

Aighneacht don Choimisiún um Thodhchaí na Póilíneachta in Éirinn

Submission to the Commission on the Future of Policing in Ireland

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“Sunlight is said to be the best of disinfectants; electric light the most efficient policeman.”

Louis Brandeis (1856 – 1941), American Supreme Court.

While the challenges facing an Garda Síochána in a modern society mount, so too do the public’s expectations of its police force, these include assurances of transparency, accountability and professionalism.

The frequency of investigations, examinations, reports and tribunals of inquiry into the workings of An Garda Síochána¹ underpins the need for a clear and decisive outcome to the work undertaken by the Commission on the Future of Policing in Ireland, established and active since May, 2017.

This short submission confines itself to the general area of oversight and regulation of an Garda Síochána. At present there are three separate bodies providing a range of functions in relation to the oversight of policing in Ireland: Garda Síochána Ombudsman Commission (GSOC), Garda Inspectorate and the Policing Authority.

The role of the Department of Justice and Equality in matters relating to policing in Ireland has come into sharp focus in recent times. Its future functions in this area and its relationship with the three bodies mentioned above or any new agencies that might be established needs to be considered.

It is proffered that the establishment of new, coherent and comprehensive structures of Garda oversight is one of the greatest challenge facing policing in Ireland.

In order to restore public confidence, there should be transparent processes put in place for the recruiting of Garda management and senior Garda officers.

There should also be open and accessible systems for the appointment of members to any new policing authorities, oversight bodies etc. These appointments should be made through the Public Appointments Service and not be subject to political direction.

Without systems and processes of integrity and probity, it is difficult to envisage a healthy and progressive relationship between Gardaí and community. The following extract from the Patten Commission Report goes to the heart of this relationship, one that is based on consent and accountability:

“In a democracy, policing, in order to be effective, must be based on consent across the community. The community recognizes the legitimacy of the policing task, confers authority on the policing personnel in carrying out their role in policing and actively supports them. Consent is not unconditional, but depends on proper accountability in two senses – the “subordinate or obedient” sense and the “explanatory and cooperative” sense.

In the subordinate sense, police are employed by the community to provide a service and the community should have the means to ensure that it gets the service it needs and that its money is spent wisely. Police are also subordinate to the law, just as other citizens are subordinate to the law, and there should be robust arrangements to ensure that this is so, and seen to be so. In the explanatory and cooperative sense, public and police must

¹ Examples include: Lynch Tribunal (1985), Barr Tribunal (2006), Morris Tribunal (2008), Guerin Report (2014), Crowe Horwath Report (2017), Charleton Tribunal (ongoing).

communicate with each other and work in partnership, both to maintain trust between them and to ensure effective policing, because policing is not a task for police alone.²

Trust is one of the foundation stones of a workable police service. Any system of oversight must include an effective mechanism for receiving complaints from the public about its policing service (also the receipt of compliments and commendations!). A professional and confidential method of investigating and dealing with such complaints is vital in any regulatory system.

The Commission for the Future of Policing in Ireland has the benefit of expertise from the United States, Canada, Britain and elsewhere. The Commission has gained insights from visits to other jurisdictions such as Britain and Denmark. The best of 'best practice' elsewhere might be brought to bear here in Ireland, a country where traditionally the Garda was an integral and valued member of the community.

Only when a new and robust oversight architecture is put in place for an Garda Síochána will the community begin to regain confidence in its police force. Checks, balances, critiques and accountability are translucent building blocks necessary in culture change. Sunlight is said to be the best of disinfectants.

² A New Beginning: Policing in Northern Ireland. The Report of the Independent Commission on Policing for Northern Ireland (1999), P22. Available: <http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>
Last accessed, 30 January 2018.