

(Second Supplementary Order Paper)

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DÁIL ÉIREANN

Dé Máirt, 18 Samhain, 2008
Tuesday, 18th November, 2008

2.30 p.m.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

Fógra i dtaobh leasuithe ar Thairiscint : Notice of Amendments to Motion

53. “That Dáil Éireann:

deplores:

- the murder of an innocent victim in Limerick by gangland criminals last week making him the 17th gangland murder victim this year;
- the failure of the criminal justice system to secure convictions in 113 of the 127 gangland killings that have taken place since 1998;
- the failure of the criminal justice system in respect of the almost 30,000 outstanding bench warrants that have yet to be executed;
- the failure of the Government to cut off the source of gangland criminals’ wealth and weapons, namely drugs, by failing to adequately resource An Garda Síochána and the Customs and Excise Service with the necessary manpower and modern equipment;
- the Government’s proposed reduction in trainee intake into An Garda Síochána;
- the fact that gangland criminals are able to continue to carry out criminal activity from within the State’s prisons;
- the failure of the Government to address matters essential to the administration of justice such as the admissibility of video evidence in Court; and
- the failure of the Minister for Justice, Equality and Law Reform to maintain confidence and stability in the criminal justice system and further condemns the Government for its consistent failure to take definitive action steps to quell gangland criminal activities;

and calls on the Government to immediately:

- recognise that it has failed to prevent the escalation in gangland activity to such an extent that criminal gangs have become a threat to the State;
- restore public confidence in the criminal justice system by committing itself to the enforcement of statutes aimed at addressing activity by criminal gangs;
- address the serious matter whereby almost 30,000 bench warrants remain outstanding;

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- apportion additional resources to An Garda Síochána and the Customs and Excise Service to ensure that the myriad loopholes at ports, smaller airports and along the coast are addressed as well as in local communities;
 - bring forward measures to allow for the admissibility of video evidence in Court;
 - introduce reform to protect the identities of witnesses at identification parade;
 - establish the Judicial Sentencing Commission;
 - ensure that Oireachtas provisions in respect of mandatory minimal sentencing are implemented;
 - reverse the cut in funding to the Office of the Director of Public Prosecutions which will make it impossible for the office to process its workload efficiently;
 - deliver upon commitments to provide digital radio to all Gardaí;
 - expedite legislation to allow for the introduction of a DNA database;
 - expand and enhance the Garda Emergency Response Unit and the Criminal Assets Bureau;
 - deliver on commitments in respect of Community Gardaí throughout the country; and
 - adopt a co-ordinated approach to tackling criminal gangs which exercise an unacceptable level of control and authority in communities throughout the country.”
- *Charles Flanagan, Enda Kenny, Bernard Allen, James Bannon, Seán Barrett, Pat Breen, Richard Bruton, Ulick Burke, Catherine Byrne, Joe Carey, Deirdre Clune, Paul Connaughton, Noel J. Coonan, Simon Coveney, Seymour Crawford, Michael Creed, Lucinda Creighton, Michael D'Arcy, John Deasy, Jimmy Deenihan, Andrew Doyle, Bernard J. Durkan, Damien English, Olwyn Enright, Frank Feighan, Terence Flanagan, Brian Hayes, Tom Hayes, Phil Hogan, Paul Kehoe, Pádraic McCormack, Shane McEntee, Dinny McGinley, Joe McHugh, Olivia Mitchell, Denis Naughten, Dan Neville, Michael Noonan, Kieran O'Donnell, Fergus O'Dowd, Jim O'Keeffe, John O'Mahony, John Perry, James Reilly, Michael Ring, Alan Shatter, Tom Sheahan, P. J. Sheehan, David Stanton, Billy Timmins, Leo Varadkar.*

Leasuithe:

Amendments:

1. To delete all words after “Dáil Éireann” and substitute the following:

- “ — condemns all unlawful killings and the criminal disregard for human life they demonstrate and expresses its sympathy to the families of the victims of all such killings;
- condemns in particular the recent killing in Limerick;
 - strongly supports An Garda Síochána in their determined fight against gangland crime and notes the significant successes they have had in this regard;
 - notes the extensive package of criminal law reform aimed at tackling gangland and other crime undertaken in recent years by this Government, especially the wide range of measures in the Criminal Justice Acts 2006 and 2007;
 - notes in particular the creation of offences relating to organised crime and membership of an organised criminal gang; new procedures relating to the use of witness statements; increased penalties for offences relating to firearms; and mandatory minimum sentences for drug trafficking offences;
 - notes also the restriction of the right to silence; the strengthening of bail requirements; mandatory sentences for repeat offenders; restrictions on the giving of video recordings of Garda interviews to suspects; and the admissibility in evidence of video

- recordings of Garda interviews;
- notes the extension of the detention of suspects for up to seven days to facilitate the investigation of certain serious offences;
 - notes that funding of €18 million will be provided in 2009 for new state-of-the-art forensic science facilities and the State Pathology Laboratory, which will enable work on the DNA database to proceed once legislation is in place;
 - notes that further legislative reforms will shortly be introduced by this Government that will address further areas where it is considered such measures are necessary;
 - notes in particular that the Criminal Justice (Covert Surveillance) Bill relating to the use in evidence of information obtained as a result of covert surveillance by An Garda Síochána; the Criminal Justice (Forensic Evidence and Sampling) Bill to establish a DNA database for criminal investigation purposes; and the Criminal Procedure Bill providing for the possibility of an acquitted person being re-tried where the acquittal was the result of perjury, intimidation or other interference with the trial process will shortly be introduced;
 - condemns the illegal and dangerous use of prohibited substances;
 - supports the Government in its ongoing implementation of the current National Drugs Strategy and its development of a new strategy for the period 2009 – 2016;
 - welcomes the appointment of additional staff to the Criminal Assets Bureau in 2008 and the increase of 20% in its budget in 2009;
 - notes the introduction of over 90 CAB profilers and their placement in each Garda division;
 - supports the focus of the Criminal Assets Bureau on the assets of both the leaders of criminal gangs and their lower ranking members;
 - welcomes the success of the Criminal Assets Bureau in seizing nearly €10 million of the proceeds of crime and collecting over €10 million in taxes and interest in 2007;
 - notes the provision of additional resources by the Revenue Commissioners to tackling drug smuggling and their seizures of suspect cash;
 - welcomes the Government's funding for the national Dial to Stop Drug Dealing Campaign;
 - expresses its deep concern at the increase in the number of licensed handguns and, while recognising that the vast majority of the holders of licensed guns are law abiding, fully supports the intention of the Minister for Justice, Equality and Law Reform to address this issue comprehensively following the urgent and intensive review of firearms law by his Department and An Garda Síochána carried out at his instruction;
 - recognises the unprecedented increase in the number of judges in recent years and the significant investment made by the Government in the courts infrastructure;
 - notes the major increase in the strength of An Garda Síochána from 12,209 at the end of 2004 to 14,455 by the end of this year;
 - notes that there are currently almost 1,100 trainees in the Garda College which will result in the number of attested Gardaí rising from 14,284 at the end of September 2008 to almost 14,900 by the end of 2009;
 - recognises the significant increase from 439 at the end of 2005 to 698 at the end of September, 2008 in the number of Gardaí throughout the country dedicated to community policing;

- notes that the financial allocation to An Garda Síochána has increased from €1.084 billion in 2004 to €1.589 billion in 2009 representing a 47% increase, thereby ensuring that An Garda Síochána is better equipped than ever before to tackle gangland crime;
- notes that the Garda authorities are developing proposals based on the latest technology to enhance the conduct of ID parades;
- notes the significant progress made in the introduction of a digital radio service for An Garda Síochána;
- notes the introduction of the Regional Support Unit in the Garda Southern Region;
- notes the continuing efforts by An Garda Síochána to speedily execute warrants, particularly in the most serious cases;
- notes the provision of over 1,300 prison spaces since 1997 and commends the continued investment in modern prison accommodation with a further 400 prison spaces being provided by mid-2009;
- notes the significant resources provided by the Government to provide the Irish Prison Service with over 130 additional staff to implement a range of enhanced security measures within the prisons;
- notes the advances made by the Irish Prison Service in the development of mobile phone inhibition technology, with the project at the Midlands prison at the final testing stage; and
- notes the increase in the number of posts in the Office of the Director of Public Prosecutions following a review in 2006 of staffing in the office.” — *An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.*

Leasú ar Leasú 1:

Amendment to Amendment 1:

1. To delete all words after the third paragraph and substitute the following paragraphs:

- “ — condemns the illegal and dangerous use of prohibited substances;
- supports the focus of the Criminal Assets Bureau on the assets of both the leaders of criminal gangs and their lower ranking members;
- welcomes the success of the Criminal Assets Bureau in seizing nearly €10 million of the proceeds of crime and collecting over €10 million in taxes and interest in 2007;
- notes the provision of additional resources by the Revenue Commissioners to tackling drug smuggling and their seizures of suspect cash;
- expresses its deep concern at the increase in the number of licensed handguns and, while recognising that the vast majority of the holders of licensed guns are law abiding, fully supports the intention of the Minister for Justice, Equality and Law Reform to address this issue comprehensively following the urgent and intensive review of firearms law by his Department and An Garda Síochána carried out at his instruction;
- heeds the criticisms of Justice Morris and others and of ECHR jurisprudence in relation to the absence of statutory provisions governing covert surveillance and calls for the prompt introduction of ECHR-compliant legislation that would put in place a sound framework through which Gardaí or the DPP could argue a case and seek judicial approval for the use of covert investigatory techniques in the fight against serious crime and that this evidence once gathered in accordance with the law would be admissible in court;
- notes that during a period of unprecedented public wealth the National Drugs Strategy

was inexcusably crippled by Government under funding, that the HSE by their own admission have less than half the number of detox and rehabilitation beds required, that the recruitment freeze has prevented the replacement of staff who have left existing drug treatment services and in addition has prevented the introduction of new much needed services even where specific funding for them had already been approved;

- recognises that the Government's failure to properly resource the national drugs strategy has contributed to the growth of gangland crime;
- calls for greater funding for drug services, in particular for the Budget 2009 5% cut in funding to the Drugs Initiatives and Young Peoples Services Fund to be reversed and for the allocations to all initiatives targeting the drugs crisis through prevention, treatment and rehabilitation to be increased significantly;
- believes that the profits to be made from organised crime must be eliminated and visibly so, recognises that the work of the Criminal Assets Bureau is essential and must be focused in this regard, regrets the extreme delays involved in the conclusion of CAB cases with a recent case lasting 11 years, calls for steps to be taken to speed up the impact of CAB and for the monies confiscated by CAB to be ringfenced as additional funds for the communities worst affected by the drugs crisis;
- condemns the failure of the Government to roll-out the Dial to Stop Drug Dealing confidential non-Garda freephone project statewide despite it being successfully piloted in Blanchardstown in 2006 and calls for the initiative to be fully rolled-out across the state without further delay;
- agrees with the Garda Inspectorate that civilianisation represents 'the quickest and most effective means of putting extra trained Gardaí on the street' and calls for the expedition of an ambitious process of civilianisation of appropriate administrative and traffic corps duties;
- demands an increase in the number of Gardaí employed full-time on community policing, the difficulties involved in filling such positions with the right candidates to be addressed and for the high turnover in the post to be reversed by changing perceptions of its status through, for example, alterations to current norms governing promotions and career development in an Garda Síochána;
- calls for an evaluation of all operational Garda spending with a view to achieving a greater match with established community priorities;
- calls for the urgent introduction of a range of practical measures to protect witnesses against intimidation including during identity parades, court hearings and the surrounding lead-up and follow-on periods;
- notes that serious crime in Limerick is on a par with pockets in the Capital and calls for the roll-out of secure digital radio to Gardaí in Limerick to be brought forward to at least coincide with its roll-out to the Dublin Metropolitan Region;
- calls for the establishment of a Local Drugs Task Force in Limerick and in other centres experiencing major problem drug use and drug-related crime;
- calls for the number of sniffer dog and handler teams skilled in the detection of drugs and firearms to be increased in order that they be available to every Garda Division to undertake valuable demand and supply reduction work including but not limited to intelligence-led operations;
- notes with concern, and calls for Government to respond to, the problem of minor offenders entering the prison system and emerging at the other end as hardened criminals in league with gangs or factions, calls for the focus of time spent in prison,

for young offenders in particular, to be on well-resourced education and rehabilitation and calls for prison sentences to be used as an opportunity to remove serious criminals from their associates and potential associates, for the placement of such prisoners to be intelligence-led to this end and for judges, in the making of orders to apply post-release to reinforce these efforts and aim towards maintaining the disassociation of serious criminals on the outside;

- calls for the introduction of guidelines governing judicial decision making in relation to bail and sentencing and awareness training for the judiciary on drug-related crime including its social impact on communities; and
- calls for the 3% cut in funding to the Office of the Director of Public Prosecutions under Budget 2009 to be reversed.”

—*Aengus Ó Snodaigh, Caoimhghín Ó Caoláin, Arthur Morgan, Martin Ferris.*