



Comptroller and Auditor General
Report on Value for Money Examination

Department of Justice, Equality and Law Reform

Collection of Fines

Report for presentation to Dáil Éireann pursuant to Section 11 of
the Comptroller and Auditor General (Amendment) Act, 1993 (No. 8 of 1993)



Comptroller and Auditor General
Report on Value for Money Examination

Department of Justice, Equality and Law Reform

Collection of Fines

December 2000

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This report was prepared on the basis of information, documentation and explanations obtained from the bodies referred to in the report.

The draft report was sent to the Department of Justice, Equality and Law Reform, the Courts Service and the Department of the Environment and Local Government and comments were requested. Where appropriate, comments received were incorporated in the final version of the report.

Report of the Comptroller and Auditor General

Collection of Fines

I have, in accordance with the provisions of Section 9 of the Comptroller and Auditor General (Amendment) Act, 1993, carried out a value for money examination of the fines system.

I hereby submit my report on the above examination for presentation to Dáil Éireann pursuant to Section 11 of the said Act.

A handwritten signature in black ink, appearing to read 'John Purcell', with a large, stylized initial 'J'.

John Purcell

Comptroller and Auditor General
21 December 2000

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Summary

Summary

Fines are financial penalties imposed by the courts for breaches of laws or regulations. In general, fines are intended to serve as a less severe form of penalty than imprisonment and are considered to be more appropriate for less serious offences.

Responsibility for management of the different stages in the process is spread across a number of agencies, but falls primarily on the Garda Síochána and on the Courts Service.

This examination aimed primarily to establish how efficiently and effectively the fines system operates in relation to cases within the jurisdiction of the District Court. Specifically, it sought to address the following questions

- When finable offences are detected, how successful is the fines system in ensuring that financial penalties are imposed and collected?
- How well are the various processes in the fines system managed by the Garda Síochána and the Courts Service?

Overall Effectiveness of the Fines System

The ultimate objective of the fines system is to reduce the level of offences committed by deterring undesirable behaviour. Consequently, the effectiveness of the system depends on the extent to which it leads to changes in behaviour and reduces the level of offences committed. Very little analysis of these impacts of the fines system has been carried out. In planning strategically to deal with specific types of offences, the relative effectiveness and cost of the various options for deterring undesirable behaviour (including direct action approaches like wheel clamping or seizure of vehicles) should be explored.

At an operational level, the fines system tries to ensure that, where a finable offence is detected, the offender should normally pay a fine or suffer an alternative penalty. Statistical information about the outcome of cases detected is poor, but the information which is available suggests that more than half of offences detected go unpunished. Most of the offences which go unpunished do so because of weaknesses in the administration and management of fine cases by the Garda Síochána or the Courts Service, or because operational policies give a relatively low priority to fines casework.

On-the-Spot Fines

For a wide range of relatively minor offences, such as illegal parking, speed limit violations and failure to display motor tax or insurance discs, offenders may be given the option of paying a fixed penalty amount to avoid legal proceedings against them in the District Court - an 'on-the-spot fine'. This approach is intended to reduce the volume of cases going through the District Court system.

In 1998, the Garda Síochána issued a total of 400,000 on-the-spot fine notices, worth an estimated £12.1 million in fixed penalties. Payment of on-the-spot fines has increased from £3.4 million in 1995 to £8.2 million in 1998.

In on-the-spot fine cases, the proportion of offenders who choose to pay the fixed penalty amount varies by type of offence. Around 84% of motorists who received on-the-spot fine notices for speeding offences detected in 1998 paid the fixed penalty amount. By comparison, fixed penalties were paid by 61% of owners of vehicles found illegally parked. Only a quarter of the owners of vehicles found without tax or insurance discs on display paid the fixed penalty amount.

Where on-the-spot fines are not paid, the intention is that the case should be pursued through the District Court. It was found that over 20% of the parking and disc display offences detected in 1998 were cancelled or allowed to lapse. The reasons this happened are not adequately recorded, monitored or analysed. This prevents targeted action being taken to ensure unpaid on-the-spot fines are followed up. A more effective approach to pursuing persistent offenders is needed.

Planned changes in the on-the-spot fines system, including the more widespread use of speed detection cameras and the introduction of a driver penalty points system, will put increasing pressure on Garda systems. Unless the way in which these changes are implemented is properly planned and managed, the system is likely to become increasingly inefficient.

Legal Proceedings in the District Court

Legal proceedings commence when an application is made to the relevant District Court office for a summons. It is estimated that 625,000 District Court summonses were issued nationally in 1998.

A very significant proportion of summons cases which commence are not actually heard in court. For example, over 68% of all summons cases which commenced in Dublin in 1998 were unheard. Non-service of summonses resulted in 44% of cases not being heard. A further 24% were struck out or withdrawn without being heard. Neither the Garda Síochána nor the Courts Service routinely monitor the reasons why so many cases are not heard.

Where summons cases are heard in court, there is a high rate of conviction, particularly for on-the-spot fine cases.

The average penalties imposed on conviction in on-the-spot fine cases are considerably larger than the fixed penalties which offenders could have paid to avoid a court appearance. This should encourage a high rate of voluntary payment of fixed penalties in on-the-spot fine cases but the incentive to pay fixed penalties is seriously undermined by the failure to bring a large proportion of cases for hearing.

Legal proceedings in fine cases take too long. For example, for fine cases heard in 1998 in the Dublin courts, the time which elapsed between detection and court hearing averaged around eight and a half months. This represents a disimprovement on the position as established by a study in 1984. As a general principle, court hearings should be held as soon as possible after offences are detected. If all the steps in the legal process were carried out more efficiently and expeditiously, the overall elapsed time for legal proceedings could be reduced considerably.

Enforcement of Court Fines

Fines totalling an estimated £12.3 million were imposed in relation to 1998 fine cases. The available evidence suggests that many fines imposed by the Courts are not collected, resulting in a considerable loss of fines revenue. For instance, in Dublin only 55% of court imposed fines are paid. Based on the experience in Dublin, the loss of revenue through uncollected fines nationally may have been over £5 million in relation to 1998 summons cases.

The main mechanism used to enforce payment of fines is the issue of warrants for the arrest of the individuals concerned. There are long delays in issuing warrants and many warrants remain unexecuted for long periods. Other enforcement procedures, such as payment of fines by instalment and attachment of earnings, could be more effective. The relative effectiveness of the various options should be examined with a view to improving the fine payment rate significantly.

In certain motoring offence cases, judges may order that the offenders be disqualified from driving or have their driving licences endorsed. Despite the seriousness of these penalties, there is no evidence that they are enforced any more effectively than fines.

Management of the Fines System

There is almost no overall management or co-ordination of the fines system. This probably goes a long way towards explaining why the system underperforms and why there has been little improvement in many aspects of the system over a long period. Clear responsibility and accountability for the overall performance of the system should be determined including agreeing relevant and challenging performance targets for the Garda Síochána and the Courts Service and regular public reporting on management achievements.

Collection of Fines

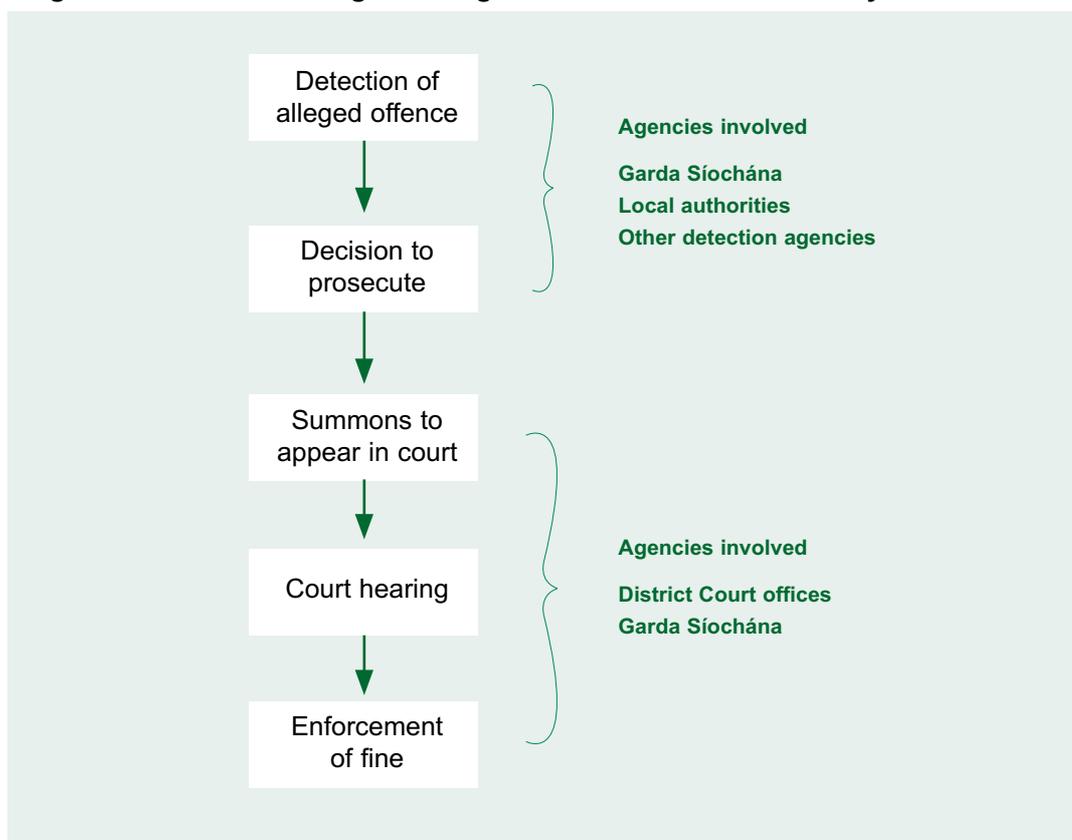
1 Introduction

1.1 Fines are financial penalties imposed by the courts for breaches of laws or regulations. In general, fines are intended to serve as a less severe form of penalty than imprisonment and are considered to be more appropriate for less serious offences.

1.2 The fines system consists of a number of sequential stages, as outlined in Figure 1.1. Responsibility for management of the different stages in the process is spread across a number of agencies, but falls primarily on the Garda Síochána and on the Courts Service. A more detailed description of the stages involved in the fines system is given in Appendix A.

1.3 Not all fine cases proceed through all the stages of the fines system. For a wide range of relatively minor offences, such as traffic, parking, litter and control of dogs violations, offenders are usually given the option of paying a fixed penalty amount to avoid court proceedings against them. This is designed to reduce the volume of cases going through the courts, thereby saving on cost and freeing up court time. Cases where this voluntary fixed-payment option is provided are usually referred to as on-the-spot fines, although, in law, fines may only be imposed by the courts.

Figure 1.1 Outline of stages and agencies involved in the fines system



Scope and Objectives of this Examination

1.4 The ultimate objective of the fines system is to reduce the level of offences committed by deterring undesirable behaviour. Consequently, the effectiveness of the system depends on the extent to which it leads to changes in behaviour and reduces the level of offences committed. The effectiveness of the fines system in this respect was not examined.

1.5 Both overall management and management of individual areas of responsibility must be efficient and effective to ensure that the intended deterrent effects of the fines system are achieved. Very good cooperation between the agencies involved in the system is also required.

1.6 This examination aimed primarily to establish how efficiently and effectively the fines system is managed. Specifically, it sought to address the following questions

- When finable offences are detected, how successful is the fines system in ensuring that financial penalties are imposed and collected?
- How well are the various processes in the fines system managed by the Garda Síochána and the Courts Service?

Organisations Covered by the Examination

1.7 The examination focused on the administration and processing of fine cases by the Garda Síochána and the Courts Service. The role of the Department of Justice, Equality and Law Reform in relation to the fines system was also examined.

1.8 The Courts Service was formally established with effect from 9 November 1999. It took over responsibility for the funding and administration of all court offices, which until that date had been managed by the Courts Division of the Department of Justice, Equality and Law Reform. The Courts Service is not concerned with the administration of justice itself - this remains a matter solely for the judiciary.

1.9 Local authorities are involved in the detection of a range of offences e.g. parking and litter violations and control of dogs offences. Where such offences are detected, wardens employed by the local authorities may issue on-the-spot fine notices. Local authority operations in relation to on-the-spot fines were not investigated during the course of this examination as the local authorities do not come within the statutory remit of the Comptroller and Auditor General.

Fine Cases Covered by the Examination

1.10 While higher courts may also occasionally impose fines, only fine cases within the jurisdiction of the District Court were included in the examination.

1.11 The examination covered both on-the-spot fine cases and other District Court summons cases. The examination also included cases involving more serious, indictable offences tried in the District Court (usually referred to as 'charge sheet cases'). Such cases may, on conviction, result in the imposition of fines, custodial sentences or other penalties.

Time Period Covered by the Examination

1.12 If all stages of the fines system have to be employed to ensure that a fine is paid, the whole process often takes a year or more to complete. For this reason, it was too early to focus in the examination on the outcome of cases in relation to offences detected in 1999. Instead, the analysis concentrated on offences detected in 1998. To the extent that consistent data was available for earlier years, this has also been analysed and is presented to show trends over time.

Structure of the Report

1.13 The findings of the examination are presented in four chapters. Three chapters deal with specific aspects of the fines collection system in the order in which they normally occur: on-the-spot fines (Chapter 2); court proceedings (Chapter 3); and enforcement of court fines (Chapter 4). Chapter 5 records overall conclusions about the efficiency and operational effectiveness of the system. The Department of Justice, Equality and Law Reform has provided a response to the examination findings. This is included as Chapter 6.

Examination Methodology

1.14 The examination was carried out by staff of the Office of the Comptroller and Auditor General. Information was obtained through review of documents and interviews with relevant personnel in the Department of Justice, Equality and Law Reform, the Garda Síochána, the Courts Service and the Department of the Environment and Local Government.

1.15 A wide range of data sources was used in compiling statistical information for this report. The main data sources and the process involved in analysing key data are outlined in Appendix B.

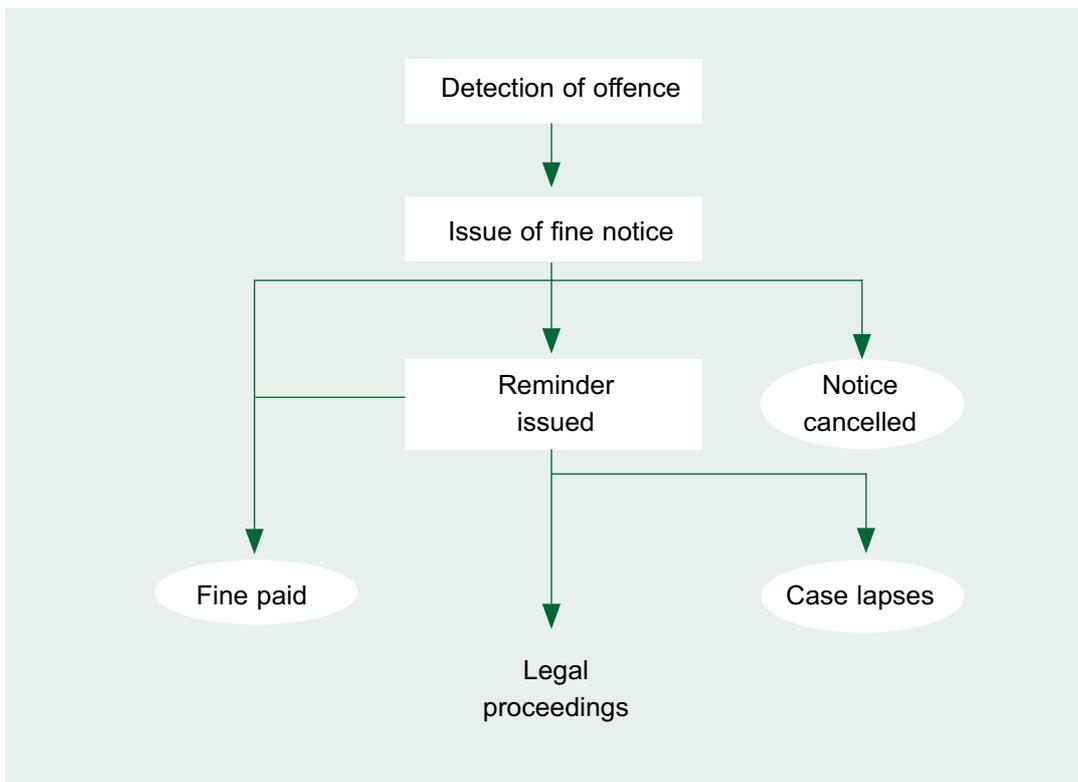
2 Garda On-the-Spot Fines

2.1 The on-the-spot fines system was introduced as an alternative to prosecuting all offences in court. Alleged offenders are given the option of voluntarily paying a specified fixed penalty to avoid legal proceedings being taken against them. The objective is to reduce the cost of penalising offenders in cases which are less serious in nature, where the facts are often not disputed and where fairly standard fines are imposed on conviction. Prosecution and fine collection costs should be minimised when most cases are settled without recourse to court proceedings.

2.2 Figure 2.1 describes the range of outcomes which may occur in cases processed through the on-the-spot fines system.

2.3 The primary measure of the effectiveness of the on-the-spot fines system is the percentage of cases which result in the fixed penalty being paid. Ideally, everyone who receives a notice would opt to pay the fixed penalty, thereby removing the need for legal proceedings in relation to minor offences. In practice, this is unlikely to happen. In at least some cases, the alleged offender may not agree that an offence has been committed or consider that there were mitigating circumstances and may opt to have the case tried in court. Where the fixed penalty is not paid, the case should normally be pursued through the courts.

Figure 2.1 Summary of on-the-spot fines system results



2.4 If legal proceedings do not start within six months of an offence being detected, the case lapses automatically. In other cases, fine notices may be cancelled for a variety of reasons. The proportion of cases which result in these outcomes should also be monitored in considering the management and performance of the on-the-spot fine system.

2.5 This chapter looks first at the trends in the number of on-the-spot fine notices issued by the Garda Síochána, the rate of payment of fixed penalties and the proportion of cases where legal proceedings commence. It then examines three major issues in the management of on-the spot fine cases: the cancellation of fine notices, fine notices being allowed to lapse and the problem of persistent offenders.

Outcome of On-the-Spot Fines Issued

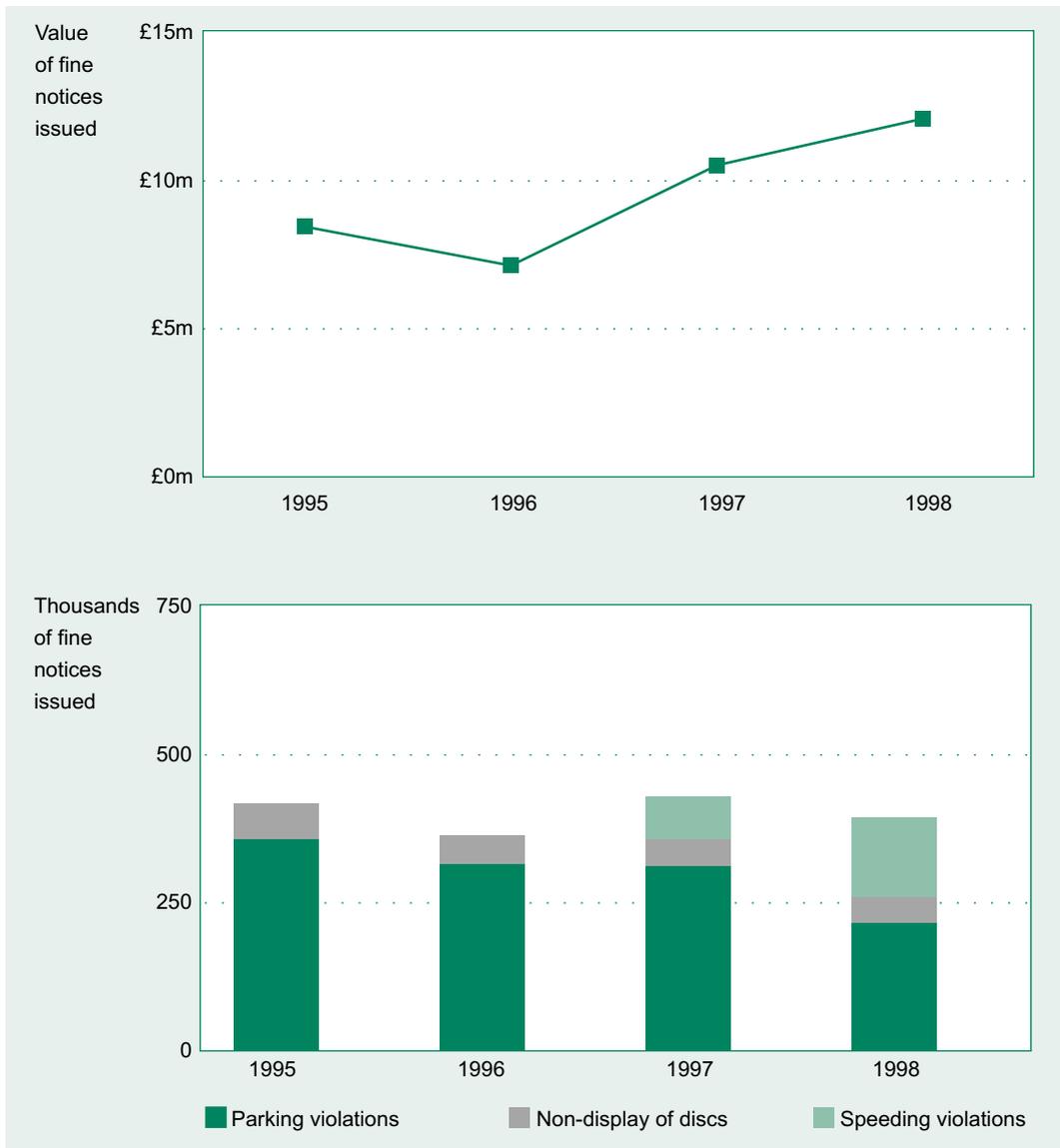
2.6 The option of issuing an on-the-spot fine notice has been available in relation to parking violations since 1962. The system was extended to cover tax disc offences in 1976 and insurance disc offences in 1986. In 1997, the system was extended to include minor speeding violations. (Serious speeding violations are usually prosecuted through the courts without the option of paying a fixed penalty.) In 1999, a wide range of other motoring offences, such as infringement of 'yellow box' junction rules or failing to wear a seat belt, were also brought within the on-the-spot fines system. A full list of the offences where on-the-spot fine notices may be issued and the associated fixed penalty is given in Appendix C.

2.7 The amount of the fixed penalty for a parking offence is £15. This has remained unchanged since 1995 when it was increased from £10. For most other offences, the fixed penalty is £50.

2.8 On-the-spot fine notices may be issued by members of the Garda Síochána throughout the country. In Dublin, Garda-appointed traffic wardens may also issue fine notices in respect of parking and disc display violations. Administrative processing of Garda fine cases is carried out by special on-the-spot fines offices in the Dublin and Cork areas and by staff in local Garda stations in other areas. It is estimated that around 67% of fine notices issued are handled by the Dublin and Cork fines offices.

2.9 The number of Garda on-the-spot fine notices issued each year fluctuated between 360,000 and 430,000 in the period 1995 to 1998 (see Figure 2.2). The type of offences in respect of which notices were issued has changed considerably within that time. For example, over 85% of the notices issued in 1995 related to parking violations, with the balance relating to disc display offences. In 1998, around 55% of notices related to parking violations, 34% to speeding offences and 11% to disc display offences. This change in composition reflects two significant developments.

Figure 2.2 Estimated number and value of Garda on-the-spot fine notices issued, 1995 - 1998



Source: Analysis by Office of the Comptroller and Auditor General

- Wheel clamping for parking offences was introduced in Dublin in 1998¹. The very significant decline between 1997 and 1998 in the number of Garda fine notices in respect of parking offences probably occurred because a large proportion of illegal parking incidents were detected by the wheel clamping service. The deterrent effect of wheel clamping may also have reduced significantly the incidence of illegal parking.
- The extension in 1997 of the on-the-spot fines system to cover speeding violations resulted in a growing number of fine notices being issued for speeding offences.

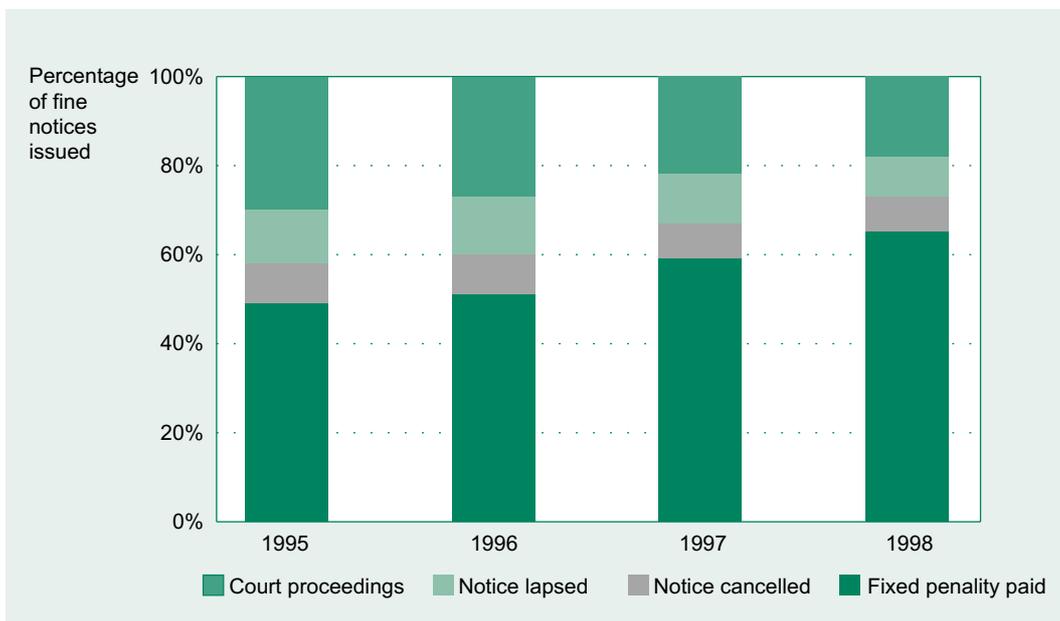
¹ The clamping service is managed by Dublin Corporation through the Office of the Director of Traffic. The fee for removal of a clamp from an illegally parked vehicle is £65.

2.10 The total value of Garda fixed penalty notices issued in 1998 is estimated at £12.1 million (see Figure 2.2). The total value of notices issued has increased substantially since 1995.

Overall Fine Payment Rates

2.11 The percentage of fixed notice penalties paid without recourse to legal proceedings increased significantly between 1995 and 1998 (see Figure 2.3). Fixed penalties were paid in respect of 49% of the notices issued in 1995. By comparison, fixed penalties were paid in respect of 65% of the notices issued in 1998.

Figure 2.3 Outcome of on-the-spot fine notices issued, 1995 - 1998



Source: Analysis by Office of the Comptroller and Auditor General

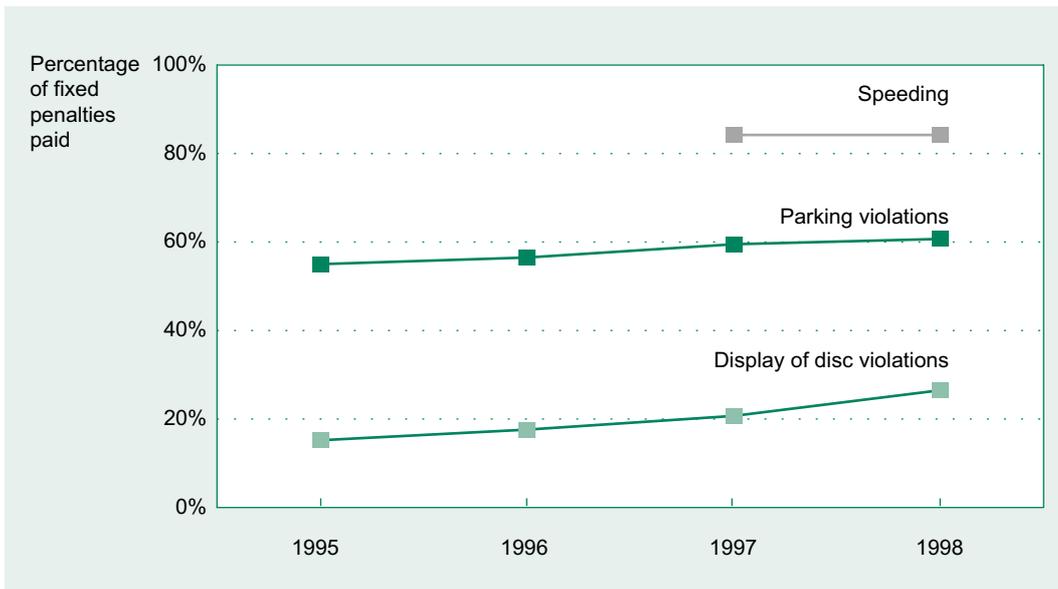
2.12 The value of fixed penalties paid increased from an estimated £3.4 million (40% of the total value of notices) in respect of notices issued in 1995 to an estimated £8.2 million (68% of the total) in respect of notices issued in 1998.

Fine Payment Rates by Type of Offence

2.13 The average payment rate for all types of on-the-spot fines obscures a number of important factors which have influenced the outturn over time. Trends in payment rates for individual types of offence are shown in Figure 2.4.

2.14 The highest rate of voluntary payment of fixed penalties is in respect of speeding offences - around 84% for notices issued in 1998. Around 61% of fixed penalties for parking violations were paid. Fixed penalties were paid in only a quarter of cases where a failure to display a tax or insurance disc was detected in 1998. There has been a moderate increase since 1995 in the proportion of parking and disc display violation cases which are settled without recourse to court proceedings.

Figure 2.4 Rate of payment of on-the-spot fines, by type of offence, 1995 to 1998



Source: Analysis by Office of the Comptroller and Auditor General

2.15 This pattern in payment rates indicates that a large part of the improvement in the overall rate of payment of fixed penalties between 1995 and 1998 is due to the change in composition of the type of notices issued, rather than to any major improvement in the efficiency and management of the processing system.

Court Proceedings

2.16 Where fixed penalties are not paid voluntarily, legal proceedings should usually commence. It is estimated that legal proceedings commenced in relation to around 75,000 Garda on-the-spot fine cases detected in 1998. This was around 19% of the notices issued in that year. The fixed penalties payable in respect of these cases was around £2.3 million.

Summary of Outcomes

2.17 Public perceptions about the likely consequences of non-payment of fixed penalties may partly explain the very wide disparity in the fixed penalty payment rates. The pattern shown in Figure 2.5 may reflect a general public belief that legal proceedings are more likely in some cases than in others or that, if tried in court, the probable penalty may be less severe in some types of case than in others. For example, judges may be more inclined to order a driver's licence to be endorsed in speeding cases than in other on-the-spot fine cases, in addition to imposing a fine. This could increase the perceived risk associated with opting not to pay the fixed penalty in speeding cases, compared to parking and disc offence cases.

Figure 2.5 Summary of outcomes of on-the-spot fines issued in 1998, by type of case

Type of offence	Paid fixed penalty	Legal proceedings commenced	Other outcomes	All cases
Parking violations	61%	19%	20%	100%
Disc violations	26%	45%	29%	100%
Speeding	84%	11%	5%	100%
All on-the-spot cases	65%	19%	16%	100%

Source: Analysis by Office of the Comptroller and Auditor General

2.18 Weaknesses in the processing of on-the-spot fine cases may also contribute to perceptions about the likely consequences of not paying a fixed penalty. Thus, if it is believed generally that a high proportion of parking or disc offence cases will not result in legal proceedings, there may be less willingness to pay fixed penalties voluntarily. The main administrative or management issues in relation to processing on-the-spot fine cases can conveniently be considered in relation to

- cancellation of fine notices without payment
- cases allowed to lapse
- pursuit of persistent offenders.

Cancellation of Fine Notices

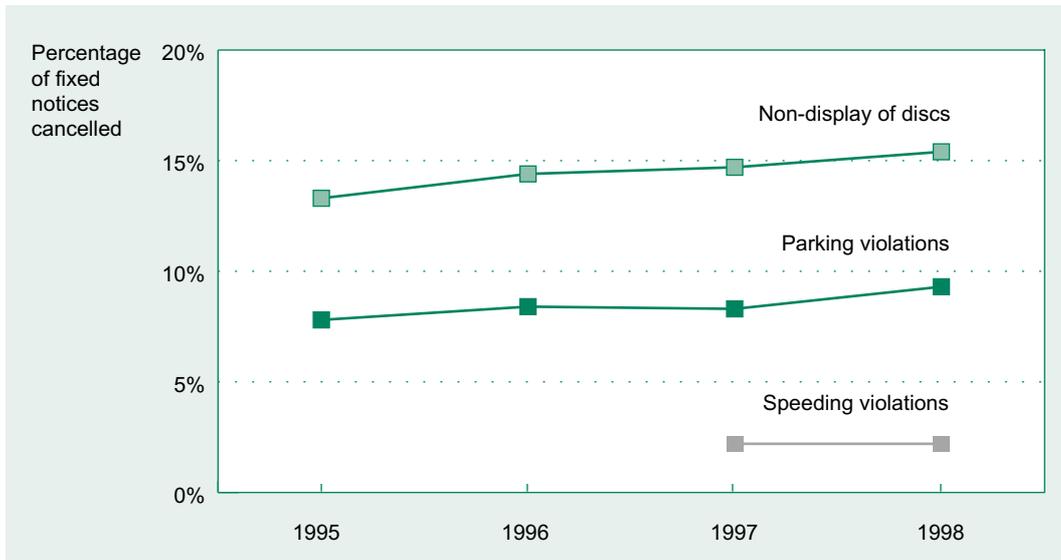
2.19 In total, around 30,000 fine notices issued in 1998 were cancelled. The estimated value of the fixed penalties in those cases was around £780,000.

2.20 The rate of fine-notice cancellation varies considerably between the different types of offences (see Figure 2.6). The highest rate of cancellation is in relation to display of disc offences, where over 15% of the notices issued in 1998 were cancelled. Only around 2% of speeding fine notices were cancelled.

2.21 The Garda Code provides that on-the-spot fine notices may be cancelled on the direction of the relevant Garda Superintendent, but only for the following reasons

- the vehicle had been stolen at the time the offence was detected
- the vehicle could not be moved due to accident or breakdown
- the offender is resident abroad
- the vehicle belongs to a person entitled to diplomatic immunity
- documentary evidence is produced that the vehicle was taxed or that a tax disc had been applied for when a disc display offence was detected

Figure 2.6 Rate of cancellation of on-the-spot fines, by type of offence, 1995 - 1998



Source: Analysis by Office of the Comptroller and Auditor General

- a hire-drive company produces documentary evidence that the vehicle was hired by a non-resident when the offence was detected.

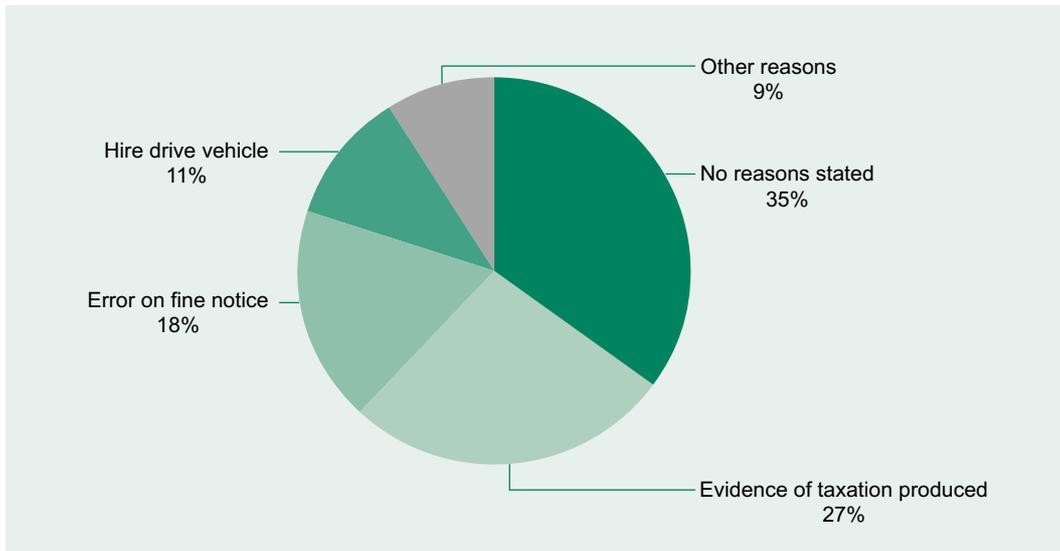
In practice, and contrary to the instructions in the Garda Code, some cancellations also occur in other circumstances, such as where a medical practitioner claims that an offence was committed while he or she was attending a medical emergency.

2.22 Figure 2.7 presents an analysis of the fine notices cancelled in the Dublin Fines Office in 1999. Around one third of the notices were cancelled on the direction of Garda Superintendents but no reason for cancellation was recorded. Where reasons for cancellation were recorded, the main reasons given were

- the owner of the vehicle subsequently produced evidence that the vehicle had been taxed or insured at the time the fine notice was issued
- an error was discovered on the duplicate copy of the fine notice e.g. the time, date or location of the offence was not stated
- vehicles illegally parked were subsequently found to be hire-drive vehicles.

2.23 The practice of allowing fine notices to be cancelled on the instructions of Garda Superintendents without recording the reasons is highly undesirable from a management perspective. This may lead to different criteria for cancellation being applied in different areas and may also create a perception that certain kinds of on-the-spot fines can be 'fixed'.

Figure 2.7 Breakdown of reasons for cancellation of on-the-spot fines in Dublin, 1999 (12,000 cases)



Source: Analysis by Office of the Comptroller and Auditor General

2.24 The discovery of errors on the face of a significant number of fine notices is also a matter for management. Where this leads to cancellation of the notices in question, steps should be taken to identify the nature of the errors and the reasons they occurred and to try to eliminate the causes of the errors in the future.

2.25 The Garda Síochána have no easy means for establishing the identity of owners of foreign registered vehicles which are found in breach of parking regulations or where speeding offences are detected by automatic roadside speed cameras. Such vehicles may belong to tourists or to foreign residents who are temporarily in the State. Even if the identities and permanent addresses of owners of such vehicles could be discovered, it is very difficult to prosecute such cases in court. Consequently, fine notices may not be issued in such cases or, if issued, may routinely be cancelled.

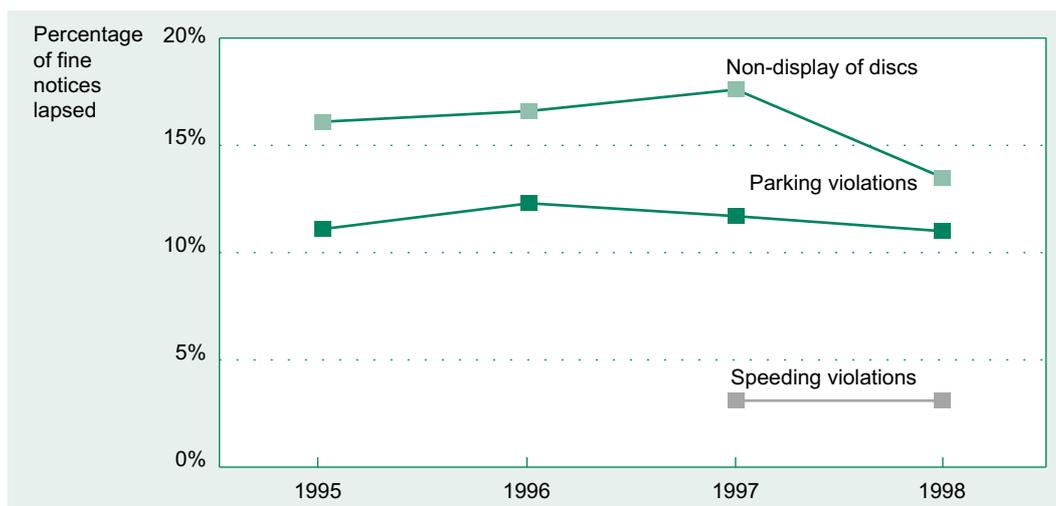
2.26 It is recommended that, as a matter of course,

- the reason for cancellation of an on-the-spot fine notice should always be recorded
- the documentation in relation to individual cancellation cases should be reviewed regularly on a random sample basis
- trends and patterns in the reasons for cancellation should be examined on a regular basis to establish if remedial action is necessary in relation to the issue of fine notices.

Fine Cases Allowed to Lapse

2.27 In addition to fine notices cancelled, an estimated 34,000 on-the-spot fine notices issued in 1998 lapsed without the fixed penalty being paid or court proceedings being started. The total value of fixed penalties payable in respect of those notices was around £860,000. (Had they been successfully prosecuted in court, the total value of fines imposed would probably have been significantly greater.)

Figure 2.8 Percentage of on-the-spot fines which lapsed, 1995 - 1998



Source: Analysis by Office of the Comptroller and Auditor General

2.28 The proportions of notices issued each year from 1995 to 1998 which subsequently lapsed are shown in Figure 2.8. The lowest rate of lapsed cases is in relation to speeding offences, where there is a high voluntary rate of payment of fixed penalties. The percentages of parking and disc display violation cases which lapse were considerably higher and remained relatively constant over the period.

2.29 The reasons why on-the-spot fine cases may lapse include

- difficulties in identifying the names and addresses of the registered owners of vehicles, where fine notices are placed on the vehicle rather than being handed to the driver (parking or display of disc offences) or in speeding offences detected by camera
- late delivery of fine notice duplicates to the relevant fines offices for processing e.g. where a book of notices has been used over a long period
- processing of cases may be suspended while grounds for cancellation of the fine notice are investigated and not re-activated²
- simple administrative failures to commence legal proceedings.

No statistical information about the reasons for lapsed cases is readily available.

² This is more likely to occur outside Dublin. The Dublin Fines Office computer system is designed to re-activate suspended cases after four weeks if no cancellation instructions are received.

2.30 Where it is found that cases cannot be pursued or prosecuted, that fact should always be formally recorded, along with the precise reason for not proceeding. Over time, analysis of such cases should yield statistical information about the most serious problems with the current administrative system. This should provide a basis for devising appropriate strategies to remedy the problems, leading to reductions in the incidence of lapsed cases.

Identifying Vehicle Owners

2.31 The Garda Síochána attribute a large part of the failure to initiate or pursue legal proceedings in on-the-spot fine cases to problems with identifying accurately the owners of vehicles. When only the vehicle details are available at the time offences are detected, processing and enforcement of on-the-spot fines depends on having a quick and reliable means of establishing the ownership of the vehicles involved. The main mechanism used to establish ownership details in such cases is the National Vehicle File (NVF) database compiled by the Vehicle Registration Unit (VRU) of the Department of the Environment and Local Government. See Figure 2.9.

2.32 Officials involved in processing and pursuing on-the-spot fine cases report two main problems with the NVF. First, it is suggested that there are significant delays in recording changes of ownership on the NVF. Second, it is suggested that a significant proportion of the data held on the NVF is inaccurate. No evidence of the extent of these problems is available from Garda sources so an examination of NVF systems and procedures was carried out to try to establish the likely impact of such factors on the pursuit of on-the-spot fines.

Recording Changes of Ownership on the NVF

2.33 During 1998, a total of 816,000 changes of ownership of vehicles were notified to motor taxation offices and/or the VRU. (This included 240,000 notifications of ownership of newly registered vehicles.) The time taken to process the information varied, depending on the way it was supplied. It is estimated that, on average, it took 27 calendar days from receipt of notice of ownership changes until those changes were reflected on the NVF. Given an average of just over 2,200 notifications per calendar day and an average processing delay of 27 days, the ownership details of some 60,000 vehicles were typically not fully up-to-date at any point in time during 1998. With a total of just over 1.5 million licensed vehicles, this suggests that an average of 4% of NVF records were out of date at any point in time during 1998.

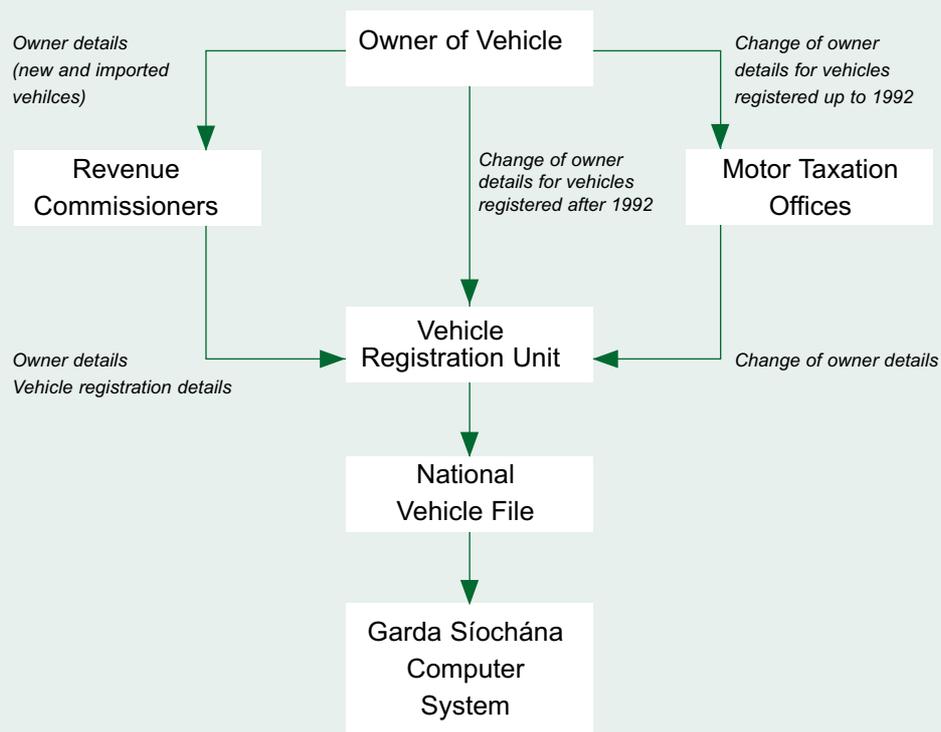
2.34 The Garda Síochána do not generally have direct computer access to the NVF. In 1998, changes in the NVF were copied across each week to the Garda Síochána's own computer system. This resulted in the information available to the Garda Síochána being slightly more out-of-date than that on the NVF itself. However, since summonses can be applied for up to six months after the offence date, the time taken to up-date the NVF and subsequently the Garda's own vehicle database should not have prevented the pursuit of a significant number of on-the-spot fine cases in 1998.

Figure 2.9 The National Vehicle and Driver Files

The National Vehicle and Driver Files are computerised databases compiled and managed by the Vehicle Registration Unit (VRU) of the Department of the Environment and Local Government. The VRU is located in Shannon, County Clare.

The **National Vehicle File (NVF)** has been in existence since 1978. The information in the databases is used to generate motor taxation reminders. It is also used by a wide range of other agencies in the course of their business, including motor taxation offices of local authorities, the Garda Síochána and the National Car Test Service. The database is also used by the Central Statistics Office to produce statistical information.

The NVF contains details of all motor vehicles registered in the State. This includes the registration number, vehicle particulars (such as chassis number, make, model and colour) and the full history of ownership changes and motor taxation payments. The information used to compile and up-date the NVF comes from a variety of sources. The following diagram illustrates the current sources of information relevant to identification by the Garda Síochána of vehicle owners in on-the-spot fine cases.



The **National Driver File (NDF)**, which is currently under development, is intended to serve as a national register of all licensed drivers. One of the main reasons for its development is to facilitate the operation of a penalty points system in relation to certain driving offences.

2.35 Developments in the NVF since 1998 have considerably reduced the time required to update the file. More ownership change notices now come directly to the VRU, rather than through motor taxation offices. This has reduced the average time taken in updating the NVF to around 9 days. This time will reduce even further as more ownership change notices come directly to the VRU and when the new NVF system is implemented in all motor tax offices. It is now estimated that less than 1.5% of vehicle ownership details on the NVF are out-of-date at any point in time.

2.36 Very serious delays occurred in the copying of NVF data to Garda computer systems between September 1999 and May 2000. The new PULSE computer system for the Garda Síochána was designed to hold information about motor vehicles, including details of ownership changes copied from the NVF on a weekly basis. Technical difficulties in the update process prevented the vehicle ownership information on the PULSE system being updated from September 1999 until March 2000. By then, although the NVF was only a couple of weeks behind in recording changes of ownership, the information available to individual gardaí on the PULSE system was seven months out-of-date. It took until the end of May 2000 to bring the PULSE system reasonably up-to-date. At that stage PULSE data was still three weeks behind NVF data. By October 2000, the copying process had been improved so that the information on the PULSE system was not more than a week behind that on the NVF.

Accuracy of Ownership Data on the NVF

2.37 Inaccuracies can arise in the ownership data stored on the NVF for a variety of reasons. For example, vehicle owners may change residence between tax renewal dates; clerical errors can arise when data is being input to the NVF; or vehicle owners may supply inaccurate information either inadvertently or deliberately. Whatever the source of the inaccuracies, they could potentially result in on-the-spot fine reminders or summonses being misdirected.

2.38 Establishing the level of accuracy of ownership data on the NVF is difficult. However, despite Garda suggestions, what evidence is available suggests that no significant accuracy problem exists.

- The VRU sends a Vehicle Licence Certificate to each newly registered vehicle owner. The certificate is required when taxing or selling on the vehicle. The certificate is posted to the address recorded on the NVF. Only 0.3% of certificates are returned undelivered to the VRU.
- The VRU sends motor tax renewal forms to the registered owners of licensed vehicles to remind them when the tax is due for renewal. Only 0.4% of these forms are returned undelivered by An Post.

These extremely low return rates suggest that name and address details on the NVF are generally accurate and reliable.

2.39 When renewing motor tax in 1998, 73% of vehicle owners returned the pre-printed motor tax renewal form sent to them by the Vehicle Registration Unit. This confirms that they were resident at, or at least contactable through, the address recorded on the NVF. The remaining 27% of renewals involved the use of blank forms completed by hand. These included cases where

- there was a change of owner details, such as change of address or change of name on marriage (but not a change of ownership)
- arrears of tax were paid or the vehicle was out of use and not taxed for a period
- the person paying the tax did not have the pre-printed form.

2.40 Where hand-written forms are being submitted to motor tax offices, extra care is needed to ensure that owner details supplied are correct. For example, individuals who go to the motor tax office in person to register a change of address or who cannot produce the pre-printed form could be required to produce proof of identity and residence³. The Department of the Environment and Local Government should consider issuing guidelines to local authorities in relation to such verification of vehicle ownership details.

Persistent Offenders

2.41 A Persistent Offenders Task Force was set up in 1993 within the Dublin Fines Office to pursue motorists who had accumulated large numbers of on-the-spot fine notices which were unpaid. However, very limited resources were provided for this initiative. Currently, only one clerical staff member is assigned to pursuing persistent offender cases. At times, a Garda motorcyclist has also been assigned to follow up such cases.

2.42 Within the Dublin Fines Office, persistent offenders are selected by manually sorting unserved summonses to identify cases where 20 or more summonses have been issued but not served. For each such case, a computer print-out is generated listing all fine notices issued to the offender which have not been paid. Attempts are then made to locate the offender, including building up a profile of the pattern of offences and confronting the offender in person, if possible.

2.43 In 1998, 46 persistent offender cases were identified. The total value of the fixed penalties in those cases was £58,000. By July 2000, just over half this amount (£31,000) had been collected from the offenders in question. Of the 46 cases

- 16 offenders paid the full amount of fixed penalties
- 11 paid some of the penalties and had some (with a total value of £7,500) written off

3 For example, a comparison of the name and address on the manual form with those on insurance documents, utility bills, passport, driving licence, etc.

- 6 paid some of the penalties and some (with a total value of £3,500) remained outstanding
- 13 cases, involving £16,200 in fixed penalties had yielded nothing or were not being pursued.

2.44 The total amount recovered in persistent offender cases between 1993 and 1999 was just over £160,000, or around £23,000 a year. Relative to the likely scale of the persistent offender problem, this suggests that the current approach is ineffective.

2.45 The strategy adopted in pursuing persistent offenders is questionable on several grounds.

- The scale of the persistent offender problem should be investigated fully. The level of resources which should be assigned to pursuing persistent offenders can only be established if the extent of the problem is known.
- Limiting pursuit of persistent offenders to cases where summonses have been issued but not served fails to pick up cases where summonses cannot be applied for because of some problem in identifying ownership details.
- Where offences are repeated on many occasions without penalties being paid and/or summons service fails repeatedly, there is a strong argument that the case has become serious and should therefore be tried in court, rather than allowing the case to be settled by 'voluntary' payment of fixed penalty amounts.
- Writing off penalties in persistent offender cases is highly undesirable.

Planned Developments in the On-The Spot Fines System

2.46 The on-the-spot fines system has been extended in recent years to include a range of additional motoring offences and it is planned that more offences will be dealt with in this way in the future. In addition to extensions of scope, the introduction of camera technology to detect speeding offences has significantly increased the workload for fines processing because of the large numbers of offenders detected in this way.

2.47 The planned introduction of a penalty points system will put further pressure on the on-the-spot fines administration system. For example, fine notices for remotely detected speeding offences will have to be notified quickly to offenders. Because of the serious implications of points for individual drivers, many more may opt to allow the case be heard in court.

2.48 The present processing and enforcement of on-the-spot fines is carried out in a number of different locations using a combination of different computer and manual systems. The computer systems in use are old and have very limited capacity to deal with increased numbers of offences. It is clear that the present system cannot cater for the increasing detection workload.

2.49 The Garda PULSE project was originally intended to include a module to process and enforce on-the-spot fines. However, the scope of the project was changed to fit within the allocated budget. The planned on-the-spot fines administration system was one of the functions dropped from the PULSE project.

2.50 The Garda Síochána have stated that work is now under way to develop a new computer system for processing on-the-spot fines. This system, which it is estimated will cost about £6 million, will be integrated with PULSE. A request for tenders is being drawn up for the development and implementation of a national fines processing capability. In the context of the development of the request for tenders decisions will be made in relation to the following

- processing method - will all fines be processed centrally or will they continue to be processed in the area in which they are detected?
- technology to be used - a number of options are available to make fine processing more timely and accurate, such as the use of hand-held computers by detecting officers or the use of scanning equipment to read speed camera output?
- fine payment methods - payments by credit card could be taken by telephone or payments could be made through a post office or bank?
- integration with the courts system - will summons applications be made by electronic transfer and results of court cases updated to the system?

The Garda Síochána expect that the new national on-the-spot fines administration system will be operational by early 2002.

Conclusions

2.51 The range of offences covered by the on-the-spot fines regime has extended significantly in recent years. While the overall number of fine notices issued up to 1998 has not increased significantly, the proportion of fixed penalties paid and the amount of revenue collected has increased significantly. However, this is related more to change in the type of offences than to any significant improvement in the efficiency and effectiveness of the administrative systems.

2.52 Over 1 in 5 of the parking and disc display offences detected in 1998 were either cancelled or allowed to lapse. Other than in exceptional circumstances, such outcomes are undesirable in relation to on-the-spot fines, which in most cases are expected to result in speedy and undisputed payment of fixed penalties. In many cases, the reasons for such outcomes are not adequately recorded, monitored or analysed, thus impeding management decisions and targeted action to improve the situation.

2.53 On previous occasions when the management of on-the-spot fines was studied, a large part of the blame for failure to pursue on-the-spot fines was attributed to problems with the NVF. Whatever the validity of such claims in earlier years, there is no evidence that problems with the NVF significantly hampered the pursuit of on-the-spot fine cases in 1998. This implies that the main difficulties with the on-the-spot fines system relate to how it is currently administered and managed by the Garda Síochána.

2.54 Planned changes in the on-the-spot fines system, including the more widespread use of speed detection cameras and the introduction of a driver penalty points system, will put increasing pressure on Garda systems. Unless the way in which these changes are implemented is properly planned and managed, the system is likely to become increasingly inefficient. This could result in the administration of on-the-spot fines absorbing a disproportionate amount of Garda resources or in an increasing proportion of detected offenders not being penalised.

3 Legal Proceedings in District Court Fine Cases

3.1 Fines may potentially be imposed in most criminal cases heard by the District Court. In this report, all such cases are referred to as 'fine cases' (see Figure 3.1). Other types of District Court cases, such as civil and family law cases and applications of various kinds, are not covered in the following narrative or analysis.

3.2 Figure 3.2 summarises the main stages involved in the prosecution of District Court fine cases. The figure also identifies the main outcomes of such cases.

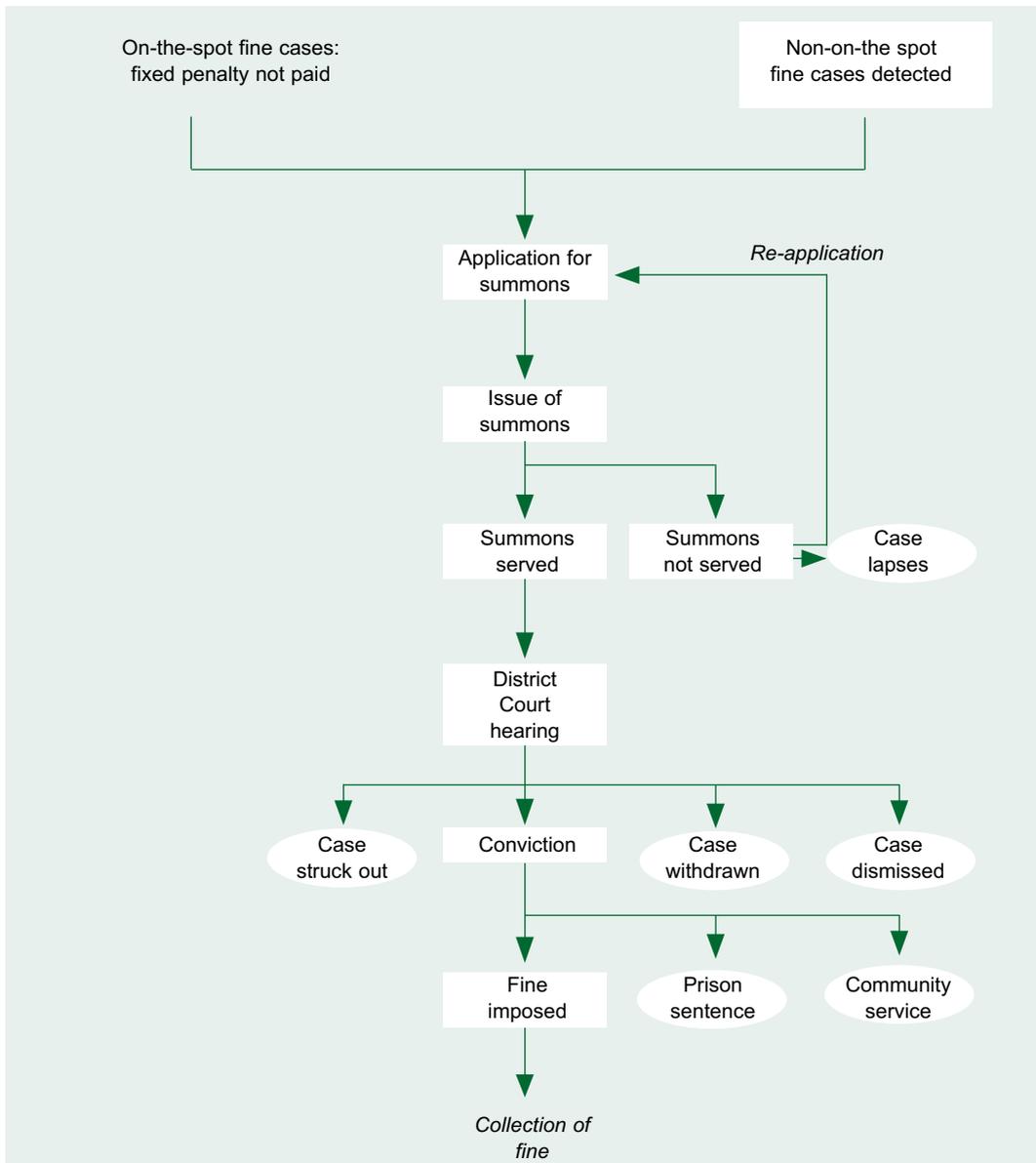
3.3 The administrative processes involved in pursuing a fine case may determine whether or not the case is heard and affect the way the case is presented in court. Consequently, the management and administration of cases can influence their eventual outcome. This chapter considers the efficiency of the management process involved in bringing cases to court. In particular, it focuses on the timing of legal proceedings and the service of summonses. The pattern of outcomes of individual cases is also presented. However, the outcome of individual cases is a matter for the presiding judge and is not commented on in this report.

Figure 3.1 Types of District Court cases

The District Court deals with a range of cases. These include criminal and civil cases, family law cases and applications for liquor and other trading licences. The bulk of the business of the Court is in trying criminal cases, which includes summary offence cases and indictable offence cases tried summarily. District Court criminal cases fall into two main groups.

- **Summary offences**
While summary offences are generally considered to be less serious in nature, they are nevertheless designated as criminal offences. They include on-the-spot fine cases where the penalty is not paid, other motoring offences including drunken driving, television licence evasion, disorderly conduct, petty larceny, etc.
- **Indictable offences tried summarily**
Offences such as drug possession and supply, assault and burglary are categorised as indictable offences which may be tried in the Circuit Court before a jury. Charges against a defendant are set out in a charge sheet. Preliminary hearings in such cases are held in the District Court, where decisions are made about remanding the defendants and the granting of bail. In certain circumstances, cases may be heard summarily in the District Court, instead of being sent forward to the Circuit Court.

Figure 3.2 Summary of legal proceedings in District Court fine cases



Availability of Data about District Court Cases

3.4 There was considerable difficulty in establishing how the 1998 District Court fine cases were managed because there is no system in place in the Courts Service to provide relevant, reliable and consistent management information on a national basis. The following problems in producing reliable management information about 1998 District Court cases were discovered during the examination.

- Different computer systems were in use in District Court offices to handle fine cases. In Dublin and Limerick, the systems tracked the progress and outcome of each summons issued. In other court areas, the computer systems in use tracked cases only after summonses were served and the cases were listed for hearing.

- There is a lack of consistency about what information was recorded from office to office. For example, some systems record all charge sheet cases. Others only record charge sheet cases where there is a conviction and a fine is imposed.
- None of the computer systems could easily be interrogated to provide overall or summary information about the management of cases.
- District Court clerks produce summary statistical returns of the number and type of cases heard in particular time periods. The returns are in written format and are usually based on manual records. For 1998, the summary records available are not fully complete for all court areas and relate to a range of time periods of different lengths.

3.5 In the course of this examination, all the available data sources were analysed to provide national estimates of the number of fine cases commenced, their progress through the system and their outcomes. The more extensive Dublin data was analysed to provide information in relation to specific aspects of the system.

3.6 The Courts Service is currently developing a national Criminal Case Tracking System (CCTS) which will be used by all District Court offices. The system has already been implemented in the Dublin and Limerick District court offices, replacing the earlier case tracking system which was not Year 2000 compliant. Cable laying has been completed in all court offices to facilitate the establishment of the planned national network. The Courts Service has stated that the CCTS will be extended to all courts in due course.

3.7 A planned programme for implementation of the CCTS in all court offices should be drawn up, specifying the target completion date.

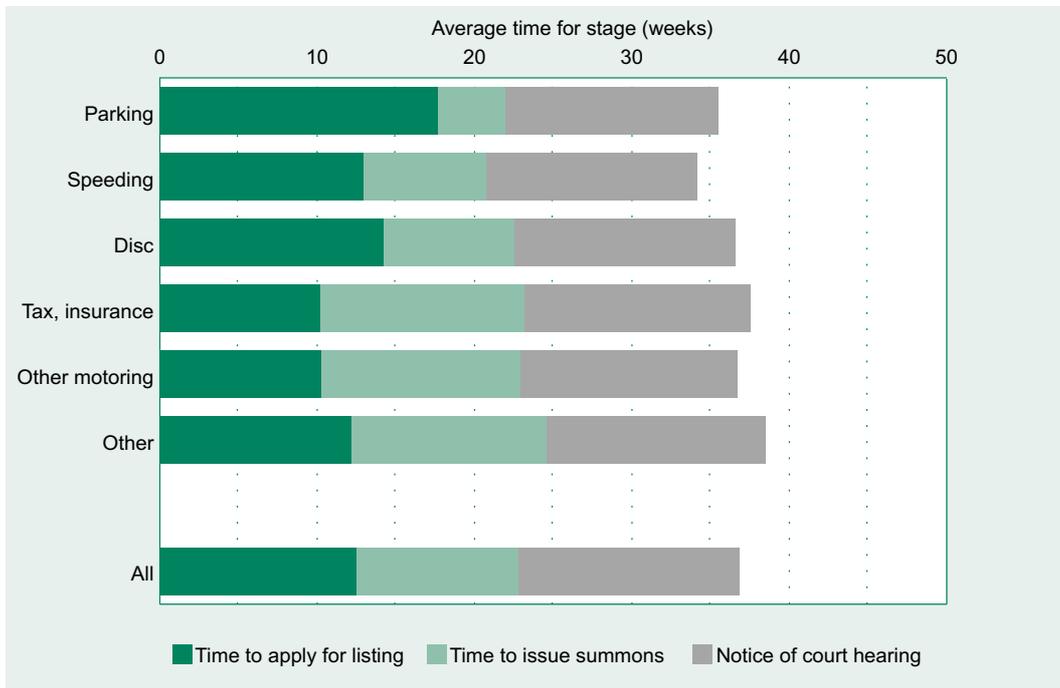
Timing of Legal Proceedings

3.8 In most fine cases, there is a limit of six months from the date of the offence within which legal proceedings must commence. This is done by applying to the relevant District Court office for a summons. Once the summons application is made, proceedings may continue beyond the six-month time limit.

3.9 Three dates are significant in considering the management of the timing of legal proceedings in District Court fine cases. These are

- date of application for summons
- date of issue of summons
- date of court hearing.

Figure 3.3 Average time taken for legal proceedings in Dublin fine cases, by stage and type of offence, 1998



Source: Analysis by Office of the Comptroller and Auditor General

3.10 The only information readily available about the timing of fine cases heard in 1998 relates to the Dublin courts. Average times taken for each stage of the process and for different types of offence are indicated in Figure 3.3. The time which elapsed between detection of an offence and court hearing averaged around 37 weeks (about eight and a half months). There was relatively little variation in overall elapsed time for different types of offences. For 90% of cases, the time between detection and hearing ranged from 23 weeks to 69 weeks.

3.11 As a general principle, it is desirable that the court hearing in relation to an offence should be held as soon as possible after the offence is detected. Target elapsed times should be set. Practical considerations, such as the time required to gather evidence, to prepare the case for prosecution and to serve summonses, mean that a certain elapse of time is inevitable but such factors can be taken into account when targets are set. Elapsed times should be monitored to identify where management problems may be occurring and how resources may best be deployed.

Timing of Applications for Summonses

3.12 In Dublin, the waiting time before applying for a summons was longer for on-the-spot fine cases than for other cases. The average time taken to apply for a summons in 1998 fine cases was around thirteen weeks (three months). Applications were made in non on-the-spot motoring offence cases, on average, about ten weeks after the offence. By contrast, the delay in on-the-spot parking offence cases was around eighteen weeks.

3.13 On-the-spot fine notices inform the recipients that legal proceedings will be taken against them unless the specified fixed penalty amount is paid within 21 days. In the Dublin Fines Office, reminders are issued to alleged offenders after that time, warning that proceedings will commence forthwith unless the penalty is paid immediately. Despite such warnings, legal proceedings commence, on average about four to four and a half months after an offence is detected.

3.14 Waiting so long after detection to commence legal proceedings in on-the-spot cases increases the likelihood that vehicle owners may have changed address, leading to difficulty in tracing the persons concerned. This could result in legal proceedings failing. Consequently, the average waiting time before applying for summonses should be reduced. Around six to eight weeks should be more than adequate time to allow for offenders to pay fixed penalties voluntarily.

3.15 No information about the timing of voluntary payments of fixed penalties is readily available. Such information should be gathered as a basis for establishing the most appropriate strategy for timing legal proceedings in on-the-spot fine cases.

Time Taken to Issue Summonses

3.16 The time taken to issue a summons in Dublin in 1998 ranged from an average of four weeks for parking offences, to eight weeks for speeding cases and twelve to thirteen weeks for other types of cases. The summons application and issuing process in on-the-spot fine cases is largely automated and is therefore carried out more quickly. For other cases, details on written application forms are input to the computer system before a summons is issued.

3.17 In preparing summonses for issue, District Court staff in Dublin allow applications from individual gardaí to accumulate so as to ensure, as far as possible, that all the garda's cases for a given period will be heard on the same day. The scheduling of cases also takes account of the Garda roster so that cases are listed when the garda is on normal duty. This is designed to minimise the need for overtime payments.

3.18 The summons issuing process in provincial court areas differs from the process in Dublin. Summons documentation is prepared by the Garda Síochána (or other prosecuting agency, such as a local authority) and presented in the relevant District Court offices. The summonses are stamped by the Court office staff and taken away for service without being recorded in the Court offices. Consequently, the average time taken to issue summonses in such cases is probably very short.

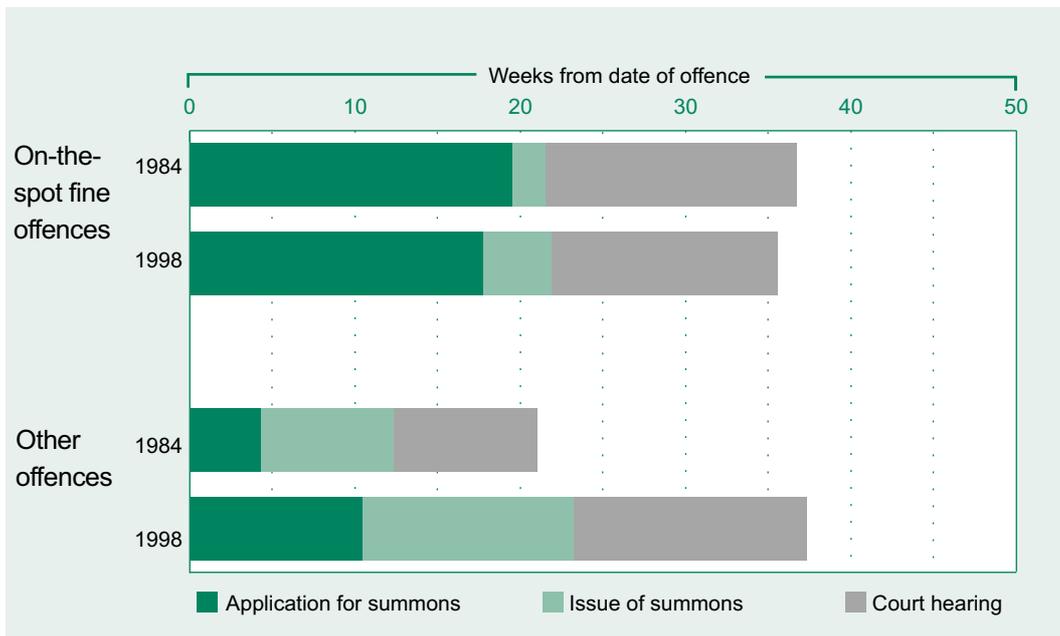
Notice of Court Hearing

3.19 The time allowed between issue of a summons and the court hearing is around 14 weeks on average and varies very little between the different types of offence. The long notice period is designed to allow sufficient time for service of the summons.

Comparison with 1984 Study Findings

3.20 Lack of data prevents analysis of how the timing of legal proceedings is changing from year-to-year. However, a study of summons service in Dublin in 1984 provides some comparative information over time⁴. The study was commissioned by the Department of Justice because the rate of service of summonses was falling at a time when the number of summonses being issued each year was increasing.

Figure 3.4 Timing of legal proceedings in Dublin fine cases, by stage and type of offence, 1984 and 1998



Source: Analysis by Office of the Comptroller and Auditor General

3.21 Figure 3.4 presents a comparison of the average time taken for legal proceedings in on-the-spot fine cases and other summons cases in 1984 and 1998. There has been relatively little change in the time taken for on-the-spot fine cases. For other offences, the average time taken for legal proceedings almost doubled, from 21 weeks to 37 weeks. All stages for these cases took significantly longer in 1998 than in 1984.

3.22 The summons service study concluded that the average elapsed time for legal proceedings in 1984 was too long. In particular, the study found that the amount of time taken before applying for summonses in on-the-spot fine cases and in issuing summonses in other cases was excessive. Other times were considered to be reasonable. The study recommended that the overall time taken for legal proceedings should be reduced to an average of 26 weeks for on-the-spot fine cases and an average of 19 weeks for other cases.

⁴ Operations Research Unit, Department of the Public Service, Survey of Rate of Service of Summonses in the Dublin Metropolitan District, Unpublished, February 1985.

3.23 It is of concern that the timeliness of legal proceedings has not improved in Dublin relative to the 1984 position. The timeliness of legal proceedings should be adopted as a key performance measure for both the Courts Service and the Garda Síochána nationally. Time targets for each stage should be set, with significant target reductions in the timing of proceedings, where possible. The timing of legal proceedings in fine cases should be monitored and reported on a regular basis.

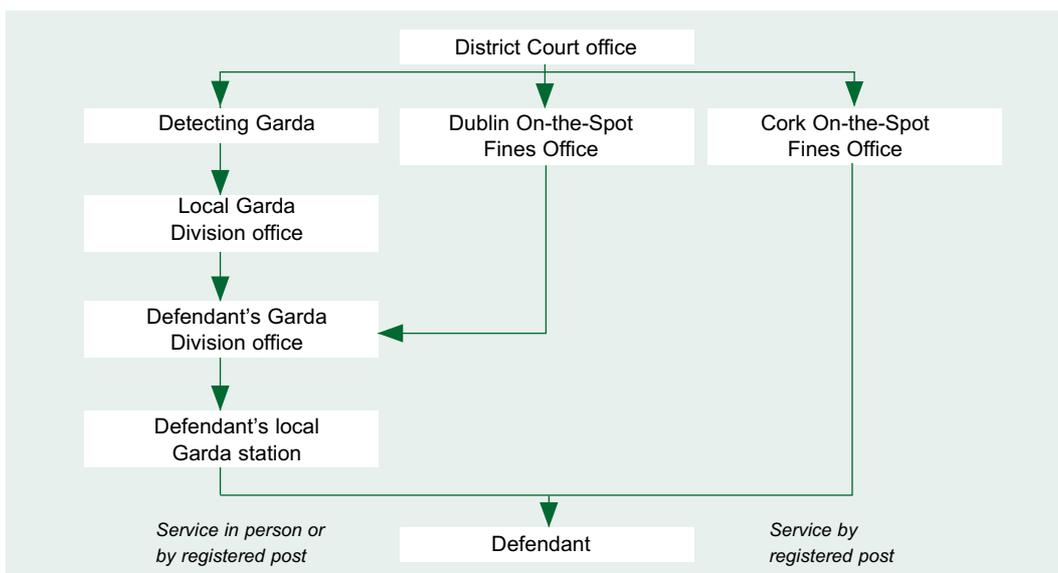
Issue and Service of Summonses

3.24 Summonses issued by District Court offices are served on defendants using a number of different service methods (See Figure 3.5). Many summonses pass through a succession of Garda Division offices and local stations before being served on the defendant in person by a Garda officer. In the Cork On-the-Spot Fines Office and in some local Garda stations, summonses are served by registered post.

3.25 Summonses sent from one Garda office to another are recorded manually in registers in each office through which they pass. In each Garda district, individual officers are rostered to carry out summons service duties. In some areas, summons service is the only work carried out by such officers; in other areas, summons service is rotated periodically between officers.

3.26 Evidence of service of summons (usually a duplicate copy of the summons) is required to be sent back to the District Court office at least seven days before the specified court hearing date, to confirm that the case is to go ahead. This evidence is usually transmitted through the same route by which the summons was received.

Figure 3.5 Routes for service of District Court summonses



Summons Service Rate

3.27 It is estimated that 625,000 District Court summonses were issued nationally in 1998. Around 183,000 summonses were issued by the Dublin District Court offices. An estimated 442,000 summonses were issued by provincial District Court offices, including those in major urban areas outside Dublin.

3.28 It is estimated that around 66% of summonses issued nationally in 1998 were served on the defendants. In Dublin, the service rate was 56%. Outside Dublin, the service rate is tentatively estimated at around 71%.

3.29 The estimated summons service rate of 71% in provincial areas cannot be regarded as being as reliable as the estimate for Dublin. The difference in the estimated rates is consistent with anecdotal evidence that summons service is more effective outside Dublin. The factors believed to influence the higher service rate include better local knowledge among Garda officers and less mobility of population. However, much better information is required about the service of summonses in provincial areas before it can be safely concluded that the service rate is significantly better than in Dublin.

3.30 Analysis of the summons service rate in Dublin reveals that there is relatively little variation in the rate for different types of offence. Summons service rates range from 54% to 57% for most categories of offences and 64% for more serious, charge sheet cases. The difference in summons service rates between on-the-spot fine cases and other cases is only around 3%. This difference may reflect a somewhat lower priority for serving summonses in on-the-spot fine cases.

3.31 The overall rate of service of summonses in Dublin increased from 49% in 1984 to 56% in 1998 (see Figure 3.6). Greater progress was made in the service of summonses for on-the-spot fine offences than for other offences.

Figure 3.6 Comparison of summons service rates in Dublin in 1984 and 1998

	Summons service rate	
	1984	1998
On-the-spot fine cases	44%	54%
Other cases	53%	57%
All cases	49%	56%

Reasons for Non-Service of Summonses

3.32 Although the reasons for non-service of summonses are frequently recorded by the Garda Síochána, little analysis of such information is carried out and there is no routine management information about reasons for non-service.

3.33 The Dublin On-the-Spot Fines Office analysed the reasons for non-service of a sample of summonses returned unserved in 1999 (see Appendix D). Around half of the failures (52%) were attributed to managerial or operational problems. Most of the remainder (45%) were attributed to inaccurate or incomplete names or addresses of the defendants.

3.34 Apparent problems with names and addresses of alleged offenders may be due to false or inaccurate information being given to the detecting garda or to difficulties in identifying vehicle owners in some on-the-spot fine cases. However, successful evasion of summons servers, who may attempt to serve the notice only once or twice, may be interpreted as problems with names and addresses.

Alternative Summons Service Methods

3.35 Managerial and operational factors, including prioritisation of summons service, strongly influence summons service rates. Analyses of service rates in different divisions or offices might reveal ways in which summons service could be managed better. For example, a study of the success of summons service by registered post (as used in the Cork On-the-Spot Fines Office) compared to conventional service methods in other areas might be useful. No such management reviews have been carried out in recent years.

3.36 Recorded post is another possible alternative means of serving summonses. This would involve the post person delivering a summons during normal postal rounds to the stated address and returning a statement of confirmation of delivery to the sender. Legislation in 1991 provided for service of summonses by recorded post. In a report to the Committee of Public Accounts in 1994, the Department of Justice stated that arrangements for the service of summonses by recorded post were at an advanced stage and that recorded postal delivery would commence early in 1995. This, it was stated, would result in a significant improvement in the summons service rate. However, recorded post has not been introduced.

Outcome of Legal Proceedings

Cases not Heard in Court

3.37 A very significant proportion of fine cases which commence are not actually heard in court. Failure to serve summonses is a primary cause of cases not being heard. A further substantial proportion of cases heard are struck out without being heard or are withdrawn by the prosecution. Cases may be struck out on the direction of the judge or the request of the prosecution.

3.38 No reliable estimates of the proportion of cases nationally which fail to be heard is available. However, in Dublin, over 68% of all cases which commenced in 1998 were unheard. Non-service of summons resulted in 44% of cases not being heard. A further 24% were struck out or withdrawn.

3.39 Around 43,000 summonses issued in Dublin in 1998 were struck out without hearing or were withdrawn. The Courts case tracking system provides for the recording of the primary reason for such strike outs but this was generally not recorded in relation to 1998 summons cases. However, analysis of the types of cases struck out or withdrawn provides some indications of the factors which may be at play.

- More than half the 43,000 cases struck out or withdrawn related to motor tax, insurance and driving licence offences. This includes cases where drivers were asked by the Garda Síochána to present documents at their local Garda Station. The systems used in Garda stations to record details of documentation produced for inspection are manual and cumbersome. Failure to reconcile them with the detecting gardaí's records may have led to cases being withdrawn. Other cases may have been withdrawn after the summons issued because the tax, insurance or licence situations were shown to have been rectified.
- Fixed penalty amounts in on-the-spot fine cases can be paid after a summons is served. For Garda fine notices, an additional €10 must be paid if a summons has been issued when the voluntary payment is offered. Local authorities also accept payment of fixed penalty amounts, sometimes up to the day of the court hearing. Where payment is received, the prosecution may ask for the case to be struck out. However, on-the-spot fine summonses are only slightly more likely to be struck out than other summonses (26% and 22%, respectively), which suggests that this is not a major factor in cases not being proceeded with.

3.40 Apart from decisions not to prosecute cases, other known reasons for cases being struck out include

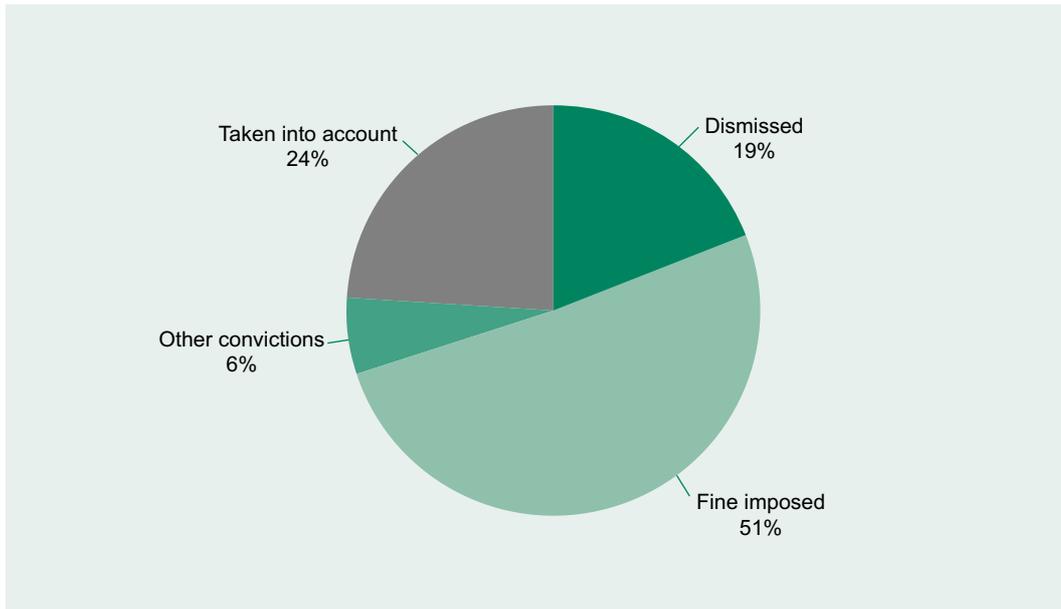
- failure of the primary witness (usually a Garda officer or traffic warden) to attend the Court
- the Court office did not receive evidence that the summons had been served
- the prosecution does not have the required evidence about the ownership of vehicles from the relevant Motor Taxation Office
- problems with details of registered ownership of vehicles in certain on-the-spot fine cases
- the defendant, who received a summons was subsequently found not to be the registered owner of the vehicle at the time the offence was detected.

3.41 The reasons for cases being struck out should be recorded systematically by the Courts Service. Such information should be routinely analysed.

Imposition of Fines

3.42 Fines were imposed on defendants in relation to an estimated 20% (125,000) of the summonses issued in all District Court areas in 1998. Other penalties on conviction (prison sentences, community service, Probation Act) were imposed in an estimated 3% of cases. The total value of fines imposed is estimated at around £12.3 million - an average fine of around £100.

Figure 3.7 Breakdown of outcomes for summons cases heard in Dublin in 1998



Source: Analysis by Office of the Comptroller and Auditor General

3.43 Variations in sentencing policy and practice could result in significantly different rates of imposition of fines in different areas. However, many other factors also affect the rate of fine imposition. These include the rate of non-service of summonses and the percentage of cases struck out without hearing for other reasons. Reliable estimates of such factors are not available nationally, so meaningful comparisons of conviction rates and patterns in different areas cannot be undertaken.

3.44 Information about the results of cases heard in Dublin is more detailed than the information available for provincial areas. This allows a breakdown of the results of cases heard in the Dublin area to be produced. Figure 3.7 summarises the results. The main points to note are

- Fines were imposed in half of the 57,100 summons cases actually heard in Dublin.
- Charges were dismissed in around 19% of the cases heard.

- Some defendants were prosecuted on a number of separate summonses. Of these, some were convicted in relation to one or more summonses, while other summonses against them were struck out or were 'taken into account'. Around 24% of summonses were treated in this way. This situation can arise, for example, where a vehicle owner was prosecuted for failing to tax the vehicle and for failing to display a tax disc (two separate offences) with a fine being imposed for the tax offence while the disc-display charge might be struck out.

Fine Imposition by Type of Case

3.45 The rate of imposition of fines varies for different types of cases, as indicated in Figure 3.8. The highest rate of fine imposition was in relation to on-the-spot fine cases, where fines were imposed in over 90% of cases heard. For other motoring and criminal offences, the fine imposition rate was lower but other penalties (including imprisonment and driving disqualifications) were imposed in a substantial proportion of cases heard.

Figure 3.8 Fine imposition in 1998 by type of offence, Dublin

Type of offence	Number of summons cases heard	Fine imposed: % of cases	Other penalties: % of cases	Average fine imposed in fine cases
On-the-spot cases				
Parking offences	9,400	91%	4%	£66
Disc offences	3,700	91%	5%	£119
Speeding offences	200	80%	1%	£68
Other motoring offences	39,800	38%	6%	£97
Other criminal offences	4,000	48%	19%	£167
All offences	57,100	51%	6%	£95

3.46 The average fine imposed in parking offence cases is more than four times the voluntary fixed penalty amount. For disc offences, the average fine imposed is more than twice the fixed penalty amount. The average fine imposed in speeding cases heard in court is only £18 greater than the fixed penalty amount (i.e. £50). However, conviction for speeding offences may also result in endorsement of the offender's driving licence.

Recovery of Legal Costs

3.47 The prosecution can ask the judge to order an offender to pay the costs of pursuing the case, in addition to paying the fine imposed. In Dublin, only direct witness expenses are sought by the prosecution e.g. in drink driving cases, the fees for doctors who take blood or urine samples are usually sought. In other cases, costs are sought infrequently because direct expenditure rarely arises. Outside Dublin, local authorities routinely seek recovery of legal fees in on-the-spot fine cases.

3.48 In Dublin District Courts, costs were awarded to the prosecution in only 2% of the 1998 cases where fines were imposed.

Conclusions

3.49 Legal proceedings in fine cases take too long. Because of the number of separate steps which have to be undertaken and the number of factors which must be taken into account, lengthy elapsed times between the date of an offence and the hearing of a case are inevitable. However, if all steps were carried out more efficiently and expeditiously, the overall elapsed time for fine cases could be reduced. The Garda Síochána and the Courts Service should jointly identify target average processing times and work out strategies designed to reduce current processing times.

3.50 A very high proportion of fine cases which commence do not reach the stage of being considered by judges. Two out of every three cases which commenced in 1998 failed to be heard, either because the summonses were not served or because the cases were withdrawn or struck out unheard. Despite its scale, there is very little information about the reasons for this undesirable outturn. Both the Garda Síochána and the Courts Service need to have better information about what is happening within the system if improvements are to be achieved.

3.51 Where cases are heard in court, there is a high rate of conviction, particularly for on-the-spot fine cases.

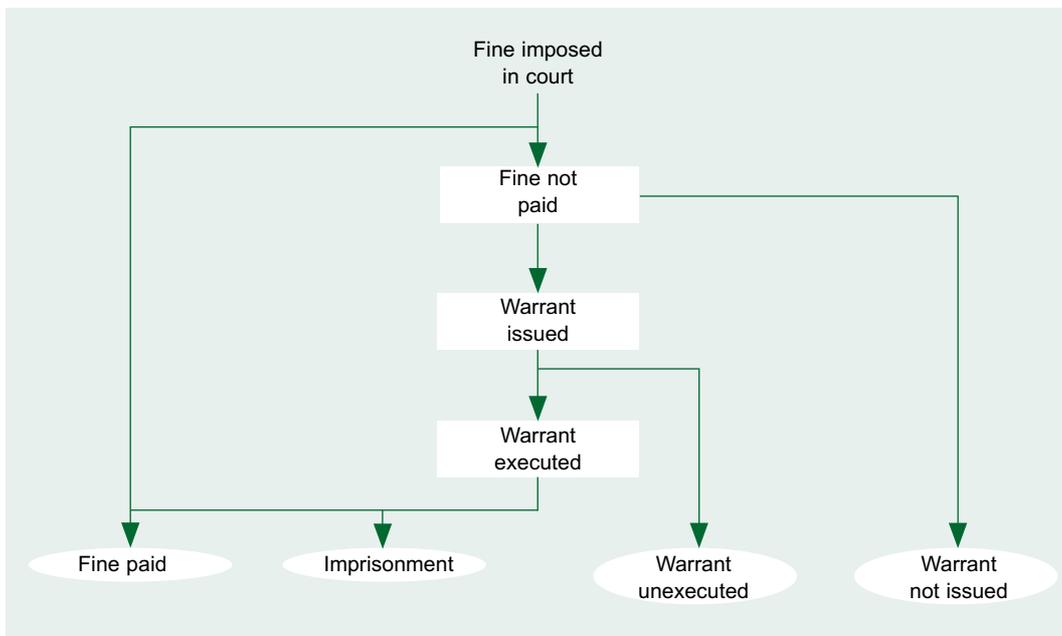
3.52 The average penalties imposed on conviction in on-the-spot fine cases are considerably larger than the fixed penalties which offenders could have paid to avoid a court appearance. This should encourage a high rate of voluntary payment of fixed penalties in on-the-spot fine cases. However, this incentive to pay fixed penalties is seriously undermined by the failure to bring a large proportion of cases for hearing.

4 Enforcement of Court Fines

4.1 The fact that a fine is imposed by a judge does not necessarily mean that it will be paid. Extra procedures may be required to enforce payment if the offender is unwilling to pay or has limited financial resources.

4.2 Figure 4.1 indicates the sequence of events involved in the enforcement of District Court fines. Offenders are usually required to pay the fine within a time period specified by the judge. This period typically varies from one week to several months. If there is evidence that the offender has very limited financial means, this is usually taken into account by the judge when the amount of the fine imposed is decided. Judges usually also specify a period of imprisonment which the offender will be required to serve if the fine is not paid.

Figure 4.1 Summary of outcomes of fine enforcement



4.3 Where a fine has not been paid by the specified date, the court office can apply to the judge for the issue of a warrant for the immediate arrest and imprisonment of the individual concerned. This is sent to the offender's local Garda station for execution. When the offender is confronted, he or she may pay the fine due, or may be brought to jail to serve the specified term. If the warrant cannot be executed for some reason, it may be returned to the District Court office.

4.4 The overall effectiveness of the enforcement process is indicated by the percentage of cases where the fine is paid or the offender is imprisoned.

Fines Payment Rate

4.5 Nationally, the total amount of fines imposed in relation to 1998 fine cases is estimated at £12.3 million. The overall percentage of fines which were paid is not known. However, the evidence which is available suggests that penalties imposed by the Courts are not enforced in a very substantial proportion of cases and that a substantial amount of fines revenue is uncollected.

4.6 Up to the end of 1998, fines totalling £670,000 were imposed in almost 7,000 fine cases in Dublin⁵. Only about 55% of those fines had been paid by the end of September 1999. In a further 2% of cases, offenders were imprisoned, having failed to pay the specified fines. Fines were unpaid in 43% of cases. If the national enforcement rate was similar, this implies a loss of revenue from fines of over £5 million.

4.7 The Courts Service is currently developing a new Courts accounting system which is planned to commence operation during 2002. This is expected in the medium to long term to improve significantly the amount of management information available regarding the timing and rate of payment of fines.

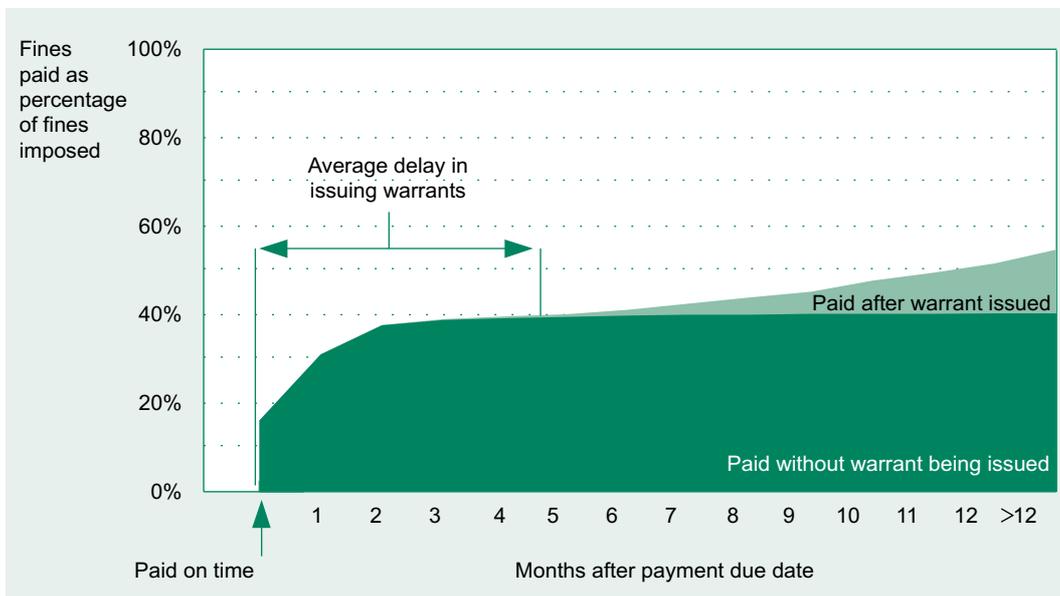
Issue and Execution of Warrants

4.8 Just over 40% of the fines imposed in Dublin in 1998 were paid without the issue of a warrant. Warrants were issued by the District Courts in respect of an estimated 55% of cases. There is no evidence available to explain why warrants were not issued in the remaining 5% of cases.

4.9 In their sentencing in fine cases, judges in Dublin allowed an average of around 8 weeks for offenders to pay their fines. Only 16% of offenders had paid their fines by the date specified. A further 20% of fines imposed were paid within a further 8 to 9 weeks (see Figure 4.2). Thereafter, very few fines were paid without issue of warrants.

4.10 On average, warrants were not applied for by court offices until around 20 weeks after the specified latest payment date. Given the pattern of timing of payments and the relatively few fines paid more than 8 weeks after the specified date, the delay in applying for warrants is excessive. At the time this report was being finalised, the Courts Service reported that the average time taken to apply for warrants was 17 weeks and steps had been taken to reduce this further.

5 These were all cases which commenced in Dublin during 1998. Fines were also imposed during 1998 in cases which commenced in earlier years, but these are not included in the analysis in this chapter.

Figure 4.2 Timing of collection of fines imposed by Dublin District Courts in 1998

Source: Analysis by Office of the Comptroller and Auditor General

4.11 The Courts Service should consider issuing strongly worded warnings to offenders where payment has not been received by the specified payment date. The waiting time before applying for warrants should be reduced considerably from the current excessive level.

Effectiveness of Warrants

4.12 Lack of information about the outcomes of warrants makes it difficult to establish how effective they are as a fines enforcement mechanism. Given the late issue of warrants in Dublin, many of those issued in relation to fines imposed up to the end of 1998 had only been with the Garda Síochána for a few months when the computer system on which their issue was recorded was replaced in October 1999. Warrant outcomes in such cases have since been recorded manually.

4.13 The Garda Síochána may fail to execute warrants for a variety of reasons. Execution of warrants may be postponed because higher priority is given to other work. When attempts are made to execute the warrant, the person concerned may not be found, requiring repeat visits. Cases also arise where the offender may refuse, or be unable, to pay the fine, but the gardaí executing the warrant may consider imprisonment to be impractical e.g. where the offender is a lone parent. Such failures to execute warrants can result in a build-up of warrants in Garda stations, with the courts offices being unaware of the reasons why warrants have not been executed.

4.14 At the end of 1998, there was no recorded result for a large number of warrants issued by the Dublin District Court offices over the preceding 10 years. Because the computer system on which the case details were recorded was being replaced, special efforts were made by the Warrant Office, which manages warrant cases in the Dublin area, to establish what had happened in those cases.

4.15 A total of around 42,000 warrants issued since 1988 were identified as still outstanding. Of these, around 9,600 related to on-the-spot offences with the balance of 32,400 relating to more serious offences. The Garda Síochána were asked to investigate the current status of the warrants. The Courts Service report that

- Up to 22,000 warrant cases were closed because the Garda Síochána reported that the individuals to which they related could not be found for various reasons e.g. emigration, death, change of address.
- In around 2,000 cases, the fines had been paid or the offenders had been imprisoned⁶. However, information about the outcome of the cases had not been conveyed to the courts offices or had not been recorded there.

The remaining 18,000 warrant cases were still officially open and awaiting execution at the end of 1999.

4.16 Technically, warrants for imprisonment have an expiry date. If not executed within the specified date, an application may be made to the judge in the relevant District Court for it to be re-issued. The Garda Síochána should be required to send a written report to the relevant court office when an unexecuted warrant expires, stating the reason it has not been executed. Such failures to execute warrants should be analysed regularly as an input to management decision making within the Courts Service about enforcement of fines and other sentences.

Enforcement Practices

4.17 There are a number of options which could help to increase the level of payment of fines, before resorting to issue and execution of warrants and imprisonment of defaulting offenders. These include

- arrangements for payment of fines by instalment, where the offender has limited means
- attachment of earnings
- deduction at source of social welfare benefits
- seizure and sale of goods (including vehicles, particularly where the fines relate to motoring offences)

⁶ This included cases where offenders had been imprisoned for other offences and had elected to serve the warrant-related sentences concurrently.

- registration of a fine against a vehicle, so that outstanding fines can be collected when the vehicle is re-taxed or changes ownership.

4.18 The Courts Service agrees that the range of options for the enforcement of fines should be broadened. However, the introduction of the methods referred to above would require legislative changes. There could also be practical difficulties in implementing some of the options. For example, accounting for instalment payments, particularly for small fine amounts, could be administratively expensive. The relative effectiveness of the various options would need to be examined, perhaps on a pilot basis, before being introduced generally.

4.19 When this report was being finalised, the Department of Justice, Equality and Law Reform stated that its Criminal Law Reform Division was in the early stages of preparing an 'Attachment of Earnings Bill'.

Enforcement of Licence Endorsements and Driving Disqualifications

4.20 In certain motoring offence cases, the judge may order that the offender's driving licence be endorsed or that he/she be disqualified from driving for a stated period. The extent to which such penalties are enforced is not known.

4.21 All orders for driving disqualifications and endorsements are recorded manually by court office staff in 'driver licence registers'. Notice of disqualifications and endorsements is also sent to the driver licensing sections of the local authorities where offenders reside and to the Department of the Environment and Local Government.

4.22 When a driving licence is surrendered to the court office, details of the licence are recorded on the manual register. In Dublin, details of licences handed in are also recorded on the computerised fine case tracking system.

4.23 There is some evidence that disqualification and endorsement orders may not be effectively enforced in a significant proportion of cases. Analysis of the results of 1998 fine cases in Dublin shows that judges ordered disqualification or licence endorsement in 1,200 cases. Around 1,000 of these also had a fine imposed. Almost a third of those fines remained unpaid in September 1999, despite the issue of warrants. Where fines remain unpaid, it may be the case that disqualifications or endorsements had not been effected. Furthermore, the fine case tracking system records licence details in relation to only 10 of the 1,200 endorsement or disqualification cases. This suggests that less than 1% of offenders had handed in their licences to the court offices.

4.24 Monitoring of the enforcement of disqualifications and endorsements should become easier when both the Courts Service's national Criminal Case Tracking System and the Department of the Environment and Local Government's National Driver File are fully operational. In the meantime, the Courts Service should investigate further the extent of enforcement of disqualifications and endorsements and consider what changes in procedures, if any, would be appropriate in the interim to ensure that court orders are implemented.

Conclusions

4.25 A significant proportion of the fines imposed by the District Court are not being enforced. Apart from the failure to punish offenders which this entails, a significant amount of fines revenue is also being lost as a result of unenforced penalties.

4.26 The personal implications for offenders of a driving disqualification or licence endorsement are much more serious than the payment of a fine. Despite the greater seriousness of such penalties, there is no evidence that these penalties are enforced any more effectively than fines.

4.27 Better management information about the enforcement of fines and other penalties is required. Performance targets should be set and published. The level of performance achieved, nationally and locally, should be monitored and reported regularly.

4.28 The delay in issuing warrants is excessive, adding on average a further six months to the overall time taken between commission of an offence and the completion of legal proceedings. More pro-active and speedy enforcement proceedings are required.

4.29 It is undesirable from a management perspective that unexecuted warrants would be left outstanding indefinitely. Reasonable time limits should be set for the execution of warrants by the Garda Síochána. If they cannot be executed within that time limit, they should normally be returned to the relevant District Court office with a statement of the reasons for non-execution. These reasons should be recorded on the fines case tracking database and analysed regularly to identify possible strategies for improving penalty enforcement.

5 Overall Management of the Fines System

5.1 The fines system is very complex, involving interaction and interdependence between many separate units in a range of agencies, under different managements. Previous chapters reviewed aspects of management performance in separate agencies at different stages in the fines system. This chapter considers the performance and management of the system as a whole.

Operational Effectiveness of the Fines System

5.2 The overall operational objective of the fines system is that, where a finable offence is detected, the offender should normally pay a fine or suffer an alternative penalty. In trying to measure the effectiveness of the management of the system in achieving this objective, the main focus should be on the percentage of cases detected where a fine is paid by the offender, or another penalty is suffered.

5.3 It should not be expected that 100% of offences detected will result in some form of punishment of the offenders. Even where the facts in a case are proven, judges have discretion about whether or not a fine or another penalty should be imposed. A certain percentage of cases will consequently be dismissed by judges but this percentage should usually not be very high. Apart from dismissals, fine offences detected which do not result in offenders being punished can be attributed to operational policies or to weaknesses in the systems and procedures used to prepare and manage fine cases.

5.4 The percentage of fine cases detected which ultimately resulted in some form of punishment of the offenders can be estimated by combining the results of relevant stages of the fines system. Figure 5.1 shows the estimated 'punishment rates' in relation to the different types of offences detected in the Dublin area in 1998. None of the available evidence suggests that a very significantly different pattern applies nationally.

5.5 The estimates presented in Figure 5.1 indicate that a very significant percentage of offences detected go unpunished. (The exception is in relation to on-the-spot speeding fine offences.) The evidence in earlier chapters suggests that this is not due to a high percentage of cases being dismissed by judges. Instead, most of the failures to punish offences are due to operational policies (such as the low relative priority given to prosecuting fine cases or to enforcing fines), or to weaknesses in the administration and management of fine cases.

5.6 Most of the penalties suffered by offenders in on-the-spot fine cases are accounted for by voluntary payment of fixed penalty amounts. The outcome of legal proceedings does not appear to add appreciably to the 'punishment rate'.

Figure 5.1 Estimated punishment rates in relation to offences detected in 1998, by type - Dublin only

Type of case	Percentage of cases detected in Dublin where			Overall punishment rate	Detected cases not punished
	Fixed penalty paid ^a	Court fine paid	Other penalty suffered ^b		
On-the-spot fine cases					
Parking offences	60%	2%	**	62%	38%
Disc offences	27%	3%	1%	31%	69%
Speeding offences	82%	1%	**	83%	17%
Other motoring offences					
	-	5%	6%	11%	89%
Other offences^c					
	-	8%	10%	18%	82%
All fine cases					
	37%	3%	3%	43%	57%

Notes: a The fixed penalty payment rates shown here relate to Dublin only. Payment rates by type of offence presented in Chapter 2 are national estimates.
b 'Other penalty suffered' includes imprisonment, licence endorsement and disqualification from driving where fines were not also imposed, and the application of the Probation Act.
c Includes indictable offences tried summarily.
** Less than 0.5%.

Source: Analysis by Office of the Comptroller and Auditor General

Costs of the Fines System

5.7 Knowing the costs of the fines system and of its component activities is critical for managing the system to ensure it is provided economically and efficiently. Cost considerations arise in many aspects of management of the system. For example, the on-the-spot fines system is intended to reduce the overall cost of processing a case and to have in-built escalation of the penalty if the voluntary payment option is not taken. This is designed to compensate taxpayers for the extra costs involved if offenders opt to allow legal proceedings to commence. Also, where there are alternative ways of carrying out certain functions, such as service of summonses, which probably have different costs associated with them, it is important to be able to identify which options give best value for money.

5.8 Apart from helping to secure best possible economy and efficiency in fines collection, knowledge of the costs associated with fine collection can also assist in deciding issues of policy, including setting the level of fines for individual offences. The primary factor in setting fine levels should be the effectiveness of the fine in deterring undesirable behaviour but the cost of administering the system should also be taken into account. For example, if the amount of fines collected is significantly less than the costs of collection, a case for increasing fines may arise.

5.9 Although operation of the fines collection system imposes very significant costs on both the Garda Síochána and the Courts Service, neither agency routinely monitors such costs.

Management of the Fines System

Responsibility for Management of the Fines System

5.10 No individual or organisation has clear overall responsibility for the management of the fines system. Individuals and units within the Garda Síochána and the Courts Service have responsibility for operational aspects of the system but no-one appears to accept responsibility for its overall design, co-ordination, effectiveness or efficiency. This results in a lack of accountability both for the overall performance of the system and for the performance of its individual components. It is simply too easy for managers in one part of the system to attribute underachievement to deficiencies in other aspects of the process. Furthermore, while the processing of fines cases is a core activity for both agencies, they also have other important activities which affect the prioritisation of effort in handling fine cases.

5.11 There is co-ordination of activities between the Garda Síochána and the Courts Service at an operational level on a day-to-day basis. However, there is little or no evidence of co-ordination or contact between the agencies at a management level.

5.12 The two agencies mainly responsible for fines collection - the Garda Síochána and the Courts Service - operate under the aegis of the Department of Justice, Equality and Law Reform. The Department may be in the best position to agree relevant performance targets with the two agencies and to ensure that activities are co-ordinated to achieve greater effectiveness.

Strategic Planning of the Fines System

5.13 The primary objective of the fines system is not to collect revenue but rather to change the behaviour of individuals to ensure the highest possible level of compliance with the law. It is important that the effectiveness of the fines system in achieving such compliance is kept under review. Where there are other options for changing behaviour (such as wheel clamping or seizure of vehicles), the relative costs and benefits of introducing them should be fully explored as part of regular strategic planning for dealing with specific offences.

5.14 A co-ordinated and well thought out strategic plan for the whole fines system is required if its effectiveness is to be properly managed. Because it involves a complex set of interrelated activities, bottlenecks and breakdowns in any one area of the fines system will have impacts in other areas. Equally, initiatives to improve the performance of one aspect of the system could put increased pressure on other areas, resulting in no net improvement in overall effectiveness. For example, a significant increase in the rate of service of summonses could result in the overloading of District Courts in certain areas. Similarly, changing the scope of the on-the-spot fines system could relieve pressure in the Courts but create significant extra administrative work for the Garda Síochána.

5.15 Strategic planning should also routinely explore the organisational options for managing and administering the various stages of the fines system. Many of the activities are fairly routine and may not necessarily require the involvement of costly

and scarce Garda resources. This suggests there may be scope to re-assign responsibility for administration and management of large parts of the system from the Garda Síochána to a stand-alone, single-purpose agency or to contract out certain functions such as summons service or fines collection.

Management Information

5.16 The almost complete absence of relevant performance measures, performance targets and reliable management information about the fines system is a major impediment to accountability for what is achieved. Almost all the problems discussed in this report have been identified over many years, most notably in the 1984 study of summons service, in the Comptroller and Auditor General's Reports for 1990 and 1992 and during Committee of Public Accounts hearings in 1994. Despite the repeated discussion and requests for meaningful performance reports, the agencies concerned are still failing to produce reliable management information about what is being achieved.

5.17 Sound management information is not an end in itself. Its purpose is to inform decision making, resulting in efforts to improve fine collection being targeted to areas where there are most problems and where most impact will be achieved with the least amount of resources. Lack of management information can lead to wasteful effort in the wrong areas or to no action being taken.

5.18 Given the current stage of development of computer systems to manage fine cases, it may not be possible initially to have comprehensive management information about all cases. As a short term response to this problem, regular management information based on statistically reliable samples should be produced.

Conclusions

5.19 Overall, the fines system is not working as intended. Apart from on-the-spot fine speeding offences, where there is a high rate of voluntary payment of fixed penalties, very many of the cases detected result in offenders not being punished mainly because of failures in the administration and management of fines system procedures.

5.20 The success of wheel clamping in reducing the incidence of illegal parking in Dublin suggests that it should be introduced on a pilot basis in other large urban centres.

5.21 The lack of information on costs is not conducive to evaluating alternative means of delivering parts of the service.

5.22 There is almost no overall management or co-ordination of the fines system. This probably goes a long way towards explaining why the system underperforms and why there has been little improvement in many aspects of the system over a long period. Clear responsibility and accountability for the overall performance of the system should be determined including agreeing relevant and challenging performance targets for the Garda Síochána and the Courts Service and regular public reporting on management achievements.

6 The Department's View

6.1 The Department of Justice, Equality and Law Reform welcomed the report which would serve as a valuable resource for those working in the various parts of the fines collection system. Neither the Garda Síochána, the Courts nor the Department itself have had the people or the systems in place to do the sort of important analysis which the report contains.

6.2 The Department's perspective of the system is an over-arching one. While the Department has no direct role to play in the investigation or detection of the offences covered by the report or in the subsequent prosecution or imposition and collection of fines, the Department sees the solution to the issues raised in the report as lying in a number of areas

- firstly, through the design of proper data collection systems which will enable overall management of the collection function
- secondly, through the development of performance indicators as part of the ongoing Garda Strategic Management Initiative process as well as operation of the Courts Service and
- thirdly, through changing the overall fines imposition and collection system, thereby reducing its complexity and fragmentation - the development of a fully integrated on-the-spot fines processing system for traffic offences will have significant impact in this regard.

6.3 There is considerable work under way in developing specific parts of the overall system. Much of this work has taken place since 1998 - the year on which the report focuses. Over the last two years, the Garda Síochána and the Courts Service have been putting in place the type of systems which are necessary to provide the sort of information that the report managed to extract from the older systems. The new systems have been written with the objectives of improving operational performance and having much superior reporting and analytical capacity and will also provide the citizen with more convenient methods of paying fines. The technical capability to make the collection of fines more manageable is coming together. At the recent launch of the Courts Service's strategic plan, the issue of 'e-Government' initiatives such as the payment of fines on-line were highlighted.

6.4 The two relevant IT systems - PULSE and the Criminal Case Tracking System (CCTS) - have been under development for some time. The first phases of both are now operational and have replaced the older systems. PULSE is operating nationally and the CCTS is in Dublin and Limerick and will be rolled out nationally over the next year or so. In terms of technical design, both systems share a common database product and have a common underlying data model which gives them the capacity to exchange data. These developments will address many of the issues raised by the report as they have already been raised by both the organisations on the ground.

6.5 There are significant operational difficulties to be overcome and these are being addressed in a systematic and structured fashion. Unfortunately, this takes time but as pointed out in the report, these developments need to proceed in a co-ordinated manner and to stay in phase with each other to ensure that one part of the system doesn't work against another. While it would be naive to expect large scale IT projects to solve all the problems identified, real progress is being made towards having the appropriate systems in place.

6.6 The Department's IT Division chairs a group which represents the technical and business areas where the various organisations interface. Fines and warrants are included as one of the priority areas to be addressed and high level policy documents are in the process of being agreed at Commissioner, Chief Executive and Secretary General level to promote appropriate integration of the Justice systems in the context of 'e-Government' developments. In turn, it is proposed that working groups will pick up on each of the subject areas and address the process improvements to be supported by the technology.

6.7 The technology in relation to fixed speed detection cameras is still evolving and over the next few years, it is likely that there will be further efficiency gains in relation to processing speeding fines and a welcome reduction in road deaths as a result.

6.8 The collection of fines is an operational matter and one for which the Garda Commissioner is responsible. In 1998, the Garda Commissioner published a policing plan for the force for the first time. Through the current Garda SMI process, a new agreed accountability framework for policing is being developed. This will provide for the Minister to set policing priorities for the Garda Síochána and for the agreement of performance indicators as a basis to measure performance against stated objectives. A review of Garda structures and operating systems has also commenced and this review will include an assessment of the procedures for the service of warrants and summons by the Garda Síochána.

6.9 The Government has also approved, in principle, a recommendation that the Commissioner should become Accounting Officer for the Garda Vote, subject to the development of an effective financial and performance management framework. Under the Garda SMI process, a review of the financial management framework has been completed and procedures are currently being implemented. As a result, a Director of Finance and three support accountants have been recruited. This investment in financial management expertise will produce vastly improved financial management information and the cost data which, as the report identified, is currently not available.

6.10 As regards the strategic direction of the fines collection system, obviously this will need to be reviewed in the light of the report and to consider, particularly, the aspects relating to traffic in conjunction with the Department of the Environment and Local Government. The development of a fully integrated on-the-spot fines system and the establishment of the National Vehicle and Driver Files are key objectives in this area and their progress is being monitored by the High Level Group on Road Safety.

6.11 The findings in the report regarding the 'static' traffic offences raises some interesting issues. The finding that fines enforcement is weaker for these offences, perhaps due to a number of reasons ranging from the delivery method of a fine to the priorities assigned to them by the Garda Síochána, supports the case for a fairly fundamental review of the approach to tackling these offences. Again, the policy in relation to the respective roles of the Garda Síochána and other relevant agencies in the longer term will evolve partly through the Garda SMI process and partly through other stimuli outside of the Department's domain. In the long term, the development of an integrated on-the-spot fines system will significantly increase the efficiency of the fines collection system. Given this development and the use of fixed speed detection devices on a pilot basis, the Department considers that it may be possible to explore other methods for the imposition and collection of traffic fines.

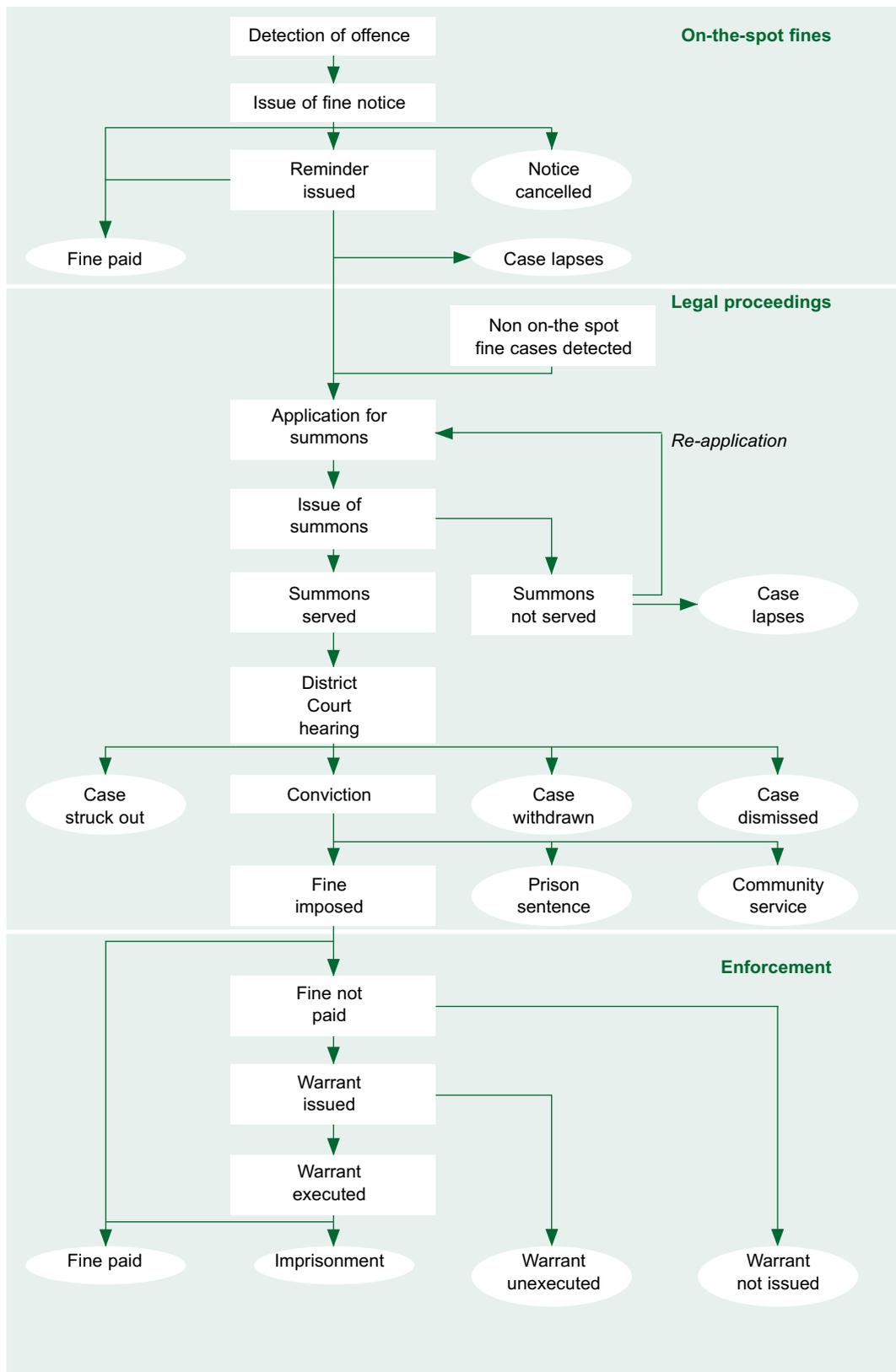
6.12 In relation to payment issues, the Department understands that the Courts Service is considering the feasibility of fine payment by instalment. Also, the Department's Criminal Law Reform Division is currently in the early stages of preparing an 'Attachment of Earnings Bill'.

6.13 As things stand, the two agencies mainly responsible for fines collection (Garda Síochána and the Courts Service) are under the aegis of the Department and it therefore, has a significant role to play, in relation to co-ordinating their activities to achieve greater value for money. While overall responsibility and accountability for the performance of the fines collection system rests with the Department, there have been significant developments recently with the establishment of the Courts Service and with the Chief Executive now being the Accounting Officer for the Service. The Department considers that this landmark development will greatly facilitate a more strategic approach to improving the fines collection system. The development of relevant performance measures and targets for fines collection will receive greater attention and this will be facilitated by the new IT systems coming on line.

6.14 Following the finalising of the report, the Department will pursue the key issues with the relevant people to establish a set of relevant performance measures and targets and to decide where overall responsibility and accountability for the performance of the fines collection system lies. In particular, it is proposed to put in place a high level group comprising representatives of the Department, the Garda Síochána and the Courts Service. The primary purpose of the group will be to achieve greater co-ordination between the various agencies through systematically addressing the types of issues highlighted in the report.

Appendices

Appendix A Overview of stages in the fines system



Appendix B Estimating the Number of Fine Cases

Reliable statistical information about fine cases nationally is not available because of a lack of comprehensive management information systems in both the Garda Síochána and the Courts Service. For the purposes of this examination, estimates of the number of fine cases nationally were made, based on the available evidence. For on-the-spot fine cases, the aggregate value of fixed penalties and the outcome of cases were also estimated. The main assumptions made in preparing these estimates are explained in this appendix.

Number of on-the-spot fine notices issued

The Garda Commissioner's Annual Report presents data on the number of on-the-spot fine notices issued in the year but the estimates are not fully reliable. The data in the Report is prepared soon after the end of the year in question, and may be before all the fine notice books are returned from the issuing officers. Consequently, there is a risk that the data presented in the Annual Report underestimates the number of notices issued in the year. Furthermore, outside the Dublin and Cork areas, cases are recorded and tracked on a mixture of local databases and on manual systems.

The Dublin Fines Office handles a large proportion of the notices issued annually. In June 2000, an analysis of the Office's database showed that the total number of on-the-spot fines issued each year from 1995 to 1998 in the Dublin area exceeded the number given in the Annual Reports for the corresponding years.

For the purposes of this report, the data in the Annual Reports concerning the number of fine notices issued was adjusted to take account of the Dublin Fines Office analysis. Figure B.1 presents the adjusted estimates for the different types of offence.

Figure B.1 Estimated number of on-the-spot fine notices issued nationally, by type of offence, 1995 to 1998

Type of offence	1995	1996	1997	1998
Parking offences	356,600	315,900	312,300	217,400
Non-display of discs	62,200	47,900	46,500	43,300
Speeding	-	-	71,300	133,700
All on-the-spot fine notices issued	418,800	363,800	430,100	394,400

Source: Annual Reports of the Garda Commissioner 1995-1998; analysis of Dublin Fines Office database by Office of the Comptroller and Auditor General

Value of on-the-spot fine notices issued

The value of on-the-spot fine notices issued was estimated by multiplying the number of notices issued (as shown in Figure B.1) by the relevant fixed penalty amount i.e. £15 for parking offences and £50 for disc and speeding offences. See Figure B.2.

Figure B.2 Estimated value of on-the-spot fine notices issued nationally, by type of offence, 1995 to 1998

Type of offence	1995 £m	1996 £m	1997 £m	1998 £m
Parking offences	5.35	4.74	4.68	3.26
Non-display of discs	3.11	2.40	2.32	2.16
Speeding	-	-	3.57	6.69
Value of all on-the-spot fine notices issued	8.46	7.14	10.57	12.11

Source: Analysis by Office of the Comptroller and Auditor General

Outcome of on-the-spot fine notices

The Garda Commissioner's Annual Report provides a breakdown of the fine notices issued during the year showing the status of cases at the time the report is compiled e.g. number of fines paid voluntarily, number of cases where legal proceedings were taken, etc. A large percentage of cases are shown as having 'proceedings pending' and the sum of the outcomes does not equal the total number of notices issued. Consequently, the analysis does not indicate the final outcome of cases.

For this examination, Dublin and Cork fines offices' data in respect of each year 1995 to 1998 were analysed to establish what ultimately happened in cases where fine notices were issued. These offices handle around 67% of all fine cases. In the absence of any evidence that outturns are likely to be significantly different in other areas, it was assumed that the percentage outturn nationally was similar to that found in Dublin and Cork. Figure B.3 shows the resulting estimated breakdown of national fine notices.

Figure B.3 Estimated outturn of on-the-spot fine notices issued nationally, by type of offence, 1995 to 1998

	1995	1996	1997	1998
Parking offences				
Fixed penalty paid	196,300	178,500	185,900	132,000
Court proceedings taken	93,000	72,200	64,000	41,300
Fine notice cancelled	27,700	26,500	25,900	20,200
Fine notice lapsed	39,600	38,700	36,500	23,900
All parking offences	356,600	315,900	312,300	217,400
Disc offences				
Fixed penalty paid	9,500	8,400	9,600	11,500
Court proceedings taken	34,500	24,700	21,900	19,300
Fine notice cancelled	8,200	6,900	6,800	6,700
Fine notice lapsed	10,000	7,900	8,200	5,800
All disc offences	62,200	47,900	46,500	43,300
Speeding offences				
Fixed penalty paid	-	-	60,000	112,600
Court proceedings taken	-	-	7,500	14,000
Fine notice cancelled	-	-	1,600	3,000
Fine notice lapsed	-	-	2,200	4,100
All speeding offences	-	-	71,300	133,700
All on-the-spot offences				
Fixed penalty paid	205,800	186,900	255,500	256,100
Court proceedings taken	127,500	96,900	93,400	74,600
Fine notice cancelled	35,900	33,400	34,300	29,900
Fine notice lapsed	49,600	46,600	46,900	33,800
All on-the-spot offences	418,800	363,800	430,100	394,400

Source: Analysis by Office of the Comptroller and Auditor General

Estimated number of District Court fine cases

The procedures for recognising the start of legal proceedings in fine cases differ in the Dublin and Limerick District Court areas from those in other District Court areas. In Dublin and Limerick, each application for a summons is registered on the courts computer system and the case can be tracked from that point onwards. In other court areas, the number of summonses issued is not recorded. Cases are only registered and tracked from the point when a summons has been served and the court office is notified to list the case for hearing. This difference in practice makes it difficult to identify the total number of fine cases nationally where legal proceedings commence.

The number of applications to the Dublin District Court for summonses in fine cases is known. Broad estimates of the number of summonses issued by many (but not all) of the other District Court offices are also available. Scaling up these data provides a very rough estimate of the total number of summonses issued nationally by all District Court offices. See Figure B.4.

Figure B.4 Estimated number of fine cases commenced nationally, 1998

	Dublin District Courts	Other District Courts	All District Courts
Number of summonses issued	183,000	442,000	625,000
Summonses not served	81,000	131,000	212,000
Cases for hearing	102,000	311,000	413,000

Source: Analysis by Office of the Comptroller and Auditor General

Data for the Dublin District Courts can be broken down by type of case i.e. on-the-spot fine cases, other motoring offences and non-motoring offences (including indictable offences tried summarily). Analysis presented in the body of the report uses such analysis.

Similar breakdowns of cases by type are not available for other District Court areas. Consequently, a breakdown by type of fine case nationally cannot be produced.

Appendix C Motoring offences covered by the on-the-spot fine system

Offence	Year introduced	Fixed penalty
Parking offences		
Parking within 15 meters of traffic lights (approach side)	1962	£15
Parking within 5 meters of traffic lights (other than approach side)	1962	£15
Parking -obstructing a fire station, ambulance station or Garda station	1962	£15
Parking at a 'Restricted Parking' sign outside period on sign	1962	£15
Parking at a 'No Parking' sign during times indicated	1962	£15
Parking in an unauthorised place e.g. double yellow line	1962	£15
Parking - footway, grass margin or median strip.	1962	£15
Parking - endangering, interfering or obstructing other traffic	1962	£15
Parking within stopping place or stand at bus stop	1962	£15
Parking - meter violations	1962	£15
Parking - disc violations	1969	£15
Parking in a pedestrianised area	1976	£15
Not parking within the limits of a parking bay	1976	£15
Parking/driving - bus lanes	1976	£20
Parking/stopping in a clearway	1976	£50
Parking HGV's exceeding specified weights	1986	£50
Parking or stopping in a disabled persons parking bay	1997	£15
Parking or stopping at a school entrance	1997	£15
Parking/stopping on a motorway	1998	£15
Display of disc offences		
Failing to display a current vehicle licence disc	1976	£50
Failure to display a current vehicle insurance disc	1986	£50
Other motoring offences		
Exceeding the speed limit	1997	£50
Entering hatched markings area of roadway	1999	£20
Crossing continuous white lines	1999	£20
Stopping in a box junction	1999	£20
Bald/defective tyre	1999	£20
Not wearing a seat belt	1999	£20
Traffic light infringements	1999	£50
'Stop/Yield' sign infringements	1999	£50

Appendix D Reasons for non-service of a sample of on-the-spot fine case summonses in Dublin in 1999

Reason for non-service	Number of cases	Percentage of total
Person named not living at address	985	36%
Incorrect name or address or incomplete address	93	3%
Person named never lived at address	60	2%
Person named no longer owns vehicle	56	2%
No such address/address cannot be located	52	2%
Incorrect registration number	2	-
All problems with vehicle ownership details	1,248	45%
Re-issue of summons requested	385	14%
No cover note supplied with summons	314	11%
No reply at address/unable to gain access	199	7%
Summons received too late for service	139	5%
Unable to serve summons on time/lack of manpower	160	6%
Summons misdirected within service system	101	4%
Defendant cannot be located	55	2%
Company ceased trading at address	52	2%
Person named is a member of Garda Síochána	23	1%
Only one copy of summons received	13	-
All management/operational problems	1,441	52%
Awaiting results of McCrackin case	42	2%
Person named is deceased	19	1%
Fine paid	18	-
All reasons for non-service of summonses	2,768	100%

Source: Dublin On-the-Spot Fines Office

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