin (UCD) campus. Held under renewable “rent free” licence from UCD covering the period 2007 to 2028. The facility cost €12m to build and equip. Building maintenance is the responsibility of UCD.

## 5. Structures and Functions of the Organisations

5.1. This Chapter provides an outline of a number of general aspects of the operations of the three organisations under review. The information therein has been taken from material supplied by the organisations (available in the Annexes to this report).

### Location

5.2. The State Laboratory's premises are located at Backweston Campus, Celbridge. They were purpose-built in 2005 and are of a very high standard. The State Laboratory indicates that 800 sqm of laboratory space could be made available for additional scientific analysis comprising 13 single laboratories; 7 double laboratories; and 1 triple laboratory. Limited office accommodation is also available, which could accommodate 3 administrative staff.

5.3. The FSL is located in Garda Headquarters in the Phoenix Park. The FSL considers that its current accommodation is inadequate and over-crowded. There is no further capacity for expansion and this will act as a major constraint on the Laboratory's capacity to process DNA samples for input to the national DNA database. (However, limited additional space has been refurbished and equipped to allow the establishment of an interim DNA database in the existing premises on foot of legislation being prepared at present.)

5.4. The MBRS occupies premises at the School of Medicine and Medical Sciences in UCD, Belfield. These premises are "state of the art" purpose-built premises, designed and constructed to the Bureau's requirements (senior management in the Bureau participated in the relevant building project team). For example, the accommodation was provided with scientifically segregated areas for the analysis of (i) alcohol in blood and urine, (ii) alcohol in breath and (iii) drugs in blood and urine. The Bureau's premises are held under a renewable "rent-free" licence with UCD, covering the period November 2007-November 2028. The premises cost €10m to build, which was met by the Exchequer through the Transport Vote, as was a sum of approximately €2m for equipment.

### Governance

5.5. The State Laboratory operates under the aegis of D/PER; the FSL is a non-statutory body which is part of the Department of Justice and Equality; the MBRS reports to the Department of Transport, Tourism and Sport. Unlike the first two bodies, the MBRS operates under the aegis of a statutory board, membership of which includes representatives of UCD School of Medicine and representatives of the legal and medical professions.

5.6. The State Chemist is the Accounting Officer for the Laboratory, while the Secretary General of the Department of Justice and Equality fulfils a similar role for the FSL; the Director of the MBRS is a medical practitioner and a member of the clinical academic staff of the UCD School of Medicine.

5.7. Regular Departmental financial and other controls apply to the FSL as a non-statutory body which is part of the Department of Justice and Equality. The FSL already has a service level agreement with the Garda Síochána and a Memorandum of Understanding with the equivalent laboratory in Northern Ireland. The MBRS has the use of its facilities in UCD under an agreement with that institution. A Performance Service Delivery Agreement between the State Laboratory and D/PER is being formulated at present.

### Staffing/Management

5.8. The total staffing of the State Laboratory amounts to 90 (86.75 wtes), which includes 7 Chemists Grade II; 19 Chemists; 13 Senior Laboratory Analysts; and 23 Laboratory Analysts. The staff are mainly concentrated in the following service areas – Food & Agriculture (35.5); Coroners, Environment, Medicines, Quality & IT (28.5); and Revenue (14). State Laboratory staff are civil servants.

5.9. The FSL has a total staff of 96 (92.4 wtes) which include 28 Forensic Scientists Grade II, 19 Forensic Scientists Grade III, 14 Analysts and 9 Team Managers. The majority of staff are concentrated in the general operations area on the following service areas - complex chemistry, analytical chemistry, drugs, serious crime, volume DNA and sexual assault. Forensic Science Laboratory staff are civil servants.

5.10. The MBRS has 35 staff, including the Chief Analyst, 3 Principal Analysts, 6 Senior Analysts and 9 Analysts. The Director of the MBRS is appointed by the Minister for Transport; the other staff members are staff of UCD (i.e. public servants), assigned to duties in the Bureau, pursuant to agreements since 1972 between the Bureau and the University. They are employed under terms and conditions applicable to UCD staff (for example, they are members of the UCD Pension Scheme). The staff are spread across the following service areas- alcohol in blood and urine, alcohol in breath, and toxicology.

5.11. The management of the State Laboratory consists of the State Chemist, two Principal Chemists, seven Senior Chemists and the AP in charge of Corporate Services. In the FSL, the management consist of the four Directors – Science, DNA, Operations and Logistics – who report to the Director General. In the MBRS, the Director is responsible for the management of the Bureau and reports to the Bureau's Board; the senior management team consists of the Head of Laboratories, the Head of Administration and the Principal Analysts for the three service areas. The function of the Director is statute based in Section 28 of the Road Traffic Act 2010.

5.12. The staff of the State Laboratory and the FSL are subject to civil service superannuation arrangements, while the MBRS staff are subject to UCD staffing arrangements and the Bureau reimburses UCD for the pension costs of MBRS staff, who are members of the UCD pension scheme.

5.13. The respective costs of the payroll for the three bodies is as follows: €5.2m for the State Laboratory, €5.9m for the Forensic Science Laboratory and €2.2m for the MBRS.

### Services Provided

5.14. 50% of overall State Laboratory output is provided to the Department of Agriculture. The work involved consists mainly of the testing of animal feeding stuffs, fertilisers and food of animal origin and the issuing of expert advice and statements to assist the work of the Courts. 20% of overall output is provided to the Revenue Commissioners and comprises the testing of products for import and tariff classification purposes. The remainder of the Laboratory's work consists of the examination of substances for various clients, including coroners and the Irish Medicines Board.

5.15. The FSL carries out a range of analytical tests on samples recovered from crime scenes by the Garda Síochána for use by the Garda in criminal investigations. Such tests include the analysis (to the standard demanded of criminal proceedings) of DNA samples (blood, semen and saliva), the identification of drugs and the analysis of trace evidence (e.g. paint, glass, soil, fibres, firearm residue and explosives) in materials supplied by the Garda Síochána. The Laboratory officials appear in Court

as expert witnesses and can also visit crime scenes and advise at Garda incident room meetings at early stages in investigations. The officials are involved in the initial screening during which samples are located and decisions are taken by the Laboratory and the Garda Technical Bureau on what will be tested.

5.16. The MBRS is responsible for the receipt and analysis for intoxicants of specimens of blood and urine and the issue of certificates of analysis. It also provides the Garda Síochána with the requisite equipment for the taking of blood and urine specimens and is responsible for approving, supplying and testing equipment and apparatus for the determination of the presence and concentration of alcohol in the breath. The MBRS trains Gardaí in the relevant areas of usage of the equipment to determine the presence and concentration of alcohol in the breath (in conjunction with the Garda Training College), and in partnership with UCD and the Garda Training College, in road traffic impairment testing. The MBRS scientists appear in Court as expert witnesses.

#### Provision of Common Services

5.17. The State Laboratory handles IT, HR, training, procurement and financial management systems in-house; it uses an external consultant for internal audit and its accommodation and related security needs are handled by Europa, a facilities management company for the Backweston complex as a whole (which the State Laboratory shares with the Department of Agriculture Laboratories).

5.18. The FSL handles IT in-house, but its administrative requirements – e.g. HR, payroll, financial transactions such as invoice processing and payments, internal audit, and procurement - are met by the Department of Justice and Equality in-house or, in the case of HR and Finance, using the shared service facilities operated by that Department. The extension of the IT shared service operated by the Department of Justice to the Laboratory is part of the IT consolidation policy of the Department. The FSL avails of the HSE tender for common laboratory consumables and is investigating joint procurement with the Forensic Service of Northern Ireland (FSNI) and the Scottish Police Service Authority (SPSA) to see if better value would be available from increased economies of scale in relation to DNA consumables.

5.19. All common services required by the MBRS (e.g. HR, Finance, procurement, utilities, security, health & safety, maintenance and IT) are provided by UCD under a services sharing arrangement which has been in place since the establishment of the Bureau in the 1970s and was most recently renewed in 2007.

#### Performance Indicators

5.20. Defined performance indicators (inputs/outputs/impact indicators) are in place for each organisation and are included in the material supplied by the organisations (available in the Annexes).

5.21. The three Laboratories participate in recognised national and international performance indicators for benchmarking scientific performance including INAB (Irish National Accreditation Board), which is a member of the corresponding European body.

## 6. Findings

### Proposal to merge Forensic Science Laboratory into State Laboratory

6.1. The core of the State Laboratory's work consists of providing scientific analysis for the Department of Agriculture, the Revenue Commissioners and the Coroner Service. Its work for the Department of Agriculture relates for the most part to animal feedingstuffs, plant health and veterinary residues, while for the Revenue Commissioners and coroners, the vast bulk of its work relates respectively to hydrocarbon oils and human toxicology. In contrast, the core of the FSL's work involves scientific analysis and interpretation related to criminal investigations for the Garda Síochána and the provision of independent, expert evidence and testimony to the Courts of Criminal Justice. A major concern for the FSL over the next number of years will be the building up of a national DNA database, on foot of legislation shortly to be presented to the Oireachtas, which will in time greatly improve the efficiency of the Garda Síochána by reducing the time taken to conduct investigations. At present, samples and profiles are generated and compared on a case-by-case basis – the advent of the database will allow the comparison of profiles from cases (both crime scene and designated persons) with profiles held on the national database. Any matches generated will form intelligence information for the Garda Síochána.

6.2. The types of scientific analysis undertaken by the two organisations are technically distinct and each of them has a distinct client base as well as a different method of client interaction. The FSL is an integral part of the criminal justice system and has a role in advising on what questions, raised by criminal investigations, can be addressed by science. This is subject to ongoing changes in technology, developments in interpretation and is also affected by changes in legislation. Moreover, a merger between the two organisations would have to have particular regard to the need for both to maintain the highest standard of performance required in the interests of (i) agriculture and food/ revenue protection/ protection of the environment and public health and (ii) impartial criminal prosecution and State security, respectively. Any merger would have to ensure that the scientific integrity of each organisation is not in any way compromised and that the strong operational links in place with their respective client bases are strengthened and maintained. It is envisaged that the two organisations would have a large degree of independence from one another in their day to day scientific analytical work. However, the opportunities offered by operating as part of a larger scientific and technical community could include some shared training of staff, for example – this would be an appropriate subject for further examination.

6.3. The clearly defined performance indicators in place for each of the two organisations would support retention of independence of functions within a shared laboratory structure. The State Laboratory provides services to a variety of Government Departments/Offices and in each case, the policy responsibility remains with the relevant Department/Office. The very close links between the Forensic Science Laboratory and the criminal justice system would remain in being.

6.4. Aside from the scientific aspect, the question of possible savings on the administrative side with regard to common services has been explored. As indicated in Chapter 5, the State Laboratory has the capacity to handle most of such services “in house”. In contrast, for many of its services such as travel and subsistence, payroll, procurement and HR, the FSL relies on the Department of Justice and Equality.

6.5. The two Laboratories have streamlined administrative costs. The State Laboratory has 13 administrative and IT staff servicing a total staff complement of 86.75 wtes. Pay costs make up 58% of its overall budget with a non-pay budget of €3.8m to run a laboratory service. The FSL has 11.1

administrative and IT staff servicing a wte staff complement of 92. The administrative staff of the FSL are heavily involved in operational matters such as receipt of cases and report generation. Pay costs make up 66% of its overall budget with a non-pay budget of €3.2m to run its laboratory service. The Laboratory benefits from operating within a shared services environment with the Department of Justice and Equality.

6.6. It is envisaged that both Laboratories will participate in the proposed new HR Shared Services Centre under the aegis of D/PER but, if the two bodies were to stay apart physically, the potential for further savings in the common services area is likely to be minimal. However, if the FSL were relocated to Backweston there would be further potential for some sharing of accommodation, storage and canteen facilities and possibly, IT facilities.

6.7. In that event, services to existing consumers would not be disrupted – indeed, the services provided by the FSL would be improved through the availability of enhanced facilities. It appears entirely reasonable to envisage some economies of scale over time from the creation of a bigger organisation. The merger would also be in the interest of staff through the potential for greater mobility opportunities, even allowing for necessary re-training.

6.8. Moreover and crucially, the present accommodation for the FSL is inadequate and overcrowded. The present premises have no room for the extra dimension of the Laboratory's work which will be generated by the onset of the national DNA database. It is accepted by the Departments of Justice and Equality and PER that new purpose-built premises are required for the FSL. (In fact, its relocation to Backweston at a significant cost had been agreed by the then Department of Finance some years ago but the project had to be shelved because of the budgetary and economic circumstances of recent years.) However, if a decision were taken to reactivate this project (and the need to establish a national database and house it in appropriate conditions will put this matter on the agenda within the near future), the feasibility of arranging that the new accommodation for the FSL would be an extension to the present premises of the State Laboratory should be examined as a priority matter. An extension to the existing premises should incur a lower capital cost than a new stand alone facility, even allowing for the costs incurred on securing the existing planning permission for such a facility.

6.9 In the event that the Government decides to proceed with this merger, the first step would be to put in place a Transition Team to work through the various operational issues to be addressed in effecting the merger, including financial transfers, and recommending appropriate governance arrangements for the merged organisation. In light of the factors above, such arrangements would be designed to ensure the highest degree of administrative co-ordination consistent with the maintenance of the operational integrity of both organisations. As indicated above, the full benefits of a merger would not come on stream until Government decide to allocate capital funding for the required premises in Backweston. The Transition Team would be tasked with bringing forward revised costings for this move, together with estimates of administrative savings which a merger would produce, including those which might arise through synergies such as in the training area (see paragraph 6.2).

#### Proposal to merge the Medical Bureau of Road Safety with the State Laboratory

6.10. From the material provided by the Bureau on its administrative and operational arrangements, it is evident that the organisation is currently embedded into the administrative structure of UCD. It occupies premises in that University which were purpose-built in the very recent past to meet the Bureau's requirements, at a cost to the State of €14m. The premises are occupied under the terms of a licence arrangement with UCD which is due to run until 2028. It should be noted that the Bureau's non-programme services are all provided by UCD on a shared service basis and the staff form part of

the UCD workforce, as exemplified by the fact that they are members of the UCD pension scheme. Just as with the Forensic Science Laboratory, any meaningful merger between the MBRS and the State Laboratory would most logically entail physically re-locating the Bureau alongside the State Laboratory in the Backweston complex and to do so would involve, in effect, a write-off of the recent very substantial investment on the State's part in purpose-built facilities for the MBRS in UCD. This must constitute a major restraining factor on any such initiative for the foreseeable future – it is clear, for example, that a write-off of this order would greatly outweigh any extra gains in administrative costs to be obtained from the Bureau's sharing services with the State Laboratory and (if it is transferred to Backweston) the FSL. The MBRS and the Department of Transport, Tourism & Sport, state that such gains would be negligible, because the existing shared service arrangements lead to significant efficiencies.

6.11. In addition, the MBRS and the Department of Transport, Tourism & Sport have submitted that the corporate governance arrangements of the Board of the Bureau are a key instrument in asserting the independence of the body as it represents its findings for court cases. The sphere of the testing of drivers for the intake of alcohol has in the past been the subject of an intense degree of litigation. There is every likelihood that that position will continue to apply out into the future. The need for the State to be able to defend successfully legal challenges to the methodology used in its Laboratory system for the analysis of samples provided by the Garda Síochána acts against any major change in the organisational arrangements in this area. Indeed, the merger of the MBRS with other laboratories has been previously considered on a number of occasions, including a very detailed review of a proposed merger of the Bureau with the FSL in 1990 by the Management Services Unit, Department of Finance.

That 1992 Report of that review found that the Bureau “provides a fast and efficient service to its clients (the Gardaí), conforming to the highest professional standards in laboratory analysis” and that “the procedures currently in place in the Bureau for the analysis of specimens have been rigorously drawn up with the aim of protecting the continuity and integrity of the specimens, which over the years has resulted in a high degree of confidence in the service amongst the Gardaí, the Courts and the general public”. The intervening years have not only solidified that confidence, but placed the Bureau in a position to successfully defend all legal challenges to their methodology and evidence.

The 1992 Report also found that “the fact that the Bureau was set up in a University setting has been a major contributory factor in its acceptance by the public and the Courts as an independent agency which would give objective results on alcohol in drink driving cases”. That setting and independence has been the subject of detailed scrutiny in the Courts and has underpinned the Bureau's success in defending such challenges over the years.

6.12 While the majority of the Group accepted this argument, D/PER does not necessarily accept that a merger would undermine the independent status of the Bureau or curtail its ability to successfully defend itself against legal challenges. After all, it envisages that the proposed merger between the State Laboratory and the FSL can be organised in such a manner as not to adversely affect in any way the professional standing of either organisation and it sees no reason in principle why arrangements of similar rigour could not be introduced in respect of the Bureau. In its view, it is the financial argument as outlined at 6.10 which constitutes the major deterrent against altering the present arrangements for the Bureau.

6.13. However, this should not preclude a further review if and when appropriate in the longer term future based on any change in the evidence basing such arrangement. The longer term rationale for a Government laboratory service being operated from within a university structure will need to be kept

under review. If/when any further reviews or reorganizations of State laboratory services (or university laboratory services) take place, this matter could be again considered with a view to bringing about a greater consolidation of such services.

#### Other Matters requiring Examination

6.14. While it is evident from the above that there may be no insurmountable operational difficulties to bringing about a merger of these three Laboratory services, initial cash savings would be quite limited (particularly until the FSL were transferred to Backweston), and in the case of the MBRS merger there are strong financial arguments against any merger for the foreseeable future. There are a number of other options however which should be examined in the context of the rationalisation of State Agencies in the scientific field.

6.15. Firstly, the material supplied by the FSL illustrates the very close operational relationship which it has with the Garda Síochána, including the Garda Technical Bureau as well as the key role of both Laboratory and Bureau in providing expert testimony to the Courts. At present, the two organisations are located in close proximity to one another and a significant element of the work of each is common - for example, the handling of samples. (At present, samples are logged in to the Bureau and then transferred to the Laboratory; the reverse occurs when the latter examinations have been completed.) Accordingly, the two organisations share a pool of sample-related information; in fact, some samples are split between the two bodies and are analysed by both organisations in consultation with one another. (For example, in shooting cases, ballistics experts in the Bureau might examine bullets, while the FSL would concentrate on firearms residue.)

6.16. It is also envisaged that when national DNA database is in operation, the degree of synergy between the day-to-day handling of cases by the FSL and the Garda Technical Bureau will be greatly increased. It is already recognised that the present accommodation for the Forensic Science Laboratory is inadequate and that provision for new accommodation needs to be provided as soon as budgetary circumstances permit. It has been concluded that co-location in the Backweston complex is the preferred option for the Forensic Science Laboratory; the Group suggests that the question of relocating the Garda Technical Bureau to Backweston (at least alongside the FSL but, if at all feasible, in the same premises as the latter) should be actively explored.

6.17. Secondly, some of the laboratories of the Department of Agriculture are located on the Backweston complex. There are housed in separate accommodation from the State Laboratory with an element of service sharing between them – e.g. in relation to facilities management; security; canteen; conference / meeting facilities, etc. While the issue of a greater degree of cohesion between the respective organisations was not examined as part of the current exercise as it did not feature in the Government's Reform Plan, it is considered that there might be an even greater degree of commonality in terms of scientific equipment and staff expertise than would be the case in the two proposed mergers being currently examined. The Group suggests that consideration be given to an examination of the scope for sharing management, staffing and operational functions as part of a wider examination of the State's scientific services. Any such exercise should also examine the lack of standard benchmarks for measuring scientific performance by State Bodies carrying out such functions.

## 7. Views of the Department of Justice and Equality

### Overarching Issues

7.1. The Department of Justice and Equality has actively participated in this review. It agrees with various recommendations in the report, including the recommendation that the Medical Bureau of Road Safety should not be merged with the State Laboratory. It endorses the detailed submissions made by the MBRs and the Department of Transport, Tourism & Sport in relation to current policy and corporate governance arrangements (as set out in more general terms in paragraph 6.11 above). It strongly disagrees with the recommendation for a merger of the FSL into the State Laboratory on the basis that there is no evidence of any significant public benefits, financial or otherwise, flowing from such a merger and in fact argues that the contrary is the case.

7.2. The Department of Justice and Equality has repeatedly expressed the strong view that a dedicated Laboratory responding to the needs of the criminal justice system is essential; an analytical laboratory is not the same as a forensic science laboratory. The added value of forensic science is recognised world wide by the promotion and funding of criminal justice based/oriented organisations; this would not be the case if analytical results sufficed. In the context of forensic science, relying on analytical results alone in criminal trials has led to miscarriages of justice, aborted trials and tribunals of inquiry. While both models are entirely relevant and appropriate in their different spheres, the recommendation for a merger in this report is entirely based on the inappropriate conflation of an analysis based organisation and one with a holistic scene-to-court approach.

7.3. There are many models for the provision of forensic science. The differentiation between the scene and the laboratory, while recognised as being co-dependent, are not divided in the same way in all countries. Whatever the divide, there is a distinct and vital role in addition to the collection of samples and provision of analytical results. This involves assessing what testing is needed to deliver best value and address the questions raised in the investigation. In some countries, such as Australia, scientists carry out triage at the scenes. In the UK, a separate service was introduced to interface between the scene and the laboratory and to regulate demand. In Ireland, the FSL has a role in determining what testing should be carried out to advance the case and has built up systems which are effective in ensuring that demand is regulated, resources are used where they make a difference and the independence of the scientist is maintained. This often involves explaining, either in the context of the investigation or the Court trial, why particular testing was not carried out. The system in operation is not a process where a fixed number of samples are analysed and results reported; it is much more complex and very much integrated into the criminal justice system.

7.4. The efficiencies that may be gained in the FSL will arise in the context of a more integrated Criminal Justice system. The FSL is an essential and integrated component of this system and removing the FSL from this system will make the realisation of savings and efficiencies much more difficult. The current and continuing integration of the FSL into the criminal justice system can best be illustrated by the proposals contained in the draft DNA legislation, as set out below, which will now have to be amended if the merger proposal is carried through.

7.5. Firstly, the Criminal Justice (Forensic Evidence and DNA Database System) Bill is predicated on the FSL being the physical “custodian” of the forthcoming DNA database. The DNA database will be a key security and intelligence asset used by the Garda Síochána. If the FSL is moved from the criminal justice sector and placed under the jurisdiction of another agency outside of that sector, the Department of Justice and Equality will be obliged to make alternative arrangements for the custodianship of the DNA database. Under no circumstances can this Department permit a highly

sensitive security and intelligence asset to sit outside the framework of the criminal justice system under the authority of the Minister for Justice and Equality.

7.6 Secondly, the main Prüm Council Decision (2008/615/JHA) and its implementing Decision (2008/616/JHA), aim to improve the level of cross-border cooperation against terrorism and cross-border crime and include provisions specifically related to the automated searching and exchange of certain types of information including DNA data. When a match is found, reference data is automatically passed back to the Member State generating the query (Art.3 & 4). The match must be then verified through the exchange of personal data and case information between countries by existing mutual legal assistance procedures, either police or judicial (Art.5). The processing of both incoming and outgoing DNA search requests under Prüm require close cooperation between An Garda Síochána and the Forensic Science Laboratory. A Garda DNA Working Group involving experts from both organisations has already been established to develop the necessary integration of systems and work processes required to fulfill our national obligations under the Prüm Decisions.

7.7 The involvement of the FSL in the current and future arrangements is permissible as they are a key and integrated part of the criminal justice system under the authority of the Minister for Justice and Equality. The current highly efficient arrangements will have to be completely rethought if the merger proposals proceed as an agency outside of the criminal justice sector, no longer under the authority of the Minister for Justice and Equality, will not be permitted access to this kind of data. The proposed change by D/PER to the status of the Forensic Science Laboratory will necessitate further redrafts of the Bill, thereby exacerbating an already lengthy delay of Bill which was expected to be published by the end of 2012. It should be noted that under the Lisbon Treaty, penalties for non-compliance take effect from December 2014. The State cannot countenance further delays in this area.

7.8 The above paragraphs are an indication of the current level of integration of the FSL within the criminal justice system. As already pointed out in paragraph 7.4 above the efficiencies that may be gained in the FSL will arise in the context of a more integrated Criminal Justice system. This Department had intended to examine additional synergies between the Garda Technical Bureau and the FSL with a view to considering further organisational changes and possibly merging some functions. This option will not be available if this merger proceeds as under no circumstances can the Department of Justice and Equality countenance the merger of criminal justice functions, currently undertaken by the Garda Technical Bureau, into an agency not under the auspices of the Minister for Justice and Equality.

#### Assessment against Core Principles

7.9 However, the above is not the only basis on which the Department of Justice and Equality disagrees with the recommendation for a merger. The Department also used the principles set out by D/PER in section 2.5 to assess the merit of the proposed merger of the Forensic Science Laboratory into the State Laboratory and measured them against the evidence that was gathered. It found that **none** of the benefits proposed by the principles were met. A summary of the rationale for making this assertion is provided below:

**Citizen focus:** The FSL does not deal directly with the citizen. The benefit to the citizen is derived by the quality of the interaction between the laboratory, bodies such as the Garda Síochána, the Criminal Courts of Justice and associated participants. The quality of this interaction is very good and is delivering results. There is no evidence that citizen focus will be improved in any way by the proposed merger and it very hard to see how moving the FSL from the policy and operational environment of the Justice sector could contribute to improved citizen focus.

**Policy formulation:** The FSL is an intrinsic part of the Department of Justice and Equality and the Justice sector in both operational and policy terms. It is closely involved with the Department of Justice and Equality in advising on the proposed DNA legislation and technical advice in relation to data exchange under the EU Prüm Decisions. Its operational links are primarily with the Garda Síochána and the Courts. Indeed, it is difficult to envisage a body with stronger direct links to and synergies with the Justice sector than the FSL. This is true everywhere in the world.

**Clear democratic and/or cost benefit:** There is absolutely no evidence of any democratic or cost benefits flowing from the proposed merger. It is hard to see how moving the FSL from under the auspices of the Minister for Justice and Equality can give rise to any democratic benefits when the agency concerned is an intrinsic part of the criminal justice system. Not a single cost benefit has been quantified or is evident from the evidence presented to the review group. Indeed, as set out below the benefits that are presented are both vague and are generally not supported by the evidence.

**Specialist bodies:** The FSL is a specialist scientific body working in an environment which is most suited to its functions. World wide, forensic science laboratories operate in the Justice and Home affairs area. It shares no cognate operational or policy areas with the State Laboratory.

**Streamlining:** There are no cognate functions between the State Laboratory and FSL; hence no streamlining will arise from the proposed merger. The potential for benefits and efficiencies in the FSL will arise in the context of a more integrated Criminal Justice system. Removing the FSL from this environment will make the realisation of savings and efficiencies much more difficult.

**Service sharing:** FSL already avails of financial and HR shared services within the Department of Justice. There are no benefits to be gained by moving it to an agency which does not use shared services such as the State Laboratory.

**Agency life cycle:** The function of and rationale for the FSL is more valid now than it was when originally established because of the development and specialisation of forensic science as a distinct area and the growth of scientific areas such as DNA.

**Performance focus:** FSL is already a high performance organisation. Its main objective is that the Irish criminal courts have the benefit of forensic science in line with the best international norms. It was formally reviewed by Deloitte and Touche in 2000. The Law Reform Commission (2004) reviewed the operation of the Laboratory and recommended that it should be the custodian of the recommended DNA database. The Kopp report (2006) based its findings on a European benchmarking project and noted that based on comparison with the analysis carried out in an EU funded comparative study of productivity in forensic labs (QUADROPOL), the FSL compares well in terms of productivity with similar forensic science labs of good standing. There are numerous other relevant points in the Kopp report that highlight the value of an end to end approach in Forensic Science. The idea that even higher performance can be garnered by a merger with a body with whom it shares no cognate scientific, operational or policy roles is not advanced anywhere in the report and is not supported by any evidence.

#### Other Issues

7.10 There are numerous assertions made in the report in support of a merger. The Department of Justice and Equality deals with these below in bullet point format but would make the general point that most of these assertions are vague and general and do not provide the basis for any merger

recommendation:

- **Section 6.2: (i)** “It is envisaged that the two organisations would have a large degree of independence from one another in their day to day scientific analytical work.” This would entail retaining the existing management structure in both organisations and begs the question of what is being achieved at all by the proposed merger. **(ii)** “... opportunities offered by operating as part of a larger scientific and technical community could include some shared training of staff, for example.” This issue was not examined by the Group and is a generalised and unsupported assertion. Given the different scientific disciplines and operational areas, it is a highly dubious assertion. Moreover, shared training does not require a merger of organisations.
- **Sections 6.4-6.5:** These sections deal with possible administrative savings. The FSL already benefits from shared HR and financial services which are more efficient and generate significant efficiencies and economies of scale. A merger with the State Laboratory would yield no administrative benefits in this area.
- **Section 6.7** This section makes a series of unsupported assertions. It asserts that a merger would not give rise to service disruption and that service would in fact be improved as the FSL would have access to better facilities. The notion that merging two organisations, especially two as disparate as the FSL and the State Laboratory, carries no risks which might have various negative impacts, including on service, is hardly credible and the statement is made without any assessment of the facts or the evidence. Moreover, it assumes that access to new laboratory facilities and hence “better service” necessitates a merger. It is accepted the FSL needs new and more modern laboratory facilities but this is not a sufficient basis to recommend a merger (see point in relation to 6.8 below). Finally, the assertion that a merger would automatically give rise to economies “over time” has no basis. The administrative economies of scale have already largely been seized in the FSL through the use of shared services. The scientific efficiencies and associated economies of scale largely derive from a heavy planned investment by the FSL (using funds procured by the Minister for Justice and Equality) in new technology including a modern case management system and sophisticated DNA and other technology. The economies of scale referred to in the report cannot arise between organisations with no cognate scientific areas. The efficiencies that may be gained in the FSL will arise in the context of a more integrated Criminal Justice system. Removing the FSL from this system will make the realisation of savings and efficiencies much more difficult.
- **Section 6.8:** The Department of Justice and Equality advised the project group that the OPW had secured planning permission for a new laboratory for the FSL on the same site as the State Laboratory in Backweston. The detailed designs were ready to go to tender when the project was suspended due to the absence of funding. Significant funds have already been expended by the State on the project in design costs, professional fees and some works. Notwithstanding this fact, the Department of Justice and Equality strongly supports the view that if consideration is to be given to building new facilities for the FSL in Backweston, a full assessment of all the laboratories on that site (including the Agricultural laboratories and not just limited to the State Laboratory) should take place with a view to making best use of all current State resources on that site and minimising the additional resources required. However, it cannot be assumed, as the report does, that this will necessarily be less expensive than the current plans. Moreover, in this context, a sharing of facilities, if it is deemed feasible, does not require an organisational merger in order to take place. The two issues should not be conflated.
- **Section 6.14:** This section states “While it is evident from the above that there may be no insurmountable operational difficulties to bringing about a merger of these three laboratory services in accordance with Government policy, initial cash savings would be quite limited.”, The group has not identified any cash savings which might flow from a merger. Moreover,

while there may well be no insurmountable difficulties this is not a sufficient basis for recommending the merger of the FSL in view of the arguments made above.

- **Section 8.1:** The Department of Justice and Equality notes the recommendation of D/PER that the State Chemist would become the Accounting Officer for the Forensic Science Laboratory as it is merged into the State Laboratory. The notion that some form of benefit arises from (a) moving an integrated part of the criminal justice sector out of that sector (b) removing the Secretary General of the Department of Justice as Accounting Officer and (c) placing a key component of the criminal justice sector under the Minister for Public Expenditure and Reform, is not evidenced anywhere in the report and runs counter to best practice all over the world.

The Department of Justice and Equality notes the statement at 7.11 below by D/PER, characterising the views of the Department as overestimating the difficulties and “altogether too negative”. The Department notes that D/PER have not provided any evidence to support these assertions. This Department has based its views entirely on the evidence and further notes that the majority of the review group did not support the D/PER recommendation in this area.

The Department wishes to stress that the evidence supports the view that the synergies and efficiencies that might be available from a merger of some sort with the State Laboratory are most likely between the Agricultural Laboratories, already based in the same campus in Backweston as the State Laboratory, given that the State Laboratory already undertake 50% of their work of the State Laboratory for the Department of Agriculture, Food and the Marine. The Department therefore strongly supports recommendation 8.7, which it believes could be readily achieved, and is most surprised that this did not form part of the review by D/PER.

Finally, the Department of Justice and Equality wishes to state in relation to the statement by D/PER at 7.11 below of “the overwhelming budgetary requirement to reduce expenditure levels in the State Agency sector”, that as a Department charged with responsibility for agencies who deliver key services to the public, it is well aware of this position but notes that the proposed merger will have little, if any, impact on budgetary requirements of the State agency sector.

#### Observations of D/PER on views of D/Justice and Equality

7.11 In D/PER’s opinion, the crucial factor to be borne in mind in regard to the future of the Forensic Science Laboratory is that its present accommodation is inadequate and a move to Backweston appears the best option when sufficient resources can be made available. D/PER considers it eminently reasonable to advocate that all options for synergies on the Backweston complex between the State Laboratory and the FSL should be explored, given that the former is already *in situ* there. (In addition, further synergies involving the Agriculture laboratories already in Backweston and the Garda Technical Bureau (with its close links to the Forensic Science Laboratory) will require to be examined.) Any other course of action would run directly counter to the thrust of the Government’s State Agency Rationalisation Plan. D/PER wishes to emphasise its full awareness of the need for the Forensic Science Laboratory to retain its professional reputation and close links with the criminal justice system and it does not see why a merger, along appropriate lines and with all the necessary operational precautions in place, with the State Laboratory (and, in due course if considered suitable, with other bodies located in Backweston) should compromise in any way its standing. In that light, it believes that the stance of the Department of Justice and Equality overestimates the difficulties involved and is altogether too negative in the context of the Government’s rationalisation programme and the overwhelming budgetary requirement to reduce expenditure levels in the State Agency sector.

## **8. Recommendation**

8.1. There is scope for savings to be achieved in relation to the sharing of common administrative services upon the transfer of the FSL from its present accommodation in Garda Headquarters to the Backweston complex, in an extension to the present premises of the State Laboratory. The merger of the State Laboratory and the Forensic Science Laboratory upon co-location of the two Laboratories in the Backweston complex is therefore recommended. It is proposed that the State Chemist would become the Accounting Officer for the Forensic Science Laboratory as it is merged into the State Laboratory. However, the Forensic Science Laboratory would maintain its corporate identity within the State Laboratory as it carries out very specific functions with a particular client base. Any merger would have to ensure that the scientific integrity of each organisation is not in any way compromised and that the strong operational links in place with their respective client bases are strengthened and maintained. Thus, the FSL should ensure that its close working relationship with the Garda Technical Bureau is maintained. The operational links with the criminal justice system and the Justice Group should be formalised through service level agreements. An immediate merger would not be advisable for operational reasons. However if a merger were approved, the first step would be to put in place a Transition Team to work through all the operational issues to be addressed to effect the merger and to plan the merger along a timeline linked to the availability of capital funding to co-locate the Forensic Science Laboratory with the State Laboratory. The Transition Team could begin work immediately.

8.2 The recommendation at 8.1 above is not accepted by the Department of Justice and Equality and the Forensic Science Laboratory for the reasons detailed in Chapter 7 of the report. The Department of Transport, Tourism and Sport and the Medical Bureau of Road Safety support the recommendation for co-location of the FSL and the State Laboratory in the Backweston complex as leading to synergies and potential savings but do not support the recommendation for full merger of the two laboratories based on the totality of the information and evidence submitted and contained in the report..

8.3 If the FSL were transferred to Backweston, the question of transferring the Garda Technical Bureau so that it could be housed in the same or nearby premises should be actively considered, with the objective of achieving synergies, both administrative and scientific, and consequent efficiencies and savings.

8.4 A merger of the State Laboratory and the MBRS would also present a number of significant operational challenges including the fact that MBRS staff are university staff. However these challenges would not be insurmountable. While the seemingly different scientific remits of the State Laboratory and the MBRS might be claimed to be a constraint on any merger between the organisations, the real constraints are financial and related to remit in functions (legal and forensic) rather than organisational. Critically, the fact that the MBRS is so currently embedded into the structure of UCD and the need for value to be derived from the State's very recent capital investment in provision of "state of the art" purpose-built laboratory facilities for the MBRS is a compelling argument against the physical removal of the MBRS from UCD at this point. In the absence of any such move, the potential for savings in any relationship between the State Laboratory and the MBRS would be negligible. Therefore, a merger of the Medical Bureau of Road Safety into the State Laboratory is not recommended at this time. The Medical Bureau of Road Safety and the Department of Transport, Tourism and Sport support this recommendation on the rationale of the broader combined financial, legal, operational and University parameters and reasons submitted and evidenced in the report including Annex C.

8.5 The rationale for operating a road traffic and forensic service from within a School of Medicine in a University was set out in its establishment and confirmed in a subsequent detailed review. However, the broader rationale for operating a Government laboratory service from a University needs to be kept under review on a regular basis out into the future as circumstances change.

8.6 The Laboratories should continue to liaise to explore synergies in relation to training and other such opportunities.

8.7 An examination of potential synergies between the laboratories of the Department of Agriculture and the State Laboratory should be undertaken as part of an extension of the State Agency Rationalisation Programme.



**Material prepared by the State Laboratory to assist the Department of Public Expenditure & Reform in carrying out a critical review of the proposal to merge the Forensic Science Laboratory and the Medical Bureau of Road Safety with the State Laboratory.**

**June 2012**

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## 1. Breakdown of services provided by the State Laboratory

Services Provided	To whom?	Legislative Framework	% of Overall Output <sup>1</sup>
<ul style="list-style-type: none"> <li>- Testing of animal feedingstuffs (for nutrients, additives, contaminants, antibiotics, etc.);</li> <li>- Testing of fertilisers for composition and contaminants;</li> <li>- Testing of food of animal origin (for veterinary drug residues, mycotoxins, dioxins, etc.);</li> <li>- Testing of food of plant origin (for nitrates, heavy metals, etc.);</li> <li>- Testing of dead birds of prey / animals (for poisons, etc.);</li> <li>- Testing of seized veterinary products;</li> <li>- Acting as a National Reference Laboratory in the areas of animal feedingstuffs and food of animal origin; and</li> <li>- Issuing expert advice to D/Agriculture, Food &amp; the Marine and statements to assist the work of the Courts.</li> </ul>	<p style="text-align: center;">Department of Agriculture, Food &amp; the Marine</p>	<ul style="list-style-type: none"> <li>- Animal Remedies Act, 1993;</li> <li>- S.I. 507/1998;</li> <li>- Commission Regulation 1831/2003;</li> <li>- Commission Regulation 882/2004;</li> <li>- Commission Regulation 401/2006;</li> <li>- Commission Regulation 1881/2006;</li> <li>- Commission Regulation 1882/2006;</li> <li>- Commission Regulation 850/2007;</li> <li>- Commission Regulation 152/2009;</li> <li>- Commission Regulation 767/2009;</li> <li>- Commission Regulation 939/2010;</li> <li>- Directive 2002/32/EC;</li> <li>- Directive 2009/8/EC;</li> <li>- Directive 2009/141/EC;</li> <li>- Directive 2010/6/EU.</li> <li>- Commission Regulation 2003/2003;</li> <li>- Commission Regulation 137/2011;</li> <li>- Directive 96/23/EC;</li> <li>- Directive 96/22/EC;</li> <li>- Directive 2003/74/EC;</li> <li>- Directive 2006/13/EC;</li> <li>- Commission Regulation 761/2010;</li> <li>- Commission Regulation 252/2012; and</li> <li>- Commission Regulation 278/2012.</li> </ul>	<p style="text-align: center;">50%</p>
<ul style="list-style-type: none"> <li>- Analysis of products for import and tariff classification purposes;</li> <li>- Testing for marked diesel and laundered fuel;</li> <li>- Testing for counterfeit alcohol;</li> <li>- Testing for export refund purposes; and</li> <li>- Issuing expert advice to the Revenue Commissioners and statements to assist the work of the Courts.</li> </ul>	<p style="text-align: center;">Office of the Revenue Commissioners</p>	<ul style="list-style-type: none"> <li>- Commission Regulation 203/98;</li> <li>- Commission Regulation 3530/83;</li> <li>- Commission Regulation 2429/86;</li> <li>- Commission Regulation 98/2008;</li> <li>- Commission Regulation 121/2008;</li> <li>- Commission Regulation 273/2008;</li> <li>- Commission Regulation 412/2008;</li> <li>- Commission Regulation 900/2008;</li> <li>- Commission Regulation 152/2009; and</li> <li>- Commission Regulation 1260/2010.</li> </ul>	<p style="text-align: center;">20%</p>
<ul style="list-style-type: none"> <li>- Testing of human urine / blood samples for drugs in the cases of sudden and unexplained deaths;</li> <li>- Testing for "designer" and "head shop" drugs in biological samples;</li> <li>- Testing petrol and diesel samples for air-pollutants;</li> <li>- Testing for the purposes of heritage protection;</li> <li>- Testing medicinal and herbal products for drugs; and</li> <li>- Issuing expert advice to clients and statements to assist the work of the Courts.</li> </ul>	<p style="text-align: center;">Coroners; Department of the Environment, Community &amp; Local Government;</p>	<ul style="list-style-type: none"> <li>- Coroners' Act, 1962;</li> <li>- Misuse of Drugs Act 1977;</li> <li>- Pharmacy Act 2007;</li> <li>- Directive 98/70/EC;</li> <li>- Directive 2003/17/EC; and</li> <li>- Directive 2009/30/EC.</li> </ul>	<p style="text-align: center;">30%</p>

<sup>1</sup> Based on 2011 sample no's.

	Irish Medicines Board		
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## 2. Summary of financial inputs

<b>Subhead</b>	<b>2011 Outturn (€,000)</b>	<b>2012 Estimate (€,000)</b>
Salaries, Wages & Allowances	5,006	5,216
Travel & Subsistence	27	35
Training & Development and Incidental Expenses	208	231
Postal & Telecommunications Services	66	70
Office Equipment & External IT Services	1,705	1,947
Office Premises Expenses	1,341	1,490
Consultancy Services	12	12
Appropriations-in-Aid	896	605
<b>Net Vote Provision</b>	<b>7,470</b>	<b>8,396</b>

## 3. Outputs and Performance Indicators

### 3.1 Laboratory Service

In 2011, the Laboratory tested for 256,553 analytes and 13,361 samples were analysed. This represents an increase of 17% in the number of analytes tested for and an increase of 3% in the number of samples analysed. 98% of samples were analysed and results reported within agreed timeframes. The tables below detail the number of samples analysed and the number of analytes tested for across the Laboratory's three main customer groups:

1. The Department of Agriculture, Food & the Marine;
2. The Office of the Revenue Commissioners; and
3. The Coroners, the Department of the Environment, Community & Local Government, and the Irish Medicines Board.

#### **Agriculture**

<b>Category of Sample</b>	<b>No. of Samples</b>	<b>No. of Analytes Tested For</b>
Animal Feedingstuffs	906	6,500
Fertilisers / Limestones	297	649
Plant Health	2,598	3,463
Mycotoxins in Feed and Food	386	1,733
Dioxins in Feed and Food	421	5,932
Veterinary Residues in Food	1,172	10,334
Veterinary Medicines	26	26

Nitrates in Vegetables	94	94
Heavy Metals in Vegetables	517	1,034
Poisons in Dead Bird Remains	152	1,824
<b>Totals:</b>	<b>6,569</b>	<b>31,589</b>

### Revenue

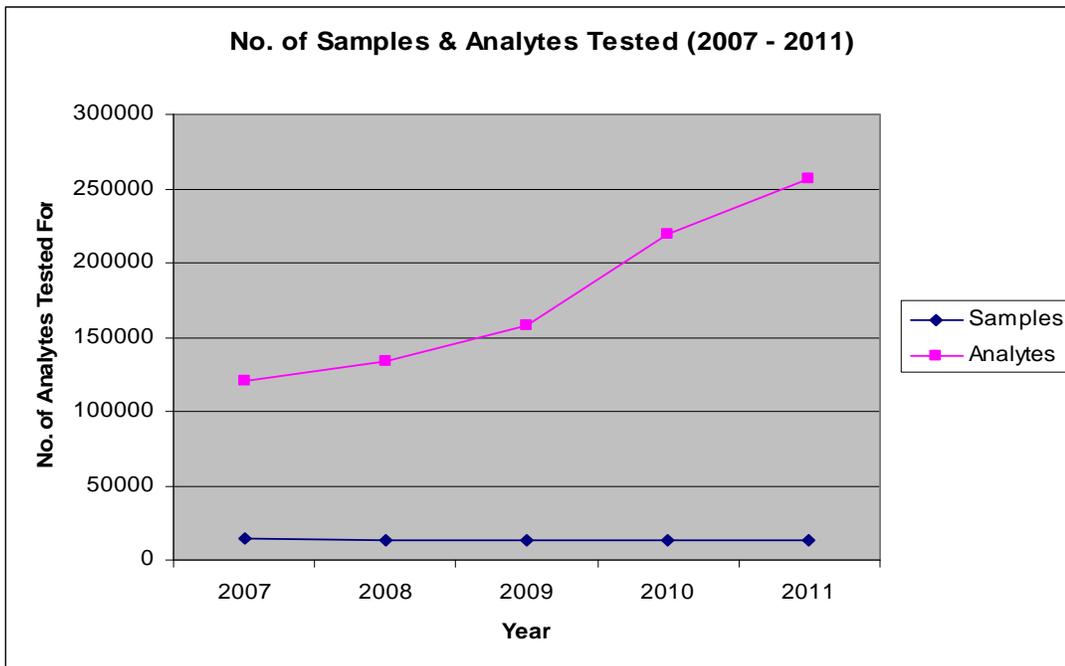
Category of Sample	No. of Samples	No. of Analytes Tested For
Customs / CAP	612	745
Hydrocarbon Oils	1,792	10,713
Alcohols	297	654
<b>Totals:</b>	<b>2,701</b>	<b>12,112</b>

### Coroners / Environment / Irish Medicines Board

Category of Sample	No. of Samples	No. of Analytes Tested For
Human Toxicology	3,825	211,458
Environment	99	1,072
Medicinal Products	117	247
Heritage Protection	50	75
<b>Totals:</b>	<b>4,091</b>	<b>212,852</b>

### 3.2 Output Trends

The number of samples submitted for analysis and the number of analytes tested for from 2007 to 2011 is shown in the following table.



This table shows that although the number of samples tested has remained relatively constant, the

number of analytes tested for has more than doubled since 2007. These trends reflect the State Laboratory's strategy to focus on highly specialised, multi-analyte testing in the areas of human and veterinary drug analysis and undesirable substances and toxins in feed and food.

### 3.3 Advisory Service

In 2011, the Laboratory issued 3,865 statements to assist the work of the Courts, including Coroners. In addition, there were 572 instances of expert advice provided to clients.

### 3.4 Impact Indicators

The Laboratory has always been conscious of recording the effectiveness of its service delivery to client Departments and Offices.

In 2011:

- 100% of the Laboratory's clients expressed satisfaction with the quality of the analytical service provided and the helpfulness of staff;
- 99% of the Laboratory's clients expressed satisfaction with the advice given and the flexibility of staff; and
- 68% of the Laboratory's clients expressed satisfaction with the timeliness of service provided.

The Customer Satisfaction Survey for 2011 reflected the service provided in 2010 and due to a re-organisation of work and the introduction of additional testing in-house in the agriculture area, the agreed turnaround times were not met for some analyses in 2010. This was reflected in the lower level of satisfaction with the timeliness of the service provided during 2010. Agreed turnaround times were met for 98% of samples in 2011.

## 4. Staff profile

### 4.1 Breakdown of staff by grade

<b>Grade</b>	<b>WTEs at end April 2012</b>
State Chemist	1
Principal Chemist	2
Senior Chemist	7
Assistant Principal	1 <sup>2</sup>
Chemist Grades	22.55
Higher Executive Officer	2 <sup>3</sup>

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<sup>2</sup> The Assistant Principal, Corporate Services, is on secondment to the Laboratory from the Department of the Taoiseach. There are potentially 4 years to run on this secondment.

<sup>3</sup> 1 Higher Executive Officer, Corporate Services, is on secondment to the Laboratory from the Department of Health. This secondment is up in October 2012 and the Laboratory has advertised to fill this vacancy again on the basis of secondment (maximum duration of secondment is 4 years).

Senior Laboratory Analyst

11.6

<b>Grade</b>	<b>WTEs at end April 2012</b>
Laboratory Analyst	21.3
Staff Officer	1.9
Clerical Officer	4.4 <sup>4</sup>
Laboratory Attendant/Storekeeper	8
Students	4
<b>TOTAL</b>	<b>86.75</b>

## 4.2 Breakdown of staff by section

<b>Section</b>	<b>WTEs at end April 2012</b>
MAC	3
Corporate Services	9.3
Veterinary Toxicology	15
Contaminants & Plant Health	7.4
Environment & Quality Assurance	2.7
Animal Feedingstuffs	12.7
Customs & Excise	15.35
IT & Health	5.7
Human Toxicology	15.6
<b>TOTAL</b>	<b>86.75</b>

## 4.3 Employment Control Framework

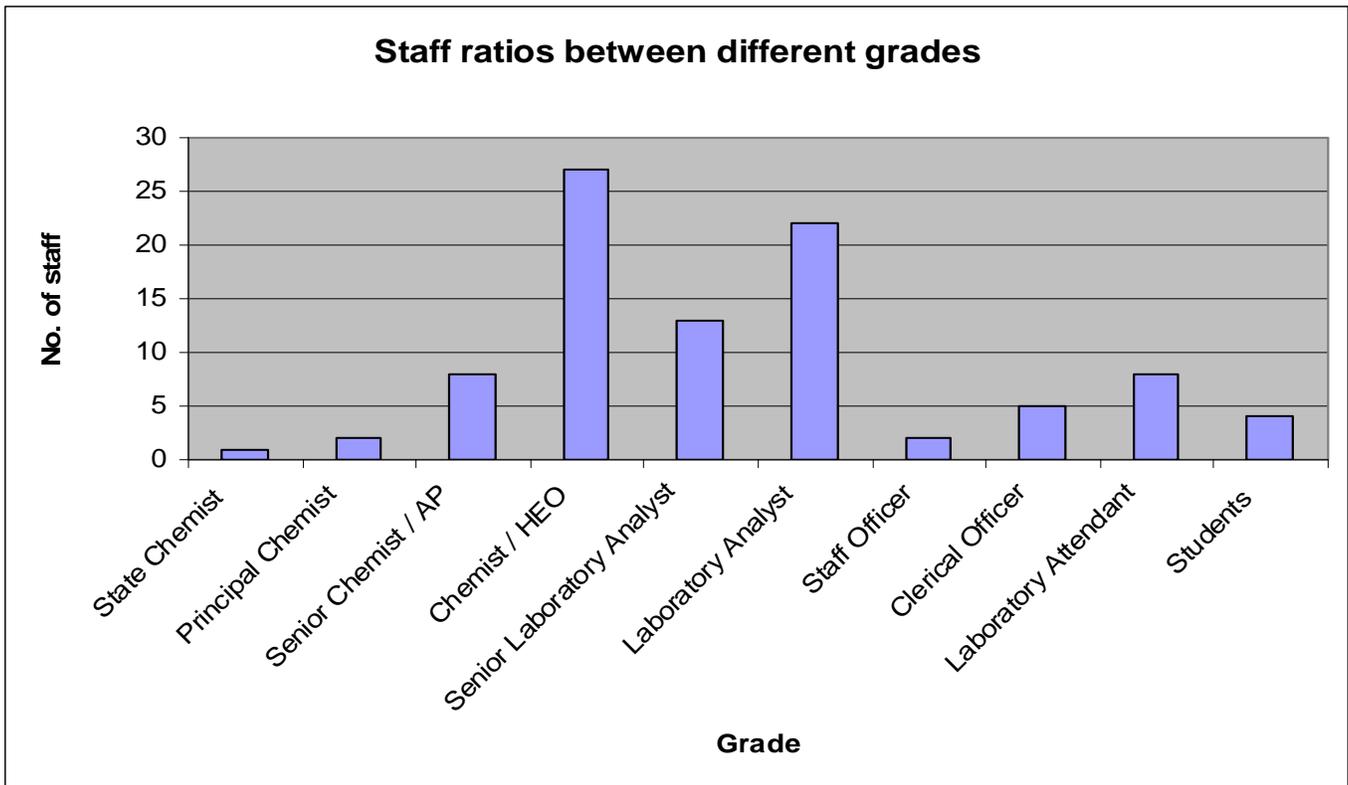
<b>Serving Staff at end April 2012</b>	<b>2012 ECF</b>
86.75 <sup>5</sup>	90

<sup>4</sup> 2 Clerical officers were recruited into the Laboratory on secondment from the Garda Síochána and D/Communications, Energy & Natural Resources respectively in Autumn 2011. These secondments could potentially run up to Autumn 2015.

<sup>5</sup> While the Laboratory had 86.75 serving staff at end April 2012, it is worth noting the following:

- 1 Laboratory Analyst is on Career Break and is due to return to work in September 2012;
- 1 Chemist is on an Incentivised Career Break and is due to return to work in October 2012;
- 1 Laboratory Analyst is on unpaid leave and will shortly commence a 5 year career break;
- 4 students are on 6 month temporary contracts for work experience purposes due to expire in September 2012.

#### 4.4 Staff ratios between different grades



#### 4.6 Qualification levels required for most recent recruitment competitions

**Laboratory Analyst** - National Diploma or Ordinary Bachelor Degree in Chemistry (NFQ Level 7) or equivalent qualification; and

**Chemist** – Honours Bachelor Degree in Chemistry (NFQ Level 8).

### 5. Reporting relationships

The Laboratory is a scheduled office under the aegis of the Department of Public Expenditure & Reform (D/PER). The Laboratory provides returns in respect of staff no's, sick leave and expenditure to D/PER on a monthly basis. The Laboratory also provides information as required to D/PER for the purposes of responding to Parliamentary Questions. In addition, the Laboratory responds in a timely manner to any other requests for information received from D/PER (including, for example, in relation to the Estimates Process; Performance Budgeting; Workforce Planning; and the implementation of the Croke Park Agreement).

## 6. Support services<sup>6</sup>

The following table details whether the various services required to support the functioning of the Laboratory are available in-house or are sourced externally:

<b>Service</b>	<b>In-house?</b>	<b>Details of external service provider (where relevant)</b>
Information Technology	Yes	Some HTML design projects, etc. are outsourced.
Human Resources <sup>7</sup>	Yes	The Laboratory's Visiontime flexi-clock system is supported by Flextime.
Training	Training on methods of analysis, instrument operation and laboratory procedures is provided in-house as is some training on HR and Finance issues.	- Training on specialist instrumentation is sometimes provided by the instrument manufacturer; and - Management & staff development training is usually out-sourced.
Payroll	The Laboratory's Human Resources Unit sends payroll instructions to D/Finance.	D/Finance runs the Laboratory's payroll.
Pensions	The Laboratory's Human Resources Unit prepares pension files for retiring staff.	
Finance	Yes	The Laboratory's Financial Management System is supported by m-hance.
Procurement	The Laboratory manages the procurement process for instruments, chemicals, etc.	All relevant NPS contracts and in particular the Laboratory is part of the Health Service Executive (HSE) Framework Agreement for the purchase of laboratory supplies and services.
Internal Audit	No	The Laboratory engages an external consultant to carry out its internal audit function.
Security	No	The facilities management company for the Backweston Campus (Europa) provide security services.
Accommodation	No	The facilities management company for the Backweston Campus (Europa) provide accommodation services.

<sup>6</sup> The Laboratory already participates in a shared services arrangement with D/Agriculture, Food & the Marine on the Backweston Campus.

<sup>7</sup> The Laboratory is participating in the D/PER Human Resources Shared Services Centre.

## **7. Current accommodation & capacity**

The Laboratory's premises at Backweston Campus, Celbridge, was purpose-built in 2005 and, as such, is a high standard of accommodation. There is some excess capacity in the Laboratory at present, however it is difficult to estimate how many staff this could accommodate as the numbers would depend on the type of work and the equipment needed to do this type of work. There is limited office accommodation and we could accommodate 3 administrative staff. There would not, however, be sufficient capacity to accommodate the full staff in-flow resulting from the merger of the Forensic Science Laboratory and the Medical Bureau of Road Safety with the State Laboratory. If the proposed merger were to proceed, a new wing would need to be built on to the Laboratory. No costings are available at present on this.

## **8. Programme of investment in equipment**

The average amount spent by the Laboratory from 2008 to 2011 on replacing laboratory equipment that had come to the end of its useful life was €712K per annum. To maintain the current stock of instruments and equipment, we will continue to need this level of investment into the future. As this equipment is specifically needed to carry out our work it is not clear if such equipment is used by the other laboratories and what are the requirements of the other laboratories

## **9. Potential for securing synergies from a physical merger / shared services arrangement with another State body**

There are no benefits to a merger without a physical merger and potential savings will arise mainly in the support functions such as HR, Finance, IT and possibly Quality Management. The State Laboratory's current administrative costs are relatively modest.

## **APPENDIX I**

### **State Laboratory** Organisation Chart

## APPENDIX II

### *Checklist A: Legal issues*

No.	Issue	State Laboratory's Response
A1	Is the body/agency governed by legislation and if so please provide details?	See page 3 of this document for a detailed list of the legislation (domestic and European) governing the technical and analytical work of the Laboratory. The Laboratory is also governed by, inter alia, the: <ul style="list-style-type: none"> <li>- Public Service Management Act, 1997;</li> <li>- Freedom of Information Acts, 1997 &amp; 2003;</li> <li>- Ethics in Public Office Acts, 1995 &amp; 2001; and</li> <li>- Data Protection Act, 1988.</li> </ul>
A2	Does the legislation or any piece of legislation confer any powers/duties on the Director or any staff member of the body/agency?	Some of the legislation listed above cite the State Chemist as the authority to carry out this work
A3	Does the legislation provide for a Board?	No
A4	What legal arrangements are in place regarding the Board and the Chairperson and who appoints the board?	N/A
A5	Does the legislation stipulate the duties of the Board? If so, what are they?	N/A
A6	Does the Institution have any binding legal contracts relating to property/office equipment, etc.?	The only long term contract that the laboratory has is with the Facilities Management company "Europa" and this contract is shortly due for re-tender. The laboratory building is owned by the OPW.
A7	Are there any other legal issues arising relevant to this body and its merger?	No (just some minor claims against the organisation e.g. personal injury etc).

## APPENDIX III

### Checklist B: Governance

No.	Issue	State Laboratory's Response
B1	What arrangements are in place governing the relationship between the Department/Minister and the body/agency?	The Laboratory is a scheduled office under the aegis of the Department of Public Expenditure & Reform (D/PER). The Laboratory provides returns in respect of staff numbers, sick leave and expenditure to D/PER on a monthly basis. The Laboratory also provides information as required to D/PER for the purposes of responding to Parliamentary Questions. In addition, the Laboratory responds in a timely manner to any other requests for information received from D/PER (including, for example, in relation to the Estimates Process, Performance Budgeting, Workforce Planning; and the implementation of the Croke Park Agreement).
B2	Is there clarity in respect of roles and responsibilities and who is the Accountable person for the body/agency?	Yes
B3	Is there a formal Service Level Agreement in place?	No
B4	Please provide details of the management structure in place in the body/agency including reporting arrangements to the Dept.	See Appendix I
B5	Are there any Committees in place? i.e. Audit Committee, Health and Safety Committee etc.	The following Committees are in place in the Laboratory: <ul style="list-style-type: none"> <li>- Audit Committee;</li> <li>- Health &amp; Safety Committee;</li> <li>- Training Committee;</li> <li>- Partnership Committee; and</li> <li>- Departmental Council.</li> </ul>
B6	Does the body/agency have an updated risk register in place? How are risks reported to the Department?	Yes
B7	What financial reporting mechanisms are in place between the Department and the body?	The Laboratory makes monthly returns to D/PER in respect of the "Issues" and "Report to Government".
B8	Please provide any further governance information in relation to this body/agency as required.	The Laboratory prepares an Appropriation Account each year, which is audited by the Comptroller & Auditor General before examination by the Committee of Public Accounts (PAC) / Dáil. Laboratory accreditation is granted by a national independent body, the Irish National Accreditation Board (INAB), which audits compliance with the requirements of ISO 17025, the relevant standard for testing laboratories.

## APPENDIX IV

### *Checklist C: Staffing & IR Issues*

No.	Issue	State Laboratory's Response
C1	What is the status of the body/agencies employees? i.e. how many are Civil Servants? Public Servants? Contract? Full-time/Part-time? Seconded from other Departments/Offices?	As at end April, 2012, the Laboratory has 86.75 WTE staff. All staff in the Laboratory are Civil Servants with the exception of 4 students who are on 6 month temporary contracts for work experience purposes. 1 AP, 1 HEO and 2 COs in Corporate Services Section are on secondment from other Government Departments.
C2	Please give details of staff who are employed on a contract basis, including the number of such staff.	4 students are currently on 6 month temporary contracts for work experience purposes.
C3	Please give details of pension arrangements for staff. What scheme is in place for employees	Superannuation Acts
C4	How many staff are currently assigned to corporate-type roles? i.e. Human Resources? Finance? Corporate Services?	9.3 WTEs are currently assigned to the Laboratory's Corporate Services Section. 1 AP, 1 HEO and 2 COs in Corporate Services Section are on secondment from other Government Departments.
C5	What is the annual cost of the payroll?	€5.2m (2012 Estimate)
C6	What Unions represent staff employed by the body/agency?	IMPACT; CPSU; and PSEU.
C7	What structures are in place to ensure staff/management interaction?	Partnership Committee; Departmental Council; monthly meetings between MAC and Section Managers; and regular Section meetings.
C8	Please provide any other relevant information on staffing/IR issues that may arise	The Laboratory is currently in the process of drafting a Workforce Plan with the intention of submitting same to D/PER by end June.

## APPENDIX V

### *Checklist D: Board Structures*

No.	Issue	State Laboratory's Response
D1	Is there a statutory board in place? If so please provide details of statute that underpins the Board.	No
D2	How many board members are there and what fee arrangements apply?	N/A
D3	How are board members appointed?	N/A
D4	How were fee amounts decided?	N/A
D5	What T&S arrangements apply to board members?	N/A
D6	What are the duties of the board and are these set down in writing?	N/A
D7	Are there any committees/sub-committees of the Board? What is their role?	N/A
D8	What is the annual cost of running the board? Breakdown between fees and T&S requested.	N/A
D9	On average, how many times per year does the board meet?	N/A
D10	Does the body/agency provide support staff to the Board?	N/A
D11	Please provide any other relevant information in respect of Boards specifically relevant to this body/agency.	N/A

## APPENDIX VI

### *Checklist E: Shared Services*

No.	Issue	State Laboratory's Response
E1	What services does the body/agency share currently and with other bodies?	<ul style="list-style-type: none"> <li>- The Laboratory's payroll function is performed by D/Finance;</li> <li>- The Laboratory shares water charges, canteen and conference / meeting facilities on the Backweston Campus with D/Agriculture, Food &amp; the Marine; and</li> <li>- The Laboratory uses the HRMS system and is involved in the roll-out of the HRSS project.</li> </ul>
E2	What services are currently outsourced by the body/agency? Are any of these contracts shared with other bodies/agencies?	<ul style="list-style-type: none"> <li>- Facilities management (contract shared with D/Agriculture, Food &amp; the Marine);</li> <li>- Internal Audit.</li> </ul>
E3	Can the body/agency identify any opportunities/potential for sharing services?	Support functions such as HR, Finance, IT and Quality Management
E4	Is the body/agency willing to lead on any particular shared service?	N/A
E5	Can the body/agency identify any savings which could be made through a shared service opportunity?	Main areas are HR and Finance and these are already part of separate D/PER initiatives.
E6	Are there any particular barriers to any proposed shared services identified by the body?	No
E7	Please provide any other relevant information in relation to shared services that is relevant to this body.	None

## APPENDIX VII

### *Checklist F: Efficiencies & Financial Savings*

No.	Issue	State Laboratory's Response
F1	What is the budget of the body/agency for 2012?	€8.4m (Net Vote Provision)
F2	What financial savings will arise from the merger/amalgamation of the bodies/agencies in question?	We are not sufficiently familiar with the operation of the other laboratories to identify any savings which could be realised by the merger.
F3	What other efficiencies or opportunities does the merger/amalgamation provide?	Greater staff mobility could potentially offer the opportunity to address temporary backlogs or crises.
F4	Will the merger enhance service to the public?	Difficult to identify any impact.
F5	Is it envisaged that staff savings will arise from the merger/amalgamation proposed and if so what staff and skill set is it envisaged will be surplus and available for redeployment?	Technical staff in the State Laboratory operate at near capacity and given that we are not sufficiently familiar with the work of the other laboratories it is not immediately evident how savings can be realised.
F6	When was the last VFM review undertaken of the body in question?	None undertaken.
F7	How many structures will be abolished when the merger/amalgamation is concluded?	None from the State Laboratory's part.
F8	Please provide any other relevant details in respect of efficiencies, savings and opportunities arising from the amalgamation/merger process	N/A

**Checklists to assist implementation of Government decision regarding the merger/amalgamation and the critical review of State Bodies/Agencies funded from the Vote Group of the Department of Justice and Equality**

**Reform Office  
2012**

## **Amalgamation/Merger of State Bodies**

### **1. Background**

The Government decision of 17<sup>th</sup> November 2011 in respect of the amalgamation and merger of certain State Bodies/Agencies has implications for the Department of Justice and Equality and Agencies such as the Forensic Science Laboratory which are funded from the Department's Vote Group.

The checklists and templates reflected in this document are intended to facilitate and assist line divisions as they prepare and finalise papers/recommendations for consideration by the Minister on how each amalgamation might be progressed. These checklists will ensure that a uniform approach is taken across the Department when assessing the feedback provided by the various bodies involved in the consultation process. The checklists should be completed by line divisions and should be maintained on file for audit purposes.

### **2. Key Issues**

The key issues immediately arising in terms of amalgamating/merging the bodies listed below include the following:

- Legal issues
- Governance
- Board Structures
- Staffing/IR issues
- Shared services
- Efficiencies/Financial Savings

**Checklist A: Legal issues**

Some of the key legislative questions arising from the amalgamation/merger process are common to most of the reviews that are underway.

No.	Issue	Department of Justice and Equality Response
A1	Is the body/agency governed by legislation and if so please provide details?	Not established by statute but mentioned in legislation Misuse of Drugs Acts and Courts. The DNA legislation soon to be before the Oireachtas, which recommends that FSL provide and manage the database, will specifically mention the FSL. FSL is also proposed as the SPOC for PRUM data exchange following the establishment of the database.
A2	Does the legislation or any piece of legislation confer any powers/duties on the Director or any staff member of the body/agency?	Officers of the Forensic Science Laboratory are authorised to provide certificates of analysis for use in Court in Misuse of Drugs cases. These certificates are accepted as evidence without the need for attendance in court.
A3	Does the legislation provide for a Board?	Proposed DNA legislation provides for an oversight committee in relation to DNA matters.
A4	What legal arrangements are in place regarding the Board and the Chairperson and who appoints the board?	There is no Board
A5	Does the legislation stipulate the duties of the Board? If so, what are they?	There is no governing Board.  The proposed DNA legislation does set out duties for the oversight committee.
A6	Does the Institution have any binding legal contracts relating to property/office equipment etc.?	There is a binding contract relating to security services for the satellite laboratory at Ratra House until the end of August. It is proposed to take out a new contract from 1 September using the DOJ sponsored Security Services Framework. Contract reviewed on six monthly basis for laboratory premises in TCD.
A7	Are there any other legal issues arising relevant to this body and its merger?	Yes, Criminal Justice (Forensic Evidence and DNA Database System) Bill, currently in the final stages of drafting, will need to be significantly amended if the proposed merger takes place for the reasons set out at Paragraphs 7.5 to 7.8 of the Report.

**Checklist B: Governance**

It is important to identify the various working arrangements, accountability structures and governance arrangements in place in the bodies involved in the amalgamation/merger process.

No.	Issue	Department of Justice and Equality Response
B1	What arrangements are in place governing the relationship between the Department/Minister and the body/agency?	The FSL works as an associated office of the Dept. of Justice and Equality and shares in all the relevant governance arrangements of the Department. It works closely with the D/JE and key actors in the Justice Sector on operational issues and policy matters such as the DNA legislation.
B2	Is there clarity in respect of roles and responsibilities and who is the Accountable person for the body/agency?	Director General is responsible for all scientific and technical aspects of the work. Financial and HR issues are dealt with at Dept level. The Secretary General of the D/JE is Accounting Officer.
B3	Is there a formal Service Level Agreement in place?	Yes. SLA between the Laboratory and AGS. MOU between laboratory and equivalent service in Northern Ireland as part of Intergovernmental Agreement.
B4	Please provide details of the management structure in place in the body/agency including reporting arrangements to the Dept.	The four directors below report to the Director General who reports to the Department on an ad hoc basis. <ul style="list-style-type: none"> <li>• Director of Science with responsibility for quality of science, internal HR and financial management;</li> <li>• Director of DNA with responsibility for the development of DNA towards a national DNA database and stakeholder management;</li> <li>• Director of operations responsibility for day to day management of the 7 discipline teams with an emphasis on delivery to customer;</li> <li>• Director of Logistics with responsibility for samples in and out of the laboratory and internal corporate affairs.</li> </ul>
B5	Are there any Committees in place? i.e. Audit Committee, Health and Safety Committee etc.	Yes; Directorate; senior management team; Change management; VFM committee, Procurement team; H and S; PMDS, Staff development; LIMS implementation; cross laboratory committee similar in operation to partnership.
B6	Does the body/agency have an updated risk register in place? How are risks reported to the Department?	Yes; Risks are conveyed to the Department verbally, in writing and during regular meetings.

B7	What financial reporting mechanisms are in place between the Department and the body?	The FSL is treated as a Division of the Department from a financial perspective. It uses the financial shared services under the auspices of the D/JE and receives monthly financial reports which the D/JE also monitors.
B8	Please provide any further governance information in relation to this body/agency as required.	The culture and ethos of the organisation is grounded on customer service. The fact that individual scientists report their own case in Criminal trials is possibly the catalyst for a group very committed to ensuring that the laboratory results are fit for purpose. The management team regularly review processes. A Drugs project is included in the Taoiseach's awards in 2012. Two groups of staff are doing a Business Process Review of their systems in 2012. The Croke Park targets highlight the ongoing nature of this approach.

**Checklist C: Staffing & IR Issues**

Consultation will be required with staff representative/unions in order to address IR issues arising. Amalgamations/Mergers will of course be undertaken in accordance with Croke Park arrangements.

No.	Issue	Department of Justice and Equality Response
C1	What is the status of the body/agencies employees? i.e. how many are Civil Servants? Public Servants? Contract? Full-time/Part-time? Seconded from other Departments/Offices?	There are 96 staff in the laboratory equivalent to 92.4 FTEs. 84 are scientific and technical grades -the remaining are general Civil service grades - 1 AP, 0.7 HEO; 4.6 EOs and 4.8 COS.
C2	Please give details of staff who are employed on a contract basis, including the number of such staff.	None
C3	Please give details of pension arrangements for staff. What scheme is in place for employees	Civil Service scheme.
C4	How many staff are currently assigned to corporate-type roles? i.e. Human Resources? Finance? Corporate Services?	As part of their role, two staff at director level have these responsibilities. The office manager provides the administrative support in the area as well as her general office functions and acting as PA to the director general.
C5	What is the annual cost of the payroll?	5.9M
C6	What Unions represent staff employed by the body/agency?	Impact, CPSU, PSEU and AHCS
C7	What structures are in place to ensure staff/management interaction?	The cross-laboratory committee deals with issues raised by the staff. Regular team meetings are scheduled and recorded so that staff are involved. Minutes of all significant meeting are published on the intranet. The laboratory holds a gold ETP award. Staff engage with management on the committees that deal with Staff Development, PMDS, quality, change management, procurement, communications etc. There is an open door policy with easy access to senior staff.
C8	Please provide any other relevant information on	Regular climate surveys in the laboratory show more than 90% proud to work for the forensic science

staffing/IR issues that may arise	<p>laboratory and feel a sense of personal accomplishment in their work.</p> <p>Issues are anticipated and addressed from the cross laboratory committee. The representatives from the main Union Impact and senior management meet regularly as part of the communication process.</p> <p>The immediacy and high relevance of the work provides extrinsic motivation evidenced by the low sick leave record and the cooperation to provide service when ever it is needed by the Gardaí.</p> <p>The scientific staff carry allowances in recompense for the provision of a guaranteed service out of hours to AGS when needed.</p>
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**Checklist D: Board Structures**

The role of boards and board structure in the bodies/agencies undergoing review need to be examined and issues arising reflected in the final review paper.

<b>No.</b>	<b>Issue</b>	<b>Department of Justice and Equality Response</b>
D1	Is there a statutory board in place? If so please provide details of statute that underpins the Board.	There is no Board but an oversight committee is proposed in the pending DNA legislation in respect of the management of a DNA database. This was originally proposed by the report from the Law Reform Commission on the establishment of a DNA database.
D2	How many board members are there and what fee arrangements apply?	N/A
D3	How are board members appointed?	None to date. Legislation drafts 1 - 14 proposes a circuit court judge to chair.
D4	How were fee amounts decided?	N/A
D5	What T&S arrangements apply to board members?	N/A
D6	What are the duties of the board and are these set down in writing?	N/A but draft legislation sets out the duties of the oversight committee
D7	Are there any committees/sub – committees of the Board? What is their role?	No
D8	What is the annual cost of	N/A

	running the board? Breakdown between fees and T&S requested.	
D9	On average, how many times per year does the board meet?	N/A
D10	Does the body/agency provide support staff to the Board?	The legislation proposes that the Director sits on the Oversight Committee.
D11	Please provide any other relevant information in respect of Boards specifically relevant to this body/agency.	There is no board arrangement. The accountability mechanisms apart from Dept oversight, is the forum whereby AGS review the SLA. The laboratory is of course also reviewed by INAB as part of ISO17025.

### ***Checklist E: Shared Services***

There is increasing demand for limited resources and the Public Service Reform agenda is focused on finding ways to deliver services and programmes at less cost and with better quality. The pressure is therefore to prioritise and reduce the cost of administrative functions without compromising on the delivery of services to employees or to the public. The points below may assist in shaping some ideas on shared services. It should be noted that areas where there is great potential for sharing services include in the IT, Finance, Payroll, Pensions, HR, Procurement, legal services areas of operation.

<b>No.</b>	<b>Issue</b>	<b>Department of Justice and Equality Response</b>
E1	What services does the body/agency share currently and with other bodies?	Laboratory occupies a building in Garda HQ. Heating, lighting, general services provided by Gardaí. Samples recovered from crime scenes are worked on by Gardaí and the laboratory. See also additional responses. Receipt and dispatch worked in cooperation. Procurement from HSE framework; Joint procurement of specialist consumables being investigated with FSNI (Northern Ireland) and SPSA (Scotland) Dept of Justice and Equality provides payroll, HR and backup for procurement and training. The extension of the IT shared service operated by the Department of Justice to the Laboratory is part of the IT consolidation policy of D/JE
E2	What services are currently outsourced by the body/agency? Are any of these contracts shared with other bodies/agencies?	Confirmation of toxicology screens sent to State Laboratory but a very small amount of screens are involved.
E3	Can the body/agency	Potential for additional synergies between Garda

	identify any opportunities/potential for sharing services?	Technical Bureau (GTB) and laboratory. Essentially FSL and GTB have broadly the same mission albeit using different technologies. A number of samples from scenes particularly in relation to major cases are examined sequentially or sometimes together. Further information available if needed.
E4	Is the body/agency willing to lead on any particular shared service?	Yes
E5	Can the body/agency identify any savings which could be made through a shared service opportunity?	No. The FSL already works in a shared service environment as part of a much larger entity.
E6	Are there any particular barriers to any proposed shared services identified by the body?	
E7	Please provide any other relevant information in relation to shared services that is relevant to this body.	The FSL is part of the D/JE and already avails of the full suite of financial and HR shared services. The extension of the IT shared service operated by the Department of Justice to the Laboratory is part of the IT consolidation policy of D/JE

***Checklist F: Efficiencies & Financial Savings***

It is important that the resources available and that the funding provided from the Department of Arts, Heritage and the Gaeltacht to bodies/agencies be expended in the most effective and efficient manner and that value for money is achieved at all times across the Department and the bodies funded from the Vote. In this regard it is important to examine during the review process whether the body/agency under review is as efficient and effective as it can be and also if the service provided to the public is of the appropriate and required standard.

<b>No.</b>	<b>Issue</b>	<b>Department of Justice and Equality Response</b>
F1	What is the budget of the body/agency for 2012?	9.1m
F2	What financial savings will arise from the merger/amalgamation of the bodies/agencies in question?	No financial savings of any description have been identified.
F3	What other efficiencies or opportunities does the merger/amalgamation provide?	The two main areas in FSL are DNA profiling and Drug analysis. DNA equipment is specialised and dedicated and Drug equipment is in use 24/7 so the potential for sharing is very limited and as there is no commonality between the FSL and the State

		Laboratory.
F4	Will the merger enhance service to the public?	<p>It is difficult to see how, or in what way, the merger could enhance service to the primary client or to the public. In the view of the D/JE the contrary is likely to be the case.</p> <p>The main strategy of the FSL for the last ten years is to improve service to the Criminal justice system. Staff were allocated to address restricted service following the Kopp report (2006). An internal restructuring and multiple changes resulted in significant improvements to service. No court case is delayed because of the laboratory. More than 80 % Drug cases are reported within 30 days of receipt. Major cases have an assigned case officer who liaises with the investigating Gardaí to ensure that the correct examinations are carried out during the changing conditions of a live case. The requirement to merge two entirely different and distinct bodies with no cognate functions is very likely to distract senior management attention from the current focus on the above concerns.</p>
F5	Is it envisaged that staff savings will arise from the merger/amalgamation proposed and if so what staff and skill set is it envisaged will be surplus and available for redeployment?	There is an overlap in the area of Toxicology. FSL carried out screens on samples from sexual assault cases. Confirmations are sent to the State Laboratory at the moment. Plans to provide this service in house is duplication.
F6	When was the last VFM review undertaken of the body in question?	Kopp report 2006; Deloitte and Touche 2000;
F7	How many structures will be abolished when the merger/amalgamation is concluded?	None
F8	Please provide any other relevant details in respect of efficiencies, savings and opportunities arising from the amalgamation/merger process	The proposed amalgamation seems to be based on the idea that all laboratories are the same. The FSL provides a tailored highly specialised scientific service to the Criminal Justice System that involves analytical science and numerous other skill sets which are unique to forensic science. Services such as the FSL exist in all developed countries. Some are seated within police forces but all provide a stand alone forensic service. One of the main difference between a forensic lab and an analytical one is the need to explain the significance of the finding within the context of the

		<p>case. The absence of these explanations has led to miscarriages of justice in other jurisdictions. There is a growing awareness in European forensic labs that developing this specialist forensic expertise is essential.</p> <p>The advent of DNA profiling changed forensic science and criminal investigations. The proposed database moves from a reactive service to intelligence provision and demands a continuation of the close working relation with AGS and other customers within the justice system.</p> <p>The success of the forensic science laboratory is the acknowledgement that the service is broader than analytical results and depends on good working relationships with customers in the form of Gardaí and legal stakeholders such as DPP and courts. Significant resources are devoted to maintaining these relationships.</p>
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## **Response from Forensic Science Laboratory to the Second Questionnaire**

Breakdown of the services (technical, scientific, other) provided by the State body, to whom (please provide a non-technical explanation of the services if required), under what terms and conditions (service level agreements, legislative framework, etc), and the percentage of overall output represented by each major service element;

The Laboratory offers a service to the Criminal Justice System. The Garda Síochána are the front line customers and deliver 99% of work to the laboratory. A service Level Agreement is signed between the Garda Commissioner and the Laboratory on an annual basis. The Advisory Forum throughout the year reviews this.

In addition to carrying out the analyses, scientists from the laboratory provide specialist training for Gardaí and awareness training for investigators. This focuses on the potential and limitations of scientific results. Scientists may be asked to visit crime scenes and/or attend incident room meetings. Appearing in court to give oral evidence as expert witnesses is integral to the job.

Since all cases are criminal investigations, the work of the laboratory is carried out on the assumption that it will be needed for court, in spite of the relatively low numbers that result in contested prosecutions. This involves documenting all movement and transactions of materials and maintaining the same quality of work, regardless of the severity of the crime.

The work of the scientists is regularly subject to examination by scientists (generally from the UK) employed by the Defence in legal cases. The FSL has not been found wanting. In fact, areas of even minor disagreement are rare.

Our vision is *science supporting justice*.

The populist view of the discipline is fed by the media; high tech units with fast throughput and answers supplied by instrumentation. The reality is different. The high tech unit is useless if evidence is not found, if the appropriate samples are not selected or if the interpretation of the results ignores the circumstances and known information about a particular case. The first step in a case is to assess the likelihood of science progressing the investigation. The first instrument used is the eye of a trained, observant operator, familiar with the background, who has already assessed what, if any, further examinations are required. This cannot be supplanted by instrumentation.

In this context, the laboratory carries out a range of examinations and analytical tests. The use of DNA in potentially linking persons and places is particularly and increasingly relevant in both offences against the person such as murders and sexual assaults. It is also useful in gangland activity such as ATM or Cash in Transit robberies. We are actively involved in the current Garda burglary operations, under the overall umbrella of Operation Fiacla.

The area of the highest number of submissions is related to Misuse of Drugs Acts. Here, the identification of the Drug is critical as is linking the Drug to other seizures or to suspect either by DNA, fingerprints or other trace evidence.

If we accept that the real value of forensic science is to use science to address such questions raised by the Law that can be addressed by science, we see that the examinations in the laboratory are iterative and do not follow a set pattern. Nevertheless a number of materials are examined routinely. These

include blood, semen and saliva, which, if present, can be used to generate DNA profiles and a range of materials which can be compared with known sources and used to form associations. These include paint, glass, soil, fibres, firearm residue and fire accelerants. Explosives can also be considered in the trace evidence category but they are more usually encountered in bulk quantities.

Initial screening, during which samples are located, is often the most critical part of a case. Microscopy is frequently used at this stage. In a recent murder case of a foreign national, the location of the blood on a shoe was the most critical evidence. The discussion in court focused, not on the origin of the blood which, following DNA profiling matched the victim, but on how the blood got on the shoe. The prosecution proposed that it was as a result of kicking while the defence view was that it could have arisen from walking by.

A number of samples are taken before there is clarity about whether fingerprints or DNA is the most appropriate examination. Sometimes both are carried out sequentially. This is one of the reasons why proximity to the Garda Technical Bureau is important. Operational links with AGS are vital.

Forensic Science is co-produced. The work of the laboratory starts at the scene of a crime. Usually specially trained Gardaí perform the scene of crime examiner role but occasionally in major cases, scientists attend the scene themselves. Whether they attend the scene or not, they have a role in training the SOC examiner and in providing advice on what samples should be submitted for examination.

The initial laboratory examinations are dictated by the circumstances of the case. For example, in the case of a particular gangland murder where DNA, fingerprints and fibres were later used in the trial. In this case, the work was reduced significantly by the input of the scientist at the scene.

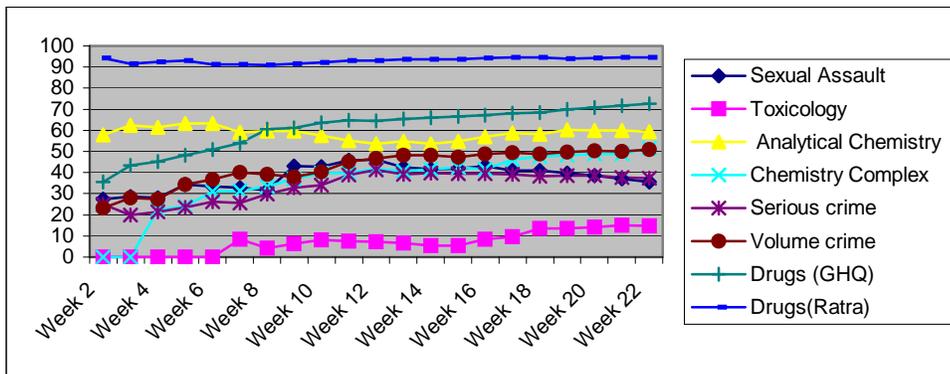
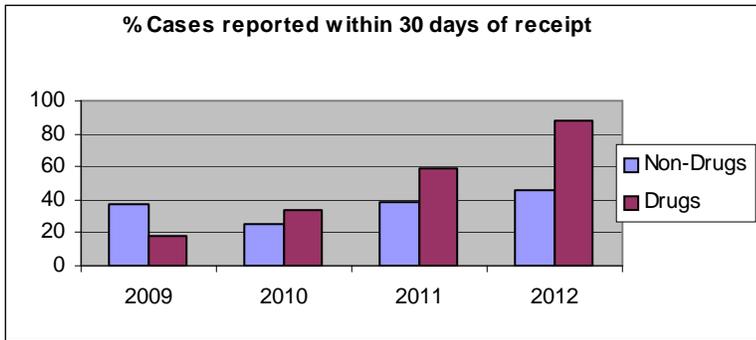
Laboratory inputs are twofold – correctly packed samples and information and both are received from the Gardaí.

[Performance indicators \(formal or informal\) that exist in respect of inputs, outputs and general performance;](#)

The performance indicators are laid down initially in the SLA. From this the business plan is developed and individual PMDS objectives linked to it. Each individual has a fixed case load to be delivered in a time frame as well as additional duties such as scene visits, court etc which are much less frequent than case work but very disruptive.

The focus in recent times has been on improved turnabout times. The aim is to have 80% of cases reported within 30 days this year. 87% of Drug cases and 45% of non Drug cases are within this time frame at the moment. There has been a steady improvement in recent years. This is due in part to an initiative agreed with the Gardaí where the Gardaí presumptively tests minor Drug cases where the identity of the material is agreed. This has allowed the laboratory to improve its service for major seizures. This initiative was recently included in the Taoiseach's awards.

In the non Drug cases of a serious nature, a scientist is nominated as a contact point for the investigator and regular contact is maintained. The service varies in different areas.



These figures mask the cases where results are supplied as an urgent service. The single point of contact mentioned above, frequently supplies verbal reports to the investigator at an early stage, which are later confirmed in the written reports. The urgent case work often consists of turning around a case in a matter of hours.

Each case is peer reviewed. Records are kept of necessary changes and these are also part of the performance indicators.

What qualification levels were required for last couple of recruitment competitions?;

### **Essential Requirements Forensic Scientist Grade 111**

Must hold a second class honours degree (level 8) or higher, where the content of the examined course consists of >60% Chemistry, Biochemistry, Analytical Science, Molecular Biology, Botany, Zoology, Microbiology or Physics; and have an honours degree in Maths at Leaving Certificate level.

Short listing was carried out on the basis of numerical and literacy tests.

### **Analyst - essential**

A technical qualification of at least level 7 (NQAI Framework) where the content of the examined course consists of >60% of Chemistry, Biochemistry, or Analytical science; Molecular Biology, Botany, Zoology, or Microbiology or Physics

Recent laboratory experience of at least six months duration

Mathematical ability

Candidates had to do a numerical test, mentioned in the booklet

### **57 of the 96 staff hold an M.Sc. or Ph. D.**

Information on reporting relationships of the State body (i.e. to which Minister/other State body);

The Laboratory reports to the Department of Justice and Equality and to the Minister for D/JE.

Who provides IT services, HR services, payroll services, security services, pensions services, accommodation services, procurement services, training services (is the body participating in the HR Shared Services Centre?);

IT; in house

HR; Dept of Justice and Equality.

Flight Booking; Air travel Desk, Dept of Justice and Equality

Payroll services; Department of Justice and Equality.

Security; The Garda Síochána

Pensions Services; Civil Service Scheme

Accommodation; The Garda Síochána/ OPW

Procurement services; Department of Justice and Equality

Training services; non technical shared with Department of Justice and Equality when available.

Current accommodation of the State body and capacity of the State body – future capacity in relation to accommodation needs (indication of cost if possible)?;

Laboratory housed in Garda Technical Bureau and converted temporary premises in Ratra House. The current accommodation of the FSL is inadequate and over-crowded and a new laboratory is needed. The current environment has no capacity for expansion and places a significant upper limit on the ability to process DNA samples for the forthcoming national DNA database.

Is there a rolling programme for investment in equipment and what is involved?;

Significant investment has been made in equipment to operate the proposed DNA database.

Given initial views expressed on potential mergers at yesterday's meeting, would the State body see potential synergies from either a physical merger or a shared services arrangement with a State body which has not been proposed to date? - can we be given clarification on where the proposal to merge the FSL with the Garda Technical Bureau came from, and why it was decided not to pursue it (even though the FSL seemed to think there were definite synergies)?; and

At the moment, samples are logged into the Garda Technical Bureau and then transferred to the laboratory. The reverse occurs when examinations are completed. This is due partly to the security of exhibits and partly because of the joint nature of examinations. Some case submissions are split while some are co-examined as outlined below.

The synergies between FSL and GTB are based on the fact that some of the same samples are examined for different reasons by both organisations. Sometimes an item, for example a wrapper from a Drugs case, would be checked for fingerprints and or DNA. In many important cases the sample may be divided so as to maximize the chance of getting some evidence. In this case, joint consultation takes place prior to any physical sampling in order to reduce the risk of evidence destruction. In a small but significant number of cases the finger marks at a scene are in blood; the source of the finger mark and of the blood are vital.

Some examinations, for example footprint examinations require photography. This is carried out by photographic section of AGS at the moment. Shooting cases are split. The Ballistic section of AGS examines the bullets while the FSL examines the firearm residue.

There was no proposal to merge the FSL with the Garda Technical Bureau. The point was made that there were close linkages and synergies between the two. The FSL is independent, scientifically and organisationally, of the Garda Síochána, and this is considered appropriate. The Deloitte and Touche report of 2001 did mention the lack of clarity about the remit of the laboratory.

Any other relevant information.

Forensic science is not a stand-alone service. It is co-produced with various parts of the police service. Although independent of them, the Laboratory was established to provide a dedicated service to AGS. This was to bring Ireland in line with other developed countries where scientific services were being used in the investigation of crime and as a support to the criminal justice system. Before the establishment of the laboratory, Gardaí sourced forensic services from various laboratories. Cases of murder and sexual assault were brought to the then London Metropolitan Police laboratory.

Since that time, forensic science has become even more important in the criminal justice system. The development of DNA profiling is in part responsible for this because of the ubiquitous nature and high discriminating power of DNA. Countries across the developed world have dedicated forensic science laboratories - some are part of police forces, others stand alone facilities.

Security is an important consideration in forensic science laboratories. The items themselves may have intrinsic value e.g. the monetary value of Drug seizures. Other items have security implications because of their value to the criminal case. Security of personnel can also be an issue. Staff have been the subject of threats which were treated very seriously by AGS. The housing of the laboratory in Garda H.Q. was seen for many years as vital and hampered adequate accommodation in previous times.

Last week Ireland hosted 65 forensic institutes from across the broader Europe. Each was either a police institutions or part of the justice ministries. Smaller countries have a single forensic laboratory; bigger countries have dedicated laboratories across their regions. The dedicated nature is to provide a structure, which allows the laboratory respond to investigation needs when necessary.

From the beginning the Irish FSL operated, by aiming to provide the Gardaí with the service when needed. In this context staff attend scenes of crime and provide provisional results at anti-social hours or on demand regardless of laboratory schedules. This ensures that citizens are well served. It sometimes makes for less efficient operations at laboratory level but is considered invaluable for investigation needs thus making it effective overall.

In Ireland, the Garda Síochána are responsible for State security as well as safety of citizens. The work of the forensic science laboratory is embedded in both of these functions, given that it works on terrorism cases as well as the broad range of “ordinary” crime investigated by the Gardaí. It is worth noting that forensic science is a process rather than a series of tests. What test is needed, what items should be examined and the significance of the results in the context of the case are vital.

The clinical or indeed the analytical laboratory model is not appropriate for forensic science where the results will have different significance depending on the circumstances of each case. The forensic scientist provides this interpretation rather than the doctor in a clinical situation. An ongoing project managed by the Director of Science is based on this fact and is ensuring that reports from the laboratory are robust, logical, transparent, and balanced. This can only occur when the detailed case information is supplied by the Garda Síochána and there is sufficient trust to allow a partnership approach. Consideration needs to be given to the sharing of third party information in the context of the Department with overall responsibility for laboratory services.

The effectiveness of the service is influenced by the interaction with stakeholders. In Ireland the FSL does not function like a black box but rather is very proactive in working to ensure that its efforts are directed towards cases that make a difference. This situation has arisen as a result of trust build up between the Gardaí and the Laboratory and also the Laboratory and the DPP’s office.

The span of control in the FSL is tight. Prosecution, defence and the judiciary will comment positively on the impartial service. There are no instances of any miscarriage of justice being attributed to the laboratory.

### **Culture and efficiency**

Efficiencies are also key in the operation of the laboratory and it has been proactive in working with the police to provide a fit for purpose service. The highest number of submissions has traditionally been Drug seizures both large and small. Staff worked closely with AGS to give them training and confidence in presumptive drug testing scheme to be operated by them in instances where the case is minor and the identity of the drug is not challenged. This has allowed the laboratory to improve its service for major seizures.

The laboratory also works closely to ensure that cases no longer being pursued by AGS are not processed, nor are ones where the examinations will not advance the issue one way or another. This approach demands ongoing structures for interaction with investigating officers. The above two approaches are in contrast with many forensic laboratories across the world where a backlog is treated as a badge of honour.

One of the challenges for the laboratory is to use the resources on cases that make a difference. It is not

unusual to be asked to carry out work that does not help to address the issue. Sometimes the Gardaí accept this view, only to have the work requested by Counsel. This can be necessary on occasions when circumstances change or when we don't have the full information.

More than half of the laboratory staff have qualifications in biology and molecular genetics. This is in recognition that the growth areas of the laboratory and of the discipline are in the genetics/DNA field.

In the last twelve months many major internal changes have been made to make staff available in the event of the database legislation being enacted to, at a minimum, render Ireland partly compliant with the Prüm decision. New extraction methods, new sampling kits and robots to run additional samples are all being validated. Training for the Gardaí on sampling for the Database is ongoing. This major change initiative included moving from the production of two reports from two disciplines in a single case to a flexible multi-skilled staff where one report is produced. Recent changes also involved moving staff from the Drug area to DNA because of efficiencies and presumptive testing in the former and increasing case numbers in the latter.

### **Quality**

The level of resource devoted to quality is high in a forensic science environment. We are conscious that a single high profile mistake could have catastrophic consequences both for an individual case/defendant and for the service in Ireland as a whole. Therefore the span of control is high but appropriate for the type of work. All reports and certificates issued are peer reviewed and the follow up to non-conforming work is considered at the highest level. Elimination DNA samples are generated from all staff and visitors to reduce the possibility that has arisen in other jurisdictions of wasting thousands of hours of police time following up on leads that have innocent explanations. Long term collaborative work with the Gardaí has also resulted in protocols for elimination samples from members of the force. This has included presentations to the GRA and discussions with representatives of AGSI. This was necessary due to the absence of legislation (in Database Bill)

### **Expert witnesses**

All reports are written with the expectation that they may be used as witness statements for court. Staff get significant training for their expert witness role. The aim is that reports, while retaining their scientific integrity, should be accessible to the jury.

### **North South and wider relationships**

The laboratory is an active member of the Association of Forensic Science Providers (AFSP), the forensic science Providers of UK and Ireland. Within this framework, there is close cooperation with colleagues in Northern Ireland and Scotland. The Minister has signed an MOU outlining this cooperation. The laboratory is also active in the European Network of Forensic Science Institutes through its various discipline based working groups. Ireland was one of the founding members of this network.

### **DNA database**

The proposed DNA legislation has been in train for some 7 years having been loosely discussed for some years before that. Ireland is the only European country without legislation. Our plan to put an interim solution in place was prompted by the reality that Ireland's obligation under the Prüm decision involves being in a position to share on a continuous automatic basis of hit/no hit, vehicle registration information, fingerprints and DNA with other EU member states. This cannot happen without the database and we were conscious that it would be best to avoid embarrassment when Ireland takes on

the Presidency of the European Union. Hence the proposals and work to date.

The value of the database, assuming the same experience as other countries, will be to improve the efficiency of the Garda Síochána by reducing investigation time. At the moment the full value of DNA is not being exploited. The samples are being compared on a case-by-case basis and additional suspects profiles' searched following individual requests from the Garda Síochána. In a database situation intelligence from matches between scenes, and between questioned samples and profiles from the database would be supplied to the investigating Gardaí for follow-up action. Matching profiles from a number of sexual attacks on women were supplied to the Gardaí recently. They originated from a semen sample and a touch DNA sample from another case. It is likely that the suspect would be on the database if such existed. To date no one has been apprehended.

### ***Overview***

FSL provides a customer focused service. The type of work carried out in the laboratory is very relevant and immediate and results in a very motivated work force. In internal climate surveys, more than 90% of the staff are proud to work for the laboratory and the collective ownership of results and reputation acts as a motivator in ensuring that standards are maintained. There are strong views about professional responsibility. The reputation of the laboratory among stakeholders at home and colleagues abroad is high.

The sick leave record in the laboratory is lower than the private sector. The turnover is low but this does not prevent process changes. The laboratory provides a good service to the citizen and can be benchmarked favourably with any equivalent service. Further opportunities for increased efficiency involve interaction with stakeholders in the Criminal Justice System with whom we have developed a position of mutual trust. They revolve round electronic submissions and improved schemes for continuity requirements.

**Checklists to assist Government decision regarding the proposed merger/amalgamation of the Medical Bureau of Road Safety and the State Laboratory and the critical review of State Bodies/Agencies funded from the Vote Group of the Department of Transport, Tourism and Sport / Department of Justice and Law Reform / Department of Finance.**

Medical Bureau of Road Safety

*8<sup>th</sup> June 2012.*

**Reform Office 2012**

**Checklist A: Legal issues**

The amalgamation process will generate significant legislative work for this Department and the Office of the Attorney General. Heads of Bill for a number of the proposed amalgamations were drafted some time ago and the Cultural Institutions involved have been asked to review these Heads of Bill. Some of the key legislative questions arising from the amalgamation/merger process are common to most of the reviews that are underway.

No.	Issue	Divisions Response
A1	Is the body/agency governed by legislation and if so please provide details?	<b>Yes. The Road Traffic Acts 1968-2010. The Medical Bureau of Road Safety (Establishment Order) 1968 [SI 241/1968]. Road Traffic Act 2010 (Sections 15 and 17) (Prescribed Forms) Regulations 2011 [S.I. 540/2011]</b>
A2	Does the legislation or any piece of legislation confer any powers/duties on the Director or any staff member of the body/agency?	<b>Yes. Pursuant to the provisions of Chapter 7 of the Road Traffic Act 2010 and Articles of the Medical Bureau of Road Safety (Establishment Order) 1968 [SI 241/1968]. (Copies appended).</b>
A3	Does the legislation provide for a Board?	<b>Yes. Pursuant to s.37 (1) of the Road Traffic Act 1968 and Articles 4 &amp; 6 of the Medical Bureau of Road Safety (Establishment) Order 1968 (SI 241/1968).</b>
A4	What legal arrangements are in place regarding the Board and the Chairperson and who appoints the board?	<b>These are pursuant to s. 37. (4) of the Road Traffic Act 1968 and the Medical Bureau of Road Safety (Establishment) Order 1968 (SI 241/ 1968). The Minister for Transport appoints the Board accordingly .</b>
A5	Does the legislation stipulate the duties of the Board? If so, what are they?	<b>Yes. These duties are set out in s. 26 of the Road Traffic Act 2010 (copy appended).</b>
A6	Does the Institution have any binding legal contracts relating to property/office equipment etc.?	<b>Yes. The MBRs occupies premises at the School of Medicine and Medical Sciences (Phase 3) Health Sciences Centre at the University College Dublin campus at Belfield. They were bespoke designed and constructed to the requirements of the Bureau and are held under a renewable “rent-free” licence November 2007 – November 2028. The legal agreement was formally signed in March 2008. The building was designed and built to meet functional and infrastructural needs of the Bureau into future</b>

		<p>decades. The funding was paid out of the DTTAS vote and consisted of €10 million for buildings and c. €2 million for equipping the facility.</p> <p>Utilities and services are provided by UCD and the costs of these are reimbursed to UCD pursuant to the agreement by MBRS. This arrangement results in significant efficiencies and savings for the MBRS.</p>
A7	Are there any other legal issues arising relevant to this body and any proposed merger?	<p>Yes. Many legal issues arise relating to the statutory functions of the MBRS including the issuing of Statutory Certificates and Statements and the issuing of blood and urine kits etc. The criminal law governing driving under the influence (“DUI”) offences remains the most litigated area of criminal law in this jurisdiction.</p> <p>There would also be complex employment and industrial relations issues arising with University College Dublin, DTTAS and also possibly with the Higher Education Authority and Department of Education and Science concerning staff.</p>

**Checklist B: Governance**

It is important to identify the various working arrangements, accountability structures and governance arrangements in place in the bodies involved in the amalgamation/merger process.

No.	Issue	Divisions Response
B1	What arrangements are in place governing the relationship between the Department/Minister and the body/agency?	<p><b>The Board reports to the Minister for Transport. The Bureau has legal obligations under the Bureau Establishment Order 1968 to the Minister of Transport to: provide the Minister with an Annual Report; to provide the Minister with a copy of the annual accounts and the auditor’s certificate; and to provide the Minister with information from time to time which may be required regarding the functions of the Bureau.</b></p> <p><b>The relationship is governed by statutory provisions and by Codes of Governance. The Minister also appoints one member from DTTAS to the Board.</b></p>
B2	Is there clarity in respect of roles and responsibilities and who is the Accountable person for the body/agency?	<p><b>Yes. The Director reports to the Board which reports to the Minister on a statutory basis. The MBRS Director is the accountable person for the body.</b></p>
B3	Is there a formal Service Level Agreement in place?	<p><b>The service to Garda, the Courts and DTTAS governed by the Road Traffic Acts especially 2010 and also the Medical Bureau of Road Safety (Establishment Order) SI 241/1968.</b></p> <p><b>The Bureau has made an arrangement with UCD for the use by the Bureau of its staff, premises and equipment for the majority of its functions.</b></p> <p><b>The Bureau has made an arrangement with the LGC for the use by the Bureau of its staff, premises and equipment for selected confirmatory analysis for drugs.</b></p>
B4	Please provide details of the management structure in place in the body/agency including reporting arrangements to the Dept.	<p><b>The Director is responsible for day to day management of the MBRS and reports to the Board which reports to the Minister in accordance with statutory provisions. The Board of the Bureau comprises of five members (including the Director) which is appointed by the Minister of Transport</b></p>

		<b>for a five year term.</b>
B5	Are there any Committees in place? i.e. Audit Committee, Health and Safety Committee etc.	<b>Yes. The Board has an Audit Committee. Health and Safety issues are dealt with by liaison with the UCD Safety Office.</b>
B6	Does the body/agency have an updated risk register in place? How are risks reported to the Department?	<b>Yes. The risk register is reviewed formally on an annual basis. Risks are reported to the DTTAS through the reporting structure set out above.</b>
B7	What financial reporting mechanisms are in place between the Department and the body?	<b>Statutory mechanisms in place with particular reference to the Road Traffic Act 1968 and the Medical Bureau of Road Safety (Establishment Order) SI 241/1968 and Codes of Governance.</b>
B8	Please provide any further governance information in relation to this body/agency as required.	<b>Primarily statutory and also Codes of Governance.</b>

**Checklist C: Staffing & IR Issues**

Consultation will be required with staff representative/unions in order to address IR issues arising. Amalgamations/Mergers will of course be undertaken in accordance with Croke Park arrangements.

No.	Issue	Divisions Response
C1	What is the status of the body/agencies employees? i.e. how many are Civil Servants? Public Servants? Contract? Full-time/Part-time? Seconded from other Departments/Offices?	<b>The Director is appointed by the Minister. All others are University College Dublin Staff assigned to the functions of the Bureau pursuant to agreements since 1972. All staff are public servants. There are 35 members of staff including the Director. The breakdown of contract /full-time /part-time staff is appended.</b>
C2	Please give details of staff who are employed on a contract basis, including the number of such staff.	<b>See appended list.</b>
C3	Please give details of pension arrangements for staff. What scheme is in place for employees	<b>Staff are UCD staff and the MBRS reimburses UCD for pension including supplemental payment to actuarial cost. Staff are members of the UCD pension scheme. The Bureau pays 15% of staff's salary costs together with a calculated pension supplement (currently at 6.7%) to a total of 21.7% to UCD which has assumed responsibilities for the pension entitlements of staff, based on final salaries. The Bureau is responsible for meeting the cost of post-retirement increases in pensions in respect of service after September 2003 and it pays the actuarially determined contribution to UCD in respect of this. Pension contributions are accounted for under salaries in the year in which they fall due.</b>
C4	How many staff are currently assigned to corporate-type roles? i.e. Human Resources? Finance? Corporate Services?	<b>Currently 1½ staff are assigned to corporate services, human resources, finances, procurement etc. Other administrative staff are assigned to the MBRS scientific programmes.</b>
C5	What is the annual cost of the payroll?	<b>Actual 2010 cost was €2,287,240. Actual 2011 cost was €2,480,467. Estimated 2012 cost is €2,619,000.</b>  <b>These figures include pension payments (and supplemental pension payments) and services administration charge under the agreement</b>

		<b>between the MBRS and UCD.</b>
C6	What Unions represent staff employed by the body/agency?	<b>The staff are UCD staff represented by the relevant administrative, scientific and technical Trade and Professional Unions.</b>
C7	What structures are in place to ensure staff/management interaction?	<b>Structures in place include Head of Section Meetings; Section meetings; and General Staff Meetings.</b>
C8	Please provide any other relevant information on staffing/IR issues that would arise	<b>The staff are UCD staff assigned to the functions of the MBRS with undertaking by the Bureau to UCD for financial reimbursement. This is a complex area for industrial relations if there were any proposed physical or other merger or redeployment involving UCD, Department of Transport and MBRS and potentially also the HEA and Department of Education.</b>

**Checklist D: Board Structures**

The role of boards and board structure in the bodies/agencies undergoing review need to be examined and issues arising reflected in the final review paper.

No.	Issue	Divisions Response
D1	Is there a statutory board in place? If so please provide details of statute that underpins the Board.	<b>The statutory Board is in place as provided for by the Road Traffic Acts 1968 – 2010 and the Medical Bureau of Road Safety (Establishment Order) SI 241/ 1968.</b>
D2	How many board members are there and what fee arrangements apply?	<b>There are 5 Board Members</b>  <b>Two Board Members receive a Board Fee of €6,300 p.a. each per annum. Three members receive NIL.</b>
D3	How are board members appointed?	<b>Appointments to the Board are made by the Minister for Transport. This includes the Minister’s consideration of nominations of 3 of the members by the Irish Medical Organisation (1) ; the Bar Council /Law Society (1) / and the UCD School of Medicine and Medical Science (1).</b>
D4	How were fee amounts decided?	<b>Fee amounts are as set by Department of Finance.</b>
D5	What T&S arrangements apply to board members?	<b>Board members are entitled to apply for T &amp; S. No application for T&amp;S was made by any Board member in 2011 – Nil. No application in 2012 to date – Nil.</b>
D6	What are the duties of the board and are these set down in writing?	<b>The duties are statutory functions as per the aforementioned Road Traffic Acts and Establishment Order SI.</b>
D7	Are there any committees/sub – committees of the Board? What is their role?	<b>Yes. There is an Audit subcommittee whose function is internal audit.</b>
D8	What is the annual cost of running the board? Breakdown between fees and T&S requested.	<b>The 2012 (estimated) cost is €12,600 in fees, nil in T&amp;S and €1,921 in honorarium to the Honary Secretary to total €14,521.</b>  <b>In 2011 the cost was €20,475 in fees, nil in T&amp;S and €1,921 in honorarium to the Honorary Secretary to total €22,396.</b>
D9	On average, how many	

	times per year does the board meet?	<b>The Board meets on average four times per year.</b>
D10	Does the body/agency provide support staff to the Board?	<b>The Senior Administrator of the MBRS acts as Honorary Secretary to the Board.</b>
D11	Please provide any other relevant information in respect of Boards specifically relevant to this body/agency.	<b>The Board comprises five expert members from the different cognate professions. It is a tightly managed, and low-cost effective governing structure with considerable statutory responsibility. The balance of attributes comprises forensic, medical, legal, legislative and road safety administrative skills.</b>

**Checklist E: Shared Services**

There is increasing demand for limited resources and the Public Service Reform agenda is focused on finding ways to deliver services and programmes at less cost and with better quality. The pressure is therefore to prioritise and reduce the cost of administrative functions without compromising on the delivery of services to employees or to the public. The points below may assist in shaping some ideas on shared services. It should be noted that areas where there is great potential for sharing services include in the IT, Finance, Payroll, Pensions, HR, Procurement, legal services areas of operation.

No.	Issue	Divisions Response
E1	What services does the body/agency share currently and with other bodies?	<p><b>A full shared services is in place with UCD: IT, Communications, Finance, Payroll, Pensions, HR, Health and Safety, Security, general building maintenance, Training (PMDS), Library, Procurement, Suppliers etc..</b></p> <p><b>Legal services and advices are dealt with internally by MBRS Director except for Freedom of Information matters as the Director is the FoI Internal Reviewer.</b></p>
E2	What services are currently outsourced by the body/agency? Are any of these contracts shared with other bodies/agencies?	<p><b>Some confirmatory drug analyses are outsourced to LGC Forensics UK. This was reduced from original 100% of confirmatory analyses to the current 20% outsourcing level with significant savings since 2010 by MBRS following full set up of its own confirmatory analyses for the majority of drugs.</b></p> <p><b>This contract is not shared with any other bodies/agencies.</b></p>
E3	Can the body/agency identify any opportunities/potential for sharing services?	<p><b>The opportunities and potential for shared services are already realised by fully shared services with UCD with proven and delivered significant efficiencies and savings in all areas.</b></p>
E4	Is the body/agency willing to lead on any particular shared service?	<p><b>N/A</b></p>
E5	Can the body/agency identify any savings which could be made through a shared service opportunity?	<p><b>Continued shared services with UCD provide the proven and best savings opportunity. No compatible shared service opportunity identified or proposed to date by any of the bodies to this critical review as between the MBRS and State Laboratory or Forensic Sciences Laboratory. If any opportunity should be identified by the other bodies or by DPER they can be investigated having</b></p>

		<b>regard to cost implications and scientific, legal and service compatibilities. In this context, reference is made to a previous arrangement with State Laboratory 2002-2003 which was initiated by the MBRS.</b>
E6	Are there any particular barriers to any proposed shared services identified by the body?	<b>N/A</b>
E7	Please provide any other relevant information in relation to shared services that is relevant to this body.	<b>N/A</b>

**Checklist F: Efficiencies & Financial Savings**

It is important that the resources available and that the funding provided from the Department of Arts, Heritage and the Gaeltacht to bodies/agencies be expended in the most effective and efficient manner and that value for money is achieved at all times across the Department and the bodies funded from the Vote. In this regard it is important to examine during the review process whether the body/agency under review is as efficient and effective as it can be and also if the service provided to the public is of the appropriate and required standard.

No.	Issue	Divisions Response
F1	What is the budget of the body/agency for 2012?	<b>2012 Budget - €4,797,000</b>  <b>Current Expenditure - €4,297,000</b> <b>Capital - € 500,000</b>
F2	What financial savings will arise from the proposed merger/amalgamation of the bodies/agencies in question?	<b>None will arise. Costs increases would be more probable. Significant savings have already been made in 2010 and 2012 through efficiencies within MBRS.</b>
F3	What other efficiencies or opportunities does the proposed merger/amalgamation provide?	<b>None will arise. Savings and efficiencies already in place with UCD would be jeopardised.</b>
F4	Will the proposed merger enhance service to the public?	<b>No enhanced service to the public is envisaged. It would more likely be a significant negative affect and particular likelihood of increased legal challenges.</b>
F5	Is it envisaged that staff savings will arise from the proposed merger/amalgamation proposed and if so what staff and skill set is it envisaged will be surplus and available for redeployment?	<b>No staff savings would be envisaged. The number and grades of staff required would not be diminished as the work presently conducted by each organization is clearly different.</b>
F6	When was the last VFM review undertaken of the body in question?	<b>A comprehensive expenditure and savings review was carried out with DTTAS at the end of 2011. Savings of €500,000 were made by MBRS in 2010 and of €250,000 in 2011 by increased efficiencies and reduced costs through a reduction in outsourcing of confirmatory drug analyses to LGC UK and shared services with UCD.</b>
F7	How many structures will be abolished if a proposed merger/amalgamation were	<b>N/A</b>

	concluded?	
F8	Please provide any other relevant details in respect of efficiencies, savings and opportunities arising from the proposed amalgamation/merger process	<b>See also the accompanying Critical Review Document by the MBRS under Guiding Principles Headings Analysis.</b>

## Supplemental Checklist Questions posed by DPER 29 May 2012

### Checklist Responses from Medical Bureau of Road Safety 8 June 2012

**S1 Breakdown of the services (technical, scientific, other) provided by the State body, to whom (please provide a non-technical explanation of the services if required), under what terms and conditions (service level agreements, legislative framework, etc), and the percentage of overall output represented by each major service element;**

The Medical Bureau of Road Safety (the Bureau) is responsible for the chemical testing of intoxicants in driving in Ireland. It is a corporate body established in November 1968 by the Minister for Local Government under Part V of the Road Traffic Act 1968. The Minister's title was altered to Minister for the Environment & Local Government 22<sup>nd</sup> July 1997. In June 2002 the Medical Bureau of Road Safety came under the aegis of the Minister for Transport following the transfer of departmental Administration and Ministerial Functions Order 2002.

The functions of the Bureau are divided into different programmes and services: Blood & Urine Alcohol, Breath Alcohol, Toxicology and Corporate Services. All areas have been developed and expanded in recent years in line with increase in demands in all aspects of the work of the Bureau and in accordance with the Government's Road Safety Strategy.

The services provided to the Garda Síochána, the DTTAS, the Courts, defence and prosecution lawyers and the public are set down in accordance with the statutory provisions and common law judgments.

The outputs for the main programmes for 2012 are estimated as follows:

<b>Programmes</b>		<b>2012</b>
<b>Projected Figures</b>		
<b><u>Alcohol Programme</u></b>		<b>2012</b>
Number of specimens		4,000
Number of kits prepared		12,000
Number of kits issued		12,000
<b><u>Toxicology Programme</u></b>		
Number of specimens		
Preliminary analyses		2,186
Confirmatory analyses		1,639
<b><u>Breath Testing Programme</u></b>		
<b>EBT</b>		

No. of instruments supported	86
Testing in stations/laboratory	190
No of training courses for Gardaí	
Operator	20
Supervisor	10
<b>PBT</b>	
No. of devices supported	1,000

**S2 Performance indicators (formal or informal) that exist in respect of inputs, outputs and general performance;**

The main performance indicator for the quality of the work of the Bureau is in the acceptance by the Courts of its evidence and the maintenance of its ISO accreditation status for the analytical activities accredited.

There are also specific performance indicators for the specific programmes.

In the Alcohol Programme the specific indicators are

- The specimens will continue to be analysed as soon as practicable within the meaning of the legislation.
- A sufficient number of the analytical staff will be trained to competent level to carry out the analysis and be capable of providing expert witness testimony on behalf of the Bureau.
- The levels of specimen collection kits will continue to be provided to the Gardaí to meet their requirements.
- That provision of specimen collection kits to support proposed new legislation will be provided to meet both Garda and DOT requirements.

In the Evidential Breath Testing Programme the specific indicators are

- A sufficient number of the analytical staff will be trained to competent level to carry out the testing of instruments and devices and be capable of providing expert witness testimony on behalf of the Bureau.
- As many as possible of the 64 instruments in stations and the 1,000 breath alcohol screening devices will be maintained and available for use by Garda operators at any given time.
- The Bureau to provide training of operators and supervisors as required by the Gardaí.
- The Bureau to provide the number of instruments in stations as required by Gardaí in an agreed timeframe subject to available funding.
- The Bureau to provide the Gardaí with new courses for operators/supervisors in an agreed time frame.
- The Bureau will provide and maintain sufficient roadside breath testing devices as required by the Gardaí subject to available funding.

In the Toxicology Programme the specific indicators are

- The specimens will continue to be analysed as soon as practicable within the meaning of the legislation.
- A sufficient number of the analytical staff will be trained to competent level to carry out the analysis and be capable of providing expert witness testimony on behalf of the Bureau.
- Confirmatory analysis for 2 drug classes to be set up, validated and in use at the Bureaus premises at UCD, by end of 2011.
- Further drug classes to be set up, validated and in use by end of 2012 at Bureau premises at UCD.
- Confirmatory analysis to be reviewed in 2012 and changes in drug trends to assist in the choice of drug classes to be added or deleted for the remainder of the strategy.
- Achieve accreditation for confirmatory drug analysis as the methods are implemented.
- Provide assistance with training of Garda instructors in Road Traffic Impairment Testing.
- Provide the Gardaí with roadside drug testing devices provided research indicates there are such devices available capable of carrying out the task and suitable legislation and funding is in place.

In the Corporate Services the specific indicators are

- The monthly accounting statements will continue to be reconciled as soon as practicable.
- Preparation of the annual financial statements for audit by the Comptroller and Auditor General in a timely manner.
- Preparation of essential reports as required under the Code of Practice for the Governance of State Bodies.

Achievements measured against performance indicators:

The main achievement of the Bureau is the continued acceptance by the courts of the forensic results issued by the Bureau. Achievements by the Bureau will be measured by the quality, quantity and efficiency of the service provided in alcohol and drug analyses and the supply of equipment for the provision of the specimens.

It will also measure achievements against the supply and testing of the EBT instruments and the roadside testing devices to the highest forensic standards together with Garda training outcomes.

The continuing maintenance of accreditation to ISO 17025 standard for the activities already accredited and to achieve accreditation for the drug confirmatory analysis.

Reduction achieved in the numbers of specimens being outsourced for confirmatory analysis.

Effective financial management systems as measured by internal audits and audits of the Comptroller and Auditor General.

**S3 Breakdown of staff by grade and in relation to services provided (copy of the most up to date organisation chart):**

The May 2012 Organisational Chart is appended.

**S4 Staff ratios between different grades:**

This information is contained in the May 2012 Organisational Chart appended.

**S5 What qualification levels were required for last couple of recruitment competitions?:**

The quantity and quality of the work of the Bureau depends greatly on the quantity and quality of the staff in the Bureau. It is extremely labour/instrumentation intensive with a high knowledge base staff requirement. All analytical staff have a third level qualifications and most have fourth level qualifications. Analysts are required to follow well planned training programmes to completion before being permitted to sign a statutory certificate on behalf of the Bureau.

Forensic alcohol and toxicological knowledge is acquired by several routes, by qualification, professional memberships, reading relevant scientific journals, attendance at courses, conferences and meetings, building up relationships with similar laboratories within the country and overseas. All analysts are expected to conduct self directed learning.

All permanent staff have been involved in the PMDS process within UCD and suitable courses have been agreed which are relevant to the work of the Bureau and for their own personal development.

**S6 Information on reporting relationships of the State body (i.e. to which Minister/other State body):**

The Bureau currently operates under the Road Traffic Acts 1968 to 2010 and the National Road Safety Strategy 2007 to 2012

The Bureau also has legal obligations under the Bureau Establishment Order 1968 to the Minister of Transport

- Provide the Minister with an Annual Report
- Provide the Minister with a copy of the annual accounts and the auditor's certificate
- Provide the Minister with information from time to time which may be required regarding the functions of the Bureau.

**S7 Who provides IT services, HR services, payroll services, security services, pensions services, accommodation services, procurement services, training services (is the body participating in the HR Shared Services Centre?):**

All of these services are provided under a services sharing agreement with University College Dublin which has been in place since the establishment of the Bureau and most recently renewed in November 2007.

The Bureau is committed to continuing to maintain financial cost effectiveness by annually reviewing its suppliers and monitoring expenditure within all areas. The Bureau under a Licence Agreement with University College Dublin has the availability of being able to utilise a number of shared services i.e. IT, utilities, HR expertise, Bursars Office, Procurement services and many others. On an annual basis the Bureau re-negotiates service level agreements with suppliers in order to ensure best practice.

The Bureau is committed to continued use of agreed preferred suppliers on the UCD lists when possible.

**S8 Current accommodation of the State body and capacity of the State body – future capacity in relation to accommodation needs (indication of cost if possible)?:**

The Bureau occupies premises at the School of Medicine and Medical Sciences (Phase 3) Health Sciences Centre at the University College Dublin campus at Belfield. They were bespoke designed and constructed to the requirements of the Bureau and are held under a renewable “rent-free” licence November 2007 – November 2028. The legal agreement was formally signed in March 2008. The building was designed and built to meet functional and infrastructural needs of the Bureau into future decades. The funding was paid out of the DTTAS vote and consisted of €10 million for buildings and c. €2 million for equipping the facility.

**S9 Is there a rolling programme for investment in equipment and what is involved?:**

The Capital Programme 2012 -2016 is as set out:

	2012	2013	2014	2015	2016
Capital	450,000	**150,000	**110,000	150,000	50,000

- \*\* Roadside Drug Testing Devices – Capital not included
- \*\* Roadside Drug Testing Kits – Consumables not included

**S 10 Given initial views expressed on potential mergers at yesterday’s meeting, would the State body see potential synergies from either a physical merger or a shared services arrangement with a State body which has not been proposed to date?:**

The Bureau has considered this supplemental question carefully and is of the considered and evidence-based opinion that no synergy would result from physical merger and indeed there would be a significant financial and infrastructural loss to the State. A full services sharing agreement is already in place with University College Dublin which has provided and continues to provide economy of scale, cost effectiveness and value for money across a wide spectrum of services.

**S 11 Any other relevant information:**

In order for the Bureau to achieve its objectives it relies on good planning, provision of adequate resources, staff and instrumentation for the detection of alcohol and /or drugs. These are keys to success.

The Bureau is a service organisation and in order to provide an efficient service it must know the requirements of its clients. The Bureau communicates regularly with both the Department of Transport (DOT) and The Garda National Traffic Bureau (GNTB) in relation to the service being provided and the legislative and operational changes that are required to continue to provide a reliable and efficient service in support of the road traffic legislation.

Careful planning for the most efficient use of resources of the Bureau is constantly required.

The Bureau depends totally on the grant given by the DOT and tries to plan and work within that budget. However it is the work of the Gardaí that dictate the volume and nature of the work that is carried out by the Bureau, i.e. the number of specimens forwarded and the whether it is alcohol and/or drug analysis that is required. The need to maintain supplies of specimen collection kits to stations, roadside devices calibrated and tested, evidential breath test instruments calibrated and tested in stations requires adequate resources. The Bureau must deliver both quality and value for money and continually reviews its activities to ensure it operates in a cost effective manner.

The analytical work and associated activities requires high knowledge base staff. Sufficient staff to carry out the functions of the Bureau is essential. The law requires that analysis and issuing of results are carried out as soon as practicable. All scientific staff require suitable and continuous training to maintain their competence and be suitable expert witnesses. The reputation of the Bureau has been built up over forty years of good scientific and administrative practice and each staff member works hard to maintain the high standard required.

The Bureau cannot operate without instrumentation and continues to provide the laboratory with suitable analytical instruments keeping abreast of innovation in technology both in the field of alcohol and drug detection. The Bureau also issue the Gardaí with suitable instrumentation for evidential breath testing in selected Garda stations and suitable devices for roadside breath alcohol testing. The Bureau will continue to investigate the developments in roadside drug testing devices. The Bureau requires that its testing equipment is in calibration and in good working order.

Challenges facing the Bureau include:

- The provision of sufficient resources both in budget and staffing for the Bureau to meet the legal requirements of carrying out its functions.
- Constant legal challenges to the existing work carried out in the Bureau.
- Introduction of new alcohol limits in 2011 and the knock on effects for the alcohol and EBT programmes within the Bureau.
- Legal challenges when new legislation is introduced.
- The numbers of drug drivers being detected and the drug analysis required.
- The implementation of new and different technologies for the different classes of drugs.
- The need for monitoring trends of general drug use in order to determine which drugs to analyse for.

- Developments in roadside and laboratory drug testing.
- Maintenance and expansion of accreditation to ISO 17025 for all analytical testing.
- Building and maintaining a knowledge based analytical staff and keeping abreast of developments in the related scientific fields.

## **Critical Review of Proposal for Possible Merger between the Medical Bureau of Road Safety and the State Laboratory;**

### **Guiding Principles Headings Analysis by the Medical Bureau of Road Safety.**

#### **Citizen Focus**

The Medical Bureau of Road Safety (“the Bureau”) was established under the Road Traffic Act 1968 and the functions of the Bureau are laid down in the Road Traffic Acts 1968 – 2011 together with their regulations. They include:

- The receipt and analysis for intoxicants of specimens of blood and urine forwarded to the Bureau.
- The issue of certificates of analysis.
- The provision of equipment for the taking or provision of specimens of blood and urine.
- Approval, supply and testing of equipment or apparatus for indicating the presence of alcohol in the breath.
- Approval, supply and testing of equipment or apparatus for determining the concentration of alcohol in the breath.
- Research on drinking and drugs in relation to driving, including the methods of determining the amount of alcohol or drugs in a person’s body and the epidemiology of driving under the influence of intoxicants.

The governing authority of the Bureau is the Board appointed by the Minister which has since establishment comprised of: a Professor of a medical speciality from the UCD School of Medicine; a representative of the medical profession nominated by one of the medical bodies; a representative from the legal profession nominated by the legal professional bodies; a civil servant from the relevant road safety section of the parent government department; and the Director of the Bureau being a medical practitioner and member of the clinical academic staff of the School of Medicine at UCD.

The Road Traffic Act 1968 established the Bureau as independent of the State and Prosecuting authorities. This long standing independence which has gained public confidence and confidence of the Courts in a specialist area of road traffic medicine and science which is consistently and continuously challenged in the courts and requires an assured quality service reputation. This arrangement was on foot of the specific recommendation of the Davitt Commission in its 1963 report. A previously proposed merger with another state forensic laboratory was mooted and examined in detail in 1991-1992. The report of the Management Services Unit of the Department of Finance in 1992 concluded that the functions, roles and processes were distinct and no economy of scale ensued from such a

transfer of functions which was then strongly not recommended.

The Road Traffic Acts 2010 and 2011 have made significant changes in relation to blood urine and breath alcohol concentrations permissible by law and also in the area of testing at the roadside for drug driving impairment. With the successful introduction of the new evidential breath testing instruments at the end of October 2011 it is certain that there will be renewed and increased challenges for the foreseeable future on this basis alone and the expertise and experience of the Bureau as an independent body remains critical to the success of this central element of road safety policy.

The integrity of the Bureau and its procedures have been established and consolidated over 40 years and its focus on a singular function within road traffic medicine and safety supported by that specialised branch of forensic medicine and science is an essential part of modern road safety in Ireland. National and international studies have confirmed the critical role of a focused approach to DUI in tackling road death and injuries.

The Bureau has extensive day to day working relationships with e.g. the Garda Síochána, the Department of Transport, Defence Solicitors, Prosecution Services, Road Safety Authority, the media and citizens interest groups. The Bureau has been integral to the Road Safety Strategies with both advisory and scientific input as part of the success in the significant reduction in deaths and injuries since the late 1960s and in particular since 1997. The role of alcohol and other drug intoxicants in road traffic causation is well evidenced and the Bureau's role is integral to addressing this issue.

The Bureau has specific actions as leader and/or partner under the Road Safety Strategy 2007-2012 (Actions 8, 23, 27, 32, 33, 45, 71, 75, 76, 78, 107, 122 and 123). It is currently preparing for its role in the new Road safety Strategy 2013-2020 in partnership with the Road Safety Authority and other cognate bodies.

## **Policy Formulation**

The Bureau, particularly through its Director and Chief Analyst, has advised the Department of Transport, and thus the Attorney General's Office, in relation to the ever changing road traffic legislation and in particular with the recent Road Traffic Act 2010-2011 with expertise on the medical, forensic, scientific and legal expertise required for that purpose.

The Bureau is currently advising the Minister and Department of Transport on roadside drug testing devices. The Bureau is a member of the Royal College of Physicians of Ireland / Road Safety Authority Traffic Medicine Working Group on Medical Fitness to Drive and Driver Licensing.

The Bureau has also been involved in advising on and through its analysts appearing in cases before the District, Circuit, High and Supreme Courts. The area of road traffic safety enforcement and in particular driving under the influence of intoxicants (both alcohol and drugs) is the most litigated area in the criminal law sphere in Ireland. By way of example, the Bureau was centrally involved in arguments and assistance to the court in constitutional challenge to the introduction of Evidential Breath testing in the early part of the last decade and in significant High Court and Supreme Court challenges to the current time. Two judgments from cases from the Superior Courts are appended to this document being illustrative of the legal and scientific challenges.

In 2010 it was involved for both Defence and Prosecution parties in well in excess of 100 cases and advised on and answered queries in approximately 500 cases following enquiries from Prosecution, Defence and Garda bodies in 2010.

### **Clear democratic and/or cost benefit**

The depth and extent of the difficulties would also depend on the nature of any proposed merger structure. If it be proposed that the Bureau and State Laboratory would continue on their respective physical sites and with their respective staff and essentially remain as entities independent of each other the difficulties and counter arguments to the proposal are very clear in being contrary to any gain from such a merger, indeed with no real measurable gain. If it were a proposal for the dismantling of the current governance structure of the Bureau it would have all of the disadvantages of removing the independence, reputation, and focussed skill mix of the Board as constituted under its establishment through generations of Board members.

The Bureau is housed in a purpose built building (phase three) within the Health Science Building in UCD Belfield. While the building belongs to UCD, the Bureau scientists were consulted in the design and functionality of the building. The Chief Analyst and the Principal Analyst were part of the building project team. The building was constructed with all the considerations required by the functions of the Bureau. Building maintenance is the responsibility of UCD. The cost of the building was paid from the Department of Transport vote, being approximately €10 million in building and a further €2 million in equipping the facility.

It is built over four floors to permit the different programmes to operate in harmony. The need for specific areas to be alcohol and volatile free necessitated the inclusion of the different floors and the provision of separate extraction systems for each floor.

The Bureau has very tight security control requirements with key holders limited to Bureau personnel only. There is no through access to other members of the college on any of the floors. The College security services have no direct access to the building out of hours and require the attendance of Bureau personnel for alarm callouts.

Any maintenance and services are only permitted with careful planning and under the supervision of a member of the Bureau staff. UCD maintenance staff are very familiar with the requirements of the Bureau and also notify the Bureau if any works are planned in the vicinity of the Bureau that may affect the tasks of the Bureau such as bottle preparations, kit preparation and alcohol analysis. The State Laboratory arrangements, as known to the Bureau, are not compatible with these requirements.

If the Bureau was to move in the future the same set of requirements would be necessary. The cost effectiveness of such a move is clearly absent and would be a significant financial and infrastructural loss to the State.

The staff of the Bureau are not civil servants and are employed under the terms and conditions of UCD. Any change in employment conditions would have to be negotiated with the staff, their representative unions, and UCD and relevant Departments. The number and grades of staff required would not be

diminished as the work presently conducted by each organization is clearly different.

The Bureau has presented reports on staff structures and requirements over the years and has been able to explain and justify the granting of all the posts to date. The Bureau operates with a very small dedicated work force with no room for downsizing.

The majority of the Bureau budget is spent on staff costs which would not decrease. The rest is spent on provision of equipment to Gardaí such as EBT instruments or PBT devices or blood and urine kits, the receipt, analysis and issuing of results (by Registered post for legal reasons) for specimens received and the maintenance of equipment and the building. These costs would not diminish if the Bureau was sited within the State Laboratory as any area assigned to Bureau functions within the State laboratory would require the same attention and the staffing and services provided would be the same.

The Bureau has introduced a Laboratory Information Management System (LIMS) to increase efficiency in sample registration and control and the system in place is not the same as that of the State Laboratory.

The Bureau has developed a local area network (LAN) which hosts the LIMS and Bureau specific activities and is completely separate from UCD computer systems or the Gardaí computer systems.

If the Bureau were to merge with another entity it would require a change in the myriad of legislation and a recall of all blood and urine kits and certificates in the State – these certificates having only been changed and issued at significant cost in September and October 2011.

The Bureau already benefits from its association with UCD and uses its HR, accounts, procurement, suppliers, security, library, computing internet facilities, maintenance, health and safety and services. Running costs have been kept to a minimum but without compromise to quality of service and the necessary requirements of confidentiality and security due to the nature of the work.

## **Specialist body**

The work carried out by the Bureau is not simply a toxicology function within general forensic science but rather is a focussed area with wide responsibilities in the specialty of road traffic medicine and road safety with its associated forensic analysis. The staff of the Bureau are highly specialised with a significant number having long experience in the cognate field. All of the staff whether administrative, technical or scientific are integrated into the three main programme areas of: blood and urine alcohol analysis; preliminary and evidential breath testing analysis; and preliminary and confirmatory drug analysis. Staff members require supervised training of three to six months and in the case of analysts, for example, go through a very rigorous supervised and audited training programme prior to being permitted to being the primary analyst and signatory on certificates issued by the Bureau.

The Directors of the Bureau since its establishment have had combinations of skills in the medical, pathology, forensic, medico-legal and legal areas necessary for executing the responsibility for the day to day running of the Bureau.

The Bureau is not merely a static laboratory on one site. Its evidential breath testing instruments are

satellite laboratories currently in 64 Garda stations throughout the State and these require ongoing scientific oversight and quality assurance. The number is to be increased to 86 in line with Government policy. The Bureau's 1,000 preliminary breath testing devices, the "breathylsers", are present at mandatory alcohol testing checkpoints and require specialised and expert based over site and calibration by the Bureau.

The vast literature on alcohol and drug analysis, the analytical techniques, the forensic, medico-legal and legal implications make this a subspecialty in itself quite different from other areas of forensic science and human toxicology. By way of practical example, alcohol analyses must be carried out in separate areas to avoid contamination with interfering substances with other types of analyses. The types of analysis and expertise needed in toxicology analysis for driving under the influence of alcohol and drugs (although related to human toxicology in coroners cases) is very separate and distinct requiring different skills and expertise and interpretation. One of the most critical points for the courts in reviewing the Bureau's analyses analytical results and certificates is not only to the quality assurance but the timeframe required being "as soon as practicable". In this regard the turnaround time for Bureau analyses compared to that of other laboratories in the State for human toxicology is critically less.

## **Streamlining**

On the surface a proposal to merge the Medical Bureau of Road Safety with the State Laboratory may seem to have merits if the only functions of the Bureau related to alcohol blood and urine analysis and a classification of the functions of the Bureau as only a "state laboratory service". An examination of this review submission and of the accompanying documentation presents strong contrary evidence against this proposal for merger.

All the work of the Bureau is governed by strict legislation. The Bureau was initially established to analyse blood and urine specimens for alcohol concentration and has developed over the years to include the additional functions as outlined in the Road Traffic Acts. It was able to achieve this with its small, dedicated and knowledgeable work force.

All the functions in relation to analysis and issuing of results are required by law to be carried out as soon as practicable and this is constantly being challenged and the Bureau has not being found wanting. The nature of the analysis is such that scientists are individually responsible for their analysis and are expected to competent to act as professional witness to defend their work. The Bureau has highly trained scientific staff, that have a stake in all the work of the Bureau and the results used in Courts are subject to detailed scrutiny and the courts are reliant on the reputation of the Bureau built up over 40 years of sustained legal challenges. The methods and procedures used by the Bureau are of the highest quality and are accredited and when new technologies are introduced accreditation is also sought for these activities.

The Bureau has successfully introduced the following additional services over the years:

- Electronic breath alcohol screening devices (PBT) to Gardai (1980s)
- Evidential breath testing instruments (EBT) in Garda stations (1999)
- Drug testing of the blood and urine specimens received (2002)

- Confirmatory drug testing in house of blood and urine specimens (2010)
- New generation EBT instruments in Garda Stations (2011)

It has conducted research into EBT and drug analysis which has been most useful when establishing these activities.

The Bureau functions have now expanded and are divided into three separate programmes within the organisation:

- Blood and Urine Alcohol Programme which also includes Kit production
- Breath Testing Programme which incorporates PBT and EBT
- Drug Analysis Programme which includes preliminary and confirmatory testing for the presence of a drug or drugs in drivers.

Most of the programmes activities are unique to the Bureau and are not covered by any other forensic laboratory in the State.

With the introduction of the electronic devices Bureau scientists calibrate and test these instruments on a twice annual basis in the Bureau. The Bureau maintains over 1,000 in good working order and carries out the repair maintenance in-house with the assistance of a Bureau electronic technical officer.

With the introduction of EBT in 1999 the Bureau and as part of the supply of the instruments to the Gardaí the Bureau scientists also provide training courses for the operators and supervisors. Currently the Bureau is providing conversion courses for over 1,000 operators for the change over to the new instruments.

The scientists test the instruments in the stations on a twice annual basis. The Bureau maintained 64 of these instruments in full and good working order in the stations. The new instruments installed in 2011 will require similar maintenance. It is also planned to install a further 22 instruments in Garda stations in 2012.

With the introduction of drug analysis legislation by statutory instrument in 2002 providing for the statutory drug certificate under the Road Traffic Acts the Bureau has established a toxicology programme. It initially carried out the preliminary testing and relied on the State Laboratory to carry out the confirmatory work as the specimen numbers for analysis were small, however as the numbers increased and the State Laboratory did not have the capacity to cope with the amount of analysis required and the Bureau had to outsource this work to the LGC, UK.

The Bureau has also in the mean time established confirmatory testing in- house. The knowledge base required by the reporting toxicologist is very different for a driving under the influence of a drug (DUID) report and a coroner's report and while the Bureau required confirmatory analysis which it received from the other laboratories it relied on its own DUID toxicologists to report the complete findings. While both coroners and DUID toxicologists analyse blood and urine specimens and require similar type instrumentation such as GCMS and LCMS they are not necessarily looking for the same type of drug or at the same concentration ranges. (Cannabis will not kill you but impairs driving.) Coroner's specimens can also be from different sample types such as vitreous humor or hair while the Bureau will be expected in the future also to analyse oral fluid specimens. The levels of detection are different for each specimen type or for each requirement and each type of analysis requires different

methodology and separate validation and separate operating parameters. Sharing of common instrumentation is logical but in practice proves very difficult even within a single dedicated laboratory.

The sub contracting of the confirmatory testing to another laboratory even with the permission of the Minister is still under legal challenge and has not been resolved to date. The arrangement with the State Laboratory during 2001 to 2003 for confirmatory drug testing (at the request of the Bureau) was terminated in 2003 by the State Laboratory and the then Minister for Finance because that laboratory was unable to provide the service due to limited resources and a need to focus resources on toxicology for coroners' death inquiries. There is ample documentation available in this regard including correspondence and Oireachtas record.

The Bureau is also responsible for providing the DTTAS with up to date information in relation to the developing area of drugs and driving and in particular developments in roadside drug testing.

The Bureau will be expected to be responsible for the approval, supply and testing of roadside drug testing devices as it has built up the scientific knowledge in this field of roadside devices. A comprehensive report of roadside drug testing devices is being presented to the Minister and Department of Transport this month, June 2012.

There is a growing interest for road safety strategists in alcohol interlock devices as a means of monitoring convicted drink drivers and to prevent recidivism. The means of approving, supply and testing of these devices if and when they are applied in Ireland should be the responsibility of the Bureau. It is the logical body to carry out this work as they will require similar scientific knowledge to the road screening devices and will require similar type maintenance and calibration.

The functions of the Bureau do not seem set to diminish but rather to increase and the proposed merging into another organization with no corresponding experience, knowledge or skills in the area would need very careful consideration to the effectiveness of the operations.

## **Service sharing**

The integrated relationship of the Bureau with University College Dublin on so many levels would also be a factor which would give rise to operational and logistical difficulties in practical terms to a potentially enormous magnitude. The financial, structural and staffing agreements with University College Dublin would have to be reviewed and unravelled.

The Bureau has also been directly involved in the setting up and initiating Garda training in areas of Evidential Breath Testing instruments and preliminary testing devices and has provided courses in 2011 alone for more than 1,000 Gardaí in these areas. It has also successfully trained and graduated Garda trainers in roadside traffic impairment testing with particular reference to drugs in conjunction with the School of Medicine at UCD. More than 3,000 Garda members have been trained in roadside impairment testing on foot of this integrated educational collaboration. This critical function is now part of the educational fabric of the Bureau in partnership with UCD and is part of a wider relationship between the Garda Síochána and the University.

The Bureau moved to new premises on the UCD Belfield Campus in late 2007. These premises were built on a site provided by UCD. They are state of the art purpose-built premises designed to ensure the proper highest standards of laboratory analysis with, for example, scientifically necessary segregated areas for alcohol blood and urine, alcohol breath and drug blood and urine analyses. The relationship with University College Dublin has been an extremely positive symbiotic relationship for both institutions. For the Bureau, it has meant that there is now a state of the art modern facility “rent-free” on licence for 21 years (2007 through 2028) providing very high value for money for the State. In addition the shared services with UCD in Human Resources, Bursars and Finance Office, Procurement, Utilities, Suppliers, Security Health and Safety, Maintenance, Information and e-Technology etc. provide critical mass giving rise to excellent value for money for the State and taxpayer.

Further details about the foregoing are also contained: in the Annual Reports for the last number of years; Financial Statements with increased efficiencies and reduced costs noted particularly in 2010 and 2011 of €500,000 and €250,000 respectively.

## **Agency life cycle**

The original objective for the establishment of the Bureau in 1968 has become even more relevant today having regard to Government road safety priorities, transport developments in society, value for money performance.

## **Performance focus**

In the area of drugs and driving it produced a major research study and internationally peer reviewed paper on drugs and driving in Ireland with an analysis of more than 2,000 cases which continues to form Government policy and strategy to this date.

In all of these areas of alcohol (blood, urine and breath) and drug analysis (blood and urine) it is involved and participates in International quality assurance standards programmes.

In the near future, the Bureau will be continuing research into the areas of saliva testing for drugs, roadside drug testing devices and the introduction of mobile evidential breath testing instruments nationwide for the use of the Garda Síochána.

In addition to the International Quality Assurance Schemes the Bureau is also audited and accredited by the Irish National Accreditation Board which in turn reports to and is under the aegis of the International Accreditation Body.

The performance of the Bureau is subject to the scrutiny of the Courts in the most litigated area of criminal law in Ireland. The Bureau operates under the most challenged legislation in this country. The

Bureau has built up high degree of confidence in the service provided to clients. Each case can be contested in court so each result is open to individual scrutiny.

### **Respect for staff interests**

The staff of the Bureau are employees of University College Dublin assigned to the work of the Bureau under a series of agreements since 1972. UCD Staff are assigned to Bureau with an undertaking by Bureau to UCD for financial reimbursement. There has been redeployment of staff between the Bureau and UCD and particularly since 2010 in accordance with the Employment Control Framework.

This would be an extremely complex area for industrial relations if any proposed physical or other merger or redeployment involving UCD, HEA, Department of Education, Department of Transport and MBRS and would jeopardise stable staff relations which have been a hallmark of the Bureau since its establishment.

## *Considered Conclusion of the MBRS on the Proposed Merger*

The Bureau has considered carefully the merger proposal and the information provided from the various bodies and Government Departments as part of the critical review process.

The MBRS was established by statute in 1968 as an independent authority not under State control and in an institution under the control of a medical director as recommended by the Davitt Commission in 1963. Its particular purpose focussed on the area of road traffic medicine and safety with a specific and identifiable speciality of forensic medicine and science without duplication or waste.

The MBRS provides a unique service that is highly sensitive and is governed by strict legislation with a long history of legal challenge. The staff and Directors throughout its 44 year existence have been and continue to be highly trained, qualified and specialised to deal with this in quality assurance terms in keeping an impeccable record of sample management from collection through processing, alcohol and drug analyses and reporting, and of the breath alcohol testing programme. This record is also in competent oversight, expert witness advices and appearances in the courts.

There is a significant run-in training time for any staff, external cross-cover is not feasible and at present the MBRS staff have just put in place the new equipment and analytical systems based on the recently introduced legislation lowering the permitted alcohol limits. It is critical that in this embedding period and beyond that the MBRS functions are efficient, effective and transparent and ready to meet the scientific, operational and legal challenges ahead.

In accountability terms the MBRS reports to the Minister but has also been long accepted by the Courts and prosecution and defence parties to give independent evidence for the purpose of administration of justice of the laws governing intoxicated driving (DUI).

In logistical and cost effectiveness terms we are unclear what a merger might mean. The MBRS recently moved into state of the art bespoke facilities on the University College Dublin (UCD) campus with a specific design tailored to the three different programmes of the MBRS and all the staff are UCD employees. Any change to the licence agreement with UCD or to terms and conditions of the staff would require careful consideration and complex negotiation. The arrangement of the premises licence and shared services provides excellent value for money for the Exchequer and taxpayer and runs to 2028.

Governance is a further consideration. The present board, including the Director, comprises five expert members from the different cognate professions. It is a tightly managed, and we believe, low-cost effective governing structure with considerable statutory responsibility. To alter, expand or dilute the composition would have serious consequences.

The proposed merger with another state laboratory was mooted in the past and examined in detail. That review concluded that the functions, roles and processes were completely distinct and no economy of scale ensued from such a merger which was then not recommended. The intervening twenty years have further strengthened the reasons for a continued independent MBRS.

The functions, roles and operational requirements of the MBRS are unique and quite distinct from those of the State Laboratory and involve many areas and functions beyond human toxicology in the specialist area of road traffic medicine and science, including research and forensic training of Gardaí.

The two bodies have different Ministers to which they report under very separate legislation.

To date in this critical review process, no specific rationale or advantage applicable to this specific proposed merger by way of improved service to the public, cost savings or efficiencies in the form of shared services, synergies or compatibilities have been put forward to base such a merger proposal. All of the considerations to date have shown a significant negative, detrimental outcome if such were to occur with a real and tangible loss to the State.

The unanimous, considered and evidence-based view of the Board of the Bureau is therefore that the proposed merger is contrary to the needs of road safety in the area of DUI, endangers the DUI legal process stability and is contrary to the public good by affecting the integrity, reputation, independence and scientific and cost effectiveness of those statutory functions entrusted to the Bureau since 1968.

The Bureau has been informed that University College Dublin and the Department of Transport are also of the same view regarding any proposed merger following consideration and consultation.

**MBRS / 8<sup>th</sup> June 2012.**

# Medical Bureau of Road Safety - Staff Breakdown

June 2012

## Scientific Staff

Permanent	17	Contract	3
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## Technical

Permanent	4	Contract	0
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## IT

Permanent	0	Contract	1
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## Administrative Staff

Permanent	6	Contract	2
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## Facilities/Security

Permanent	0	Contract	2
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<b>Total Permanent Staff</b>	<b>27</b>	<b>Total Contract Staff</b>	<b>8</b>
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***Total 34 + Director***

**Sanctioned 35**

**MBRS / 8<sup>th</sup> June 2012.**