



CIGIREACHT AN GHARDA SÍOCHÁNA
GARDA SÍOCHÁNA INSPECTORATE

**Joint Committee on Justice
Pre-Legislative Scrutiny – Policing, Security and Community Safety Bill**

**Opening statement of Mr Mark Toland Chief Inspector of the Garda Síochána
Inspectorate**

20 October 2021

Chairperson,

Thank you for the opportunity to meet with the Justice Committee. I will focus on three points, community safety, the functions of the new Policing and Community Safety Authority (PCSA) and the inspection function within that Authority.

1. Community Safety

The Bill provides for a national strategy on community safety, which supports a previously made recommendation by the Inspectorate. For multi-agency co-operation to be effective, there must be strong enabling legislation, accompanied by a recognition by relevant agencies of their role, a strategic commitment to meeting their responsibilities and where necessary, providing appropriate levels of resources. Without this in place, community safety will remain as the responsibility of the Garda Síochána.

2. Functions and Role of the Policing and Community Safety Authority

The community safety responsibilities of the PCSA are diluted from the role envisaged by the Commission on Policing, which recommended that the PCSA promote interagency working and scrutinise the role of all agencies as they affect community safety. In addition, the PCSA will be limited to the functions of the Garda Síochána relating to the delivery of policing services. The PCSA will not be responsible for oversight of the delivery of security services, as is currently the case

for the Inspectorate. This will become the responsibility of the Independent Examiner who will also have oversight of the use of legal powers, such as surveillance. While such powers are used to investigate crimes against the State, they are also used to investigate other offences, including serious and organised crime. It is important to ensure that there are no gaps in oversight between the role of the Independent Examiner and the PCSA in this critical area.

The role of the Garda Board to monitor implementation of organisational performance is similar to the objective of the PCSA. To avoid any confusion in relation to objectives and functions, the roles of and relationships between the Garda Commissioner, the Garda Board and the PCSA need to be further clarified.

3. Inspection Function within the Policing and Community Safety Authority

While the Inspectorate welcomes the power to allow PCSA inspectors of policing services to carry out unannounced visits to garda stations, it should be set out in legislation and not be reliant on a memorandum of understanding. It is also important that provision is made in legislation to ensure the PCSA is provided with all information and documents necessary to exercise its functions.

While provision is made for conducting joint inspections by prescribed bodies, the attachment of conditions on this taking place does not appear to be sufficiently strong to ensure that joint inspections will actually take place.

Enabling the PCSA to publish reports of self-initiated inspections and monitor the implementation of recommendations arising from inspections will close two current gaps in Inspectorate powers.

The Inspectorate believes that inspection should be a core function of the new PCSA.

Thank you.