

## **Garda Síochána (Amendment) Bill 2017**

### **Opening Statement**

The primary purpose of this Bill is to put in place a better framework for Garda oversight and governance so to ensure Garda accountability and to improve public confidence in the force. The men and women of the Garda Síochána are dedicated and deserve our continued support and admiration for going beyond the call of duty in keeping our communities safe.

It is however hard to ignore that An Garda Síochána has been rocked by countless scandals in recent years. There are many reasons for this and the government has played its own role in depleting Garda stations and letting low morale fester. While there has latterly been a lot of announcements trying to strengthen Garda accountability –we believe more has to be done.

This Bill was introduced in the wake of the press confidence at which senior members of An Garda Síochána informed the people of Ireland that between 2012 and 2016 almost 1 million breath tests were falsely recorded on the Garda PULSE system (this was subsequently revised upwards to 1.85 million breath tests). At that same press conference, the Gardaí also advised that between 2006 and 2016, almost 15,000 wrongful convictions took place in our District Courts because of errors made by An Garda Síochána.

It is vital that a strong framework is put in place to improve oversight and help restore public confidence in the force. We believe that the Garda will only be reformed if we change the laws in respect of how it operates. This is not the only basis on which it can be done, but it will not happen without it.

The Policing Authority is a major tool in the quest to ensure that reform of An Garda Síochána takes place. The Policing Authority has been given certain functions and responsibilities through the primary legislation through which it was established. This Bill seeks to give greater powers to the Policing Authority.

Currently there is no obligation on An Garda Síochána to inform the Policing Authority about any matters which have required an internal review, audit or examination of the functions or operation of An Garda Síochána, and which were requested by the Garda Commissioner, deputy Commissioner or any assistant Commissioner. In Section 2 of this Bill we seek to introduce such an obligation. The absence of such an obligation allowed a situation to transpire whereby the Gardaí knew of discrepancies in mandatory intoxicant checkpoint data as far back as 2014: a working group was established within An Garda Síochána to investigate these matters in July 2015: the group reported a discrepancy in November 2017 but these issues did not come into the public domain until March 2017. We need to ensure that senior management within An Garda Síochána are thoroughly supervised so that issues like this cannot be put into the public domain at the time and choosing of An Garda Síochána.

Section 3 seeks to amend section 62 of the principal act by putting in place powers that allow the Policing Authority to remove a member of An Garda Síochána if it is of the opinion that a member's conduct or continued membership of the organisation is undermining public confidence in the force. The relevant member is entitled to defend himself or herself in accordance with the principals of natural justice and the dismissal directed by the Policing Authority will have to be approved by the Government.

Section 4 seeks to extend the powers of the Policing Authority in a manner proposed by the Joint Committee on Justice and Equality (published in 2016). The section gives powers to the Policing Authority so that it can supervise the functioning of the Office of the Garda Commissioner and supervise the discharge of the functions by the Commissioner. It also seeks to establish policies and procedures for An Garda Síochána which shall be binding on all members of An Garda Síochána. Furthermore, the Bill seeks to cause to be published and made accessible to the public all sections of the Garda code and operational policies and procedures (save where such publication would undermine national security or crime prevention and detection). Transparency in relation to the codes under which the Gardaí operate is crucial in building trust in the organisation.

The Bill empowers the Garda Inspectorate (with the approval of the Minister) to make unannounced visits to Garda stations