

Good afternoon. On behalf of the Association of Garda Superintendents, I wish to express my gratitude to you for accepting our submission and inviting us to this meeting today.

The Association of Garda Superintendents represents 168 Superintendents in An Garda Síochána.

One of the many responsibilities Superintendents have is the investigation of allegations of misbehaviour by members of An Garda Síochána of lower ranks due to either internal disciplinary matters, criminal wrongdoings alleged or following receipt of complaints through the Garda Síochána Ombudsman Commission. We are charged with conducting investigations on behalf of and in conjunction with the Garda Síochána Ombudsman Commission. The criminal investigations conducted into Garda members are the same as any criminal investigations and the same powers are utilised.

With regard to the Policing, Security and Community Safety Bill significant concerns are held in relation to the establishment of the proposed Board, which appears to be lacking in independence and any realistic degree of separation from the operational aspect of policing in this jurisdiction. We have a substantial unease at the potential, perhaps non-intentional, to populate the Board with political contacts and associates. This could have grave outcomes in terms of politicisation, resulting in minimal transparency in terms of separation of powers and stymying policing independence.

The same concerns are held in terms of the composition of the proposed new Authority. Being empowered to self-govern is perplexing and does not instil confidence in true oversight intentionality. The absence of detail, procedural clarity or its enunciation is tantamount to empowerment of poor practice, questionable governance and confusing standard setting.

The establishment of additional types of behavioural, ethical, discipline, conduct and performance policies in addition to the criminal law adherence aspects for An Garda Síochána seems to be overly complicated. The Bill is significantly deficient in detail and very ambiguous in these areas. Each Garda member is entitled to the same legislative, constitutional and human rights protections as any other person in this jurisdiction. There is full acceptance of essential adherence to standards set, to uphold the law in its various forms and the necessity

to address any such failures by An Garda Síochána. This however, must be balanced with ensuring the same protections exist for the Gardaí should they be subject to investigation.

Procedurally the Bill appears flawed, vague and seems to be utilising wide brush strokes to address perceived issues. It attempts to afford additional powers to various bodies whilst creating an overtly bureaucratic, complicated and seemingly populist notion of oversight. The attributing of additional powers to the Garda Ombudsman is imprecise, indistinct and not in keeping with the normal course of apportionment of investigative powers. This particularly relates to search, demanding names and addresses and proposed prosecutions. Failure to take cognisance of existing case law and precedent is extremely concerning.

Overall, the Bill has the appearance of double standard setting with an overtly critical hold on the activities of the Commissioner in acute areas where political interference may be inferred. The independence of An Garda Síochána, the unrestricted execution of policing powers and the conducting of policing functions may well be a major casualty if the Bill as it currently stands progresses through the various stages to enactment.

Thank you once again for this opportunity and we look forward to engaging in addressing the many issues highlighted in an honest, inclusive and future focused positive manner.