



**An Roinn Dlí agus Cirt agus Athchóirithe Dlí
DEPARTMENT OF JUSTICE AND LAW REFORM**



MINISTERIAL BRIEFING

MARCH 2011

WORKING FOR A SAFER, FAIRER IRELAND

CONTENTS

	Page No
--	---------

Managing the Mandate	3
----------------------	---

Resource Allocations	5
----------------------	---

Strategic Priorities	6
----------------------	---

Crime	7
-------	---

Justice Services	18
------------------	----

Immigration and Related Services	22
----------------------------------	----

Law Reform	28
------------	----

Business Delivery	31
-------------------	----

Appendices

1. Department Organisation Chart
2. Contact Details - Management Advisory Committee (MAC) / Assistant Secretaries
3. Contact Details – Heads of Divisions
4. Justice Sector Organisations
5. Legislative Programme – Civil Law
6. [REDACTED]

MANAGING THE MANDATE

Department Structure and Staffing / Statutory Functions of Secretary General

The Secretary General of the Department, Mr Seán Aylward, is the senior civil servant and non-political head of the Department. The Secretary General is charged with the Department's day-to-day management and with its non-political strategic planning and direction. He is assisted by the Department's Management Advisory Committee, whose members are listed below.

The Secretary General is also the Department's Accounting Officer and in this capacity is personally responsible for safeguarding the funds under its control and the propriety of procurement and other financial transactions, as well as for economy and efficiency in the administration of the Department generally. The Commissioner of An Garda Síochána, the Chief Executive of the Property Registration Authority and the Chief Executive of the Courts Service are Accounting Officers for their Votes.

The Management Advisory Committee is chaired by the Secretary General and composed of the Assistant Secretaries and other senior officials who head up the following functions within the Department:

- **Asylum, Immigration and Citizenship** - [REDACTED] Director General, Irish Naturalisation and Immigration Service (INIS)
- **Civil Law Reform, Courts Policy** - [REDACTED] Assistant Secretary
- **Crime, Security and Northern Ireland, Mutual Assistance and Extradition** - [REDACTED] Assistant Secretary
- **Criminal Law Reform, Prisons and Probation Policy** - [REDACTED] Assistant Secretary
- **EU/International Matters** - [REDACTED] Assistant Secretary
- **An Garda Síochána** - [REDACTED] Assistant Secretary
- **Human Resources, Corporate Services, Organisation Development, Finance, Procurement, Internal Audit and IT** - [REDACTED] Assistant Secretary
- **Irish Prison Service** - [REDACTED] Director General
- **Reception and Integration Agency (RIA)** - [REDACTED], Assistant Secretary
- **Youth Justice** - [REDACTED] Director, Irish Youth Justice Service
- **Cosc** - [REDACTED] Executive Director
- **Anti Human Trafficking** - [REDACTED], Director

There are approximately 350 staff working in the Head Office areas of the Department. In addition there are 179 staff working in Financial Shared Services and 628 staff working in the Irish Naturalisation and Immigration Service.

Internal Governance

The management team in the Department meets regularly. At these meetings important issues are discussed and longer-term discussions take place on critical issues. The Secretary General or senior management, on a constant basis brief the Minister on matters of public importance.

Governance of Associated Agencies

The Minister is politically responsible and accountable for all Justice Sector organisations of which there are now 23, each with specific administrative, regulatory or operational functions. These organisations employ a number of different governance arrangements but, broadly speaking, are divided between being statutorily independent or established on a non-statutory basis or as Executive Offices. (The Department has developed the Executive Office model to enable senior officials to lead and be identifiable in relation to national cross-cutting issues, for example domestic, sexual and gender-based violence (Cosc), Victims of Crime, anti-human trafficking and internet safety).

Through the Justice Steering Group, chaired by the Secretary General, structured arrangements are in place for the Minister and senior management to be kept informed of all important developments.

Project Oversight Arrangements

The Department of Justice and Law Reform must ensure that critical projects, such as the delivery of prison projects and major IT systems in the immigration area, are delivered on time and in the most cost effective manner possible. All major projects and developments are kept under review by a Project Oversight Board which is chaired by the Secretary General to ensure optimum delivery within agreed time frames and budgets. This Board meets twice yearly as a general rule.

Other Critical relationships/National Security and International dimension

The Secretary General and Assistant Secretary in charge of Security matters and, of course, the Garda Commissioner participate actively in the Committee on National Security, chaired by the Secretary General to the Government.

On the international front, the Minister and the Department manage the interests of Ireland in relation to Justice and Home Affairs matters by participating fully in the European Union, the Council of Europe and the United Nations among other international fora.

Public Service (Croke Park) Agreement

The aim of the modernisation programme in the Department of Justice and Law Reform is to support Justice Sector agencies in the development and delivery of the Department's mandate within allocated budgets and staffing resources (under the Employment Control Framework).

Under the Public Service Agreement, revised Action Plans were submitted to the Implementation Body in January 2011 in respect of the Department and all the Bodies in the Justice Sector. In general, they involve utilising technology, re-organising work practices and staffing flexibility to improve efficiency and effectiveness of service delivery, while staying within approved budgets.

In An Garda Síochána, the cumulative effect of the changes in work practices proposed (revised rosters, increased civilianisation, training and development, performance management, ICT strategy implementation, electronic payments/receipts) will be that the Garda Síochána will be in a position to maintain services to the community, albeit with reduced numbers. In the Prison Service, the Agreement provides for savings of €21 million through the development of a new staffing model, as well as the introduction of New Prison Grades and the introduction of schemes of Open and Accelerated Recruitment to deal with increases in prisoner numbers. The Courts Service Action Plan involves reducing the number of Court offices, greater use of technology and reorganising of work practices.

RESOURCE ALLOCATIONS FOR THE JUSTICE VOTE GROUP 2011

Finance

- The Justice Vote Group consists of 5 Votes- the Department of Justice and Law Reform, An Garda Síochána, Irish Prison Service, Courts Service and Property Registration Authority (PRA).
- The total gross allocation for the group in 2011 is €2.4 billion of which €2.32 billion relates to current expenditure and the balance of €80 million is capital expenditure.
- The breakdown between the votes is as follows:

Justice	€374 million
Garda	€1.53 billion
Prisons	€348 million
Courts	€111 million
Property Registration Authority	€37 million
TOTAL	€2.4 billion

- €1.8 billion or 77% of current expenditure relates to pay and pensions. There are currently in the region of 24,000 staff employed across the Justice Sector of which 14,364 are Gardaí. Under the Employment Control framework for the Sector it is envisaged that this number will be in the region of 23,000 by the end of 2011.

Financial challenges 2011

- As with all Vote Groups there has been a significant reduction in the financial resources available to the sector in recent years.
- Excluding an additional once-off increase in Garda pensions in 2011 the current expenditure allocation for the Group has been cut by over €80 million or 3.4% compared with the 2010 allocation.

Staffing Numbers

The breakdown of current staffing numbers in approximate terms across the Sector is as follows:

Justice and associated agencies	2,496
Garda (includes 2,079 civilians)	16,443
Prisons	3,547
Courts	1,004
Property Registration Authority	590

STRATEGIC PRIORITIES

We have organised the work of the Department in terms of the following Strategic Priorities / High Level Goals:

Strategic Priority 1 - Supporting An Garda Síochána and Tackling Crime

Further advance law enforcement, crime prevention and community security by continuing structural and service reform of An Garda Síochána and through the development of effective anti-crime policies, the implementation and enforcement of effective and balanced laws and working to ensure visible policing of our communities.

Strategic Priority 2 - Developing Justice Services

Advance structural and service reforms of justice services - criminal and other - so as to enable the Department and the Justice Sector organisations implement their mandates in an integrated, effective and efficient manner.

Strategic Priority 3 - Provision of Immigration and Related Services

Implement Government commitments in relation to the provision of immigration and related services and update the legislative base in this area.

Strategic Priority 4 - Promotion of a Secure and Peaceful Society

Promote a secure and peaceful society and support the devolved institutions in Northern Ireland.

Strategic Priority 5 - Law Reform

Keep legislation under review and reform our laws - criminal and civil - as required, complete the programme of law reform contained in the Government's legislative programme and provide for improved regulatory systems.

Strategic Priority 6 - Business Delivery

Support the delivery of the Department's objectives through effective financial management and use of resources, including ICT, optimising staff performance and development, providing a high quality working environment for staff and customers and maintaining the necessary standards of corporate governance throughout the Justice Sector.

GARDA AND CRIME

RELEVANT DIVISIONS AND CONTACTS

Crime Divisions
Security & Northern Ireland Division
Mutual Assistance & Extradition Division
Anti Money Laundering Compliance Unit, White Paper on Crime Unit
Garda Division
Criminal Law Reform Division
International Policy Division
Victims of Crime Office
Cosc
Anti Human Trafficking Unit

Note – issues highlighted in red text reflect commitments under the Programme for Government 2011-2016

SECURITY AND NORTHERN IRELAND

Immediate/Urgent Issues

Terrorism

- The shared Garda/PSNI assessment is that the threat posed in Northern Ireland from dissident groups is severe and that they continue to target members of the security forces in Northern Ireland, particularly PSNI officers. In addition, the threat level in Britain from these groups has recently been revised upwards.
- International terrorism: while the threat to this jurisdiction from international terrorism is regarded as low, [REDACTED]

Smithwick Tribunal - The Smithwick Tribunal of Inquiry was established in May 2005 to inquire into allegations of collusion by Gardaí or other State employees in the murders of RUC Chief Supt. Harry Breen and Supt. Bob Buchanan by the IRA in 1989. The Tribunal has been in a private, investigative phase since early 2006 and we understand that it is due to begin its public hearings phase in the coming months. Tribunal costs to date are in region of €8 million.

Lawful Interception - The Minister will be briefed separately on this matter.

International bodies related to Northern Ireland

- The Independent International Commission on Decommissioning and Independent Monitoring Commission have completed their mandates and final reports are being prepared by both bodies to be delivered in March 2011. Arrangements are being made for the dissolution of both Commissions, in consultation with the British Government, by 31 March 2011.
- The International Commission for the Location of Victims Remains, set up to search for the remains of the 'disappeared', is expected to complete its work programme this year. It is intended that the Commission will remain in place for another year to receive and assess any further information on the location of remains that might be received.

Medium to Long Term Issues

Garda Vetting - There has been very considerable growth in demand for Garda employment vetting in recent years, leading to an increase in the time taken to process applications, currently about 10 weeks with a 'backlog' of approx. 50,000 applications. Sanction was sought from the Department of Finance for additional resources to clear the backlog and reduce the processing time. The Department of Finance has agreed to the renewal of contracts for ten temporary staff for a further six months and the recruitment of an additional ten temporary staff for six months. This will relieve the pressure somewhat but is not a permanent solution to the ever-growing demand for Garda vetting services.

Renewal of legislative provisions - Certain provisions of the Offences Against the State (Amendment) Act 1998 (including extended periods of detention and taking part in certain terrorist activities) and Section 8 of the Criminal Justice (Amendment) Act 2009 (scheduling offences to be heard in the Special Criminal Court) will fall to be renewed by Resolutions of the Oireachtas before the end of June this year.

North-South Criminal Justice Co-operation

- The devolution of policing and justice matters in Northern Ireland and the setting up of a Northern Ireland Department of Justice provides the Minister the opportunity to discuss issues of mutual interest with his Northern Ireland counterpart accompanied by the Garda Commissioner and PSNI Chief Constable. Furthermore, as responsibility for security matters remains a reserved UK function, the Minister meets with the NI Secretary of State to discuss security threats and related issues.
- **The Department continues to operate the provisions of the North/South Agreement on Co-operation on Criminal Justice Matters.**
- The Minister meets with the NI Justice Minister at least annually to review co-operation under the Agreement. A Working Group of senior officials, comprising officials of the Department and the Northern Ireland Office, along with representatives of various Criminal Justice agencies North and South, meets at least twice annually to coordinate co-operation across a range of policy areas.
- Project groups comprising relevant officials and practitioners from the two jurisdictions have been established in the fields of Youth Justice, Victim Support, Management of Sex Offenders, Probation, Forensic Science and Social Diversity. A Work Programme setting out a number of priorities for 2010-2011 was approved and launched by the two Ministers in July 2010.

North-South Policing Co-operation

- **Operational policing co-operation is the responsibility of the Commissioner and PSNI Chief Constable and their officers and remains at a very high level, be it in relation to 'ordinary' criminality, organised crime or the terrorist threat. Close contact is maintained at a number of levels and across the range of police work.**
- The two police forces recently launched a new Cross Border Policing Strategy covering areas including Cross-border investigations and Operations, Intelligence-sharing and Security, ICT and Emergency Planning.

POLICING ISSUES

Immediate/Urgent Issues

Garda Budget - The Garda budget for 2011 contains sharp reductions in key areas. The Garda Commissioner is the Accounting Officer for the Garda Vote and so has primary responsibility for budget management. However, the Department has a significant role to play in the sanctioning of Garda expenditure (and in obtaining sanctions from the Department of Finance), as well as the authorisation of the virement of money from one subhead to another within the Vote.

Garda Strength - The National Recovery Plan 2011 - 2014 includes a reduction in Garda strength from the current level of around 14,500 to 13,500 by the end of 2011 and to 13,000 by 2014. In the absence of a public service wide redundancy programme these reductions will depend largely on voluntary retirements and it is unlikely that the target for 2011 will be achieved. The general moratorium on public service recruitment continues to be applied to the Garda Síochána and its civilian staff.

Garda Reform Measures - There is a Garda action plan under the Public Service (Croke Park) Agreement 2010 - 2014 which contains proposals for reform. The Department is working with Garda management and the Garda Associations on the advancement of these proposals and they will be the subject of a review provided for under the Agreement.

Garda Rosters - The most important current Garda initiative under the Public Service (Croke Park) Agreement is the development and implementation of a new roster system to enable the deployment of personnel to more closely match policing demands. The relevant work is well advanced and it is expected to be completed in 2011.

Office Holder Fleet - Office Holder cars have been operated and maintained by the Garda Síochána for many years. A number of proposals have been put forward for the introduction of new transport arrangements for Ministers and other Office Holders. These include civilianising the service and a car pool facility. Any such arrangements will have to take account of overall security requirements, particularly in the case of the President, the Taoiseach and certain other Office Holders.

Medium to Long Term Issues

Garda Discipline Regulations - A review is taking place of the Discipline regulations in the Garda Síochána and this will lead to a new set of regulations in 2011. The work is being done in close consultation with the Commissioner, the Representative Associations and the Garda Síochána Ombudsman Commission (GSOC).

Garda Appointments Regulations - The admission and appointment regulations for entry to the Garda Síochána are being reviewed in light of the publication of the Training and Development report in 2010.

Reports of Garda Síochána Inspectorate - The main function of the Inspectorate is to review how An Garda Síochána carry out their functions and it has submitted a number of reports which have dealt with a wide range of issues. The most significant report published to date was concerned with the allocation of Garda resources and it included a substantial number of recommendations to improve overall Garda performance, including the introduction of new rosters. Implementation of recommendations made by the Inspectorate is on-going and is likely to require investment in new technology.

Garda Síochána Civilianisation - There are over 2,000 civilian personnel in An Garda Síochána carrying out a range of specialist and administrative functions. This is a process that can be further developed with a view to releasing Garda members for frontline policing and to provide additional specialist support. While it has also been highlighted by the Garda Síochána Inspectorate, the programme of civilianisation is effectively on hold as a result of the moratorium on public service recruitment.



Prevention of Corruption Amendment Act 2010 - Following the commencement of the 2010 Act, plans are underway to consolidate the legislation on corruption. It is proposed to carry out an examination of the different protection and reporting mechanisms under the Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007 and the 2010 Act in order to streamline the mechanisms for the reporting of corruption by Garda personnel and members of the public.

Costs arising from the Morris Tribunal - The overall cost of the Morris Tribunal since its establishment in April 2002 until the end of December 2010 was €57.89 million. This includes a figure of €30 million for third party legal fees. Estimated third party costs yet to be paid amount to €12.5 million to €15 million and so the Department expects the final cost to be in the order of the €70 to €72 million.

Garda Technical Projects - Full rollout of the National Digital Radio System in all six Garda Regions is expected to be completed by the end of March 2011. The Garda Síochána have extensive computer facilities and they have proposals to introduce further systems to facilitate their operations. These include the development of systems to improve international cooperation. However, the relevant projects will require financial resources and at this stage it is not possible to say when such resources may be available.

Key Issues

Crime Statistics - The recorded crime statistics for 2010 compiled and published by the Central Statistics Office show a decrease in 10 of the 14 crime groups for which figures are given, compared to 2009. Main figures:

- a continuing reduction in the numbers of cases of homicide - down 10.2%, with murder down by 3.6% (from 56 to 54 cases) and manslaughter down 50% (from 4 to 2 cases);
- a reduction in the number of controlled drug offences (down 9%). This takes into account increases in cases of cultivation or manufacture of drugs (up 97.1%) and possession of drugs for sale or supply (up 3.6%), which offences are recorded predominantly as a result of Garda operations;
- a minimal increase in the number of weapons and explosives offences (up 0.3%). However, there were decreases in the numbers of cases of discharging a firearm (down 21.7%) and possession of a firearm (down 1.2%);
- while there was an increase of 28.2% in robbery, extortion and hijacking offences, there were decreases in burglary and related offences (down 5.8%) and theft and related offences (down 0.4%), both of which together make up the greatest proportion (97%) of such property offences;
- while there was an increase of 60.3% shown in sexual offences, this was due, not to an actual increase in the number of cases, but to an adjustment following an on-going review of all cases involving alleged sexual offences reported to An Garda Síochána at various times in the past. This on-going review is taking place in the context of An Garda Síochána making publicly available its policy on the investigation of sexual crime, including child abuse, in April, 2010. As part of that policy, designated Gardaí have responsibility for ensuring that all sexual crime incidents are recorded and reviewed on the Garda PULSE system.


Gangland Crime - The Gardaí face severe challenges in dealing with gangland murders. Often they receive no cooperation from the associates of the deceased. In some cases, persons who have been identified by the Gardaí as at risk, rather than cooperate with Gardaí, seek to thwart the Gardaí so they can get on with their gangland activities. Against that background a series of strong anti-gangland legislative measures were enacted in 2009. The Criminal Justice (Surveillance) Act facilitates the use as evidence in trials of material gained by secret surveillance. The Criminal Justice (Amendment) Act provides for trying certain crimes involving criminal gangs in the Special Criminal Court unless the DPP directs otherwise. It introduced several new organised crime offences with maximum prison sentences of 15 years to life, such as involvement in organised crime and directing or controlling a criminal organisation; simplified the procedures relating to extension of time for questioning of suspects; and increased the penalties for intimidation of a witness or juror. The Gardaí have been making full use of the legislation since it has been enacted, to build up criminal cases against gangland figures. Two persons have been charged with directing the activities of a criminal organisation, and six have been charged with participation offences. Other files are with the DPP. The legislation has been used in over 100 arrests, which have also led to charges in relation to firearms, drug and other offences.

Clerical Sex Abuse - The Report of the Commission of Investigation into the handling of allegations of child sex abuse by clergy of the Catholic Archdiocese of Dublin was published in November, 2009, with the exception of references to two individuals which the High Court directed not be published as they might prejudice criminal proceedings. The references to one of the individuals were published in December, 2010. There will be a High Court hearing in July in respect of the references to the second individual.

The Commission's Report on the Diocese of Cloyne (which had been sought at the behest of the Minister for Children and Youth Affairs, Barry Andrews) was submitted to the Minister on 23 December, 2010 and was referred to the Attorney General, the DPP and Garda Commissioner to enable the Minister to form a view in relation to his functions under the Commissions of Investigation Act in relation to the question of possible prejudice of criminal proceedings.



Following the publication of the Dublin Archdiocese Report in 2009, a Garda Assistant Commissioner has been examining issues raised in the report, and a report will be submitted to the Commissioner as soon as it has been completed and the law officers will be consulted. At the request of the previous Minister for Children and Youth Affairs, the HSE is conducting a national audit of Catholic dioceses and will present a report to the Minister for Children and Youth Affairs when completed. The audit is examining how each diocese, firstly, responded to allegations of child sexual abuse in the past and, secondly, is prepared, in terms of policies and procedures in place, both to handle allegations of child sexual abuse and prevent the possibility of any child being so abused in the future. The HSE has also commenced an audit of religious orders. The previous Minister for Children and Youth Affairs has said that the Government would await the outcome of the audit before making a judgement on whether to investigate the situation in other dioceses.



The Garda Inspectorate submitted a Report, *Responding to Child Sexual Abuse*, which contains 29 recommendations to the previous Minister. The Report is currently being considered prior to being submitted to Government. It had been intended to publish it in tandem with the Cloyne report, if that was likely to be published at an early date. However, that will fall to be reconsidered in the light of developments in relation to the Cloyne report.

Road Safety - The current Road Safety Strategy, published by the Road Safety Authority, which is under the aegis of the Minister for Transport, covers the period 2007 – 2012. Under the Strategy and its predecessor, An Garda Síochána has introduced a series of initiatives, including establishing the Garda Traffic Corps, introducing mandatory alcohol testing for drivers in July 2006, outsourcing to a private service provider (GoSafe) the provision and operation of safety (speed) cameras and introducing new mobile speed detection vans and automated number plate detection technology. These initiatives have made a significant contribution to reducing road fatalities. There were 212 fatalities in 2010, the fifth consecutive annual reduction and the lowest number on record. However, as of 3 March there were ten more fatalities in 2011, compared with the same period in 2010.

Joint Policing Committees (JPCs) - As provided for in the Garda Síochána Act 2005, JPCs have been established in each of the 114 local authority (county, city and town) areas. JPCs provide the framework for a partnership process involving An Garda Síochána, elected members and officials of the local authority and members of the Oireachtas, with the participation of the community and voluntary sector. The functions of the JPCs are set out in the Act, and they operate under guidelines issued by the Minister after consultation with the Ministers for the Environment, Heritage and Local Government and Community, Equality and Gaeltacht Affairs. The Act also provides for Local Policing Fora (LPFs) for local neighbourhoods. LPFs are currently being established in the fourteen Local Drugs Task Force areas under guidelines issued by the Minister.

Criminal Assets Bureau - Review of Proceeds of Crime legislation - Since its inception in 1996 up to 31 December 2009 the Bureau has had considerable success and obtained interim and “final” restraint orders to the value of over €87 million and over €41.5 million, respectively; taxes and interest demanded was over €160 million, with over €129 million collected saving over €3.7 million in social welfare payments and recovering overpayments of almost €4.8 million. *An expert group comprising representatives of the Criminal Assets Bureau, the Office of the Attorney General and this Department is currently reviewing the operation of the Proceeds of Crime Acts 1996 and 2005. The primary purpose of the review is to identify possible amendments to the proceeds of crime legislation which would serve to enhance the operation of the Criminal Assets Bureau in carrying out its functions. The Bureau is currently finalising a paper in relation to a number of matters that arise for consideration by the group.* The areas to be reviewed include –

- the statutory suspension period, currently set at 7 years, between the obtaining of an interlocutory order in respect of assets/properties and the final disposal of the assets/properties;
- the powers of the receiver to control assets/properties;
- the possibility of introducing the short term seizure of assets believed to be proceeds of crime on the authority of the Chief Bureau Officer pending determination by the Courts;
- the possibility of improving international cooperation arrangements.

Organised Crime Developments at EU level - Work will continue in 2011 on the creation and implementation of the first EU policy cycle for organised and serious international crime. It is intended that the policy cycle will inform EU policy in tackling the most important criminal threats in a coherent and methodological manner through optimum cooperation between relevant services of the Member State, EU institutions and agencies and third countries.

Drugs - The Government's approach to tackling the problem of drug misuse is being pursued through a co-ordinated and integrated approach under the National Drugs Strategy 2009-2016. The lead in progressing the National Drugs Strategy is the Department of Community, Equality and Gaeltacht Affairs. The primary role for this Department and the bodies under its aegis is in the area of drugs supply reduction. The Department services a variety of groups established under the Strategy and, in liaison with the Department of Community, Equality and Gaeltacht Affairs, plays a significant role in representing the State at international fora addressing drugs misuse. The Department liaises with, and supports, An Garda Síochána in the advancement of law enforcement efforts to tackle drugs misuse. With regard to drugs law enforcement, drugs and organised crime are being prioritised by An Garda Síochána as a core focus for 2011 through the Garda Síochána Policing Plan. In tackling drugs the Policing Plan places a particular emphasis on operations aimed at street level drug dealing and the targeting of 'grow houses'.

While Misuse of Drugs legislation is primarily a matter for the Department of Health and Children, the Department has a role in developing legislation in related areas primarily concerned with drug supply e.g. drug trafficking, sale and supply of psychoactive substances.

The enactment of the Criminal Justice (Psychoactive Substances) Act 2010, in conjunction with controls introduced by the Department of Health and Children under the Misuse of Drugs legislation, has had an immediate effect in significantly reducing the number of 'headshop' outlets operating in the State. The operation of the Act is being kept under review.

Under the auspices of the National Advisory Committee on Drugs (NACD) two research projects have been undertaken in areas of particular relevance to this Department and are expected to be published in 2011. The first is a research report entitled 'An overview of New Psychoactive Substances and the Outlets Supplying Them'. This report is currently undergoing editorial revision with publication expected shortly. The second is a research project on illicit drug markets in Ireland. Research has concluded on this project and a draft report has now been submitted to the NACD. This report is to be submitted for peer review and editorial revision with a final report expected mid 2011 and publication thereafter.

Ireland is a member of the Maritime Analysis Operations Centre for Narcotics (MAOC-N). The Centre was established 2007 to collect and analyse information to assist in actively utilising international law enforcement assets to combat illicit drug trafficking by sea and by air. Seven EU Member States in total are members of the Centre. Ireland has two liaison officers (Garda and Customs) permanently assigned to the Centre. A Grant Application for the period 2011 to 2013 seeking funding in the amount of approximately €2.5 million is currently before the European Commission. This funding reflects the proposed phase 3 development of the Centre following an evaluation carried out in 2009.

Immediate/Urgent Issues

Cloyne Report - Obtain the advice of the Attorney General so as to enable the Minister to form an opinion on whether publication of the report would prejudice any criminal proceedings; if considered necessary apply to the High Court for directions; publish the report in accordance with any High Court directions; formulate, in consultation with the Officer of the Minister for Children and Youth Affairs, a response to the report as published.

Dublin and Cloyne Third Party Legal Costs - Following the receipt of advice from the Chief State Solicitor's Office, formulate a response to the Commission of Investigation's directions.

Garda Inspectorate Report Responding to Child Sexual Abuse - Formulate a response.

Dublin Archdiocese Report - Consider the Garda Report, when available, on issues raised by the Report.

Forensic Science Laboratory - It is proposed to go to tender in the near future regarding the construction of a new Forensic Science Laboratory in Backweston, Co Kildare. This is a key project for the Department. The new facilities are essential to meet national and international obligations regarding a DNA database.


White Paper on Crime - Since 2009 the Department has been engaged in a major consultative exercise leading to the production of a White Paper on Crime. The White Paper is due for completion in 2011 and will set out a policy framework for future strategies to combat and prevent crime. The development of the White Paper involves an end to end examination of the prevention, intervention and enforcement strategies to combat crime. The consultation process has principally been based around a series of discussion documents with corresponding consultation meetings. The intention is that this process would lead ultimately to a National Crime Strategy.

- The White Paper on Crime work plan currently envisages that the 4th and final round of consultations will take place during the summer, framed around a discussion document entitled *Community and the Criminal Justice System*. The provisional arrangements are for consultation seminars to take place in Dublin, Galway, Limerick, Waterford and Tralee over the last two weeks in May (when these are added to the locations chosen earlier in the process, a reasonable geographical spread will have been achieved over the lifetime of the project). As there are lead times required in order to book venues and issue invitations, a confirmation that this approach remains in order is required if the events are to go ahead as planned.
- Work is underway on drafting the actual White Paper itself, taking into account the outcome of the consultation process and ongoing internal discussion. This exercise will now need to reflect crime related commitments in the Programme for Government, including those relating to Departments other than the Department of Justice and Law Reform but which have crime prevention aspects. Further detailed discussions will be required with key criminal justice agencies. Ultimately, a Government decision will be required to approve the White Paper and related implementation arrangements.

Mutual Assistance and Extradition



Anti Human Trafficking

- **Investigations of Trafficking in Human Beings allegations** – There is a continuing need for priority to be given to the investigation of cases.
- **Criminalising forced labour** – 
- **NGO Campaign for Introduction of “Swedish” Model to Ireland** – The issue is being dealt with primarily by the Criminal Law Reform Division as the issue is, in the first instance, primarily related to reform of the criminal law. This Unit is involved because of the relationship between the provision of sexual services with human trafficking. The “Swedish Model” criminalises the purchaser of sex and decriminalises the seller of sex in order to discourage demand for prostitution/sexual exploitation of women.
- **Provide a legislative basis for Legal Aid Board assisting victims of human trafficking in criminal matters** – The Civil Law (Miscellaneous Provisions) Bill which has now lapsed contained a provision to provide a legislative basis for the Legal Aid Board to assist victims of human trafficking in criminal matters which is currently being done on an administrative basis.

Victims of Crime

- Ensure the criminal justice agencies are implementing the Victims Charter, securing improvement of the existing systems of monitoring services to victims and the development of new systems.
- Improved co-operation between the voluntary sector organisations supporting victims of crime.

- Dealing with the fall-out in voluntary sector organisations due to cut backs in other state funding and trying to pick up the pieces if the funding of the Commission for the Support of Victims of Crime is cut in the revised estimates.
- Influencing the drafting of the new EU directive on the standing of victims of crime in criminal proceedings and securing an opt-in to the Directive when it is published in mid-May.

Mental Health (Criminal Law) Review Board - The Mental Health (Criminal Law) Review Board is a statutory, independent body whose function is to review the detention of patients who have been referred to the Central Mental Hospital, arising from a decision by the courts that they are unfit to stand trial or who have been found not guilty by reason of insanity. The Board is also responsible for reviewing the detention of patients transferred to the Central Mental Hospital from prisons.

- Managing the issuing of conditional discharge orders with enforceable conditions for a backlog of patients who are ready or will shortly be ready for conditional discharge following the coming into force of the Criminal Law (Insanity) Act 2010, on 8 February 2011.
- Managing the ongoing six monthly review of the eighty or so patients in the Central Mental Hospital under the remit of the Board.

International Policy

- **JHA Council** - JHA Ministerial Councils offer the Minister an opportunity to build relationships with EU counterparts from an early stage. This is likely to be an important success factor in the Department's participation in the next EU Presidency. There are three JHA Councils during each Presidency of the European Union (plus an informal meeting hosted by the Presidency). Formal meetings are held in either Brussels or Luxembourg. The next JHA Councils will take place on 11/12 April and 9/10 June 2011 in Luxembourg. The work of JHA Council is guided by the policy priorities of the Stockholm Programme. This programme, together with its associated Action Plan, sets out concrete legislative and operational planning actions in the area of Freedom, Security and Justice in the period 2010-14.
- **Ireland's next EU Presidency 2013** - IPD has commenced planning for the Department's participation in Ireland's next EU Presidency, which will take place from 1 January to 30 June 2013. From as early as mid-2011, the necessary preparations for the Presidency will place increasing resource demands on the Department – most particularly in IPD, but also in the numerous other Divisions that are directly involved in EU business. Experience has shown that it is vital to identify, secure and begin putting in place the necessary human, financial and technological resources 12-18 months in advance of an EU Presidency. Obviously, the prevailing budgetary circumstances pose an immediate and significant challenge in this regard.
- **Schengen evaluation regulation** - A new European Commission proposal for a mechanism to evaluate application of the Schengen *acquis* excludes Ireland (and the UK) on the basis that they do not apply the *acquis* in full. This effectively 'freezes' Ireland out of a key part of the Schengen evaluation framework, and could have implications for our intended future participation in certain aspects of the *acquis*. (Background note: The Schengen area comprises 25 European countries which have abolished all passport controls at their common borders, accompanied by the adoption of enhanced police and judicial co-operation measures. All EU Member States other than Ireland and the UK are, or have applied to be, full participants in the Schengen *acquis*, along with Iceland, Norway and Switzerland. While Ireland and the UK have decided not to join the Schengen area in favour of maintaining their Common Travel Area, each has successfully applied to participate in certain co-operation measures under the *acquis*.)

Medium to Long Term Issues

JPC Guidelines - As the current JPC guidelines were issued by the Minister in September 2008, it would be appropriate to review their operation in conjunction with the Garda National JPC Monitoring Office and the Departments of the Environment, Heritage and Local Government and Community, Equality and Gaeltacht Affairs (as the LPCs are still in the process of being established, it would be too early to review their operation at this stage).

Dublin Archdiocese Report - Consider outcome of High Court hearing in July.

Anti-Social Behaviour - Review the operation of the provisions for combating anti-social behaviour in the Criminal Justice Act 2006, Parts 11 (adults) and 13 (children) and section 184 (public order fixed charge notices), in conjunction with the Irish Youth Justice Service.

Road Safety - Contribute, under the chairmanship of the Department of Transport, to putting in place the administrative arrangements required to bring into operation section 5 of the Road Traffic Act 2006 as amended relating to drink driving administrative disqualifications and contribute to introducing the provisions of the Road Traffic Act 2010 relating to the third payment option and the payment deposit scheme.

Mutual Assistance and Extradition

- The Minister for Justice and Law Reform is the Central Authority for European Arrest Warrants. In 2010, Ireland received 373 warrants (up from 26 in 2004 when the EAW 2003 Act was commenced). The High Court is the executing judicial authority. The number of warrants received is putting strain on judicial, courts and Garda resources. We are endeavouring to address the issue at legislative and operational levels but are severely restricted in what we can do given EU obligations. The 2003 Act has been amended in a piecemeal fashion on a number of occasions and a 'root and branch' overhaul of the Act is required to simplify and streamline procedures.
- The Department is reviewing extradition arrangements with a view towards further improving the processing of requests.
- Ireland has not been in a position, based on the advice of the Attorney General, to opt in to a proposal for a European Investigation Order (designed to replace the current mutual legal assistance 'request' with a judicial order issued in the requesting state). The proposal reflects the civil law system of the sponsoring states and presents problems for common law states. Our concerns focus on the very limited role assigned to Central Authorities (who, in our case, fulfil the role played by investigating judges in civil law states) and the suggestion that a state may be obliged to execute an EIO even if it could not do so in a similar domestic case. We are taking part in the negotiations and it is hoped that we may be in a position to ultimately opt in to the measure after adoption provided Irish concerns can be adequately addressed.
- The European Criminal Records Information System (ECRIS) which provides for a speedy electronic exchange of criminal records information will be operational in April 2012. An Garda Síochána is in the process of taking over Central Authority functions from the Department as regards criminal records information in order that it can operate ECRIS. EU proposals for ECRIS-TCN (Third Country Nationals) are due to be presented in early 2012. ECRIS-TCN will provide for a single electronic check to see if a third country national arrested in one Member State has a criminal record anywhere else in the EU.

Firearms, Explosives and Private Security

- **Judicial Reviews under new Firearms Legislation (2009)** - Handguns were generally banned under the Criminal Justice (Miscellaneous Provisions) Act 2009. Since the commencement of the Act and the introduction of a tighter regulatory regime, approx 180 judicial reviews have been lodged arising from refusals by designated persons within An Garda Síochána to grant firearm certificates for large calibre handguns.

Given the large number of JRs instituted in a short space of time, 3 test cases have been chosen.

The hearing of test cases may avoid the necessity of many cases having to be heard and determined by the courts with all the associated very significant costs. Mr. Justice Hedigan has listed 1 April 2011 as the date to hear Motions for Discovery associated with the test cases. It is listed for one day.

- **New Explosives legislation** - The formal drafting of an Explosives Bill 2011 by the Office of the Parliamentary Counsel is almost complete. The new Act will repeal, in its entirety, the Explosives Act 1875 and replace it with a modern statutory framework, including a raft of new supporting Regulations. Government approval to proceed with the drafting of the Bill was obtained in February 2008. The publication of the Bill itself is expected in late March/early April 2011, following consultation on e-cabinet.
- **Private Security Authority (PSA)** - The Private Security Authority is the independent statutory body with responsibility for regulating contractors and staff in the private security industry. While an Agency of the Department, the Authority has its own independent Board appointed by the Minister. To date it has licensed all those working in security guarding, door security. It has also licensed contractors installing intruder alarms and those providing Cash in Transit services. Subject to the enactment of amending legislation, it also plans to licence CCTV contractors and staff working in CIT companies later this year. In subsequent years it plans to licence security at large events, contractors providing CCTV monitoring centres and all staff monitoring either CCTV or alarms, together with staff installing any form of security equipment. Its statutory remit extends in the longer term to licensing of locksmiths, private investigators and security consultants. A key issue is the enactment of the Civil Law Miscellaneous Provisions Bill 2010. This will enable the Authority to operate more efficiently by outsourcing some of its lower level inspection work on a regional basis to part-time Inspectors. The Bill also facilitates the restructuring of the charging mechanism for licensing enabling the Authority to raise additional income. [REDACTED]
- **Target Shooting Ranges S.I.** - The legislation dealing with firearms ownership and use has undergone significant change in recent years. A regulation for the introduction of a modern regulatory code for target shooting ranges is in the final stages of drafting with the OPC and is expected to be ready for signing for the Minister in the near future. [REDACTED]
- **Review of the Scheme of Security of Explosives –**
[REDACTED]
- **Ongoing Regulation and Control of explosives industry** - Continue to regulate and control the manufacture, importation, storage, sale and transportation of explosives (including fireworks). In this regard, the Division aims to strengthen inspection, information and enforcement measures with the enactment of the Explosives Bill 2011. The Division will also continue to implement, where appropriate the recommendations of the EU Action Plan insofar as it relates to the functions of the Division.
- **New SIs on Security of Firearms Dealers Premises** - Draft regulations on security standards for the premises of firearms dealers have yet to be finalised by the Office of Parliamentary Counsel. There are approx 320 registered firearms dealers in the country and 220,000 licensed firearms.
- **Requirements under EU Weapons Directive 2008/51/EC** - The Garda PULSE system needs to be updated to take account of the EU Weapons Directive. At present, the Department holds computerised records of all imports of firearms. The PULSE system which holds details relating to all firearm certificates needs to include the import data. The deadline under the Directive is December 2014.
- **New SI on Realistic Imitation Firearms** - Section 40 of the Criminal Justice (Miscellaneous Provisions) Act 2009 provides for a new licensing regime for dealers in realistic imitation firearms (such as Airsoft). An S.I. providing minimum security standards for premises of dealers in realistic imitation firearms (RIFs) has been drafted. Once in force, only those registered to deal in RIFs will be able to import or sell RIFs.