

Submission to the Commission on the Future of Policing in Ireland

I would like to make the following brief submission to raise the following issues for the attention of the Commission.

It is important to emphasise that the vast majority of Gardai give exemplary service to the community in frequently difficult circumstances. But the management and political oversight of An Garda Síochána is badly flawed and has the potential to undermine the force's effectiveness and its long established, well-deserved relationship with citizens.

Role of Policing Authority

The present relationship between the Government, Department of Justice and An Garda Síochána is dysfunctional. It lends itself to a high level of mismanagement, excessive closeness between ministers and the commissioner of the time and involves politicians to an unhealthy extent in the oversight of the police. The sharing of information about a TD by a previous Garda Commissioner with Minister Shatter highlighted how a senior Garda officer could become embroiled in damaging political controversy – it is unlikely to be the only case of its kind although it was the only one revealed publicly.

The Garda Commissioner and deputy commissioners should be appointed by the Policing Authority, on the model of the Patten reforms which led to the Northern Ireland Policy Board. This would remove the government and minister from the appointments process and underline that senior Gardaí were accountable to the broadly based policing authority rather than the Cabinet or the Department of Justice. This would change over time the incentives and pressures on the senior ranks of the Gardai in a positive way and remove the expectation to placate or manage political or civil service masters.

One of the objections often raised to this reform is the issue of how to manage sensitive internal security operations involving paramilitary activity, which is traditionally a key preoccupation of the Department of Justice and senior Gardaí. But intelligence gathering was never solely the function of An Garda Síochána – Army Intelligence (previously G2) played a major role historically in security operations involving paramilitary organisations. It should be possible to locate these security/intelligence gathering functions either with a distinct agency openly tasked with this role or with a discrete unit within the Gardai, where the lead officer has a reporting line to the Minister for Justice as well as the Commissioner.

The investigation of alleged or possible breaches of the law by members of the force should be investigated by an inspectorate reporting directly to a single Police Ombudsman. The Ombudsman in turn should have a reporting line to the Policing authority. The role and powers of GSOC are unclear in practice and this has caused controversy in recent years; both its powers and its relationship to the policing authority should be defined more tightly.

Community Gardaí

The local experience of the work of community Gardaí is overwhelmingly positive. But a number of issues limit the impact of this work:

1. There are not enough community Gardaí and they are liable to be moved to other apparently more pressing duties at short notice.
2. Continuity is a key issue – often Gardai who have established strong relationships with local community organisations and residents' associations are moved to other roles too quickly and much of the longer term value of their work is lost.
3. Policing has to engage fully with a diverse society: the composition of the force and its outreach to local communities should reflect the cultural, ethnic and religious diversity of Irish society in the early 2000s.

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