

Ms Kathleen O'Toole
Chairperson
Commission on the Future of Policing in Ireland
Second Floor
St Stephen's Green House
Earlsfort Terrace
Dublin 2
DO2 PH42



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Dear Ms O'Toole

Submission on Future of Policing in Ireland

Thank you for the opportunity to make this submission.

Policing is an integral part of the justice system which also includes the judiciary and the prison system. My proposals aim to improve the effectiveness of the Irish justice system and to make Ireland much safer for ordinary citizens.

Despite my "leftie-liberal" background working in the community [REDACTED], I do realise that these proposals could be deemed to be "right wing". However, in my view, these are no more than practical methods to reduce crime by more evenly balancing the protection of citizens with the rights of criminals.

In my view, the current system is biased in favour of criminals who are the only ones to benefit from generous bail terms, limitless free legal aid, automatic sentence remission, early release from prison, concurrent sentences and very few financial consequences for their offences. By focusing on repeat offenders and restricting these factors, there will be fewer crimes committed while on bail, fewer serial offenders, more criminals incarcerated and a much more effective police force. Indeed, these proposals will require additional prison places to be provided in order to protect ordinary citizens from habitual criminals.

Collection of Fines, Tolls and Licence Costs (e.g. TV)

The practice of imposing prison sentences for unpaid fines, tolls and licences should cease and all such outstanding payments should be immediately collected by garnishee orders on the offender's wages and/or tax credits and/or social welfare payments. Where garnishee orders are implemented the offender should be subject to a hefty surcharge to compensate the State for the late payment and for the cost of implementing the garnishee order. These surcharges should steadily inflate where further delays are encountered.

Rules for Bail Regulations:

Bail should become a limited facility that is restricted for serial offenders. After two criminal offences, bail should be set at relatively high levels related to the severity of the offence being tried e.g. €10K to €50K. In the case of guilty verdicts following "Not Guilty" pleas, bail funds should only be returned after deducting the prosecution's full legal costs (and the cost of any Free Legal Aid provided - see below). After five convictions, any further arrests should result in bail being set at very high levels e.g. €500,000 and, if bail is not paid, such

accused should be remanded in custody until their cases are called before the courts. Any convictions for crimes while under bail should result in the immediate re-application of any previous remissions or suspended sentences as well as the life-long revocation of any entitlement to bail following any future arrests. Any prisoners on bail should be required to accept to 24/7 electronic tagging while on bail.

Free Legal Aid:

Like bail, Free Legal Aid should become a limited facility that is restricted for serial offenders. Those who have five or more previous convictions should only be entitled to Assisted Legal Aid on the basis of a loan from the state to the defendant. In the case of guilty verdicts, the cost of Assisted Legal Aid plus the prosecution's full legal costs should be deducted from any bail sureties provided. Where these are not adequate, the defendant should be required to repay such costs by disposing of his/her assets and/or by garnishee orders against any future social welfare benefits and/or tax credits and/or wages.

Court / Sentencing Regulations:

The current prohibition on jurors being briefed on defendants' convictions record should be lifted as jurors should be entitled to know, before they make their decisions, as to whether or not they are judging the guilt of an habitual criminal or a first-time offender. There is no justification for not making the jurors aware of all facts relating to each defendant's history. In addition, judges should treat defendants differently depending on their pleas. Defendants who plead "not guilty" should not be entitled to any remission of sentence or suspended sentences if they are subsequently convicted as charged.

Crimes with Violence:

Crimes with violence should attract special conditions. Crimes with any violence should attract a minimum sentence of one year in prison. Crimes involving GBH (Grievous Bodily Harm - as determined by the judge) should attract a minimum sentence of three years in prison. Moreover, defendants convicted of violent crimes against vulnerable people (e.g. women, elderly, children or disabled people) should attract an automatic additional prison tariff of 50%.

Prison Regulations:

The default to concurrent sentences should be reversed so that the default becomes consecutive sentences. In this way, a criminal who is convicted of a burglary with violence would receive two consecutive sentences - one for theft and one for violence. Remission has become the default whereas under my proposals, remission would only apply where a prisoner has an exemplary record in prison and where s/he has pleaded "guilty". Convicted prisoners who plead "not guilty" should not be entitled to remission. Moreover, the current 25% default remission should be reduced to a maximum of 15% and that 15% should be graduated depending on the prisoner's behaviour in custody as recorded year-by-year on his/her file. In addition, like bail, remission should be a restricted privilege and serial criminals (e.g. >5 convictions) should be no longer entitled to remission for any future sentences. Also, in every case, any remission should be treated as a suspended sentence to be served on completion of any future prison sentences. Lastly, Prison Governors should be required to accept and incarcerate all prisoners sent to them by the courts and it should be a contempt of court (for the Government and for the Prison Governor) if an offender arriving at prison is turned around immediately released early for capacity reasons. Hence the urgent need for more prison places.

Driving Cases (including DUI - driving under the influence of drink or drugs):

In every case, defendants should be required to present their Driving Licences to the court before their cases are heard. In this way, any points or suspensions may be immediately applied by the judge and the number of existing penalty points may be clarified. First DUI convictions should attract a minimum, irrevocable driving ban of 1 year. Second DUI

convictions should attract a minimum, irrevocable driving ban of 3 years and a minimum prison sentence of 1 month. Third or subsequent DUI convictions should result in a minimum, irrevocable driving ban of 5 years and a minimum prison sentence of 16 months. Individuals convicted of insurance fraud (or attempted insurance fraud) should be disbarred from obtaining future motor insurance cover and disbarred from driving for a minimum of 5 years. Driving while banned by the courts should attract minimum 1-year prison sentence followed by a 10-year driving ban (followed by a driving test for any new licence).

Rehabilitation of Prisoners:

Prisoners with a record of good behaviour, who undergo accredited educational programmes and who are consistently tested as drug-free while in prison should be entitled to 10% remission after their 1st, 2nd and 3rd offences. Thereafter they should be detained in the normal way as outlined above.

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