

Joint Oireachtas Committee on Justice and Equality

Wednesday 14th November 2018

Opening Statement by Mr Charles Flanagan T.D., Minister for Justice and Equality

Cathaoirleach and Committee members,

Thank you for the invitation to be here this morning to hear your views on the Report of the Commission on the Future of Policing in Ireland.

Cathaoirleach, I would like to take the opportunity to acknowledge the huge commitment and expertise that the chairperson Kathleen O'Toole, and the members of the Commission brought to the major task of undertaking a fundamental review of all aspects of policing in Ireland. The Report addresses comprehensively the wide-ranging terms of reference agreed by Government with the input of Deputies and presents a new framework for policing to meet not only the current challenges that we are all familiar with but also the new and complex challenges that will undoubtedly emerge in the future. I am pleased to note the broad welcome that the Report has received including from members of this Committee.

The Report in my view demonstrates the value of bringing together people from diverse backgrounds to look at an area of public policy afresh, particularly an area that has been as contested as policing over recent years. It is clear that the Report is the richer for the diverse expertise of the members in policing, human rights, victims' rights, business, governance and public affairs. It is also clear that the Report is the richer for the wide-ranging consultation process undertaken by the Commission. I know that it held extensive public meetings, visiting almost every county, and that it also engaged with a wide range of interested stake-holders, including the workforce of An Garda Síochána at all levels, members of this Committee and other members the Oireachtas, policing practitioners and academia, both here and abroad.

The Commission has completed its task and passed the baton so to speak to the Government, the Oireachtas and An Garda Síochána to implement its transformation programme for the policing sector. It is important that we move quickly and Members will be aware that on the publication of the Report, I made a commitment to revert to Government in December with my substantive response and a high-level implementation plan. With this in mind, the Report is receiving detailed consideration within my Department and across Government at present in

consultation with relevant bodies. I welcome the opportunity this morning to hear your views on the Report as an important input to that ongoing consideration. I know that you met with the Chair of Commission and a number of her colleagues last week. I understand that you had a very useful exchange exploring various aspects of the Report and clarifying how some of the recommendations might work in practice, particularly those that may come before this Committee in the form of legislative proposals in the future.

I also set out my intention last September to move quickly on establishing the implementation structures recommended by the Commission to drive forward the transformation programme. Much work has already been done in this regard and I will return to it later in my remarks.

As I said on the publication of the Report, it provides a new blueprint for the transformation of policing in Ireland. A blueprint that has at its core, a new, expanded definition of policing as a multi-disciplinary, cross-agency effort in partnership with communities and built on the foundation of protecting human rights. Of particular note is its emphasis on understanding policing as including not only the prevention and detection of crime, as we would all expect, but also the prevention of harm and protection of people at risk be they

people who are experiencing mental health challenges, homelessness or drug addiction. The Commission's assessment that some 80% of Garda time may be concerned with harm prevention has, I believe, given many pause for thought.

Grappling with this reality, and designing and planning our services to support front-line Gardaí in their work, will require a whole-of-Government commitment to policing and community safety. I am heartened that the Report highlights some good examples of inter-agency cooperation on the ground. These can be built on but if we are to bring about the transformation envisaged by the Commission's report such co-operation must become embedded in the system so that it is sustainable over the longer term and not reliant on the dedication of individual public servants.

I should say that the enthusiasm and support of my Government colleagues and their senior officials for the Report, many of whom would not have seen themselves as having any significant role in relation to policing, has been striking, and it is clear to me that there is a strong desire to take on board this expanded definition of policing and community safety and work with it.

The Report makes many more innovative proposals among its 50 key recommendations but in the time available to me

Cathaoirleach, I would like to deal in a little more detail with a small number of the Commission's recommendations that have attracted most attention.

Turning first to national security, the Commission was tasked with considering the dual role of the Gardaí as the State's policing and security service. While it recognises advantages and disadvantages to this arrangement, the Commission concludes that in the current circumstances it is not convinced of the value of creating a separate security agency. I share that view.

The Commission does, however, identify a clear need to enhance and modernise the skills and resources available to An Garda Síochána in the security and intelligence area. It also recommends the establishment of a structure to bring agencies together in order to improve the co-ordination of threat assessments and to provide better and more comprehensive information to Government.

This proposal is not aimed to take over the functions of the Gardaí or Defence Forces or others, who have clear lines of command and accountability set out in law for their activities. Rather, the proposed Strategic Threat Analysis Centre, or STAC, is intended to collate or synthesise intelligence inputs

from the other bodies and agencies who will be seconded to it in order to generate threat analyses.

The Commission also considered the issue of the oversight of national security and makes recommendations to enhance the current arrangements in this area including the establishment of an Independent Examiner. This legal figure would have a function in carrying out ongoing reviews of how security legislation is being used.

Cathaoirleach, it is important that I refer to the Commission's package of recommendations aimed at ensuring a well-managed police service and robust, independent, external oversight. These recommendations have been the subject of most of the public commentary to date, some of which appears to be based on a misunderstanding of the Report, and in particular, a sense that public scrutiny of policing would disappear. It is clear from the Report that public scrutiny, perhaps the strongest tool at the disposal of the Policing Authority, would continue under the Commission's proposals. I understand that the Chair and her colleagues emphasised this point in their engagement with you last week.

When considering the Commission's proposals it is important to recall the rationale behind them. The Commission's strong view

is that our existing oversight arrangements are confused and lacking in clarity, with overlapping responsibilities between the various bodies. This view is shared by some of the oversight bodies themselves and by the independent Effectiveness and Renewal Group established in relation to my Department. The Commission also views the lack of distinction between the responsibilities of An Garda Síochána for its own management and governance on the one hand and the roles of some of the oversight bodies on the other, as problematic. Overall, its view is that our arrangements act to the detriment of clear and effective accountability for policing with responsibility lying everywhere and nowhere.

The Commission's proposals are threefold.

In the first instance, they locate responsibility for democratic accountability with the Minister of the day and his or her Department. They endorse the ERG view, as accepted by Government, that my Department should step back from its involvement in managing An Garda Síochána and not seek to compensate for a lack of capacity in that organisation by inserting itself into day-to-day management. Instead, my Department should focus on three key tasks: it should focus on providing transparent and timely communication of information required in the public interest, providing structural oversight of

the police and oversight bodies, and developing policing and security policy and legislation. The Commission also of course refers to the important role of Oireachtas Committees and their suggestions for how that role might operate to best effect give food for thought.

Secondly, in terms of external independent oversight, the Commission's proposals have two elements - a reformed independent complaints body that would supersede GSOC and a new independent oversight body, to be called the Policing and Community Safety Commission. That body would build on the good work of the Policing Authority and the Garda Inspectorate. It would absorb the oversight functions of the Authority and the inspection functions of the Inspectorate and would have a greatly enhanced role in promoting accountability at local level and standard setting at national level. Unlike at present, it would concentrate solely on exercising independent, external oversight and would not undertake executive functions.

Thirdly, the Commission recommends that the Garda Commissioner, in his role as CEO with responsibility for a workforce of 16,000 and growing, and a budget that will exceed €1.7 billion next year, should be fully empowered to run the organisation with the support of a non-Executive Board. While the recommendation for such a Board is novel in the policing

sector, such Boards are best practice in corporate governance terms across the private and public sectors. Indeed, in its submission to the Commission, the Policing Authority suggested that it should be seen as akin to the non-Executive Board of An Garda Síochána. The Commission came down on the side of separating internal governance and external oversight. Internal governance, it is recommended, is to be provided by the non-Executive Board, while external oversight is to be provided, as I've said already, by the Policing and Community Safety Oversight Commission.

Of relevance to this issue also is the ERG's most recent Report presented to Government in October. It strongly welcomes the recommendation by the Commission for the establishment of a statutory board to strengthen the internal governance and management of the Gardaí.

My overriding interest which I am sure is shared by the Committee is to ensure an effective, accountable police service. This requires a police service that is well-managed with robust structures and processes in place so that risks are identified at an early stage and are not allowed to develop into controversies that envelope the entire organisation and serve to undermine public confidence and morale. It also requires robust, independent, external oversight. I look forward with interest to

hearing your reaction to the Commission's proposals. As I have said, consideration of the Report is ongoing in my Department in consultation with others and I will finalise my views once that process is complete. The Government will decide on its preferred solution in December and of course, given that the oversight architecture will have to be legislated for, the Oireachtas will ultimately decide the issue.

Before outlining the work underway in relation to implementation, I wish to comment briefly on some of the other recommendations in the Report. Of particular note are the innovative recommendations around recruitment and the need to create a more diverse workforce not only in gender and ethnicity terms but also in terms of socio-economic and educational background. There is also a welcome focus on improving the well-being of the Garda workforce including through improved rosters, better uniforms, and more psychological support services.

Many of the 50 key recommendations are to a greater or lesser extent part of the existing reform programme. For example, those relating to improved workforce planning, better deployment of personnel, more focus on training and CPD, improved data quality, and improved ICT including mobile technology. It is fair to say that the results of that programme

have been mixed. Some good work has been done but overall there is a consensus that the pace of reform has been too slow. This concern brings me to the Commission's recommendations to ensure that its programme can be substantially implemented by 2022, the 100th anniversary of the establishment of An Garda Síochána.

I am pleased to say that the Implementation Group for Policing Reform, the IGPR has been established with an independent Chair as recommended by the Commission. Ms Helen Ryan, a member of the Commission, former CEO of Creganna Medical has agreed to serve as Chair. Her expertise will be invaluable in driving forward the implementation plan to be agreed by Government in December. The IGPR is supported by an Implementation Programme Office set up in the Department of the Taoiseach. The first meeting of the IGPR took place last week and the Group, which includes representatives of a relevant Government Departments and An Garda Síochána, met again yesterday.

In addition, a High Level Steering Board for Policing Reform chaired by the Secretary General of the Department of Taoiseach has been established. Membership of this Board includes the Secretary Generals of my Department and the Department of Public Expenditure and Reform, the Garda

Commissioner and the Chair of the IGPR, Ms Ryan. Secretaries General from other Departments will also be involved as required. The role of this Steering Board will be to support the work of the IGPR including by acting as a clearing house for issues that cannot be resolved by the IGPR.

I am sure you will agree that the speed at which my Department and the Department of the Taoiseach has moved to set up these structures demonstrates mine and the Government's commitment to meeting the ambition of this Report.

This Government is deeply committed to the meaningful reform of An Garda Síochána and policing in Ireland. That is evident through the provision of over €1.7 billion to An Grda Sióchána for 2019, an increase of €110 million over this year. In addition, the Garda capital allocation will increase to €92 million, much of it for ICT infrastructure, next year.

Furthermore dedicated funding of €10 million has been provided to my Department to support the transformation process in the Justice sector including An Garda Síochána next year.

This is an important Report that has the capacity to transform policing in Ireland. It is the outcome of serious deliberations

over a lengthy period and its conclusions and recommendations deserve to be carefully considered.

This Committee, under your Chairmanship, has always shown a keen interest in policing matters and I know your commitment to improving An Garda Síochána. This Committee has much to contribute to the successful implementation of the Commission's Report and I look forward, not just to hearing your response to it now, but to working with you, as it is implemented over the coming years.

Thank you.