



ICCL Follow-up Submission on the Policing, Security and Community Safety Bill, 2021¹

October 15th, 2021

Introduction

1. The aim of this follow-up submission is to elaborate on our original submission in particular on the oversight structures envisioned in the Bill. This is in light of recent public controversy which has surfaced since the date of ICCL's original submission in August 2021. While our original submission focused on the wording and drafting of the Bill, this submission wishes to re-emphasise ICCL's position on external oversight as per our submission to the Commission on the Future of Policing in Ireland (CFPI) in 2018.²
2. At the outset, ICCL would like to stress the importance of external policing oversight; police cannot police themselves.³ As one of the key principles of natural justice states, *nemo iudex in sua causa*, "no one should be a judge in

¹ This submission was written by ICCL policy officer Sarah O'Malley.

² ICCL, "[RIGHTS-BASED POLICING: HOW DO WE GET THERE?: A SUBMISSION BY THE IRISH COUNCIL FOR CIVIL LIBERTIES TO THE COMMISSION ON THE FUTURE OF POLICING](#)" January 2018.

³ See for example a recent report published by the Open Society Justice Initiative "[WHO POLICES THE POLICE? THE ROLE OF INDEPENDENT AGENCIES IN CRIMINAL INVESTIGATIONS OF STATE AGENTS](#)", May 7th, 2021.

their own cause”.⁴ As noted by the CFP, the “*delivery of effective policing is directly influenced by the structures for governance and oversight*”,⁵ therefore ICCL is calling for the most robust possible procedures for such oversight. We are calling for An Garda Síochána (AGS) to operate a model of policing by consent which includes the public’s ability to hold them to account.⁶

3. AGS’s own internal mechanisms are not suitable alternatives to external oversight. By way of example, the establishment of the Garda Anti-Corruption Unit (GACU) in June 2021 is of no relevance to the external oversight mechanisms provided for in this Bill. Allegations into corruption must be independently investigated by an independent office. The Garda Síochána Ombudsman Commission (GSOC) raised the alarm that GACU was established without any consultation and have underscored the issue that any investigations would be undermined without any independent, external oversight.⁷
4. This submission has three substantive parts on the proposals for:
 - A. A Policing and Community Safety Authority,
 - B. An Office of the Garda Síochána Ombudsman and
 - C. An External Examiner of terrorism legislation.
5. ICCL welcomes the establishment of these three important oversight mechanisms. While our original submission was structured in a Head by Head format, this submission highlights relevant Heads grouped thematically not numerically, for the ease of the reader.

⁴ See [Damache v DPP](#), [2012] IESC 11.

⁵ Commission on the Future of Policing, *The Future of Policing in Ireland*, 2018, p. 7, para. 12.

⁶ ICCL has long called for consent based policing, rather than policing by coercion. See for example ICCL’s Doireann Ansbro, Irish Examiner “[We need a model of policing by consent](#)” May 19th 2021.

⁷ Robin Schiller, The Irish Independent, “[Garda’s anti-corruption unit ‘flies in face’ of principle that force shouldn’t investigate itself without scrutiny, says policing watchdog](#)”, June 25 2021.

6. There are core principles which have been accepted at a European and international level which are necessary to ensure effective external police oversight which include, *inter alia*:
- a. adequate powers
 - b. independence from police and government
 - c. adequate resourcing
 - d. promptness
 - e. transparent operation/public scrutiny and regular reporting
 - f. public and government support and
 - g. civil society/victim involvement.⁸

This submission will highlight the importance of these principles with respect to the three new bodies.

A. The Policing and Community Safety Authority

7. ICCL welcomes the Authority as a mode of ensuring that the operation of AGS is subjected to external independent scrutiny. This is particularly important in terms of ensuring respect for human rights standards within AGS. For example, the Authority will be able to investigate *"particular aspects of the operation and administration of An Garda Síochána relating to policing services (including in relation to adherence to human rights standards and cooperation with other public service bodies to enhance community safety)"*.⁹ In light of the core principle that oversight mechanisms need adequate powers to fulfil their roles effectively, this investigative function is

⁸ See 17th session of the Human Rights Council "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston' Addendum, [Study on police oversight mechanisms](#)", 28 May 2010, para. 30, A/HRC/14/24/Add.8. Similar principles were also identified by the European Commission of Human Rights rapporteur on police which are based on a synthesis of the extensive authorities emanating from the European Court of Human Rights (ECtHR) and the UK House of Lords, see Victoria Law Foundation "[An Effective System for Investigating Complaints Against Police: A study of human rights compliance in police complaint models in the US, Canada, UK, Northern Ireland and Australia](#)" 2009, p. 22.

⁹ Head 104(2)(c).

proportionate as it is focused on "*particular aspects*" of operations. The outcome of these investigations will be in the form of "*recommendations*" to the Garda Commissioner or the Minister for actions. This is a welcome check on AGS's operations and it is hoped that these recommendations will be fully taken into account.

8. A body such as the Garda Commissioner's Office may be independent but still subject to oversight, as all public bodies should be. Independence and external scrutiny are not mutually exclusive. Hierarchical control of AGS without operational scrutiny would be inconsistent with democratic principles and the key principles of transparency and public scrutiny. ICCL welcomes the proposed quarterly meetings between the Commissioner and the Authority which will be open to the public.¹⁰ ICCL warns against any dilution of the Garda Commissioner's duty to cooperate with the Authority.¹¹ Any weakening of language would undermine the Authority's ability to effectively complete their important supervisory mandate.

B. The Office of the Garda Síochána Ombudsman

9. In addition for our calls for the name of this body to include the word "*independent*",¹² ICCL also recommends that consideration be given to changing the word "*Ombudsman*" in the Bill to "*Ombudsperson*" to make the Bill gender neutral and bring it in line with the values it represents.¹³ ICCL

¹⁰ Head 106(3).

¹¹ Head 119.

¹² See ICCL Submission on the Policing, Security and Community Safety Bill, 2021, August 2021, response to Head 139, pp 6-7.

¹³ While ICCL recognises that "Ombudsman" is often understood to be a gender neutral term, the use of alternative words for "Ombudsman" such as "Ombudsperson" are commonplace in other jurisdictions as well as at international organisations. See for example the US Department of State [Privacy Shield Ombudsperson](#), British Columbia, Canada's [Ombudsperson](#) the International Organisation for Migration (IOM)'s [Office of the Ombudsperson](#), the UN Security Council's [Ombudsperson to the ISIL \(Da'esh\) and Al-Qaida Sanctions Committee](#), the World Intellectual Property Organization (WIPO)'s [Office of the Ombudsperson](#), and the Organization of American State's [Office of the Ombudsperson](#).

also cautions against giving the Ombudsperson powers under the Coroners Act,¹⁴ and instead calls for reform of the Coronial system.¹⁵

10. The Bill expands on some of GSOC's powers, giving the new body broader investigative powers. In our submission to the CCP, we noted our concern *"that GSOC does not have sufficient statutory powers to effectively investigate allegations of human rights violations by members of An Garda Síochána."*¹⁶ We therefore welcome the new powers. ICCL also stresses that while the new office will have more powers, the Bill also provides for more procedural safeguards and oversight of the Ombudsperson.¹⁷

11. The provisions as drafted respect the fundamental principles of fairness and proportionality. As the scandals involving the AGS in the past have shown, garda oversight is critical and the more powers an oversight body has, the more effective it will be.¹⁸ The Bill will allow the new office to achieve their aim effectively and efficiently while guaranteeing respect for human rights and promoting good administration within AGS. GSOC, as noted by the CFP, was hampered by a lack of resources and jurisdictional limitations.¹⁹ The new provisions will ensure that the new body can effectively fulfil its statutory duty.

12. ICCL is supportive of the new proposed structure and believes it will provide for the effective, fair, and impartial handling of serious complaints on Garda behaviour. Certain categories, the details of which will be agreed upon

¹⁴ Head 189.

¹⁵ See Phil Scraton and Gillian McNaul [*"Death Investigation, Coroners' Inquests and the Rights of the Bereaved: A RESEARCH REPORT FOR THE IRISH COUNCIL FOR CIVIL LIBERTIES"*](#), April 2021.

¹⁶ ICCL, [*"RIGHTS-BASED POLICING: HOW DO WE GET THERE?: A SUBMISSION BY THE IRISH COUNCIL FOR CIVIL LIBERTIES TO THE COMMISSION ON THE FUTURE OF POLICING"*](#) January 2018, p. 40.

¹⁷ See for example Heads 146, 152, 153, 154, 155, 156, 176 and 183.

¹⁸ This is a well-documented issue for GSOC, see ICCL, [*"RIGHTS-BASED POLICING: HOW DO WE GET THERE?: A SUBMISSION BY THE IRISH COUNCIL FOR CIVIL LIBERTIES TO THE COMMISSION ON THE FUTURE OF POLICING"*](#) January 2018, pp 40-42 *"GSOC has insufficient powers to ensure effective oversight of investigations by An Garda Síochána where complaints to GSOC are referred back to An Garda Síochána. GSOC made several complaints in this regard to the Oireachtas Joint Committee on Justice and Equality in 2016. The Independent Review Mechanism also highlighted the problem"* (footnotes omitted).

¹⁹ Commission on the Future of Policing, *The Future of Policing in Ireland*, 2018, p. 48.

between the Commissioner and the Ombudsperson, will remain with AGS.²⁰ The only issues which fall within the Ombudsperson's non-negotiable remit are those of a serious nature such as acts or omissions which constitute a criminal offence, a breach of the standards of professional behaviour or which result in death or serious injury,²¹ or where "*special circumstances*" exist.²² This is appropriate.

13. The Garda Commissioner will retain independence and a considerably broad mandate under the proposed new regime. Only where conduct reaches a high threshold of seriousness, for example where death, or serious harm have occurred, must they refer a case to the Ombudsperson.²³ This is an acceptable and appropriate limitation on the jurisdiction of the Ombudsperson.

14. The new Office will be bound by principles of fairness in carrying out its duties, as noted in Head 143(6) "*The Garda Ombudsman shall establish and maintain efficient and effective systems and procedures for the handling of complaints and the conduct of investigations in a fair, timely and effective manner.*" ICCL also suggests adding wording to this provision including that the Ombudsperson will handle complaints in a manner that respects human rights standards.

15. ICCL is committed to the full enjoyment of fair procedures for anyone suspected of committing an offence. ICCL recalls that an objective of the new Ombudsperson is "*to ensure that the functions of the Office are performed in an efficient and effective manner and with **full fairness to all persons** involved in complaints and investigations under Part 6,...*".²⁴ We also note that, after deciding if the matter is appropriate for the Ombudsperson, the

²⁰ Head 161.

²¹ Head 161(2).

²² Head 160(4)(b).

²³ Head 164.

²⁴ Head 143, 2(a) (emphasis added).

Ombudsperson shall “c) *subject to subhead (8), **notify, where known, the member of garda personnel who is the subject of the complaint and specify the nature of the complaint** and the name of the complainant.*”²⁵

16. Delays in the past which caused lengthy investigations were due to GSOC being inadequately resourced. ICCL has expressed grave concern about this resourcing problem.²⁶ ICCL calls for adequate resources to be provided to the new body to ensure that investigations are completed in as timely a fashion as practicable. An investigation can and will be stopped if it is no longer “*reasonably practicable*”.²⁷
17. Further, ICCL welcomes that any summary offence notified to the DPP is subjected to a statute of limitations for prosecution of 18 months, capping the length of investigation for summary matters.²⁸ ICCL finds this extension of the statute of limitations appropriate for police who ought to be held to a higher standard when they commit criminal offences. In general, indictable offences are not bound by a statute of limitations unless legislation provides for one. ICCL finds this approach reflected in the Bill appropriate as members of AGS will have the same rights as other accused people to challenge any prosecutions which are unduly delayed if this impacts their right to a fair trial.
18. ICCL notes and welcomes that members under investigation enjoy the right to information. For example, if the investigation is discontinued, they are notified along with the reason why the investigation has ended.²⁹ It is essential that such information is provided in a timely manner.

²⁵ Head 160(7)(c) (emphasis added).

²⁶ ICCL, “[RIGHTS-BASED POLICING: HOW DO WE GET THERE?: A SUBMISSION BY THE IRISH COUNCIL FOR CIVIL LIBERTIES TO THE COMMISSION ON THE FUTURE OF POLICING](#)” January 2018, p. 40.

²⁷ Head 160(7)(c).

²⁸ Head 179.

²⁹ Head 172(3)(b).

19. The rights of gardaí under investigation must be balanced with other rights *i.e.* the public interest in having serious situations investigated. ICCL welcomes Head 166 which allows the office to open investigations of its own initiative, if in the public interest. ICCL trusts this provision will only be used where the public interest outweighs a member of AGS's rights. ICCL finds this weighing of rights appropriate and proportionate.
20. ICCL supports the provisions in relation to searches of garda premises provided in Head 170 whereby a designated officer can search a garda premises with the authorisation issued by the Garda Ombudsperson, rather than a warrant issued "*in accordance with law*" under Head 169(1)(a). However, we believe one procedural safeguard in particular under this Head could be strengthened.
21. As noted by Chief Justice Denham in the Supreme Court in the *Damache* case there are two elements which must be present to ground a valid and constitutional search warrant. First, it must be issued by an independent person and secondly that person must be satisfied that there exists reasonable grounds.³⁰ It should be noted that this two-part test was outlined in relation to searches of a person's private dwelling house which is protected constitutionally. A search of a garda premises, a place of work, does not involve such important fundamental freedoms and rights to privacy, however the two key safeguards are nonetheless present in the Bill.
22. Under the proposed Bill, the designated officer must apply to the Ombudsperson who is not involved in the investigation themselves. ICCL suggests further strengthening this presumption of impartiality by adding wording to this effect to the Bill. The Ombudsperson must be satisfied that reasonable cause exists that a member of AGS has committed an offence. The Bill doesn't stop there, it is also required that the Ombudsperson identifies reasonable grounds that evidence of this offence can be found at

³⁰ [Damache v DPP](#) [2012] IESC 11, para. 36.

the garda premises. Given that the inviolability of the dwelling home is not at stake,³¹ and that warrantless searches are commonplace in other contexts such as regulatory regimes,³² ICCL is confident based on our legal analysis that there is no valid cause for concern about this provision.

23. Furthermore, another important safeguard is present in the legislation, the Garda Commissioner's prior consent to a search must be sought.³³ The Commissioner can object to a search on State security grounds. The Bill provides for an alternative way to perform the search if there are national security issues, a process which includes oversight from the Minister.³⁴ The Bill does not provide for random, baseless searches of garda premises. The provisions appropriately balance rights of members of AGS with the designated officer's duties to investigate effectively and in a timely fashion.³⁵ Promptness is a key principle to respect to ensure public confidence in external investigations. A designated officer may search a premises promptly however we call on further scrutiny into the impartiality of the Ombudsperson themselves to the investigation before they authorise a search.

24. ICCL welcomes the Ombudsperson powers applying to investigations into civilian staff working for AGS.³⁶ The inclusion of civilian staff was recommended by CFP to ensure that AGS was seen and dealt with as one organisation.³⁷ ICCL believes that this provision will contribute to a greater culture of accountability inside the AGS and will remove any impunity or

³¹ The dwelling home "enjoys the highest level of protection which might reasonably be afforded in a democratic society" *Rozmyslowicz v Minister for Justice and Equality & ors* [2018] IECA 289.

³² See for example: Law Reform Commission, "[REPORT SEARCH WARRANTS AND BENCH WARRANTS](#)" APPENDIX B: SELECTED EXAMPLES OF WARRANTLESS POWERS OF ENTRY, STOP AND SEARCH IN ACTS AND STATUTORY INSTRUMENTS", December 2015.

³³ Head 170 (3).

³⁴ Subsections 5-8 of Head 170.

³⁵ Head 143(6).

³⁶ See Head 157(4), "(4) A member of garda staff shall not be subject to a complaint or formal investigation under this Part until such time as the Minister has made an order for the purposes of head 45(5)" and Head 45(5) "Every member of the civilian staff of An Garda Síochána who is a civil servant of the Government before the commencement of this head and who is designated by order of the Minister for the purposes of this head shall, on being so designated, become a member of garda staff."

³⁷ Commission on the Future of Policing, *The Future of Policing in Ireland*, 2018, p. 49, para. 11.

inconsistencies amongst staff of AGS, both police staff or otherwise. Further, civilian staff of police in other jurisdictions are subject to investigation, for example in Australia.³⁸

25. Independent investigations into serious allegations of misconduct are crucial. For matters where a death has occurred, Ireland has an obligation under the European Convention of Human Rights to carry out an effective official investigation under Article 2.³⁹ ICCL wishes to underline the importance of effective impartial independent review of serious matters and welcomes the reforms of the Ombudsperson.

26. ICCL welcomes the objectives of the office being the promotion of “*public confidence in the processes for the resolution of complaints*” made by the public,⁴⁰ and to promote “*public understanding*”.⁴¹ These are key steps in fostering informed public scrutiny. However, ICCL would recommend clarification on how these objectives are to be achieved in practice.

27. As recommended by CFP,⁴² the Bill contains an expansion of the current scope of the judicial inquiry process contained in the Garda Síochána Act 2005.⁴³ Head 183 provides for judicial inquiries into the conduct of the “*Office of the Garda Ombudsman*” as well as its investigation procedures, policies and practices. The latter encompasses a wider mandate than the current model for an investigating judge and will ensure that the overall running of the office

³⁸ In New South Wales part 51 of the [Law Enforcement Conduct Commission Act 2016 No 61](#) allows for investigation of administrative police staff.

³⁹ See for example Independent Police Complaints Commission (IPCC), [Corruption in the Police Service in England and Wales, First Report](#), Presented to Parliament pursuant to Section 11 (5) of the Police Reform Act 2002, September 2011, para. 4 referring to [Ramsahai v the Netherlands](#) (Application No 52391/99, 15 May 2007) which found that a police investigation into a death where police were involved in an operation leading to the death was a violation of the investigative obligation under Article 2 as it lacked the necessary independence. See also [Mikiashvili v Georgia](#) (Application No 18996/06, 9 October 2012) (finding of an Article 3 breach due to inadequacy of investigation).

⁴⁰ Head 143 (2)(b).

⁴¹ Head 143 (5)(a).

⁴² Commission on the Future of Policing, *The Future of Policing in Ireland*, 2018, p. 50.

⁴³ See Section 109 of the Garda Síochána Act 2005 for the current law.

is subject to judicial scrutiny, not just specific incidents. This will ensure that any issues with the office's investigatory powers could be examined by a judge before any harm is done in a particular investigation. ICCL welcomes the Bill's strengthening of judicial oversight of the Ombudsperson. The addition of a provision of judicial inquiry into investigative policies will provide for independent oversight of the "*effectiveness and timeliness*" of the Ombudsperson's investigations.

28. In addition to the Bill's inclusion of a provision for oversight by Oireachtas committees,⁴⁴ ICCL suggests that the provision also provides for reporting by the Ombudsperson to the Justice Committee.

C. Independent Examiner of Security Legislation

29. ICCL has long called for a clear statutory framework to ensure that any rights interfered with under the umbrella term of "*national security*" can only be done so lawfully. In our submission to the CFP we called for an external examiner on state surveillance.⁴⁵ ICCL welcomes the proposed creation of an Independent Examiner of Security Legislation, particularly the role's functions under the Justice (Surveillance) Act 2009.⁴⁶ It is vital that there is independent scrutiny of decisions made on the basis of national security given the risks to civil liberties these decisions so often have. This position is of particular importance given the reactive and often rushed nature of anti-terrorist legislation and the rights issues that flow from restrictions justified by governments on national security grounds.

30. ICCL recalls that the establishment of such an Independent Examiner was recommended by the CFP, in particular with reference to the position in the

⁴⁴ Head 153.

⁴⁵ ICCL, "[RIGHTS-BASED POLICING: HOW DO WE GET THERE?: A SUBMISSION BY THE IRISH COUNCIL FOR CIVIL LIBERTIES TO THE COMMISSION ON THE FUTURE OF POLICING](#)" January 2018, p. 9.

⁴⁶ Head 204.

UK.⁴⁷ In the UK, anti-terrorism laws have been subject to review since 2001 by the Independent Reviewer of Terrorism Legislation. This model has similarly been used in Australia since 2010, where there exists an Independent National Security Legislation Monitor. Further, in Northern Ireland, there has been an Independent Reviewer of the Justice and Security (Northern Ireland) since 2007.⁴⁸

31. The position in the UK has been successful, the Office gaining support from academia,⁴⁹ civil society⁵⁰ as well as endorsement of its recommendations by the United Nations Special Rapporteur on Counter-terrorism.⁵¹

32. One empirical study on the Reviewers in the UK and Australia noted the benefits of these models:

Independent review offers forms of scrutiny not found in traditional constitutionalist review mechanisms. There is a lot to commend in the offices of Independent Reviewer and Independent Monitor. For example, they may be given access to closed material that is not available to Parliament or the public and they can make informed decisions based on a range of sources. They have the opportunity to examine antiterrorism laws in as broad a manner as possible, reporting not just on how the laws are used, but also on whether they are effective

⁴⁷ Commission on the Future of Policing, *The Future of Policing in Ireland*, 2018, p. 38 para. 3.

⁴⁸ See this Office's reports here: [Annual Reports of the Independent Reviewer of Justice and Security \(Northern Ireland\) Act 2007](#).

⁴⁹ See for example Professor Clive Walker, "[HUMAN RIGHTS AND COUNTERTERRORISM IN THE UK](#)", 2016, p. 7 "...extraordinary powers should be subjected to extraordinary scrutiny, so it is welcome that the government has adopted the practice of appointing an Independent Reviewer of Terrorism Legislation"; Dr. Jessie Blackbourn, Critical Debates on Counter-Terrorism Judicial Review Cambridge, Chapter 7 "[Independent reviewers as alternative: an empirical study from Australia and the United Kingdom](#)" 2014.

⁵⁰ See for example Amnesty International UK, "[Counter-Terrorism and Sentencing Bill 2019-21. Submission to the Public Bill Committee](#)", June 2020, para. 4; Liberty UK "[Liberty's Committee Stage Evidence on the Counter-Terrorism and Border Security Bill](#)" June 2018.

⁵¹ [Statement by United Nations Special Rapporteur on counter terrorism and human rights, Ben Emmerson, concerning the Draft Investigative Powers Bill in the United Kingdom](#), 4 November 2015 "As regards targeted surveillance of identified individuals or organisations, the Special Rapporteur **unequivocally endorses the assessment of David Anderson QC, the UK's Independent Reviewer of terrorism legislation**, that prior authorisation by an independent and impartial judiciary is an essential safeguard." (emphasis added).

*or even necessary. Reviewers can highlight cases of misuse of the laws, either on an individual or wider scale, and can expose longitudinal trends in counter-terrorism practice. Most importantly, they do all this in the public domain, enabling and enhancing parliamentary and public debate on anti-terrorism laws.*⁵²

33. However, as this expert in counter terrorism laws also noted:

*However, this type of scrutiny is meaningless if it has no ability to shape the activities of the government's counterterrorism agenda. It is essential, therefore, that offices of independent review of anti-terrorism laws are established and constructed so as to be able to inform public and parliamentary debate and to hold the government to account. It is critical that the mandate, structure, methodology and independence of the office enable the reviewer to carry out their function in a neutral and objective manner.*⁵³

34. Therefore ICCL calls on government to ensure that the Independent Reviewer is engaged both in the public sphere and in the Houses of the Oireachtas and to provide in legislation that the Reviewer discharges their responsibilities in an entirely impartial manner.

35. Head 213 could be amended to provide for a more rigorous vetting procedure. Particularly in light of the above, ICCL calls on government to ensure that the Reviewer appointed is not at risk of actual or apparent bias.

36. It is essential and welcome that the legislation provides for sufficient safeguards in relation to national and personal security of the Examiner.

⁵² Dr. Jessie Blackbourn, Critical Debates on Counter-Terrorism Judicial Review Cambridge, Chapter 7 "[*Independent reviewers as alternative: an empirical study from Australia and the United Kingdom*](#)" 2014.

⁵³ *Ibid.*

37. To safeguard personal security of people at risk and international intelligence sources, information holders must ensure that information is appropriately redacted.⁵⁴ ICCL finds this to be a proportionate provision. Additionally, any sensitive information which may pose a national security risk must be kept strictly confidential.⁵⁵ The Examiner will take all necessary and reasonable measures to protect the security of all information provided to him or her and have to receive the information holder's consent that the measures are of an acceptable standard.⁵⁶

38. We note that the legislation provides that sensitive information shall not be published other than with the agreement of the relevant information holder and relevant Minister.⁵⁷ ICCL understands these provisions may be necessary to address national security concerns; however it is essential that these provisions do not unduly restrict the public accountability of the Examiner. It would be useful for a periodic review of the operation of Head 210 to be conducted to understand how frequently such agreements will be in place for.

Conclusion

39. To conclude, ICCL felt it was important to restate our positions on these key oversight mechanisms as they are central to creating a truly transparent, human rights compliant AGS. This Bill interacts with the other two garda bills on digital recordings and police powers in key ways. Transparency in compliance, reporting, disaggregated data collection, and decision making is crucial to allow for proper public scrutiny and accountability. ICCL welcomes these three oversight mechanisms and calls on government not to dilute their powers or fail to properly resource them.

⁵⁴ Head 198.

⁵⁵ Head 199 and 200.

⁵⁶ Head 201

⁵⁷ Head 210(2).