



# CRIMINAL ASSETS BUREAU

Public Sector duty towards human rights and  
equality:

Assessment and Action plan

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CRIMINAL  
ASSETS  
BUREAU

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Criminal Assets Bureau  
Walter Scott House  
Military Road  
Dublin 8  
D08 HE2P  
Ireland

info@cab.ie  
www.cab.ie  
Tel: +353 1 666 3266

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# Overview of the Criminal Assets Bureau, its Officers and Staff

## The Bureau

On the 15th October 1996, the Bureau was formally established by the enactment of the Criminal Assets Bureau Act 1996 (the Act).

## A Body Corporate

The Bureau exists as an independent corporate body as provided for under Section 3 of the Act. The status of the Bureau was first considered in 1999 by the High Court judgment of Mr. Justice McCracken in the case of *Murphy -v- Flood* [1999] IEHC 9 which states:

*CAB is a creature of Statute, it is not a branch of An Garda Síochána. It was set up by the Oireachtas as a body corporate primary for the purpose of ensuring that persons should not benefit from any assets acquired by them from any criminal activity. It is given power to take all necessary actions in relation to seizing and securing assets derived from criminal activity, certain powers to ensure that the proceeds of such activity are subject to tax, and also in relation to the Social Welfare Acts.*

*However, it is not a prosecuting body, and is not a police authority. It is an investigating authority which, having investigated and used its not inconsiderable powers of investigation, then applies to the Court for assistance in enforcing its functions. The Oireachtas, in setting up the CAB, clearly believed that it was necessary in the public interest to establish a body which was independent of An Garda Síochána, and which would act in an investigative manner. However, I do not think it is the same as An Garda Síochána, which investigates with an aim to prosecuting persons for offences. The CAB investigates for the purpose of securing assets which have been acquired as a result of criminal activities and indeed ultimately paying those assets over [to] the State.*

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## Corporate Governance

The Bureau does not fall within the traditional definition of a State Body within the meaning of the Code of Practice for the Governance of State Bodies, owing to its interagency and multi-disciplinary structure, together with its multi-stranded governance and accountability pathways. The Bureau does, however, apply the Code of Practice for the Governance of State Bodies as adapted to its structure.

An Oversight Agreement between the Bureau and the Department of Justice, Home Affairs and Migration is in place and covers the period 2023 – 2025. Funding for the Bureau is provided by the Department of Justice, Home Affairs and Migration.

## Objectives and Functions

The objectives and functions of the Bureau are respectively set out in Sections 4 and 5 of the Act. These statutory objectives and functions may be summarised as:

1. Identifying and investigating the proceeds of criminal conduct;
2. Taking actions under the law to deny and deprive people of the benefits of assets that are the proceeds of criminal conduct by freezing, preserving and confiscating these assets;
3. The taking of actions under the Revenue Acts to ensure that the proceeds of criminal activity are subjected to tax;
4. Investigating and determining claims under the Social Welfare Acts.

## Leadership of the Bureau

The Bureau is headed by the Chief Bureau Officer, appointed by the Commissioner of An Garda Síochána from among its members of the rank of Chief Superintendent. The Chief Bureau Officer has overall responsibility, under Section 7 of the Act, for the management, control and the general administration of the Bureau. The Chief Bureau Officer is responsible to the Commissioner for the performance of the functions of the Bureau.

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The Bureau Legal Officer reports directly to the Chief Bureau Officer and is charged under Section 9 of the Act with assisting the Bureau in the pursuit of its objectives and functions.

## Bureau Officers and Staff

Section 8 of the Act provides for the appointment of officers of the Bureau. Members of staff of the Bureau are appointed under Section 9 of the Act.

Officers of the Bureau are:

1. Members of An Garda Síochána;
2. Officers of the Revenue Commissioners;
3. Officers of the Department of Social Protection

Officers are seconded from their parent agencies.

Officers of the Bureau continue to be vested with the powers and duties of their parent agencies, notwithstanding their appointment as Bureau Officers.

Staff of the Bureau consist of:

- The Bureau Legal Officer;
- Professional members;
- Administrative and technical members

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# Our Mission, Vision and Values





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# Current activities that reflect our commitment to human rights and equality

## Admissions group

The Bureau receives information on a regular basis relating to individuals who are then considered as potential cases for the Bureau to investigate. The sources of this information vary from Good Citizen Reports, Divisional Asset Profiles, information from State and semi-State agencies and both the private and nongovernmental organisation sectors.

Upon receipt of any submission the information is first reviewed by the Bureau's Intelligence and Assessment Office (IAO) where a triage of the submission received takes place. This includes the preparation of background reports and follow ups on foot of the information received. Finally, a recommendation is made by the IAO to the admissions group.

The admissions group is made up of the management of each of the agencies within the Bureau working as Bureau Officers. Namely, An Garda Síochána, the Department of Social Protection and the Revenue Commissioners. The case is considered and certain criteria must be met for the case to be taken on for investigation.

This group has been in place since 2018 and its introduction and continuing important role in the operation of the Bureau ensures that every case is considered on its merits while ensuring our mission and values are maintained. This group has been key to ensuring Human Rights are considered from the earliest stages of assessment and investigation by the Bureau.

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## Operations

As part of its ongoing work the Bureau will apply to the courts for search warrants in relation to certain cases which are under investigation. This will usually involve the searching of the homes of the individuals who are under investigation and potentially some business premises also depending on the nature of the case. Searches are duly carried out upon granting of the warrants and in accordance with the terms granted by the court.

Prior to each search operation an operational order is prepared, and an operational briefing is held to inform those who will conduct the search of the details of that operation.

In all operational orders and at all operational briefings Human Rights are considered and emphasised by the lead investigator with particular attention given to the Garda Core Values and Garda code of Ethics.

## Staff training

As part of the Bureaus commitment to Human Rights, several of its Bureau Officers have undergone training in relation to Human Rights. Several Officers have received a certificate in Policing and Human Rights Law in Ireland from the University of Limerick.

In addition several other officers have received other training in this regard including some of the resources available through the IHREC website.

The Bureau will continue to engage in training in regard to Human Rights issues in which we are directly involved in our day-to-day work.

The Bureau runs a regular course of study for Bureau Officers in conjunction with the University of Limerick. Included in this course is a module on Human Rights.



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## Fair Process

The Bureau is a multi-agency organisation comprising of An Garda Síochána, the Department of Social Protection, the Revenue Commissioners and the Department of Justice, Home Affairs and Migration. Investigations are undertaken by each agency operating under legislative powers specific to that organisation. As such there are a range of provisions available to any individual being processed under any of the streams within the Bureau. This includes court proceedings, natural justice and the right to appeal any decisions or actions taken under Tax and Social Welfare Legislation.

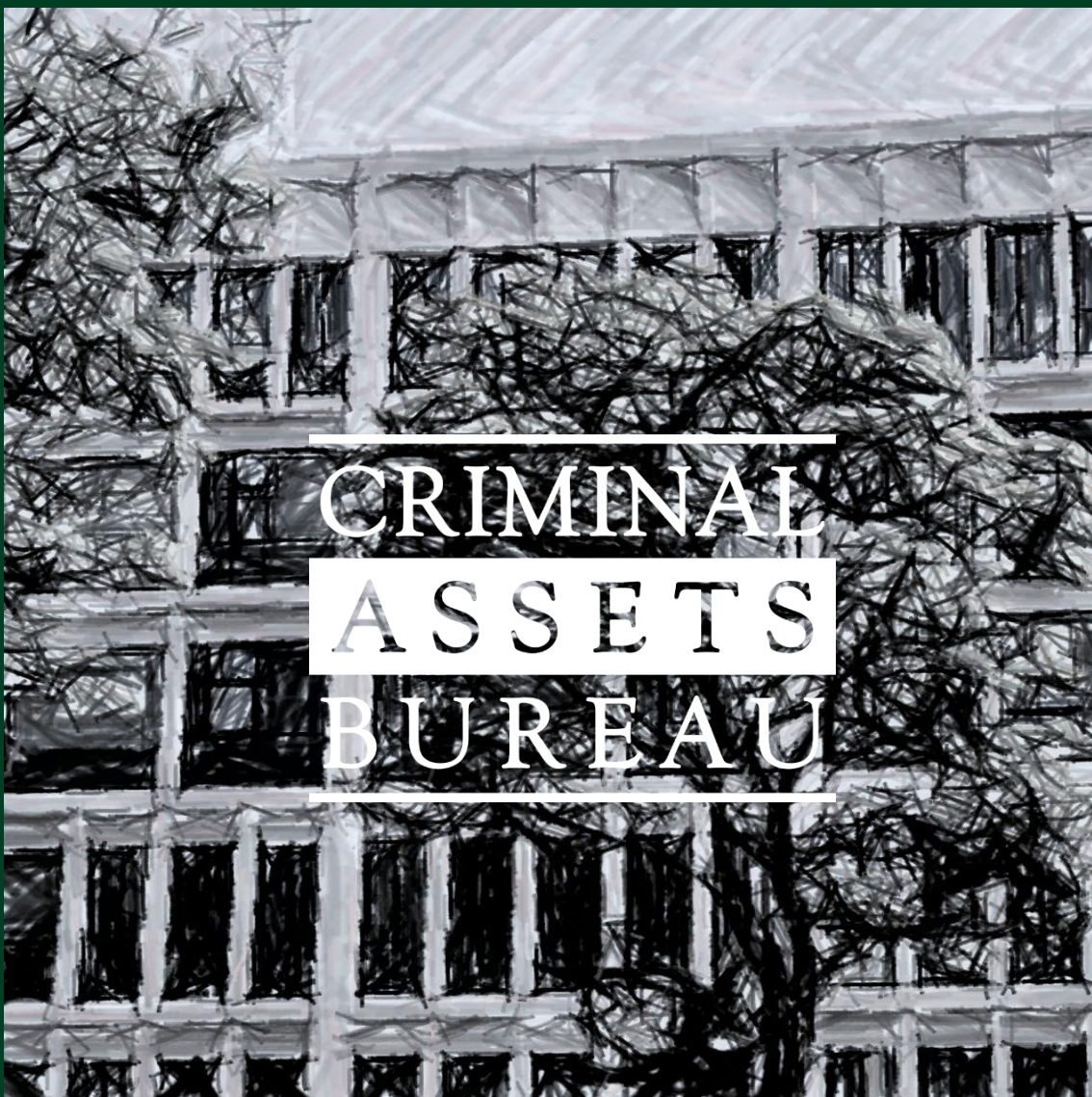
## The Bureau as an employer

The Bureau is committed to being an inclusive employer. Recruitment is carried out by way of a competitive process operated by the constituent organisations of the Bureau. As such the respective recruitment processes in place in each of those organisations is an intrinsic part of the recruitment and appointment of Bureau Officers and Bureau Staff.

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# Action plan

1. The Bureau will continue to operate the Admissions group on a weekly basis to ensure that due consideration is given to individuals whose assets are being considered for action by the Bureau.
2. The Bureau will consider and amend as necessary operational instructions ahead of any search operations to ensure Human Rights remain a key consideration in the execution of its duties.
3. The Bureau will encourage staff to avail of online training resources, or other resources available through their parent organisations, in relation to Human Rights.
4. The Bureau will work closely with the parent agencies of its officers to ensure that recruitment competitions are carried out in accordance with the relevant policies.



**Criminal Assets Bureau**

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Military Road

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D08 HE2P

Ireland

[info@cab.ie](mailto:info@cab.ie)

[www.cab.ie](http://www.cab.ie)

Tel: +353 1 666 3266

**An Biúró um Shócmhainní Coiriúla**

Teach Walter Scott

An Bóthar Mileata

Baile Atha Cliath 8

D08 HE2P

Éire