

An Garda Síochána

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Tionscadal Éireann
Project Ireland
2040



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Luaigh an uimhir tharaghta seo a leanas le do thoil:

CMR_79-76681/24

Mr. Alan Guidon
Clerk to the Committee
Joint Committee on Justice
Leinster House
Dublin 2

Re: Written submission by An Garda Síochána on the General Scheme of the Proceeds of Crime (Amendment) Bill 2024.

Dear Mr Guidon

I refer to the above and to your correspondence dated 15 February 2024 in this matter. I wish to make the following submission, accompanied by the attached table which deals with specific heads of the general scheme.

I am aware that the Criminal Assets Bureau (CAB), as a separate statutory agency, will make a submission separately through the Department of Justice in this matter.

From the perspective of An Garda Síochána, organised crime represents a significant threat to national and international security. Like the majority of criminal activity, it is driven by the quest for financial gain. This acquisition of wealth provides criminals with lavish lifestyles beyond their means, which erodes public trust in the rule of law. More importantly, this wealth provides opportunities for organised crime gangs (OCGs) to reinvest into further and more serious criminality which affects all, including the most vulnerable, in our communities.

The three major strategies of any response to organised crime include the criminalisation of the behaviour through detection, investigation, and prosecution; protecting the community; and depriving the criminal the use and enjoyment of their ill-gotten gains. Ireland is almost unique in the world in that the last strategy is not just carried out on a post-conviction basis, but also on a non-conviction, or *in rem*, basis through the establishment of CAB and their use of the Proceeds of Crime Acts, 1996

to 2016. These funds are then returned to the exchequer for the benefit of the central fund and, ultimately, society in general.

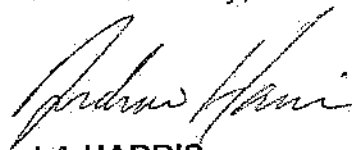
CAB was established on 15 October 1996 as a separate statutory agency. It is made up of staff seconded from An Garda Síochána, the Revenue Commissioners, the Department of Social Protection, and the Department of Justice. The Chief Bureau Officer (CBO) is a member of An Garda Síochána, with the rank of Detective Chief Superintendent, appointed by the Garda Commissioner.

The proposed amendments set out in the Proceeds of Crime (Amendment) Bill 2024, that will include the streamlining of CAB's operation, the reduction in waiting times for disposal orders, and the protection of former officers are very welcome developments and will complement the efforts of An Garda Síochána to address organised and serious crime. The proposed amendments are needed, are very much in the public interest, and are welcomed by An Garda Síochána.

An Garda Síochána supports the entirety of the CAB submissions on the proposed amendments. While the majority of amendments are of an operational nature and are best answered by CAB themselves, there are a number of comments that An Garda Síochána wish to make to support the CAB position.

For favour of your attention.

Yours sincerely,



**J A HARRIS
COMMISSIONER
AN GARDA SÍOCHÁNA**

04 March 2024

Submission by An Garda Síochána on the General Scheme of the Proceeds of Crime (Amendment) Bill 2024

Head 3

2. The proposed amendment of Section 1A of the Proceeds of Crime Act 1996 provides a valuable practical power to make application ex parte to the District Court for continued detention orders for further periods of 28-days.
3. An Garda Síochána supports the CAB submission that it is impractical for the CBO, a detective Chief Superintendent, to attend the District Court for each application. The analogous Garda legislation is section 17 of the Criminal Justice (Money Laundering and Terrorist Financing) Acts, 2010 to 2021, which allows for any member of An Garda Síochána to make applications to the District Court for a 'freezing order'. Best practice would indicate that it should be the relevant investigator who attends court as they are best placed to move the application and answer any questions the judge may have.

Head 4

4. The provision of a standalone 'freezing' power to CAB, absent of conducting a money laundering investigation, is welcomed. However, the experience of An Garda Síochána in making applications under similar legislation is that 28 days is too short for the necessary enquiries to be made and drains scarce resources from their primary task. The suggested time of 56 days would be more appropriate and a better use of resources and court time.

Head 10

5. This is a very practical measure that amends section 8(6A) of the Criminal Assets Bureau Act 1996 and will entitle CAB Officers who are not members of An Garda Síochána to attend at Garda interviews with persons detained under section 50 of the Criminal Justice Act 2007. This brings section 50 into line with other detention provisions.

Head 11

6. This is another practical and necessary provision that permits the exchange of information between relevant national agencies including the Director of Public Prosecutions and with law enforcement agencies in other jurisdictions. Inter-agency and inter-jurisdictional police co-operation is an important element of policing and is crucial to combatting organised crime. This measure is an aid towards that end but should be considered against the position that An Garda

Síochána is the designated central point of contact for various international organisations such as Europol and Interpol.