

REFERENCE DOCUMENT

COMMISSION ON THE FUTURE OF POLICING IN IRELAND  
GUIDE TO TERMS OF REFERENCE AND RELEVANT RECOMMENDATIONS  
September 2018

The table below takes the Commission’s Terms of Reference and sets out where these are addressed in the Commission’s report.

*“The Commission will inquire into policing in Ireland and, on the basis of its findings, bring forward to the Government proposals for the future of policing. Its proposals should address.....”* (see provisions below)

| Provision in Terms of Reference   | Relevant Recommendations and Chapters   |
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| <p><b>.....the structures and management arrangements required for the most effective delivery of policing (including all functions currently carried out by An Garda Síochána – community safety, state security and immigration), to ensure</b></p> <ul style="list-style-type: none"> <li>- the most appropriate structures for delivering all aspects of policing are established (whether a unitary structure or otherwise),</li> <li>- there is appropriate leadership and management capacity to deliver effective and accountable policing,</li> <li>- that there are adequate management and supervisory systems in place, and</li> <li>- that information systems appropriate to the needs of a modern police service available.</li> </ul> | <p>Recommendations to:</p> <ul style="list-style-type: none"> <li>- establish a Strategic Threat Assessment centre reporting to the Taoiseach and appoint a National Security Coordinator (Chapter 10)</li> <li>- enhance skills and resources within An Garda Síochána’s national security service (Chapter 10)</li> <li>- empower the Commissioner and leadership team (Chapter 15)</li> <li>- establish a statutory Board to strengthen governance and accountability and drive implementation of reform (Chapter 16)</li> <li>- implement a flatter structure with devolved authority (Chapter 17)</li> <li>- introduce a new District Policing Model (Chapters 5 and 17)</li> <li>- improve supervision through new structures for deployment of resources (Chapter 5)</li> <li>- mandate in-service training and professional development (Chapter 20)</li> <li>- introduction of better business processes and systems for collecting, recording, managing, analysing and disseminating information about crimes, incidents, complaints, finance, human resources and other management issues (Chapters 6 and 17)</li> <li>- develop a strategy for digital transformation, enhance ICT resources and roll-out mobile access to front line staff (Chapter 21)</li> </ul> |
| <p><b>.....the appropriate composition, recruitment and training of personnel, to ensure</b></p> <ul style="list-style-type: none"> <li>- the optimal composition of policing services between sworn officers, unsworn personnel and the Garda reserve,</li> </ul>  | <p>Recommendations to:</p> <ul style="list-style-type: none"> <li>- undertake a thorough, well-resourced and expertly conducted workforce plan</li> <li>- embrace civilianisation and recruit non-sworn personnel directly to An Garda Síochána</li> </ul>  |

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| <ul style="list-style-type: none"> <li>- the personnel reflect the diversity of Irish society,</li> <li>- the most appropriate recruitment methods are employed in staffing, and</li> <li>- appropriate ongoing professional development for all personnel to meet the challenges of modern policing.</li> </ul>   | <ul style="list-style-type: none"> <li>- reform recruitment process to ensure reflection of the diversity of Irish society</li> <li>- develop an access programme</li> <li>- increase the number of alternative entry routes to An Garda Síochána</li> <li>- pause recruitment to the Garda Reserve pending a comprehensive strategic review which should also examine other ways of engaging the wider community</li> <li>- implement a Learning and Development Strategy to reform recruit education and mandate in-service training and continuous professional development</li> <li>- move away from the current approach to recruit training in the Garda Training College to a partnership model with higher education institutions across the country</li> </ul> <p>(Chapters 18-20)</p>  |
| <p><b>.....the culture and ethos of policing, to ensure</b></p> <ul style="list-style-type: none"> <li>- the culture of policing is aligned with a clearly articulated ethos that promotes the values and behaviours that should be expected of a modern police service including in relation to the rights of those affected by crime,</li> <li>- an ethos and culture that values accountability and embraces change, and engages pro-actively, routinely and continuously with, and is responsive to the needs of, the diverse communities it serves, and</li> <li>- valuable elements of police culture that exist are recognised and maintained.</li> </ul> | <p>Recommendations to:</p> <ul style="list-style-type: none"> <li>- develop a comprehensive strategy for human rights compliance and promotion (Chapter 3)</li> <li>- ensure policing is regarded as a profession (Chapter 22)</li> <li>- embed the Code of Ethics in the organisation (Chapter 3)</li> <li>- empower the Commissioner and leadership team (Chapters 15)</li> <li>- reform recruit education (Chapter 20)</li> <li>- ensure a more diverse recruitment strategy (Chapter 20)</li> <li>- mandate in-service training and professional development (Chapter 20)</li> <li>- fund a wellness programme (Chapter 23)</li> <li>- foster a culture of speaking-up and “psychological safety” (Chapter 23)</li> <li>- give the new oversight body (PCSOC) a role in benchmarking professional standards (Chapter 13)</li> <li>- reform the disciplinary system and promote early performance management interventions (Chapter 14)</li> <li>- promote ongoing performance management (Chapter 22)</li> <li>- develop better external communications with communities, victims, complainants and others (Chapters 5, 6, 21 and 22)</li> <li>- enhance local accountability and build community trust through local structures for engagement (Chapter 13)</li> <li>- value and promote innovation (Chapters 21 and 22)</li> <li>- include police and relevant community safety agencies in the process to take</li> </ul> |

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|  | <p>forward the National Planning Framework (Chapter 24)</p> <ul style="list-style-type: none"> <li>- establish a unit within An Garda Síochána dedicated to identifying future challenges (Chapter 24)</li> </ul>   |
| <p><b>.....the appropriate structures for governance, oversight and accountability, to ensure:</b></p> <ul style="list-style-type: none"> <li>- that policing operates within a clear framework of governance and accountability to the law and the community, that is supported by coherent structures,</li> <li>- that policing is constrained by, accountable to and acts only within the law</li> <li>- that policing powers and procedures, like the law, are clearly established and publicly available;</li> <li>- that breaches of discipline are effectively and fairly addressed;</li> <li>- that there are open, accessible and independent means of investigating and adjudicating fairly upon complaints against the police;</li> <li>- that there are arrangements for accountability and for the effective, efficient and economic use of resources in carrying out all policing functions and delivering policing objectives;</li> <li>- that there are effective means to ensure independent professional scrutiny of the police services to ensure that proper professional standards are maintained;</li> </ul> | <p>Recommendations to:</p> <ul style="list-style-type: none"> <li>- improve and clarify democratic accountability (Chapter 12)</li> <li>- clarify distinction between roles of external oversight bodies and the responsibility of An Garda Síochána for its own management and governance (Part 4)</li> <li>- ensuring each element of the oversight framework has clear and discrete functions (Part 4)</li> <li>- establish the Policing and Community Safety Oversight Commission (PCSOC- absorbing the Policing Authority and the Garda Inspectorate) as a strengthened independent oversight body with developmental responsibilities for the quality of policing in Ireland (Chapter 13)</li> <li>- establish a statutory Board to strengthen governance and internal accountability and ensure effective use of resources (Chapter 16)</li> <li>- replace GSOC with the Independent Office of the Police Ombudsman, with enhanced independence, a new remit, clearer and more streamlined processes, and adequate resources (Chapter 14)</li> <li>- reform the disciplinary system (Chapter 14)</li> <li>- empower the Commissioner and leadership team (Chapters 15)</li> <li>- give PCSOC specific responsibility for benchmarking of professional standards, (Chapter 13)</li> <li>- empower PCSOC to develop local accountability structures (Chapter 13)</li> <li>- empower the Examiner of terrorist and serious crime legislation to review the conduct of particular security operations (Chapter 11)</li> <li>- codify legislation defining police powers of arrest, search and detention, with statutory codes of practice (Chapter 3)</li> </ul> |
| <p><b>.....the legislative framework for policing, to ensure that it is adequate to meet the challenges of modern policing.</b></p>  | <p>Recommendations to:</p> <ul style="list-style-type: none"> <li>- enact a new Policing and Community Safety Act redefining policing and the role of the police service and other state agencies in harm prevention (Chapter 4)</li> <li>- overhaul the current legislation relating to complaints against the police and police discipline (Chapter 14)</li> </ul>  |

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|   | <ul style="list-style-type: none"> <li>- make the operational independence of the Garda Commissioner explicit in legislation (Chapter 15)</li> <li>- establish an Independent Examiner of terrorist and serious crime legislation to maintain a continuous review of how security legislation is implemented and evaluate the case for changes needed (Chapter 11)</li> <li>- codify legislation defining police powers of arrest, search and detention, with statutory codes of practice (Chapter 3)</li> <li>- remove restrictions on numbers at each rank from legislation (Chapter 16)</li> <li>- review the application of the Freedom of Information Act 2014 to An Garda Síochána (Chapter 22)</li> <li>-</li> </ul> |
| <p><b>In carrying out its work, the Commission should have regard to:</b></p> <ul style="list-style-type: none"> <li>- <b>existing and emerging issues identified as key challenges for Ireland’s model of policing</b>, e.g., evolving nature of crime, society (including increasing diversity) and public expectations and their relevance to structures, service delivery models, public confidence, performance measures etc.</li> <li>- <b>international benchmarks</b> in relation to the delivery of the most effective policing,</li> <li>- <b>best practices and changes in the policing models of other countries</b> focused towards greater effectiveness and efficiency, and fostering public confidence in policing; and the relevance and applicability of such ideas in Ireland</li> <li>- <b>previous reports</b> concerning policing in Ireland,</li> <li>- <b>any specific challenges to delivering consistent structural and cultural reform in policing.</b></li> </ul> | <p>The Commission has:</p> <ul style="list-style-type: none"> <li>- made an assessment of the context in which its work is undertaken and reflected on future challenges (Chapters 2 and 24)</li> <li>- assessed previous relevant reports in Ireland and internationally</li> <li>- engaged with subject matter experts</li> <li>- conducted international study visits</li> <li>- conducted research on international models</li> <li>- attended international conferences on best practice in policing</li> </ul> <p>(Annex II)</p>  |
| <p><b>The Commission should consult widely</b>, including with the public and civic society and any other bodies or individuals it considers appropriate.</p>   | <p>The Commission has conducted a comprehensive consultation process including:</p> <ul style="list-style-type: none"> <li>- over one-hundred meetings with stakeholders, including the policing bodies, elected representatives, community organisations and bodies representing vulnerable groups</li> <li>- public events in Cork, Galway, Athlone, Limerick, Carrickmacross, Carrick-on-Shannon, Waterford, Letterkenny, and a number of Dublin locations</li> <li>- The Commission received 322 written submissions from organisations and individuals including An Garda Síochána, policing bodies, political parties, human rights organisations, victims’ rights</li> </ul>   |

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|   | <p>organisations, community organisations and policing fora, Joint Policing Committees, serving and retired Garda personnel, Garda representative associations, academics and political representatives.</p> <ul style="list-style-type: none"> <li>- In order to facilitate engagement with the Commission by Garda personnel, Garda stations visits were undertaken. To supplement this engagement with serving Gardaí, a short online questionnaire was conducted, which 1,665 Garda personnel – both civilian and sworn of all ranks and grades – completed. In order to further explore the experiences of female Garda personnel regarding their careers, training and development, and future prospects, we held small semi-structured focus group discussions with women working in An Garda Síochána. In total 64 Garda personnel participated in the focus groups which took place in August 2018.</li> </ul> <p>(Annex II)</p> |
| <p><b>The Commission will report in September 2018.</b> The Commission may bring forward immediate proposals and rolling recommendations for implementation that it considers are required to be addressed in the short-term, and in advance of its final report.</p> | <p>The Commission confirmed to Minister Flanagan in December 2017 the rationale for a single report in September 2018. Successful delivery of the report’s recommendations will require it to be implemented as a package.</p>  |
| <p><b>The Commission should address in its report the implementation of its recommendations and the mechanisms required to oversee implementation</b></p>   | <p>Recommendations to:</p> <ul style="list-style-type: none"> <li>- Establish an Implementation Group for Policing Reform with an independent chair to ensure implementation across Government Departments and agencies.</li> <li>- Establish an Implementation Programme Office to support the Implementation Group in its work,</li> <li>- Ensure Cabinet oversight of implementation via the Cabinet Committee for Justice and Equality</li> <li>- Initiate a number of key steps urgently., in order to deliver the early momentum necessary to show success by 2022</li> </ul> <p>(Chapter 26)</p>   |