

Commission on the future of Policing in Ireland: Terms of Reference

An Garda Síochána, the national police service with responsibility for community safety, state security and immigration, plays a hugely important role in Irish society and has traditionally enjoyed the widespread support of the community it polices. An Garda Síochána has, however, been the subject of significant public controversy over the past decade and continues to be so. Notwithstanding wide-ranging measures taken to address the causes of these controversies, including the establishment of a new oversight framework and the ongoing implementation of a reform programme within An Garda Síochána, concerns remain in relation to the accountability of An Garda Síochána, its leadership and management capacity and its culture and ethos. These concerns have the potential to undermine public confidence in policing and the legitimacy of An Garda Síochána. Additionally, like all police services it faces internal and external challenges rooted in the changing context in which all police services operate in the 21st century. These include increased expectations of transparency, accountability and professionalism, the changing nature of crime, the changing nature of society and the need for pro-active, routine and continuous engagement with local communities.

The people of Ireland are entitled to have a professional and effective police service that they can trust and have confidence in to act not only within the law, but to the ethical standards appropriate to a modern police service; whose leadership and management have the capacity to provide such a service, to meet emerging challenges and to oversee and realise the benefits of ongoing reform initiatives; and that is subject to robust external oversight. To ensure that policing in Ireland continues to meet these expectations and commands the support of the Irish people it is appropriate that a Commission should be appointed to carry out a fundamental review of the role, structures, leadership and management, ethos and culture of policing and existing oversight and consultative arrangements. Such a fundamental review must encompass all functions carried out by An Garda Síochána (including community safety, state security and immigration) and the full range of bodies that have a role in providing oversight and accountability for their activities, including the Police Authority, the Garda Inspectorate, the Garda Síochána Ombudsman Commission, Joint Policing Committees, the Department of Justice and Equality and Government having regard to the need for democratic and political accountability.

The oversight, accountability and related functions of the relevant statutory bodies will continue to be discharged by them during the tenure of the Commission and will represent an essential input into its work. There is an ongoing programme of reform underway based on the Garda Inspectorate reports which are being progressed through the implementation of the Garda Commissioner's Modernisation and Renewal Programme 2016-2021 and which is being overseen by the Policing Authority. The work of the Commission should not hinder these important developments and it will be open to the Commission, as it sees fit, to address such developments in their Report.

Taking this into account, 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:

- 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
 - the most appropriate structures for delivering all aspects of policing are established (whether a unitary structure or otherwise),
- there is appropriate leadership and management capacity to deliver effective and accountable policing,
- that there are adequate management and supervisory systems in place, and
- that information systems appropriate to the needs of a modern police service available.
- The appropriate composition, recruitment and training of personnel, to ensure
 - the optimal composition of policing services between sworn officers, unsworn personnel and the Garda reserve,
- the personnel reflect the diversity of Irish society,
- the most appropriate recruitment methods are employed in staffing, and
- appropriate ongoing professional development for all personnel to meet the challenges of modern policing.
- The culture and ethos of policing, to ensure
- 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,

- 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
- valuable elements of police culture that exist are recognised and maintained.
- The appropriate structures for governance, oversight and accountability, to ensure:
- that policing operates within a clear framework of governance and accountability to the law and the community, that is supported by coherent structures,
- that policing is constrained by, accountable to and acts only within the law;
- that policing powers and procedures, like the law, are clearly established and publicly available;
- that breaches of discipline are effectively and fairly addressed;
- that there are open, accessible and independent means of investigating and adjudicating fairly upon complaints against the police;
- 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;
- that there are effective means to ensure independent professional scrutiny of the police services to ensure that proper professional standards are maintained;
- the legislative framework for policing, to ensure that it is adequate to meet the challenges of modern policing.

In carrying out its work, the Commission should have regard to:

- existing and emerging issues identified as key challenges for Ireland's model of policing, 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.
- international benchmarks in relation to the delivery of the most effective policing,

- best practices and changes in the policing models of other countries focused towards greater effectiveness and efficiency, and fostering public confidence in policing; and the relevance and applicability of such ideas in Ireland
- previous reports concerning policing in Ireland,
- any specific challenges to delivering consistent structural and cultural reform in policing.

The Commission should consult widely, including with the public and civic society and any other bodies or individuals it considers appropriate.

The Commission will report in September 2018

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.

The Commission should address in its report(s) the implementation of its recommendations and the mechanisms required to oversee implementation.