

**Criminal Justice (Garda Operating Model) Bill 2021
Regulatory Impact Analysis**

1. Summary RIA

Summary of Regulatory Impact Analysis (RIA)			
Department/Office: Department of Justice		Title of Legislation: Criminal Justice (Garda Operating Model) Bill 2021	
Stage: Approval for drafting		Date: February 2021	
Related Publications: -			
Available to view or download at: http://www.justice.ie (when published)			
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What policy objectives have been pursued?			
<p>The policy objective is to facilitate the implementation of the new Garda operating model planned by An Garda Síochána. The new model is structured around Garda divisions. Statutory references to Garda districts need to be amended to ensure relevant legislation remains coherent and functional. The new operating model is currently operating on a pilot basis and is due to go live in September 2021.</p>			
What policy options have been considered? Please summarise the costs, benefits and impacts relating to each of the options below and indicate whether a preferred option has been identified.			
<p>1. Do nothing.</p> <p>2. Introduce primary legislation to facilitate the introduction of a divisional model of policing by amending references to Garda “district” on the Statute Book.</p> <p>3. Introduce primary legislation to facilitate the introduction of a divisional model of policing by amending references to Garda “district” while also changing the Garda rank at which certain functions and duties are carried out.</p>			
Preferred Option:			
Introduce primary legislation to facilitate the introduction of a divisional model of policing by amending references to Garda “district” while also changing the Garda rank at which certain functions and duties are carried out.			
OPTIONS			
	COSTS	BENEFITS	IMPACTS
1.	Failure to progress the legislation will result in the existing body of legislation referencing Garda “districts” not being operable.	None.	Failure to introduce the legislation may prohibit the introduction of the operating model. Alternatively, should the new operating model be rolled out in the absence of the amendments outlined, many

			statutory obligations and functions would become impossible to implement as they would continue to reference “districts” which would not exist.
2.	No costs are anticipated. If changes to the Garda ranks at which certain functions in statute are not changed, this may impact on the delivery of services under the new model.	Amendments to references to Garda “districts” in legislation are urgent as the rollout of the new operating model will be severely impacted without them. The primary purpose of the General Scheme is to make those amendments.	The operating model will not be impacted by legislative difficulties, allowing the rollout of the model on time. If changes to the Garda ranks at which certain functions are not changed, this may impact on the delivery of services under the new model.
3.	No costs are anticipated.	Amendments to references to Garda “districts” in legislation are urgent as the rollout of the new operating model will be severely impacted without them. Making changes to the Garda ranks at which certain functions are to be carried out would mean avoiding an adverse impact on the delivery of services.	The operating model will not be impacted by legislative difficulties, allowing the rollout of the model on time. Some of the duties and functions being performed by a superintendent in a Garda district may be performed by an inspector in a newly devised Garda division, thus avoiding an adverse impact on the delivery of services.

2. Policy Context and Objectives

The Garda Operating Model is being introduced as part of ‘A Policing Service for the Future’, which is the implementation plan based on the report of the Commission on the Future of Policing in Ireland. The Garda Inspectorate’s 2015 ‘Changing Policing in Ireland’ report supported this change and underlines the advantages of a smaller number of divisional regions proposed in the new structure. Both reports recommend major changes to enable An Garda Síochána to respond with increased visibility and effectiveness to the needs of Irish society now and in the future.

3. Identification and Description of Options

The following options were considered:

1. Do nothing.
2. Introduce primary legislation to facilitate the introduction of a divisional model of policing by amending references to Garda “district” on the Statute Book.
3. Introduce primary legislation to facilitate the introduction of a divisional model of policing by amending references to Garda “district” while also changing the Garda rank at which certain functions and duties are carried out.

4. Analysis of Costs, Benefits and Impacts for ALL Options

Option 1

To ‘do nothing’ may prohibit the introduction of the operating model. Alternatively, should the new operating model be rolled out in the absence of the amendments outlined, many statutory obligations and functions would become impossible to implement as they would continue to reference “districts” which would not exist.

Option 2

Amendments to references to Garda “districts” in legislation are urgent as the rollout of the new operating model will be severely impacted without them.

There are no financial costs associated with the legislative changes proposed in the Scheme itself. Failure to make the necessary changes may give rise to costs relating to the rollout of the Garda operating model, which is currently partially implemented.

If changes to the Garda ranks at which certain functions in statute are not changed, this may impact on the delivery of services under the new model.

The operating model will be implemented by September 2021.

Option 3

Amendments to references to Garda “districts” in legislation are urgent as the rollout of the new operating model will be severely impacted without them.

Option 3 includes making some changes to Garda ranks at which certain functions are to be carried out in addition to the removal of references to districts. This includes functions relating to firearms, gaming and lotteries and betting. In relation to firearms licensing, this option involves a provision permitting a superintendent to delegate his or her functions, other than revocation of licences, to an inspector. The option also involves changes where the function concerned is administrative. For example, where notice of a court application is to be given. This option would prevent difficulties arising in relation to the delivery of the relevant services under the new operating model, owing to the restructuring of the roles of superintendents.

The position regarding costs is the same as set out above under option 2.

The operating model is due to ‘go live’ in the first four divisions in September 2021. Under this option some of the duties and functions being performed by a superintendent in a Garda district would be performed by an inspector in a newly devised Garda division.

5. Consultation

There has been extensive consultation with An Garda Síochána and within the Department of Justice. All other Departments affected by the proposed amendments have been consulted.

The proposed Bill as presented takes account of the consultations and submissions received.

6. Enforcement and compliance

Compliance with the provisions of the Bill is a matter for the relevant agency/body in the first instance.

7. Review

The operation of the Bill will be kept under ongoing review in consultation with all stakeholders.

8. Publication

The Regulatory Impact Analysis will be published on the Department's website when the proposed Bill is published.

February, 2021