



Framework for An Independent Garda Authority

A Labour Party Vision



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Introduction

Public attitude surveys have consistently reported high levels of satisfaction by the general public with the work of An Garda Síochána. Recent events have highlighted the need to actively protect the credibility of policing in Ireland and the importance of open and transparent oversight and accountability regimes in achieving that aim.

In the year 2000 the Labour Party published a document ‘Proposals for Legislation for a Garda Authority and Garda Ombudsman.’ Part of that vision was realised with the establishment of the Garda Ombudsman Commission under the Garda Síochána Act 2005.

The Labour Party now looks forward to the full implementation of a long held party ambition to see oversight of the Garda Síochána move from a ministerial/ political reporting context established in the early 19th century to a modern independent Garda Authority.

Currently the policing service in Ireland is provided by c 13,000 members of An Garda Síochána and 2,500 civilians and is allocated an annual budget of approximately €1.24 billion.

International Comparisons

There are numerous examples of independent policing oversight bodies throughout the common law world. The two that are most directly comparable with Ireland’s unitary policing service are Scotland and Northern Ireland.

Scotland (population 5.2 million)

Established on April 1st 2013 under the Police and Fire Reform (Scotland) Act 2012, the Scottish Police Authority is a board of 13 independent members assisted by a full time Executive Committee of 7 Directors of Service.

The independent board members come from a variety of backgrounds including legal, educational, NGOs, civil service and policing. None is a serving politician although some have been elected politicians in the past. For the first year the board members allocated time of about 10 days per month, thereafter the board is expected to work about 5 days per month, with members paid a daily rate.

The Authority has oversight responsibility and budgetary control for the policing service in Scotland including the management of policing IT services and Forensic Science services. The Scottish Police Authority is funded from a 10% portion of the overall policing budget of approximately £1.1 billion. The Scottish policing service was recently rationalised to a unitary structure and currently has staff resources of c 17,000 police officers and 6,000 civilians.

The functions of the Scottish Police Authority include:

- to pay salaries and expenses to police officers
- to provide items necessary to the carrying out of police function including vehicles, equipment, IT systems, land, buildings and other structures
- to promote policing principles
- to promote and support continuous improvement of policing in Scotland
- to hold the Chief Constable to account
- to publish every three years a Strategic Police Plan, identifying policing priorities, strategic objectives and performance measures

The Scottish Police Authority must comply with any direction given by the Scottish Ministers and approved by parliament however such a direction may not be given in respect to a specific policing operation or how it is being carried out (or to be carried out).

Northern Ireland (population 1.8 million)

Established in 2001 the Northern Ireland Policing Board does not have direct operational responsibility for the PSNI but oversees its operations. The powers of the NI Policing Board include the following important functions:

- to appoint (and dismiss, if necessary) the Chief Constable and senior police officers
- to set local policing priorities and targets for police performance
- to monitor police performance against the targets set by the Policing Board
- to publish a three year and annual policing plan which tells local people
- to report on police performance annually
- to make sure citizens get best value from their local police
- to oversee complaints against senior officers
- to discipline senior officers

The Northern Ireland Policing Board has 20 members including the Chairperson. Half of the Board is comprised of elected politicians. A proportion of the non-elected board members are also members of political parties.

The Board is assisted by a full time executive of 3 Directors of Service and a staff of 55.

The NI Policing Board has a role in approving the PSNI Annual budget of approximately £1.2 billion. The PSNI has approximately 7,000 serving police officers and employs about 3,000 civilian support staff.

Role of a new Garda Authority

To promote standards of excellence in all services provided by An Garda Síochána and to ensure that Garda services are delivered within a culture of transparency and accountability to individuals and local communities.

Functions of a new Garda Authority

While the new Garda Authority will be designed to address the unique requirements of policing within Ireland there are certainly aspects of both the Scottish Police Authority and the Northern Ireland Policing Board which could be incorporated into the new Irish oversight body.

At local level the successful operation for many years of local Joint Policing Committees is an existing example of successful Garda and community interaction that could be enhanced further through a direct linkage to the Garda Authority.

The current advisory/ oversight role of the Garda Inspectorate could be incorporated within a new Authority.

The Garda Ombudsman Commission would necessarily retain its independence from the Garda Authority.

The functions of the new Garda Authority could include the following aspects:

- to agree and allocate budgets to An Garda Síochána and any other bodies under the oversight of the Authority
- to pay salaries and expenses to Garda members and staff
- to appoint through open competition the Garda Commissioner and certain senior Garda officers
- to approve promotions of senior Gardaí
- to hold to account the Garda Commissioner
- to prepare a policing plan and agree measurable policing targets with the Garda Commissioner
- to be notified by the Garda Commissioner of certain matters of national importance as they may arise
- to provide a national forum for community policing issues
- to provide, maintain and manage supporting infrastructure to Garda investigations including information technology systems and scientific systems
- to publish an Annual Policing Performance Report
- to liaise as required with the Garda Ombudsman Commission, providing information as necessary
- to report on request to a Committee of the Oireachtas

Structure of a new Garda Authority

The Labour Party envisages a Garda Authority that is drawn from the widest possible cross-section of the community. Establishing a reporting link between the Authority and a new dedicated Oireachtas Policing Committee will provide scope to open the Authority membership to broad community representation. Appointments to the Authority should be by open competition.

It is considered that an Authority board of 13 including Chairperson would be of an effective scale to operate efficiently. Consideration should be given to reserving places within the board of the Garda Authority for a member representative of Joint Community Policing, a representative of the Department of Justice and by invitation of the Board a member of the Northern Ireland Policing Authority.

It is envisaged that the Authority will be supported by a Chief Executive and an executive team structured to reflect the resourcing requirements of a modern police force and appointed through open competition.

Implementation

The Labour Party recommends the establishment of an implementation committee to review current Garda structures and make early recommendations to the Minister for Justice and Oireachtas Justice Committee regarding the establishment of the new Garda Authority.

The implementation committee should include members from the Department of Justice, An Garda Síochána, The Garda Ombudsman Commission, The Office of the State Pathologist, The Forensic Science Laboratory, Garda Representative Association, Association of Garda Sergeants and Inspectors, The City and County Managers' Association, Dáil, Seanad and Local Authorities Members Association.