



Performance Agreement 2016

between the

Department of Justice and Equality

and

Forensic Science Ireland

1. Introduction

Forensic Science Ireland (FSI) is an executive agency of the Department of Justice and Equality. It is based in Garda Headquarters in Dublin.

Originally named the Forensic Science Laboratory, FSI was established in 1975 to provide a scientific service to the criminal justice system by analysing samples submitted from crime scenes and providing expert evidence in criminal trials. The work of FSI plays a vital part in the investigation and prosecution of criminal offences.

FSI is the custodian of the national DNA Database System, with responsibility for its establishment and operation, as provided for by the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.

The vision of Forensic Science Ireland is science supporting justice. The mission of Forensic Science Ireland, as set out in its 2015-2018 Strategic Plan, is to deliver, to best international standards, independent expert opinion, advice, training and research to support the Irish criminal justice system.

2. Objectives of the Agreement

The purpose of this agreement is to set out a mutual understanding between the Department and FSI on key issues, including the mutual supports necessary to undertake their respective responsibilities.

The Agreement seeks to facilitate FSI in carrying out its functions, to set out inputs, outputs and performance measurement indicators in this regard, and thereby to improve the effectiveness and efficiency of public services.

The Agreement is also intended to provide a basis for strategic engagement between the Department and FSI, with a view to ensuring that the possibilities of forensic science within the criminal justice system are exploited to the fullest extent. The regular meetings to be held between the Department and FSI provide a platform for dialogue in this regard.

The Agreement will support FSI's Strategic Plan and the achievement of the high level goals set out therein.

In summary, the objectives of the agreement are to:

- Define the role of FSI in the wider Departmental structure
- Define the Department's role in supporting FSI to carry out its functions
- Outline the Department's expectations of FSI and FSI's expectations of the Department to enable FSI to pursue its mandate
- Specify the inputs, outputs and expected outcome of FSI's activities
- Measure performance through monitoring of agreed outputs and indicators
- Provide a basis for strategic engagement between Department and FSI

3. Corporate Governance

The Department of Justice and Equality has a wide remit which includes an overarching responsibility for the criminal justice system. The Department's objectives, as set out in its 2015-2017 Strategy Statement, include leadership in and oversight of justice policy and delivery, and the maintenance of a safe and secure Ireland. Central to the achievement of those objectives is the Department's relationships with the various agencies who contribute to the operation of the criminal justice system.

FSI occupies a unique place in that system, as a relatively small and highly specialised executive agency of the Department, with an independent operational mandate, providing a specific scientific service.

The Minister for Justice and Equality is responsible to the Government and Oireachtas for the functioning of FSI and the Department is responsible for ensuring that FSI is adequately resourced. Employees of the FSI are civil servants of the Department.

The Department should work in partnership with FSI to develop a shared and agreed strategic understanding of FSI's role in the wider justice framework. The Department will seek to ensure that FSI's needs, views and remit are well represented, both in its relationship with other agencies, especially An Garda Síochána, and more generally. Any implications for FSI of the Garda reform process, for example arising from the recommendations of the Garda Inspectorate, will be taken into account by the Department.

The day-to-day operations of the laboratory are directed by the Director General and her management team and are independent of the Department of Justice and Equality. Responsibility for scientific areas of work and customer relationships resides with the laboratory management.

Management team

The FSI has a management team consisting (when at full strength) of the Director General, four Directors, a Quality Manager, ten Team Managers, a Customer Liaison Manager and a DNA Database Team Manager. The laboratory staff consists of scientists, analysts and support personnel. The management team has responsibility for:

- setting targets and standards for the laboratory;
- identifying the resources necessary to implement these targets and standards; and
- seeking the resources identified so that an effective forensic science service can be provided to the laboratory's clients.

The Quality Manager has the responsibility for ensuring that the management system related to quality is implemented and followed at all times. The Quality Manager has direct access to the Director General and other members of the management team.

In carrying out its work, the management team of FSI is committed to maintaining the quality of laboratory services and to ensuring that the requirements of international standards for laboratories are met.

Strategic Plan

FSI has put in place a Strategic Plan covering the years 2015-2018

(<http://www.forensicscience.ie/News/FSI-Strategy-Statement-2015-2015.pdf>).

This provides a comprehensive account of FSI's role, structures, work and goals.

The Strategic Plan identifies four key areas in planning for the future. It sets out goals in each area, along with the actions that will be taken to achieve those goals (output measurement indicators) and the benefits that should be derived from success (impact measurement indicators).

The four key areas and associated goals can be found in the box below:

Excellence in Science

- *Goal 1: Provide a quality forensic science service;*
- *Goal 2: Anticipate future technological opportunities and their applications to casework;*
- *Goal 3: Increase support for learning opportunities; and*
- *Goal 4 Ensure that we are operating to best international practice.*

Customer Service

- *Goal 1: Deliver excellent Customer Service to our clients;*
- *Goal 2: Promote the practice of presumptive testing of Section 3 Cannabis and Cocaine cases by An Garda Síochána;*
- *Goal 3: Provide "at scene" attendance and out of hours service for major or urgent cases;*
- *Goal 4: Contribute to Cold Case reviews so that maximum benefit is obtained from modern scientific techniques; and*
- *Goal 5: Ensure that evidence in Court is given in a consistent well-informed fashion.*

Modern Organisation

- *Goal 1: To improve our Information and Communications Technology (ICT) system and facilities;*
- *Goal 2: Purpose built facilities suitable for a 21st century forensic science institute;*
- *Goal 3: Facilitate a culture that supports the achievement of best HR practice and Professional development; and*
- *Goal 4: Enhance our relationships with all key stakeholders.*

DNA Database

- *Goal 1: Further develop and enhance our service delivery by the operation of the DNA Database;*
- *Goal 2: Implementation and maintenance of best practice standards for quality and security; and*
- *Goal 3: Support An Garda Síochána, the Department of Justice and Equality, the National DNA database oversight committee and the Oireachtas by providing information and data on matters relating to the DNA database.*

Annual report

As an associated office of the Department, FSI is required to report in general terms to the Department/Minister. Unlike most agencies, there is no statutory requirement on FSI to produce a formal annual report on its overall functioning (notwithstanding the requirement for such a report in relation to the DNA Database – see below). In light of corporate governance best practice and in the interests of transparency and accountability, however, FSI has in previous years produced such reports and commits to doing so in future.

Governance Framework

Corporate governance is concerned with the framework of rules and practices to ensure accountability, fairness and transparency across organizational activities. To this end FSI will ensure all the standard frameworks, as specified to FSI by the Department of Justice & Equality, including those for risk management, internal audit and the Public Spending Code (<http://publicspendingcode.per.gov.ie>), are fully complied with.

This Agreement and its reporting satisfies the requirements for compliance with the Code of Practice for the Governance of State Bodies in respect of Departmental oversight and the implementation of good corporate governance.

As its main client organisation, FSI operates a Service Level Agreement with An Garda Síochána setting out the ongoing service FSI will endeavour to provide, in accordance with the agreed prioritisation approach seen below. This includes producing reports on all high profile cases in a bespoke manner and reporting at least 3,000 non-drug cases, the majority of which are various types of DNA cases; and 5,000 drug cases, the majority of which are section 15 cases. This year will include up to 6,000 reference samples loaded onto the database.

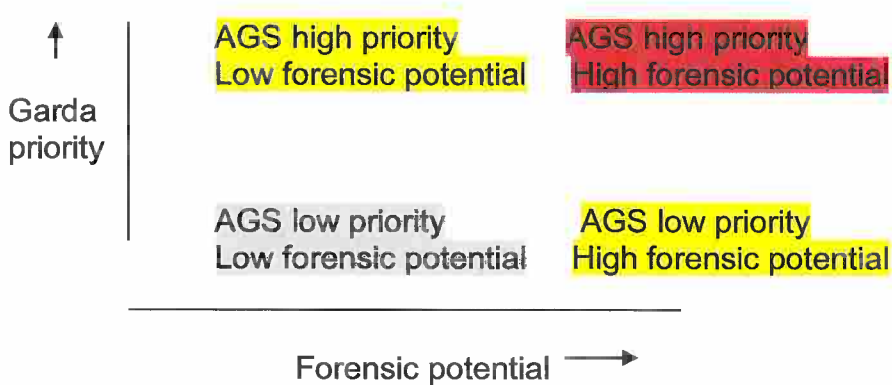


Figure 1. Factors for consideration in case prioritization.

DNA Database

Under the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014, FSI was made custodian of the national DNA Database System, with responsibility for its establishment and operation. The Minister retains overall responsibility for the implementation of the Act. The Director General of FSI is required to submit an annual report to the Minister for Justice and Equality within four months of the end of the year to which the report relates, regarding the performance by the Director of her functions relating to the DNA Database. The first such report is due by 30 April 2017.

In accordance with the legislation, FSI has prepared a Code of Practice on the taking of samples from persons and has made this Code publicly available on its website (<http://www.forensicscience.ie/Home/Code-of-Practice.docx>).

The "Prüm" Decision

The Department is responsible for overseeing the overall implementation of EU Council Decision 2008/616/JHA, known as the Prüm Decision. Under Prüm, Ireland is obliged to put in place mechanisms to allow for the exchange of various types of information, including DNA information, with other EU Member States in order to combat terrorism and international crime. As the custodian of the DNA Database System, FSI will play a central part in the implementation of the requirements under Prüm, including acting as national contact point for Ireland in respect of DNA information exchange.

4. Mutual Commitments

- Both parties commit to proactive and timely communications, cooperation and information sharing on service delivery
- Both parties support the effective achievement of agreed targets, as well as the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions
- Both parties support prompt and timely responses to correspondence, information requests and related matters
- Both parties commit to keep each other fully apprised and updated on all key issues

The annual budgetary provision for FSI will form part of the estimates for the Justice and Equality Vote (Vote 24) and the requirements of the FSI will be taken into account in that context.

The Department of Justice and Equality will provide the following supports to enable FSI to fulfil its mandate:

- Regular contacts with FSI with a view to supporting FSI in delivering on its outputs
- Give effect to the increase in FSI's pay budget by facilitating the recruitment of extra staff members
- Provide updates on Public Financial Procedures and Civil Service HR Policy Guidelines
- Provide support and guidance on recruitment, employee relations, workforce development and performance management
- Provide a networking and information service to FSI to ensure that staff of FSI, who are civil servants attached the Department of Justice and Equality, are kept fully informed of developments, career opportunities, staffing changes and policies in their parent Department
- Provide guidance on Government Accounting and Governance
- Provide payroll, invoice processing and other accounting services through the Department's Financial Shared Services Centre (FSS)
- Provide ICT and support services
- Provide monthly financial reports via the Department's Financial Management Unit (FMU)
- Liaise with FSI in relation to Public Service Reform initiatives.

5. Inputs from Department to FSI

Financial Inputs

The table below indicates FSI's budget allocation for 2016:

Expenditure	2016 Budget Allocation
Pay	€6,976,000
Non-pay	€2,865,000
Capital	€70,000
Total	€9,911,000

Human Resource Inputs

The table below indicates FSI's staffing allocation in September 2016:

Grade	FTE	Headcount
Director	1	1
Deputy Director	4	4
AP - Senior System Analyst	1	1
Higher Executive Officer	1	1
Executive Officer	5	5
Clerical Officer	6.8	7
Forensic Scientist Grade 1	10	11
Forensic Scientist Grade 2	26.5	28
Forensic Scientist Grade 3	25	26
Senior Laboratory Analyst	8	8
Laboratory Analyst	8	8
Grand Total	96.3	100

Following the increase in FSI's pay budget set out in the 2016 Estimates, recruitment of additional staff at a number of grades is ongoing.

Capital Spending Inputs: New accommodation/facilities

There is a longstanding need for a new purpose-built forensic science laboratory appropriate to the State's requirements. Well-advanced plans for the construction of a new facility in Backweston, Co. Kildare were previously cancelled due to the economic downturn. In the 2016-2021 capital expenditure programme funding was allocated which will enable construction of the new laboratory to commence in 2019. In light of the importance of this project, the Department committed to bring forward the start date of construction to 2017. The new custom-built facilities, when completed, will allow Forensic Science Ireland to make full use of the huge potential offered by DNA technology, including the new DNA database and future-proof the needs of the Service for decades to come.

Given the timeframe for building the new laboratory, an emergency working group was established in June 2016 to address accommodation issues on a temporary basis in the short term. It is expected that two temporary structures will be erected in Garda Headquarters in this regard and should be available to FSI by late December 2016.

6. Outputs and Performance Measurement

The Department and FSI will discuss the delivery of outputs at the twice-yearly Governance and Performance meetings.

- A. FSI will pursue the goals identified in the Planning for the Future section of its 2015-2018 Strategic Plan, through the associated actions
 - *Performance measurement: by reference to the success indicators outlined in the Plan.*
- B. FSI will provide a range of services in support of the criminal justice system, encompassing crime scene attendance, analysis of evidential items submitted, presentation of findings in court and all related functions
 - *Performance measurement: through discussion at twice-yearly meetings with Department.*
- C. FSI will endeavour to meet the case reporting targets agreed with An Garda Síochána in accordance with their Service Level Agreement
 - *Performance measurement: targets met.*
- D. In its service delivery, FSI will maintain the international standard ISO 17025 covering the normal range of tests and procedures
 - *Performance measurement: ISO 17025 maintained.*
- E. FSI will provide an annual (or at such interval as the two parties may agree) report to the Department on its overall functioning
 - *Performance measurement: annual report delivered.*
- F. FSI will support the DNA Database System Oversight Committee by providing information and data on matters relating to the DNA database
 - *Performance measurement: by reference to annual report of Oversight Committee.*
- G. FSI will, in line with the relevant legislation, deliver an annual report to the Minister on the operation of the DNA Database
 - *Performance measurement: annual report delivered.*
- H. FSI will progress the implementation of the Prüm Decision to the greatest extent possible
 - *Performance measurement: by reference to progress towards implementation*
- I. FSI will continue to co-operate with its counterpart in Northern Ireland, Forensic Science Northern Ireland (FSNI), under the aegis of the North-South Inter-Governmental Agreement (IGA) on Co-operation on Criminal Justice Matters
 - *Performance measurement: by reference to annual work programme under IGA, and to progress reports supplied to Department in preparation for annual Ministerial meeting under IGA.*

- J. FSI will provide material as requested for the purposes of responding to PQs, topical issues and other Oireachtas debates.
- *Performance measurement: material delivered*

7. Flexibility and Amendment of Targets

Where amendments become necessary, the parties will engage with a view to agreeing on amended targets.

8. Monitoring Arrangements

In accordance with the Department's policy on the monitoring of governance arrangements in relation to the agencies within its remit, the Director General of FSI will meet with the Assistant Secretary (Policing) of the Department twice yearly, or more frequently if required, to provide an update on developments and output delivery as set out in this agreement.

9. Duration and Signatories of the Agreement

The Director General of the FSI and the Assistant Secretary of the Department of Justice and Equality with responsibility for the FSI, agree that the arrangements as set out in this Performance Agreement, subject to any necessary updating, will apply with effect from the date signed hereunder until 31 December 2016.



Dr. Sheila Willis

John O'Callaghan

**Director General
Forensic Science Ireland**



**Assistant Secretary General
Dept. of Justice and Equality**

Date:

Date:

