

Chairperson:

Seán Crowe (Sinn Féin)

Deputy Chairperson:

Bernard Durkan (Fine Gael)

Deputies:

Colm Burke (Fine Gael), Cathal Crowe (Fianna Fáil), David Cullinane (Sinn Féin), Neasa Hourigan (Green Party), Gino Kenny (People Before Profit-Solidarity), John Lahart (Fianna Fáil) and Róisín Shortall (Social Democrats).

Senators:

Frances Black (Independent), Lorraine Clifford-Lee (Fianna Fáil), Martin Conway (Fine Gael), Annie Hoey (Labour) and Seán Kyne (Fine Gael).

Chairperson, Committee Members,

Good morning,

On behalf of An Garda Síochána, I wish to extend my thanks for the opportunity to address you today, and to provide a submission on the General Scheme of the Health (Termination of Pregnancy Services (Safe Access Zones)) Bill 2022, in advance of this meeting.

Over the next few minutes I will speak to the Bill from an operational policing perspective. Firstly An Garda Síochána welcomes the proportionate approach outlined in the Bill. We welcome the proposed graduated response whereby it is intended that engagement with individuals will occur before any enforcement, which is similar to the approach taken to Covid-19 legislation.

In that regard An Garda Síochána utilised a four 'E's approach (Engage, educate, encourage, enforce), which served An Garda Síochána and the communities we serve, well. An Garda Síochána intend to adopt a similar approach with regard to the implementation of this legislation.

However, I would like to highlight the areas of concern, from a policing perspective that the Committee may wish to consider. These primarily relate to:

- The parameters of the Safe Access Zones
- The issue of warnings
- Garda powers
- The specific offence of harassment

In relation to Safe Access Zones, the difficulty from a policing perspective is the lack of clarity of a demarcation line on the limits of the zones in a practical sense.

An Garda Síochána have concerns on the practicalities of warning given for a specific zone and this warning remaining in place for a zone in another part of the country. A fresh express warning in respect of each Safe Access Zone would be more effective from a policing perspective. Secondly there is a practical issue in relation to issuing warnings in a crowd setting to individuals specifically. An Garda Síochána would request that consideration is given to the provision of a general or crowd warning, by way of signage or announcement by loud halers.

While the proposed powers within the Bill are noted, they fall short of providing An Garda Síochána with an effective investigatory tool in the context of detentions or searches and seizures of evidence where suspected offences are serious in nature. For example in a situation where there is repetitive

behaviour of intimidation or harassment of a service provider under the Bill, there is no power to detain individuals or to conduct searches as the proposed offences are summary in nature.

An Garda Síochána suggest that the specific offence of harassment is reconsidered in the context of this Bill in light of the existing offence of harassment that is available under the Non-Fatal Offences Against the Person Act 1997 and the existing proposed offence of harassment and stalking under the Criminal Justice (Miscellaneous Provisions) Bill 2022.

An Garda Síochána look forward to assisting this Committee to ensure the Bill is effective from an operational policing perspective.

Thank you.

Anne Marie McMahon
Deputy Commissioner
Policing & Security