

Policing, Security and Community Safety Bill 2023: Community Safety

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Introduction

The [Policing, Security and Community Safety Bill 2023](#) (the “Bill”) was published on 19 January 2023 [Bill No. 3 of 2023]. According to the [Explanatory Memorandum](#):

“This Bill is an important part of the Government’s policing reform plan – *A Policing Service for Our Future* (APSFF) – developed to implement the recommendations of the 2018 *Report of the Commission on the Future of Policing in Ireland* (COFPI) and fulfils a commitment in the *Programme for Government: Our Shared Future*.”

Given the length and complexity of the Bill and the discrete nature of certain aspects of it, the L&RS has opted to produce three separate Notes on the Bill. This Note provides an overview of the current role of AGS in respect of community safety and the strategic framework proposed to achieve the objective of promoting community safety as set out at Part 3 of the Bill. Separate L&RS Notes consider two other key themes:

1. Independent Examiner of Security Legislation; and
2. Governance, Oversight and Accountability Mechanisms.

Each of the three Notes will provide an overview of the policy and legislative context for this Bill, in particular the recommendations of the COFPI. The Notes will also discuss selected provisions in the Bill relevant to each of the key themes.

The L&RS has also produced a [Bill briefing page](#) which provides links to a wide range of sources on the Bill, including stakeholder and academic commentary (available internally only).



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Background to the Bill

This Note provides an overview of the strategic framework proposed to achieve the objective of promoting community safety included in the [Policing, Security and Community Safety Bill 2023](#) (the Bill). The Bill was published on 19 January 2023. The [General Scheme](#) of the Bill was published on 27 April 2021. As outlined in the accompanying [Explanatory Memorandum](#), the Scheme establishes “a new framework for policing, security and community safety aimed at improving the performance and accountability of the policing and security services to the benefit of the safety of communities”. Once enacted, the Bill will repeal the [Garda Síochána Act 2005 \(as amended\)](#).

“Community safety is a broad concept that goes beyond just policing and crime. It’s about people being and feeling safe in their communities. This includes everything from visible Gardaí, and improved street lighting, to safe places for children to play.”

(Dublin City Council on [The Local Community Safety Partnership \(LCSP\)](#))

On 18 September 2018, the [Commission on the Future of Policing in Ireland](#) (COFPI) published its final report and [Key Recommendations](#) in which it outlined its vision for strengthening An Garda Síochána (AGS) and the overall framework for policing, security and community safety in Ireland. The Report was issued following an extensive public consultation. The Government published a four-year plan for implementing the COFPI’s recommendations in December 2018, [A Policing Service for our Future](#). Developed in cooperation with stakeholders including the Department of Justice and AGS, the document outlined an “ambitious, but realistic” plan.¹

Further to this four-year plan, the Government approved the drafting, as a matter of priority, of the General Scheme of a Policing and Community Safety Bill (Decision S180/20/10/1002C). The Government also approved the establishment, in principle, of the role of Independent Examiner of Terrorist and Serious Crime Legislation, subject to an examination of the proposed functions and statutory powers attached to the role. Following this examination, provision was included for the establishment of the role of ‘Independent Examiner of Security Legislation’ in the Bill whose title was amended to reflect same. The Programme for Government, [‘Our Shared Future’](#) also includes a commitment to introduce a Policing and Community Safety Bill.

¹ Government of Ireland, [A Policing Service For The Future: Implementing the Report of the Commission on the Future of Policing in Ireland](#) (December 2018) 5.

In April 2021, the Minister for Justice, Helen McEntee TD, forwarded the General Scheme of the Policing, Security and Community Safety Bill to the Joint Committee on Justice (Joint Committee) for pre-legislative scrutiny (PLS). The Joint Committee published its [Report on the PLS](#) (the PLS Report) of the General Scheme of the Bill in June 2022.

The Bill provides for a new ‘whole of Government’ approach to community safety. The significance of the proposed new approach is apparent from the inclusion of “Community Safety” in the title of the Bill.

A draft version of the Bill was approved by Government on 22 November 2022. The [Regulatory Impact Analysis](#) (RIA) for the Bill was also published on 22 November 2022.

The Bill consists of 10 Parts with 7 Schedules. Part 3 of the Bill specifically deals with Community Safety and Part 4 provides for matters relating to the proposed Policing and Community Safety Authority.

The main provisions concerning the proposed strategic framework for achieving the objective of promoting safer communities, as outlined in the [Explanatory Memorandum](#), include:

- the development of a national strategy and oversight of implementation structures including the designation of a committee of Government to provide for “high level political oversight”;
- the establishment of a National Community Safety Steering Group to promote and monitor compliance by public service bodies with their obligations under the Bill;
- the establishment of the National Office for Community Safety to provide support to public service bodies in the implementation of the national strategy; to foster collaboration between those bodies providing services to improve community safety; to provide training, guidance and support to safety partnerships in the operation of their functions; to monitor the implementation of local community safety plans;
- the restatement of the function of An Garda Síochána which is to provide policing services and security services, including vetting which sees a restatement of section 7 of the Act of 2005 but amends the function to “explicitly” include: the prevention of harm to individuals, especially those who are “vulnerable” or “at risk” as defined by the Bill.
- the establishment of the Policing and Community Safety Authority and its role in providing oversight of AGS’s performance in relation to policing, including its role in preventing crime and preventing harm to individuals.

Defining “Community Safety”

The precise meaning of community safety has been the subject of discussion by commentators in context of the proposed Bill.

Dr Vicky Conway, Associate Professor of Law, Dublin City University in her assessment of the [General Scheme](#) of the Bill, referred to the lack of a definition of community safety as

“problematic”.² She raised the following concerns based on the lack of definition in the General Scheme:

“It is such a fundamental concept to so much of this bill that it needs definition or relevant bodies won’t be able to work to the concept of the Bill. Read in tandem with other sections it is hard to get an appreciation for what falls within the scope of this part of the Bill. Will different agencies, offices and groups have discretion in deciding what comes under the ambit of community safety? What is there is dispute about what is within their remit? What if members of the public feel their safety needs are not being met?”³

The Department of Justice and Local Authorities have sought to place parameters around the meaning of community safety.

As stated on the dedicated [Community Safety web page](#) of the Department of Justice:

“Community Safety means Government Departments, State agencies, community organisations and the public working together with the common aim of making Ireland safer.”⁴

According to the Dublin City Council (DCC) on [Local Community Safety Partnerships \(LCSPs\)](#):

“Community safety is a broad concept that goes beyond just policing and crime. It’s about people being and feeling safe in their communities. This includes everything from visible Gardaí, and improved street lighting, to safe places for children to play.”⁵

According to the Department of Justice:

“Community safety is about people being safe, and feeling safe, within their communities. Community Safety goes beyond traditional, high visibility, policing”⁶

As stated in the [Explanatory Memorandum](#) of the Bill:

“... community safety is a broad concept and for the purposes of the Bill may be understood ... as relating to improving the safety and perception of safety in communities through collaboration between relevant Departments of State and public service bodies at national and local level and to provide for community engagement in the preventions of crime”.

² Submission of Dr Vicky Conway, DCU on the General Scheme of the Policing, Security and Community Safety Bill (14 September 2021) 11.

³ Submission of Dr Vicky Conway, DCU on the General Scheme of the Policing, Security and Community Safety Bill (14 September 2021) 11.

⁴ Department of Justice, [“What is Community Safety?”](#) (1 November 2022).

⁵ Dublin City Council, [Improving my community: Local Community Safety Partnership \(LCSP\)](#).

⁶ Department of Justice, [Policy Information: Community Safety](#).

Current position in Ireland – the AGS and its role in Community Safety

Before outlining the new framework for policing and community safety as proposed by the [Bill](#), this part of the Note will illustrate the current role of the AGS in respect of community safety and the various partnerships that have to date been formed to support community partnership collaboration will also be provided. The meaning “community policing” will also be discussed.

Before looking at the current role of AGS in community safety, the evolving social landscape of the communities in which the AGS serves, as set out in the COFPI report, will be outlined.

The COFPI, in illustrating the evolving landscape of Irish society since the 1980s, sought to understand whether policing has evolved at the same pace as, and responded to, the changing needs of the communities it serves.⁷

With economic growth from the 1980s into 1990s culminating in strong economic development, to shifts in urban and rural demographics and the growth of a multinational population, Irish society has experienced great change in the past 30 – 40 years.⁸ A projected population growth of over 25% in the next two decades will, according to the COFPI, place increasing demands on AGS which emphasises the need for a police service that works “closely and collaboratively with communities and other agencies to protect the nation and its people from harm”.⁹

The COFPI Report pointed to a notable shift in other countries from a reactive to more problem-solving and responsive policing models to which the COFPI said the AGS are “lagging behind”.¹⁰

One of the key questions the COFPI asked was: “what exactly do we want police to do?” to which they responded:

“The obvious answer is to investigate crime, protect lives and property, and keep order. However, in reality, police in Ireland and elsewhere spend a lot of time dealing with social issues. They are often on the front line supporting the more vulnerable members of society – people with mental health conditions or substance misuse problems, homeless people, children and elderly people at risk, and those left behind in poverty or social exclusion.”¹¹

The COFPI stated that the reality for members of AGS is that they find themselves regularly engaged in helping the communities they serve, as illustrated by the following extract from the COFPI Report:

⁷ [COFPI Report](#), 5.

⁸ [COFPI Report](#), 5.

⁹ [COFPI Report](#), 9.

¹⁰ [COFPI Report](#), 6.

¹¹ [COFPI Report](#), 6.

“Gardaí find themselves called upon by community members to perform an infinite range of acts of helpfulness. This is especially so in small Garda stations in rural areas. We did not meet any Gardaí who wanted to be told they should not have the discretion to be helpful to members of the communities they serve, but we met many who felt they were being pulled in too many directions and would welcome clear guidance as to what exactly they were expected to do as members of An Garda Síochána. This was also reflected in responses by Garda members to the Commission’s survey.”¹²

As illustrated, there is an apparent desire for clear guidance for members of AGS on serving their communities. The COFPI, raising a “key point about policing” stated that “[serving communities] should not be solely the responsibility of the police service”.¹³

To describe their vision for the future of policing, and the changes that are needed across the “whole of Government and within the police service” the COFPI set out 10 principles which represent a summary of the more detailed recommendations included in the Report.¹⁴

The COFPI included as its second principle that policing and national security should not be the responsibility of AGS alone.¹⁵ This principle, as stated in the Report, “goes back to the foundation of modern policing”.¹⁶ The COFPI stated that:

“This broader concept of community safety needs to be embedded in legislation in a new Policing and Community Safety Act. The Act should cover not only the police, but also the other agencies of government responsible for people at risk – including local authorities, health, child and other social services – who should be required by law to work with the police to protect people from harm.”¹⁷

The COFPI emphasised that multi-agency cooperation and involvement is required to promote community safety. Accordingly, it argued that all agencies of government with responsibility for people at risk – including local authorities, health, child and other social services – should be legally required to work with the police and each other to protect people from harm.¹⁸

¹² [COFPI Report](#), 6.

¹³ [COFPI Report](#), 6.

¹⁴ [COFPI Report](#), ix.

¹⁵ [COFPI Report](#), ix.

¹⁶ [COFPI Report](#), ix.

¹⁷ [COFPI Report](#), ix.

¹⁸ [COFPI Report](#), ix – x.

Community Policing

The AGS define community policing as “a proactive, solution-based and community-driven form of policing.”¹⁹

Introduced in 1987, the aims of community policing are to:

- provide each area with its own dedicated Garda to facilitate dialogue and develop supportive relationships;
- assist residents by supporting crime prevention initiatives, such a Neighbourhood Watch and Community Alert; and
- work with other agencies to help address issues concerning crime and vandalism.²⁰

[The Garda Síochána Act 2005](#) (2005 Act) represented the “most significant overhaul of the legislative code on policing in the history of the State.”²¹ The legislation clarified the role and objectives of AGS. Part 2 of the 2005 Act (ss 6 – 62), which was informed by a review of AGS undertaken by the Government’s Strategic Management Initiative, was an articulation of fundamental principles concerning the management, functions, and objectives of the AGS.²²

[Section 7 of the 2005 Act](#), which sets down the function of AGS, was “among the innovative provisions”.²³ [Section 7\(1\) of the 2005 Act](#) provides that the function of AGS “is to provide policing services and security services, including vetting, for the State with the objective of:

- a) preserving peace and public order,
- b) protecting life and property,
- c) vindicating the human rights of each individual,
- d) protecting the security of the State,
- e) preventing crime,
- f) bringing criminals to justice, including by detecting and investigating crime, and
- g) regulating and controlling road traffic and improving road safety.”

[Section 36](#) of the 2005 Act also introduced joint policing committees (JPCs) to provide for:

“a forum where a local authority and senior Gardaí responsible for policing in the area, along with Oireachtas members and community interests can consult, discuss and make recommendations on matters affecting the policing of the area.”

Since the 2005 Act, various initiatives, including JPCs, which are discussed in greater detail below, have been established by AGS to foster collaborative partnerships in the communities they serve.

¹⁹ An Garda Síochána, [“Community Policing”](#).

²⁰ An Garda Síochána, [“Community Policing”](#).

²¹ ‘Garda Síochána’ (2005) 19(1) Annual Review of Irish Law, 417.

²² ‘Garda Síochána’ (2005) 19(1) Annual Review of Irish Law, 417.

²³ ‘Garda Síochána’ (2005) 19(1) Annual Review of Irish Law, 417.

In January 2009, the then Garda Commissioner Fachtina Murphy and Minister for Justice, Equality and Law Reform Mr Dermot Ahern TD launched the [Garda National Model of Community Policing](#) (the Model). As stated by Commissioner Murphy in his forward to the Model:

“An Garda Síochána has a long established tradition of fostering and developing close relationships within the communities it serves. The trust and integrity which has been built up between An Garda Síochána and the public is largely due to our proactive community engagement strategies.”

With a view to “renewing” the community policing function of AGS, this “National Model” of community policing, informed by a research process and submissions from the public, aimed to create a community policing environment where “collaborative ‘partnerships’ are fostered between An Garda Síochána and community members, in order to find workable solutions that increase safety, security and protection in our society.”²⁴

Commissioner Murphy concluded with a commitment that:

“a strong ‘ethos’ of ‘Community Policing’ is inculcated throughout the entirety of An Garda Síochána, which will result in an increased level of community partnerships, a more visible Garda presence and a reduction in crime and the fear of crime in our communities.”²⁵

In operationalising the model across a range of urban and rural communities, different approaches were used. For example, in urban areas ‘Community Policing Teams’ were established while in rural communities, district resources were ‘pooled’ to provide structured support.²⁶

The COFPI in its final report sought to define ‘community policing’ owing to it being “used in many different ways” and thus proposed the use of the term “district policing” which they found was the “best fit for Irish circumstances”.

AGS Partnerships – from Community Policing to Community Safety

As provided at [section 7\(2\) of the 2005 Act](#), the AGS shall, for the purpose of achieving their objectives pursuant to [section 7\(1\) of the 2005 Act](#), “cooperate, as appropriate, with other Departments of State, agencies and bodies having, by law, responsibility for any matter relating to any aspect of that objective.” In this context, various initiatives, including Joint Policing Committee (JPCs) and Local Community Safety Partnerships (LCSPs), have been established with AGS to foster collaborative partnerships in the communities they serve.

²⁴ An Garda Síochána, [Garda National Model of Community Policing](#), ii.

²⁵ An Garda Síochána, [Garda National Model of Community Policing](#), ii.

²⁶ An Garda Síochána, [Garda National Model of Community Policing](#), iii.

As noted in the COFPI Report, whilst [section 7 of the 2005 Act](#) provides a legal basis for the AGS's responsibility to cooperate with "other Departments of State, agencies and bodies, having, by law, responsibility for any matter relating to any aspect of", there is no corresponding statutory obligation on other agencies to cooperate with AGS.²⁷

As stated in the COFPI Report:

"The police have indeed formed partnerships with other agencies to address public protection issues such as vulnerable children and domestic abuse, but in many cases this is in the absence of a specific statutory obligation on those other agencies to cooperate with police in matters of community safety. Where such partnerships exist, therefore, they can depend upon the individuals involved and the relationships they are able to build with counterparts, rather than a specific obligation to work together in the public service."²⁸

As such, the COFPI stated:

"Cooperation between the police and other public agencies, such as Health and Social Protection and the child and family services agency, Tusla, must be underpinned by an efficient sharing of information."²⁹

This part of the Note will outline the approaches employed by AGS in forming partnerships and its current role of AGS in community safety and the partnerships that have been established.

Joint Policing Committees (JPCs)

The establishment of Joint Policing Committees (JPCs) represented an "important provision ... in response to a growing awareness of the need for cooperation and interaction with local communities".³⁰

As noted by [the Department of Justice](#), Joint Policing Committees (JPCs) provide:

"a forum to support consultation, cooperation and synergy on policing and crime issues between An Garda Síochána, local authority officials, elected representatives and the community and voluntary sectors."

[Chapter 4 of the 2005 Act](#) provides for the establishment of JPCs and provides for matters relating to the guidelines concerning maintenance of them. In her assessment of the 2005 Act at the time,

²⁷ [COFPI Report](#), 14.

²⁸ [COFPI Report](#), 14.

²⁹ [COFPI Report](#), 15.

³⁰ Vicky Conway. "An Garda Síochána Act 2005 – Breaking down the Thick Blue Wall?" (2005) 23 Irish Law Times, 297 – 302.

Conway described this provision to be “in response to a growing awareness of the need for greater cooperation and interaction with local communities.”³¹

Pursuant to [section 35 of the 2005 Act](#) (as amended), the Policing Authority must, after consulting with the Minister for Justice and Equality and the Minister for Justice, Minister for Housing, Local Government and Heritage, issue guidelines to local authorities and the Garda Commissioner concerning the establishment and maintenance of JPCs by local authorities and the Garda Commissioner.

[Section 35\(2\) of the 2005 Act](#) provides that guidelines issued include provision for the membership of the committee, including the appointment to it of –

- (i) members of the local authority concerned nominated by it for such appointment;
- (ii) members of the Garda Síochána nominated by the Garda Commissioner;
- (iii) members of the Houses of the Oireachtas;
- (iv) persons nominated by other public authorities; and,
- (v) such other persons (including persons representing local community interests) as may be provided for in the guidelines.

A JPC is established in each local authority administrative area.³² The purpose of the JPC is to provide a forum “where a local authority and senior Gardaí responsible for policing in the area, along with Oireachtas members and community interests can consult, discuss and make recommendations on matters affecting the policing of the area.”³³

As stated in the Policing Authority [Guidelines for Joint Policing Committees](#) (2022):

“[T]he JPC is required to keep under review the levels and patterns of crime, disorder and anti-social behaviour in the area, including the patterns and levels of misuse of alcohol and drugs. It is also required to keep under review the factors underlying and contributing to the levels of crime, disorder and anti-social behaviour in the area”³⁴

As stated in the [Guidelines for Joint Policing Committees](#), the JPC provides a mechanism for information and views to be communicated to AGS to inform annual policing plans.

³¹ Vicky Conway. “An Garda Síochána Act 2005 – Breaking down the Thick Blue Wall?” (2005) 23 *Irish Law Times*, 297 – 302.

³² Pursuant to [section 2 of the Local Government Act 2001](#):

““administrative area” means an area which continues to stand established under section 10 for the purposes of local government and which is—

- (a) a county in the case of a county council,
- (b) a city in the case of a city council,
- (c) a town in the case of a town council’

³³ The Policing Authority, [Guidelines for Joint Policing Committees](#) (2022) 3.

³⁴ The Policing Authority, [Guidelines for Joint Policing Committees](#) (2022) 3.

The AGS may convey this information to the local authority “to assist it in carrying out its duties, functions and activities, including its statutory obligation to consider the importance of taking steps to prevent crime, disorder and anti-social behaviour within its area of responsibility.”³⁵

As stated in the [Guidelines for Joint Policing Committees](#):

“The JPC presents an opportunity for the local authority and the Garda Síochána to work with Oireachtas members and community interests in partnership to contribute to and improve the safety and quality of life of the community. It is a partnership that recognises the need for cooperation in order to find solutions for the issues that are affecting or causing concern for the local community.”

The [Guidelines for Joint Policing Committees](#) also state that the JPC “must hold itself and its members to account for the delivery of ... solutions” and that a “collective partnership approach” is essential for the purpose of implementing the JPCs strategy.

The types of issues that are considered include crime, traffic management, major event planning, substance abuse, estate management and crime prevention strategies.³⁶

Each JPC must establish a Steering Group to consist of the Chairperson of the JPC, a senior representative of AGS and the Chief Executive of the local authority (or a person of appropriately senior grade nominated by them). The Steering group is responsible for the practical matters, including the appointment of members, agenda planning and other administrative tasks. As noted in the [Guidelines for Joint Policing Committees](#), the Steering group “should ensure it consults periodically with all members as to items for inclusion”.³⁷

The [Guidelines for Joint Policing Committees](#) also suggest that meetings are held quarterly with at least one meeting held in public, that remote meetings are permitted, and that they be planned with “minimal formality”. Accessibility and inclusivity considerations are also recommended:

“Appropriate efforts and provision should be made to ensure that marginalised and seldom-heard sections of the community are made aware of the meetings. This includes an alertness to issues such as disability access.”³⁸

In addition, it is recommended that JPCs familiarise themselves with Local Community Development Committees, local drugs taskforces, and other structures engaged in reducing criminality.³⁹

³⁵ The Policing Authority, [Guidelines for Joint Policing Committees](#) (2022) 3.

³⁶ The Policing Authority, [Guidelines for Joint Policing Committees](#) (2022) 4.

³⁷ The Policing Authority, [Guidelines for Joint Policing Committees](#) (2022) 4.

³⁸ The Policing Authority, [Guidelines for Joint Policing Committees](#) (2022) 5.

³⁹ The Policing Authority, [Guidelines for Joint Policing Committees](#) (2022) 5.

The COFPI received “mixed reviews” in their consultation process regarding the current JPC networks:

“It is reported that they often meet without clear agendas, some meetings become talking shops achieving little or nothing. Few of them are able to contribute meaningfully to the key objective of reducing crime. In several areas with serious policing challenges [...]”⁴⁰

Dr Johnny Connolly, in his research study [“Responding to Criminal and Anti-Social Behaviour Networks Across Dublin South Central”](#) (2019), found that existing structures (JPCS, Local Policing Fora (LPF) and Community Safety Fora (CSF)), were “largely unfocused ... disconnected and lacking in clear orientation and poorly resourced”.⁴¹

Conway, in her submission on the General Scheme of the Policing, Security and Community Safety Bill, having undertaken a study of JPCs in 2019, found that JPC meetings were overly formal and “replicated council proceedings” which could exclude people “i.e. lay or community members” from meetings.⁴²

According to a Department of Justice Press Release (November 2022) JPCs will be replaced by Local Community Safety Partnerships (LCSPs).⁴³ Section 114(2)(c)(p) of the Bill provides for the dissolution of JPCs.

Local Community Safety Partnerships (LCSPs)

The central purpose of Local Community Safety Partnerships (LCSPs) is to provide a forum to facilitate dialogue between community representatives and public bodies and services, including the AGS.⁴⁴

According to the Department of Justice, membership of the LCSPs is broader than that of JPCs, and includes:

“... residents, community representatives (including youth, new communities and voluntary sector representation), business and education sector representation, relevant public services including the HSE, Tusla, An Garda Síochána and local authorities as well as local councillors.”⁴⁵

⁴⁰ [COFPI Report](#), 45.

⁴¹ Dr Johnny Connolly, Centre for Crime, Justice and Victim Studies, School of Law, University of Limerick, “Responding to Criminal and Anti-Social Behaviour Networks Across Dublin South Central: A Research Study” (2019), 11.

⁴² Submission of Dr Vicky Conway, DCU on the General Scheme of the Policing, Security and Community Safety Bill, 12.

⁴³ Department of Justice, [“Local Community Safety Partnerships”](#) (Press Release 30 November 2022).

⁴⁴ Department of Justice. [“Local Community Partnerships”](#) (1 November 2022).

⁴⁵ Department of Justice, [“Local Community Safety Partnerships”](#) (Press Release 30 November 2022).

Supported through a national governance structure, LCSPs will be informed by local community safety plans tailored to the priorities identified in each area, with support from community safety coordinators.⁴⁶

The image below represents the suggested LCSP structure:



Source: Department of Justice, [Community Safety Policy Paper](#),

According to the Department of Justice, LCSPs represent “a whole of government initiative”, the LCSP model is being piloted in Dublin’s North Inner City, Waterford, and Longford over two years (2021 – 2023) and is being led by the Department of Justice.⁴⁷

Through its [Community Safety Policy](#), the Department of Justice seeks to ensure community safety is:

“... developed and protected through Local Community Safety Partnerships (LCSPs) and local community safety plans, supported through a national governance structure.”⁴⁸

⁴⁶ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022) 3 – 7.

⁴⁷ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022)

⁴⁸ Department of Justice, [“What is Community Safety?”](#) (1 November 2022).

As stated in the [Community Safety Policy](#), interventions done on an individual service basis can result in a reactive response to crises; therefore, the “aim” of community safety is for all state services to collectively engage in a “shared approach” to finding solutions to the issues impacting communities.⁴⁹

As stated in the [Community Safety Policy](#), this will mean:

“State services working with each other and the community to ensure there is better coordination between services such as educational and youth work with young people, the availability of local health and mental health services, drug prevention, housing and the built environment, and actions taken to combat alcohol and substance abuse, domestic abuse, youth crime, anti-social behaviour, and hate crime.”⁵⁰

A proactive approach to harm prevention by the “service best placed to deliver it ... doing so in a joined up, integrated way with other services” is mooted, and, pursuant to the Community Safety Policy:

“[t]his will include addressing individual mental health and addiction needs, services and supports for homeless people, reduction strategies for childhood trauma or ensuring older people and other at-risk groups have access to effective supports and advocates. These are some of the key underlying issues that make communities unsafe or feel unsafe and dealing with them in an effective way, before they reach the point where an emergency or crisis situation develops, is central to community safety.”⁵¹

Pilot LCSP Schemes

LCSPs have been [piloted in Dublin’s North Inner City, Waterford, and Longford](#) since 2021. As stated in the [Local Community Safety Partnership Pilot Baseline Evaluation Report](#) (June 2022), “the pilot is a key action under Goal 3 of the Department of Justice Strategy for a Safe, Fair and Inclusive Ireland, 2021-2023.”⁵²

The locations were chosen based on various factors including population density, crime rates, as well as being three distinct population density areas (e.g., medium, low, and regional).⁵³

⁴⁹ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022) 3.

⁵⁰ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022) 3.

⁵¹ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022) 4.

⁵² [Local Community Safety Partnership Pilot Baseline Evaluation Report](#) (University of Limerick, Final Report, June 2022) 6.

⁵³ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022) 5.

In reference to structure, it is intended that LCSPs “will join up with similar approaches in related policy areas such as Sláintecare’s Healthy Communities initiative and the existing Local Community Development Committees.”⁵⁴

It is also intended that LCSPs will be supported by “a local community safety coordinator whose role is to support the Partnership, engage the residents in the community on safety issues and link them in with the work of the Partnership.” It is suggested that communication campaigns are used to raise awareness about the LCSPs.⁵⁵

As noted in the Community Safety Policy, the LCSPs will be responsible for “developing a tailored and prioritised local community safety plan in conjunction with both community and public services.”⁵⁶

Whilst acknowledging that each community’s needs will be different, some examples of items to be included are listed in the Community Safety Policy, as follows:

- “Tackling issues in the built environment that make people feel unsafe, e.g., rapid responses to graffiti, addressing dumping and littering, and fixing street lighting.
- Educational programmes to be run in schools to encourage intercultural exchange.
- Focussing Garda resources on issues of note e.g., open drug dealing in X area, or implementing a bike tagging scheme”

Source: Department of Justice, [Community Safety Policy Paper](#) (21 October 2022)

Other partnerships and initiatives

As stated in the COFPI Report, AGS have formed partnerships with other agencies to help respond to issues including child protection and domestic, sexual and gender-based violence.⁵⁷

For example, in 2017 the AGS and the Child and Family Agency (Tusla) introduced a joint working relationship with safeguarding of children as the common goal.

As stated in [Joint Working Protocol for An Garda Síochána / Tusla – Child and Family Agency Liaison](#):

⁵⁴ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022) 4.

⁵⁵ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022) 5.

⁵⁶ Department of Justice, [Community Safety Policy Paper](#) (21 October 2022) 7.

⁵⁷ [COFPI Report](#), 14.

“Joint working between Tusla and An Garda Síochána forms an integral part of the child protection and welfare service. The specific focus of Tusla is on the assessment of the protection and welfare of the child. The function of An Garda Síochána concerning child abuse and neglect is to preserve life; vindicate the human rights of each individual; and prevent, investigate and detect criminal offences. A Liaison Management Team [...] oversees the interagency liaison between An Garda Síochána and Tusla, ensuring the liaison is maintained and that each reported child protection and welfare concern receives an appropriate response.”⁵⁸

The Department of Justice leads on a number of Community Safety policy initiatives:

- [Community Safety Innovation Fund](#)
- [Forum on Anti-Social Behaviour](#)
- [Community based approach to tackling misuse of scramblers/quad bikes](#)
- [Drogheda Implementation Plan](#)

An Garda Síochána Strategy Statement 2022 - 2024

In September 2021 Garda Commissioner, Drew Harris, presented the [An Garda Síochána Strategy Statement 2022 – 2024](#) (Strategy Statement). The Strategy Statement was “the result of one of our most extensive consultation processes to date, engaging with diverse communities, government, civil society, Garda personnel at every rank and grade and with our policing colleagues abroad.”⁵⁹

As noted in the Strategy Statement, the mission of AGS, “a community-focused organisation” is to “keep people safe”.⁶⁰ Five pillars guide the strategy, they are :

An Garda Síochána Strategy Statement 2022 - 2024	
Community	Continue to strengthen connections with communities, working in partnership to keep people safe.
Tackling Crime & Preventative Policing	Proactively anticipating and addressing crime, including new and emerging crime trends,

⁵⁸ [Joint Working Protocol for An Garda Síochána / Tusla - Child and Family Agency Liaison](#), 1.

⁵⁹ [An Garda Síochána Strategy Statement 2022 – 2024](#), 2.

⁶⁰ [An Garda Síochána Strategy Statement 2022 – 2024](#), 5 – 6.

Community Safety

	utilising effective information-led policing approaches.
Victims & the Vulnerable	Reducing harm by promoting and protecting the dignity and Human Rights of victims and all vulnerable persons interacting with An Garda Síochána.
Protecting the Security of the Irish State	Protecting the Security of the State and its people from terrorism and threats to its vital interests.
Sustainable Change & Innovation	Inspiring and sustaining a culture of continuous improvement, enhancing innovation and responsiveness to change.

Source: An Garda Síochána Strategy Statement 2022 – 2024

On the first pillar concerning community, the strategic outcomes to be achieved are:

- The public and external stakeholders are engaged with An Garda Síochána locally and nationally and understand our role in the community.
- People across all communities know and trust An Garda Síochána and are confident in reporting crime.
- Problem-solving in partnership with local communities and stakeholders, resulting in sustainable solutions to community safety concerns.⁶¹

Regulatory Impact Analysis (RIA)

The Regulatory Impact Analysis (RIA) for the Bill indicated that the following policy options were considered regarding community safety:

1. Do nothing;
2. Provide for the specific measures identified by COFPI to support the whole of government approach to community safety; or
3. Provide for a new strategic framework at national and local level to support the whole of government approach to community safety recommended by COFPI.⁶²

Option three was the preferred option.

⁶¹ [An Garda Síochána Strategy Statement 2022 – 2024](#), 9.

⁶² [Regulatory Impact Analysis](#) (RIA) 2.

Table 1: RIA of options for Community Safety⁶³

Community Safety			
Option No.	Costs	Benefits	Impacts
1.	<ul style="list-style-type: none"> No direct financial costs to the Exchequer. 	<ul style="list-style-type: none"> No direct financial costs to the Exchequer. 	<ul style="list-style-type: none"> Continuation of a system where Department of Justice and An Garda Síochána are responsible for harm prevention and not well placed to provide an adequate response to such harm
2	<ul style="list-style-type: none"> Limited direct costs relating to resourcing the expanded remit of the new oversight body 	<ul style="list-style-type: none"> Prevention of harm recognised as an objective of An Garda Síochána reflecting reality of policing Statutory obligation placed on public service bodies to cooperate with An Garda Síochána Increased focus on fostering and monitoring inter-agency collaboration and creating a broad understanding that it is a shared responsibility 	<ul style="list-style-type: none"> Legal obligation to support inter-agency cooperation and increased focus on it by oversight body and Cabinet Committee creates limited momentum for greater inter-agency collaboration to improve community safety
3	<ul style="list-style-type: none"> National Office for Community Safety: initial projections for the budget is €1.67M per annum. €100,000 for start-up costs received in Budget 2023 36 Local Community Safety Partnerships across the country: initial projections for the budget is estimated at €5.4M per annum. However, as these will replace Joint Policing Committees there will be a degree of counterbalance. The budget projections for the Partnerships may change on the basis of the outcome of the Pilot Local Community Safety Partnership evaluations 	<ul style="list-style-type: none"> Prevention of harm recognised as an objective of An Garda Síochána reflecting reality of policing Statutory obligation placed on public service bodies to cooperate with An Garda Síochána and each other National strategy in place to ensure coherence of actions by agencies National-led structures in place to drive commitment to inter-agency collaboration by public service bodies and monitor and assess progress Local structures in place to support a partnership approach, strong community engagement and 	<ul style="list-style-type: none"> Improved multi-agency approach to community safety, including more integrated service delivery, less duplication and more effective and targeted use of resources Community identification and prioritisation of the local safety issues that matter to them, and accountability of services in delivering on those priorities Increased confidence of communities in local service providers Increased sense of safety in communities

⁶³ Table 1 is derived from a table included in the RIA, 3-5.

		accountability on the part of stakeholders <ul style="list-style-type: none">• More efficient use of resources across agencies to target community needs	
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The proposed changes under the Bill

The Bill consists of 10 Parts with 7 Schedules. Part 3 of the Bill specifically deals with Community Safety and Part 4 provides for matters relating to the proposed Policing and Community Safety Authority.⁶⁴

One of the primary objectives of the Bill, as stated in the Long Title, is to:

“...improve the safety of, and the perception of safety in, communities through collaboration between relevant Departments of State and public service bodies at national and local level and to provide for community engagement in the prevention of crime and harm [...]”

This section of the Note will outline some of the key provisions in Part 3 of the Bill to illustrate the strategic framework. A brief outline of Part 2, specifically section 9 concerning the functions of the AGS, will also be provided. Some of the key provisions in Part 4, which concern the establishment of the Policing and Community Safety Authority will also be outlined.

Part 2 – An Garda Síochána

Part 2 of the Bill sets out the function of AGS and the arrangements for its governance, organisation, and personnel. Section 9 of the Bill provides for the function of AGS and largely restates those contained in *section 7 of the 2005 Act*.

Section 9 of the Bill provides that the function of AGS “is to provide policing services and security services, including vetting, for the State with the objective of:

- (a) preserving peace and public order,
- (b) protecting life and property,
- (c) protecting and vindicating the human rights of each individual,
- (d) protecting the security of the State,
- (e) preventing crime,
- (f) preventing harm to individuals, in particular individuals, who are vulnerable or at risk,
- (g) bringing criminals to justice, including by detecting and investigating crime,
- (h) protecting and supporting victims of crime, and
- (i) regulating and controlling road traffic and improving road safety”

⁶⁴ This is discussed in more detail in the *L&RS Note on Policing, Security and Community Safety Bill 2023: Governance, Oversight and Accountability Mechanisms*.

The Bill thus seeks to enhance the function of AGS by including the prevention harm to individuals, in particular individuals, who are vulnerable or at risk, and the protection of human rights as an explicit objective.

As noted in the Explanatory Memorandum to the General Scheme of the Bill, by including the prevention of harm to individuals who are vulnerable or at risk as a specific objective of AGS, “[t]his recognises that much of the work of Gardaí on a daily basis, as is the case with other police services, is concerned with the non-crime related activity of providing services to people with mental health and addiction conditions, people who are homeless, children, the elderly and others at risk.”⁶⁵

The current obligation placed on AGS to cooperate with “other Departments of State, agencies and bodies, having, by law, responsibility for any matter relating to any aspect of” (s 7(2) of the 2005 Act), is maintained in the Bill at section 9(2). As noted earlier in this Note, there was no corresponding provision that placed an obligation on other agencies to cooperate with AGS. The Bill seeks to address this somewhat in Part 3. For example, section 118 of the Bill requires public service bodies⁶⁶ to cooperate with each other for the purposes of improving community safety, including through the sharing of information and documents, in accordance with law.

Part 3 – Community Safety

One of the key principles arising from the COFPI Report is that policing is not the sole responsibility of AGS but is one that is shared across Departments of State, agencies and bodies working together to promote community safety.

Part 3 of the Bill sets out the strategic framework which seeks to support the delivery of a “whole of Government” approach in promoting community safety.

Section 103 of the Bill provides for **definitions** for various terms and words used in Part 3 including “public service body”:

“A “public services body” means –

- (a) the Child and Family Agency,
- (b) the Commissioners of Public Works in Ireland,
- (c) a Department of State,
- (d) an education and training board,
- (e) An Garda Síochána,
- (f) the Health Service Executive,

⁶⁵ Explanatory Memorandum of the General Scheme of the Policing, Security and Community Safety Bill, 5.

⁶⁶ ‘Public service bodies’ are defined in section 103 of the Bill. Section 104 also provides that the Minister may designate additional public service bodies. This is discussed in more detail below.

- (g) the Irish Prison Service,
- (h) a local authority,
- (i) the Probation Service, or
- (j) a body that has been designated under section 104 as a public service body; [...]"

Section 104 of the Bill provides that the Minister may by order **designate a body as public service body** for the purpose of provisions within Part 3.

Section 105 of the Bill provides for the Taoiseach to designate a **committee of the Government** to provide for "high level political oversight".

Section 106 of the Bill provides for the development of a **national strategy** for improving community safety. Section 106(3)(a) of the Bill outlines that, to support public service bodies and communities working together in a coordinated way, the national strategy contain: (i) a policy framework, and (i) a programme of actions. Section 106(3)(b) states that the national strategy also include provisions for the purposes of: (i) promoting multi-disciplinary approaches and collaboration between public service bodies to improve community safety, (ii) promoting engagement by communities in the development and implementation of strategies to improve community safety, and (iii) supporting cohesion with other national and local strategies relevant to community safety. Section 106(4) of the Bill provides that the Minister, before the preparation or revision of the national strategy "shall [...] consult in relation to the content of the strategy with – (a) the Authority; and (b) such persons or groups representing community interests" as they consider appropriate.

In February 2023, the Garda Síochána Ombudsman Commission (GSOC) provided its observations on the Policing, Security and Community Safety Bill 2023. In reference to section 106 of the Bill, concerning the national strategy, the Garda Ombudsman recommended: "that subsection (4) is amended to include the Police Ombudsman as a consultee in the preparation by the Minister of a national strategy for improving community safety."⁶⁷

Section 107 of the Bill provides for the establishment of a **National Community Safety Steering Group** to promote and monitor compliance by public service bodies with their obligations under the Bill. The functions of the National Community Safety Steering group, as provided at section 107(2)(a)-(l) of the Bill, include:

- fostering collaborations between public service bodies in the provision of services to improve community safety;
- to monitor and provide direction to the National Office in relation to the implementation of the national strategy;
- to monitor the implementation and effectiveness of the national strategy;

⁶⁷ Garda Ombudsman. GSOC Observations on the Policing, Security and Community Safety Bill 2023 (February 2023) 28.

- to oversee the National Office in the performance of its functions;
- the review and evaluate the effectiveness of the National Office;
- to provide information and reports on the implementation of the national strategy to the designated committee of the Government; and,
- to provide to the Minister information and advice with regard to matters relating to improving community safety.

Section 107(4) of the Bill provides that the Steering Group shall consist of: (a) a chairperson appointed by the Minister (b) ordinary members appointed by the Minister including (i) an officer of the Minister, (ii) an officer of each of the other relevant Ministers, (iii) representatives from the public service bodies, (iv) a representative from the Policing and Community Safety Authority and (v) such other persons as the Minister considers appropriate. Pursuant to section 107(4)(c), the Director shall be an ex officio member.

Section 107(7) of the Bill provides that the Steering Group shall prepare an annual report for the Minister on the performance of its functions in the preceding year.

Section 108 of the Bill provides for the establishment of the **National Office for Community Safety**. The functions of the National Office for Community Safety, as provided at section 108(3)(a)-(i), include: the provision of support to public service bodies in the implementation of the national strategy and to foster collaboration between those bodies in the provision of services to improve community safety; the preparation of annual work programmes to support the implementation of the National Strategy; the provision of training, guidance and support to safety partnerships in the operation and performance of their functions; to monitor the implementation of the national strategy and local community safety plans; to conduct or commission research and evaluations relating to any functions of the National Office and the operation of safety partnerships; to promote awareness raising initiatives around issues affecting communities and the work of the National Office; and to provide any information and reports as required by the Minister and supports as may be required by the Steering Group.

Section 114 of the Bill provides for the making of regulations by the Minister, having consulted with other relevant Ministers, relating to the establishment and operation of **local community safety partnerships**. Referred to as “safety partnerships” in Part 3, and as provided at section 114(2)(a)-(p), regulations may make provision for certain matters including:

- the establishment of one or more safety partnership in the administrative area of each local authority and for their dissolution;
- for such matters including the membership of safety partnerships; and
- the election of a chairperson and vice-chairperson.

Section 114(2)(c)(iii)(III) provides for the appointment of representatives of local community and voluntary bodies involved in activities relating to community safety to safety partnerships and “such other persons (including person representing local community interests) (section 114(2)(c)(iii)(IV)).

Regulations may be made, as provided at section 114(2)(a)-(p) of the Bill, for other matters including:

- the circumstances in which meetings are held; and

- the procedures to apply where safety partnerships are carrying out their function under section 116(1)(a) and 116(1)(h) of the Bill.

Section 116(1)(a)-(l) of the Bill provides for the **functions of safety partnerships**, including the following:

- to act as a forum for the discussion of community safety concerns “and for the development, coordination and implementation of coherent and integrated approaches to improving community safety at a local level”;
- to develop and adopt a three-year **local community safety plan** having regard to the national strategy in accordance with any guidance in that regard which may be issued by the National Office;
- to undertake public consultation to identify local community safety objectives to inform the local community safety plan;
- to implement and arrange for the implementation of the local community safety plan;
- to monitor and review the implementation of the local community safety plan (a review taking place at least one during each local community safety plan cycle);
- to provide views to the relevant divisional officer for the Garda Síochána division where a local policing plan is being prepared;
- to host public meetings concerning community safety matters;
- to coordinate and support area-based community safety fora;
- to provide information as may be requested by the National Office; and
- to prepare and furnish an annual report to the National Office within such a period as they may specify.

Section 116(2) of the Bill provides that matters relating to a specific criminal investigation or prosecution are not to be considered by a safety partnership, a committee of safety partnership or an area-based neighbourhood committee safety forum.

Section 116(3) provides that a statement that is made in the course of discussions at safety partnerships, a committee of a safety partnership or an area-based neighbourhood committee safety forum, “is made without malice by a member [...]” and any other subsequent publication of it shall be privileged for the purposes of the law of defamation.

Several stakeholders, in commenting on the GS, expressed concern about a number of issues about the LCSPs, including the provision of legal privilege members of the LCSP⁶⁸; the ‘top-down’ and centralised nature of the structure LCSP committees⁶⁹; and the power and authority of the

⁶⁸ An Garda Síochána, AGS Submission – Joint Committee on Justice: General Scheme of the Policing, Security and Community Safety, 30; re Head 93 of the General Scheme.

⁶⁹ The Policing Authority, Submission to the Department of Justice and Equality on the Draft General Scheme – 7 October 2020, 21.

LCSPs to implement the local community safety action plans and compel the cooperation and service responses of other agencies⁷⁰. These issues remain in the published Bill.

Part 4 - Policing and Community Safety Authority

Part 4 of the Bill provides for the **establishment of the Policing and Community Safety Authority** (the Authority) and contains 15 sections. For the purpose of this Note an outline of the key provisions specifically relating to community safety is provided.

Section 121 of the Bill provides for the establishment of the Authority.

Section 122 of the Bill provides for the objective, functions, and powers of the Authority. The objective of the Authority is to “oversee and assess in an independent and transparent manner the performance of the An Garda Síochána of its function relating to policing service in order to support the effective provision and continuous improvement of such services to the safety of the public”.

Section 122(2) of the Bill provides for the functions of the Authority including:

- to keep under review the performance by AGS of its functions relating to policing service, including those set out in the annual service plan (under section 65(12) or 66(10)) and the national strategy as it relates to policing services;
- to promote policing principles;
- to promote public awareness relating to policing services;
- to promote inter-agency collaboration and community engagement to improve community safety; and
- to undertake, commission or assist in research projects which may promote improvements in standards of policing services and public awareness of such services and improvements in inter-agency collaboration and community engagement to improve community safety.

Section 122(5) of the Bill provides that the Authority shall have all powers “as are necessary or expedient for the performance of its functions.”

Section 123 of the Bill provides for membership of the Authority. Section 123(1) of the Bill provides for the composition of the Authority to include a chairperson and 8 ordinary members.

Section 123(2) of the Bill provides that members of the Authority be appointed by the Government. Section 123(5) of the Bill states that the Government “shall, in so far as practicable ensure that among the members of the Authority there is an equitable balance between men and women.” In her submission on the General Scheme of the Policing, Security and Community Safety Bill, Dr

⁷⁰ Submission of Dr Vicky Conway, DCU on the General Scheme of the Policing, Security and Community Safety Bill, 12.

Vicky Conway asked: “Should consideration be given to broader diversity, beyond gender, in the membership of the Authority?”⁷¹

Section 124 of the Bill provides for recommendations for appointment of ordinary members of the Authority. As provided at section 124(3), a person shall not be recommended for appointment as a member of the Authority unless the Public Appointments Service is satisfied that the person is suitable for such an appointment by reason of their experience, qualifications, training or expertise and regard shall be given to the functions of the Authority. At section 124(3)(b) of the Bill sets out certain experience and knowledge a person should have in matters connected to the following:

- i. policing services;
- ii. the criminal justice system;
- iii. human rights, equality and diversity;
- iv. services for victims of crime;
- v. healthcare, child and social services;
- vi. improving the safety of communities including through inter-agency collaboration and community engagement to promote the prevention of crime and the prevention of harm to individuals, in particular those who are vulnerable or at risk;
- vii. public sector administration;
- viii. business and innovation;
- ix. board management and corporate governance;
- x. financial management.

Conclusion

One of the key principles arising from the COFPI’s review is that crime and harm prevention, and the promotion of community safety, does not rest with AGS alone and that it is a “whole of government” responsibility with departments and agencies, local authorities, the AGS and the wider community working together to prioritise and support the objective of promoting safer communities. The Government, through its policing reform plan – *A Policing Service for Our Future* (APSFF), – seeks to incorporate the recommendations of the COFPI Report. The Bill seeks to provide a new structural architecture and regulatory framework at a national and local level to underpin and support the realisation of greater community safety.

Many of the recommendations put forward by COFPI have been incorporated in the published Bill. For example, the Bill enhances the function of AGS to “explicitly” include the prevention of harm to individuals, especially those who are “vulnerable” or “at risk”. By providing for the development of a national strategy and implementation structures including the designation of a committee of Government, the Bill seeks to provide for “high level political oversight”. The Bill envisages that the

⁷¹ Submission of Dr Vicky Conway, DCU on the General Scheme of the Policing, Security and Community Safety Bill, 12.

establishment of a National Community Safety Steering Group will provide for the monitoring and implementation of the national strategy to support public service bodies and communities working together in a coordinated manner to promote community safety. Through the establishment of the National Office for Community Safety, the Bill proposes to provide a support function to public service bodies in the implementation of the national strategy and to foster collaboration between those bodies to improve community safety. It is also envisaged that the National Office will provide training, guidance and support to safety partnerships in the operation of their functions and to monitor the implementation of local community safety plans. The proposed establishment of the Policing and Community Safety Authority also seeks to promote inter-agency collaboration and community engagement to improve community safety.

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