



AN GARDA SÍOCHÁNA

HUMAN RIGHTS AUDIT

**REPORT FROM
IONANN MANAGEMENT CONSULTANTS**

JUNE 2004

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‘... An Garda Síochána, being the national police service of the Republic of Ireland with a public mission, and acting in the public interest, has a fundamental role in protecting and vindicating the personal dignity and human rights of all members of the community’

(Preamble to An Garda Síochána Declaration of Professional Values and Ethical Standards)

1. INTRODUCTION

1.1 Aims

In 1997 the Council of Europe launched a pan-European programme called ‘Policing and Human Rights 1997-2000.’ It aimed to create an awareness of human rights in European police services and to challenge police authorities to initiate activities which would promote the protection of human rights. In response to this, An Garda Síochána launched its own initiative in 1999, when it established a Human Rights Office and a Human Rights Working Group with external representation. The working group agreed on a programme of events one of which was to be a human rights audit of policies and procedures.

Ionann Management Consultants was contracted after a tendering process to provide the human rights audit.

The aims of the audit were:

- To examine An Garda Síochána’s current policies and strategies to assess the extent to which they comply with the values enshrined in international human rights standards, with particular reference to the basic values set out in the Council of Europe’s ‘Policing in a Democratic Society’
- To identify any gaps in compliance with these values
- To make recommendations for future compliance
- To suggest ways in which the Council of Europe’s auditing guide can be augmented to become a comprehensive audit tool suited to the needs and future development of An Garda Síochána

- To produce a comprehensive bibliography on values led policing practice and policy

This report covers the first three of these objectives.

How the audit was conducted

This report is based on:

- Desk research and review of
 - An Garda Síochána policy documents and statements
 - reports from external sources such as Amnesty International, ICCL, and the Council of Europe Committee for the Prevention of Torture
- Interviews with 17 senior An Garda Síochána officers including Commissioner Noel Conroy
- A tick box questionnaire which was completed by 1,242 uniformed and civilian support staff (10% of all staff)
- 18 focus groups involving 203 staff in Dublin, Cork, Portlaoise and Galway
- Two community meetings and one-to-one interviews involving 40 people from 25 community and voluntary sector organisations
- A discussion with 11 police trainers at the Garda College in Templemore
- Meetings with An Garda Síochána Human Rights Office and Human Rights Working Group.

Each of these elements is described more fully in section 1.3 below.

In February 2003, after an initial meeting with staff in An Garda Síochána Human Rights Office, information collection for the desk research began. The bulk of the field work, including the questionnaires for staff, interviews, staff focus group and community meetings, took place between June and August 2003.

The collection of information for the audit was completed by September 2003 and new developments since that time are not included in this report.

1.2 The audit framework

Policing in a democratic society

As part of the Council of Europe's wider programme on policing and human rights, a joint informal working group on the police and human rights was formed. Members included police officers, government representatives and representatives of non-governmental organisations from across Europe. The working group produced the guide to Policing in a Democratic Society in 2000. Its purpose was to:

'allow police officers to assess the extent to which police practices adhere to and promote the standards and broader democratic values underlying the European Convention on Human Rights'.

The guide draws on:

- The United Nations Code of Conduct for Law Enforcement Officials (1979)
- The Council of Europe's Declaration on the Police (1979)
- The European Code of Police Ethics (2001)

There are seven components. The first component, basic values, is an umbrella covering the six more detailed components which follow, which look in more detail at different aspects of police organisation. In each section, there are a series of aspirational statements which set out the principles of policing in a democratic society. Each statement is set alongside a set of questions, or tests, and suggested performance indicators which can be used to assess the extent to which the test questions are met.

The core framework for this audit is based on the test questions in component 1 of the Guide. This formed the basis for what was to be audited.

However, it was felt by the audit team that directly following the order of test questions, as set out in the CoE guide, might not be the most coherent way to actually carry out the audit, particularly in terms of the structure of questionnaires and focus group and interview questions.

Questions seeking answers to the CoE test questions were arranged into four broad areas covering four key aspects of organisational functioning.

Each of these broad areas also relate to more detailed components in the Guide. It is hoped that the results under each heading can be used in future as a baseline measurement for further development of human rights work in these areas.

Based on the experience of this audit, suggestions on how future audits may be conducted and how the CoE guide can be augmented are provided in a separate paper.

The four key areas were:

a) Human rights at corporate level

The extent to which human rights is mainstreamed in national policing policy and governance; in corporate structures and systems of accountability; and in the role and function of senior police leadership. This relates to components 4, 6 and 7 in the guide, Management Practice, Structures and Accountability respectively.

b) Communication and consultation

The extent to which An Garda communicates and consults with its own staff and with the communities it serves on human rights and policing. This relates to components 2 and 5 of the guide, Staff and Operational Policing respectively.

c) Human rights and operational policing

The extent to which human rights are integral to operational policing and police services to the community. This relates to Component 5 of the Guide, Operational Policing.

d) An Garda Síochána as a human rights employer

The extent to which the human rights of staff are considered within An Garda Síochána and the extent to which human rights is integrated into police training. This relates to Components 2 and 3 of the guide, Staff and Training respectively.

Policing in Ireland: Human rights concerns

In addition to shaping the test questions into these four main areas above, it was also essential to relate them to the circumstances of policing in Ireland. An initial meeting with staff in An Garda Human Rights Office helped to clarify recent and continuing human rights concerns. These included, for example, the arrest process, interviews, and detention; public order and policing demonstrations; the

use of force; dealing with racist incidents; accountability; training and support; asylum seekers and refugees; the work of the immigration police; and use of firearms.

The desk research, and particularly the review of reports from non-governmental organisations and the Committee for the Prevention of Torture, identified human rights concerns particular to the Republic, which needed to be explored during the audit. These concerns are set out in Chapter 2 of this report which outlines the broader context in which the audit was conducted.

The desk research also helped to identify key themes which should be explored during the audit. These included, for example, issues of accountability; complaints and discipline; treatment of suspects and detainees in custody; community relations and respect for diversity; training; and the extent to which a police force is representative of the community which it serves.

Together, these issues provided the framework for the development of questionnaires, interview and focus group questions, and for analysis.

Structure of this report

Chapter 2, *The wider context*, provides a wider context for the audit. It looks at the recent, rapid social and demographic changes in Irish society and in legislation, and the implications for policing in a democracy. It reviews recent human rights concerns in relation to the work of An Garda Síochána, as documented by the Council of Europe Committee for the Prevention of Torture and non-governmental organisations. These reports are also referred to in subsequent chapters, where relevant.

Chapter 3 (Method) and Appendix F, provide more details of the method used to conduct the audit, including information about questionnaire respondents, focus group participants and community consultation.

Chapters 4 – 8 draw on all the elements of the audit: the document review, senior officer interviews, questionnaire, staff focus groups and community meetings. Each chapter looks at one of the broad areas of An Garda's work described above in relation to human rights compliance. Each chapter begins by highlighting key issues and the recommendations arising from that chapter; the evidence to support these is then presented. *Some of the more detailed results from the questionnaires are provided in Appendix F.*

Chapter 4 (Human rights at corporate level) looks at human rights at organisational or corporate level, national policy, and the role of police leadership.

At corporate level, how does An Garda Síochána show that it respects and promotes fundamental human rights and the rule of law? How is this reflected in governance and in policy documents such as the Garda Code?

Chapter 5 (*Perceptions and knowledge of corporate commitment to human rights*) reports on the findings of the audit in relation to perceptions of An Garda Síochána's corporate commitment in terms of leadership on human rights, and the complaints and discipline systems.

Chapter 6 (*Consultation and communication*) examines the way An Garda Síochána communicates with and consults its own staff and the community which it serves. How are corporate policies communicated to staff and to the wider public? To what extent can staff participate in decision making? How can local communities make sure their human rights needs and concerns are taken into account?

Chapter 7 (*Human rights and operational policing*) looks at human rights and operational policing. How are human rights and the rule of law promoted at ground level in services to the public?

Chapter 8 (*An Garda Síochána as a human rights employer*) describes An Garda Síochána as an employer: how are the human rights of its own staff respected? Does the composition of the staff reflect that of the communities it serves? How are women treated inside the force? How is human rights embedded in training?

Chapter 9 (*Conclusion*) asks what a human rights compliant police service would look like. Where is An Garda Síochána now, and where should it be in five years' time? This chapter compares the findings of the audit with the basic values set out in the Council of Europe's guide 'Policing in a Democratic Society'. This framework of indicators is used to highlight gaps where more could be done to meet public expectations and staff aspirations towards providing the best possible policing services for the needs of Irish society.

Chapter 10 gives recommendations for further action and sets a timetable for implementation.

Appendices A-F are contained in a separate document. They list the documents reviewed; the questionnaires for members; the structure used for focus groups, the community meetings and interviews.

Appendix F also contains some of the more detailed results from the questionnaire.

Acknowledgements

We would like to express our thanks for the high levels of cooperation with this audit from all concerned. This cooperation was underlined by the new Commissioner, Noel Conroy, who agreed to an interview in his first week in post, which sent a clear signal of the high priority he intended to give to human rights.

We have been very much struck by the openness, willingness and enthusiasm of everyone who took part, including police staff and members of the communities. There seemed to be great honesty in the way people expressed their views, and a strong willingness to be open, to learn and to move forwards. Many participants saw the present situation as a good opportunity to build on what had already been achieved and to learn from some of the mistakes made elsewhere, particularly in the UK, where the case of Stephen Lawrence was often mentioned.

We would like to thank in particular An Garda Síochána staff in the Human Rights Office who with great patience located documents, facts and figures for us, made sure we could talk to everyone we wanted, and provided enormous practical and organisational support, without which the audit would have been impossible.

Many people who took part asked what would happen with the results of the audit, and expressed great interest in the results.

In the interests of promoting transparency and openness, key elements of human rights practice, it is recommended that An Garda Síochána makes this report, or a summary of it, a publicly available document.

2. THE WIDER CONTEXT

Irish society

One of the first comments made by the majority of those who took part in the audit was to note the rapid changes in Irish society which have taken place over the past five to 10 years. This included the strong economy and flourishing business environment of recent years and the social and demographic changes from increased immigration and the development of new communities of people from all round the world. There was a general recognition that these were positive changes but also that public authorities, including the police, might not be as ready as they should be to meet the changing needs of this emerging Irish society.

Although Ireland's most recent census did not include a question on ethnicity, it has been estimated that 1.2% of the Irish population are Travellers and about 6% are non-Irish nationals. These include an estimated 11,000 Nigerians, and 40,000 Chinese people, as well as increasing numbers of refugees and asylum seekers from the Middle East and Eastern Europe.

An Garda Síochána's duties include immigration. The Garda National Immigration Bureau (GNIB) was set up in May 2000 to deal with all Garda immigration matters. GNIB statistics underline the changes to Irish society (and the implications for the workload and community relationships of the Garda itself). In 1998 12,803 people were registered with the Bureau. By 2001 this had risen to 56,510. Applications for asylum rose from 39 in 1992 to 11,634 in 2002.¹

An Amnesty International Irish Section report '**Racism in Ireland**' published in September 2001 involved 622 black and minority ethnic respondents. Asked whether they had ever experienced racism or discrimination, a staggering 79% said they had – four out of every five respondents. 36% of these said that they 'frequently' heard insulting comments about their skin colour, ethnic background or mode of dress. 80% disagreed with the statement that 'racism is not a serious problem in Ireland today.' As Amnesty comments:

'Racism is becoming a frequent and endemic structural feature within Irish society, rather than a mere aberration.'

The impact of these changes for An Garda Síochána was perhaps the strongest and most constant theme throughout the audit and is clearly a major issue for

¹ Annual Report 2002

taking forward work on human rights in the present circumstances. Racism is the most fundamental infringement of human rights: at its most extreme it threatens the right to life itself, and in general racism constitutes inhuman and degrading treatment.

Gardai need to learn more about these new communities in order to help to *promote* good community relations in general, *protect* the victims of racist abuse or attack, and to *respect* the rights of suspects from these communities – the fundamental principles of human rights.

Northern Ireland and the Patten Report

An Garda Síochána has had to operate within the context of the situation in the North of Ireland which inevitably has had an impact for many years, particularly with the need to counter terrorism and to work with strong counter-terrorist legislation. Balancing measures to combat terrorism with the human rights of all concerned – suspects and potential victims – is not easy.

In addition, the Patten report², the Good Friday Agreement, and policing reforms in the North have an impact in Ireland. The Patten report emphasised the clear link between effective policing and human rights.

We cannot emphasise too strongly that human rights are not an impediment to effective policing but, on the contrary, vital to its achievement. Bad application or promiscuous use of powers to limit a person's human rights – by such means as arrest, stop and search, house searches – can lead to bad police relations with entire neighbourhoods, thereby rendering effective policing of those neighbourhoods impossible.' (Patten report paragraph 4.3)

At the time of the audit there were discussions taking place at government level and within the police about establishing an independent police complaints system and strengthening accountability more generally. A Parliamentary Bill ³ was published which proposed to establish an independent complaints system and local policing boards. These changes are discussed in more detail in the next chapter. These developments formed an important context for the audit and specific questions about police complaints and community consultation were raised in this wider context.

² A new Beginning: Policing in Northern Ireland; the report of the independent commission on policing for Northern Ireland, September 1999

³ Garda Síochána Bill 2003

Legislative framework

Ireland is a party or signatory to all major international treaties on human rights (CESCR, CCPR, CERD, CEDAW, CAT, and CRC) many of which have implications for policing. At national level, human rights and equality legislation has been strengthened and enhanced. Relevant legislation which was in place at the time of the audit included:

- Constitution of Ireland 1937
- Treatment of Persons in Custody Regulations 1987
- Prohibition of Incitement to Hatred Act 1989
- Criminal Procedure Act 1993
- Domestic Violence Act 1996
- Employment Equality Act 1998
- Equal Status Act 2000
- Human Rights Commission Acts 2000 and 2001

Under the Equal Status Act, a case had been brought about differential treatment by An Garda Síochána of a Traveller and his horses.⁴ The case was lost on the grounds that the Equal Status Act 2000 did not apply to the provision of policing services. 'The investigation and prosecution of crime are not services within the meaning of section 2(1) of the Act.'

A different approach could be taken to the question of policing services and equality legislation. For example, in the United Kingdom this was considered following the publication in 1999 of the Stephen Lawrence Inquiry Report. As a result the Race Relations (Amendment) Act 2000 extended existing anti-discrimination law and now makes police services subject to race relations legislation. Chief Officers and police authorities can be held liable for discrimination.

It is recommended that the Department considers proposing to the Irish Parliament an amendment to the Equal Status Act 2000 so that discrimination in provision of policing services (and similar services provided by public authorities) is included.

In July 2001 the Human Rights Commission was established as a direct result of the Good Friday Agreement of 1998, and alongside a similar Commission in Northern Ireland. Both are charged with 'promoting and protecting human rights in their respective jurisdictions and working together to improve the protection of human rights on the island of Ireland.'

⁴ Preliminary Decision DEC-S2001-011 Donovan v Donnellan

During the time of the audit a Bill was in progress which would bring the European Convention on Human Rights into Irish law. (This was enacted in January 2004.) Again this was not without controversy with some concerns being expressed (for example by Amnesty International's Irish Section) that the law would not be as strong in defence of human rights as it might be. In particular it would not provide people with full access to the ECHR rights.

However this general legal framework meant that debate and concerns about human rights and related legislation were very much alive and evolving in Ireland. As several participants pointed out, it is important for An Garda Síochána to set an example, not only to the wider community but also to other justice agencies such as the courts and judiciary. An Garda Síochána does not operate in a vacuum and its human rights work could be undermined by failure to observe human rights within partner agencies, other public authorities or in the courts and prison system.

Public satisfaction

An Garda Síochána enjoys a high level of public support. According to the Garda public attitude survey 2002, which was conducted by an independent company, Research and Evaluation Services and included 10,405 respondents, 86.7% said they were satisfied or very satisfied with the service provided by An Garda Síochána. However lower levels of satisfaction were expressed by some groups, for example minority ethnic communities, and this is discussed in more detail in Chapter 6.

On average An Garda Síochána has a 42% crime detection rate, which compares favourably with for example a 20-24% rate in the UK, and which could also be expected to maintain high levels of public satisfaction.

An Garda Síochána's work on human rights

On an international level, An Gardai Síochána has a long tradition of training and peacekeeping work with the United Nations. The protection of human rights is a primary value in An Garda Síochána's mission statement.

In 1999 An Garda Síochána launched its own Human Rights Initiative in response to the Council of Europe's programme 'Policing and Human Rights.' It involved a range of activities:

- A revision of the then Code of Professional Ethics. This was completed and a new document, the Declaration of Professional Values and Ethical Standards,

was distributed in an A5 booklet form to all staff in May 2003, just before the fieldwork for the audit began. It was also made available on An Garda Síochána's web site shortly after the audit began.

It reflects the principles for policing set out in key international instruments such as the UN Code for Law Enforcement Officials, the Council of Europe's European Code of Police Ethics and the European Convention on Human Rights. There are 15 Articles covering all aspects of An Garda's work, and a personal declaration of commitment for each member of staff to sign.

- A consultation seminar in October 2000 involved community groups and non-governmental organisations from a range of backgrounds and interests. The purpose was to discuss what constituted effective consultation and what were the barriers to this consultation between Gardai and communities.

A report of the consultation seminar held in Dublin in October 2000 describes many of the same concerns that were raised during this audit through community consultation, such as the inconsistency of community officers, lack of resources, and genuine commitment to community consultation and community policing. These similarities add weight to the points made as part of this audit which are described in chapters 5 and 6.

- An international conference on human rights and policing was held in Dublin in November 2000. The aim was to raise awareness of human rights and policing at national and international levels. Speaking at the conference, Deputy Commissioner Peter Fitzgerald said:

'I consider it is an imperative that, as a minimum, Garda policing philosophy, policies, strategies, operational procedures and behaviours reflect these standards at every level.'

- Raising human rights awareness through posters for display in all Garda stations in the country.
- The development of human rights training for all staff; this is discussed in more detail in Chapter 7. The aim of this training is to integrate human rights in all training, for probationary students as well as in-service, for all staff, covering every aspect of policing. It should also incorporate policing diversity and the needs of different groups in Irish Society.
- The formation of the Human Rights Working Group. Members are drawn from the Human Rights Office, the Garda Training College, and the Garda Racial and Intercultural Office, with external advice from the Irish Section of Amnesty

International's Education Officer and Mary O'Rawe, human rights lawyer and independent policing expert.

Related initiatives included the establishment of the Quality Bureau, which works towards continuous improvement of standards, and the Garda Racial and Intercultural Office, also established in 2000 following a conference on 'Intercultural Ireland: identifying the challenges for the police service'.

At the time of the audit there was therefore a solid foundation for An Garda's human rights work.

However, concerns were expressed during the audit about the pace at which these initiatives were being progressed, and this was also evident by looking at the history of events in the human rights programme and the extent to which human rights considerations had been taken into account in policy formulation.

For example, there had been a long delay in taking forward the draft Declaration of Professional Values and Ethical Standards. It had first been drafted in 2001. There seemed to have been a period after the 2000 conference and consultation seminars when implementation of the programme was slow, despite the efforts of the Human Rights Working Group.

When the Declaration was published, it was not backed up by any form of promotion or training to support the requirements it makes on members. The Human Rights Working Group had made proposals for promoting and supporting the document, but these were not implemented. Suggestions included the development of statements of operational standards and behaviour to support each article, tailored to the work of each department and division, so that it would be clear to members what the Articles meant in reality. It became clear in the police focus groups that the practical application of the Articles was not clear, with many members saying they were 'vague' or loosely worded.

In addition, resources for human rights work were extremely limited for such a large organisation, with a Human Rights Office with only two staff members who were required to deliver training at the Garda Training College at Templemore in addition to carrying out the actions in the programme on human rights.

Therefore the initial positive impetus towards mainstreaming human rights appeared to have slowed down after the conference, although work was again underway by the time of the audit. These and other issues are discussed more fully later in this report.

Human rights concerns

In addition to the concerns above, wider human rights concerns about policing were well documented in reports from the Council of Europe Committee for the Prevention of Torture, Amnesty International and other non-governmental organisations. They had also been widely covered by the media in Ireland.

This report refers to these reports at relevant stages but does not repeat their contents in detail. However the reports confirm and support the evidence provided by members of different communities who took part in the audit who consistently raised similar issues.

Key human rights concerns are summarised here as part of the wider context.

Specific cases included in 1997, Dean Lyons, in 1998, Paul Ward, and in 2000 John Carthy. There had also been concerns about the use of excessive force during the policing of a May Day demonstration in 2002, for which some members were now facing charges or disciplinary action. There had been three recent tribunals of inquiry as a result of these cases.

Amnesty International, the Irish Council for Civil Liberties and several speakers at An Garda Síochána's own human rights conference in 2000 made public their concerns over custody and questioning, excessive use of force, and public order policing. Concerns have also been raised about An Garda Síochána's immigration role, its perceived lack of accountability, and discrimination against minority groups and Travellers.

The Council of Europe's Committee on the Prevention of Torture had made three visits to Ireland, in 1993, 1998 and 2002. A report of its 2002 visit was made public in September 2003.

Key findings in that report included:

- Ill-treatment by Gardai at the time of arrest, during transport to the station or in detention areas at the station. The ill-treatment included blows, kicks and punches and in some cases the Committee found this was supported by medical evidence. The Committee found that 'there is clearly a need to ensure that all police officers become aware, through concrete action, that the Irish Government is resolved to stamp out ill-treatment of persons deprived of their liberty.' It added that human rights training should be integrated into practical, professional training for high risk situations such as arrest and interrogation.

- Requirements on reporting unreported or unlawful use of force by colleagues, and prompt medical examination of detained people who complain of physical ill-treatment were not always being met.

On the other hand, the CPT was more satisfied with the progress since its last visit with arrangements for notifying a third party of custody, new provisions of legal aid for lawyers, and video-recording of interviews (though it continued to urge that lawyers should be allowed to be present during interviews) and for establishing an independent complaints system.

Concerns raised by **Amnesty International** include:

- The right to life and excessive use of force (fatal shootings by the Emergency Response Unit of John Morris in 1997, Ronan MacLoachlainn, 1998; and John Carthy in 2000).
- Ill-treatment of detainees
- Legal safeguards for those deprived of liberty by An Garda Síochána
- Inadequate force management of detention
- Extended detention under the counter-terrorism legislation and limitations on access to lawyers
- No right of access to lawyers during questioning
- Emergency provisions under the Offences Against the State (Amendment) Act 1998

Concerns raised by the **Irish Council for Civil Liberties** cover the above and:

- The need for an independent complaints system
- Accountability for example through a policing board
- Recording of interviews
- Use of emergency legislation
- Racial discrimination

- High rates of evidence from confessions
- Corruption
- A culture of denial and defensiveness

Additional points made at the **2000 conference** included:

- The poor treatment of asylum seekers
- Lack of police services for asylum seekers who may be victims of crime.
- The need for more action to assist victims with disabilities
- Hate crimes against members of the gay and lesbian communities
- Poor responses to racist crimes

Some of the different perspectives on these issues are highlighted by the case of John Carthy. The interim report from An Garda Síochána on the John Carthy shooting at Abbeylara was submitted to the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights in November 2000. It found that:

'Members were left with no alternative but to discharge their weapons. They acted entirely within the GS regulations and also within the law of the State.'

However external organisations raised concerns. These included the lack of independence of an inquiry which was entirely internal, that did not conform to the requirements of international law in cases of lethal force, and that was very defensive and uncritical of police actions. The Irish Council for Civil Liberties in its own submission to Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights, said:

'There is no sense ... that any lessons have been learned from the Abbeylara shooting. In the absence of such an approach one is left with the pessimistic conclusion that Abbeylara could happen again.'

These views illustrate the importance of ensuring that human rights considerations are mainstreamed and become part of normal policing practice – and clearly showing that this is happening through transparency and

accountability. Unless An Garda Síochána clearly demonstrates in its day to day work at all levels respect for and promotion of human rights, it will not command the confidence of all sections of the community, which is essential for its long-standing tradition of policing by consent.

As well as moral and ethical reasons for tackling any allegations of human rights abuses, there are also sound financial reasons. An Garda Síochána has paid out substantial amounts of money in out of court settlements and in compensation for assault and wrongful arrests.

It was not the purpose of this audit to go over what were already well documented public concerns. However, it became clear during the audit that for both police and community participants, these concerns remained as fresh, and as painful, as ever.

Both members of An Garda Síochána and members of local communities felt there had not been a fair and independent airing of what really took place in some of these incidents. There was little faith in the complaints system either on the part of members or members of the community.

Community members felt that these human rights concerns had not been tackled effectively and that An Garda Síochána had not yet developed policing services to meet the human rights of all the diverse communities now to be found in the Republic.

3. METHOD

a) Document review

A list of internal An Garda documents and external reports that were used for the audit is provided in Appendix A. This stage of the review was used to help to devise the questionnaires and interview questions at the start of the audit. It was also used to supplement the findings under each main heading and forms part of the overall analysis.

b) Staff questionnaire

The questionnaire is attached as Appendix B. It was designed to explore the extent to which human rights were mainstreamed in the four broad organisational areas described in chapter 1.

A confidential tick box questionnaire was sent to one-third of all Gardai and Sergeants and Civil Staff and to all those ranked Inspector to Superintendent – 4000 people – in July 2003. It was sent to every division in the country to ensure geographical coverage. Labels for every third member and member of civilian staff were provided by An Garda Síochána and the questionnaires were mailed from London together with an envelope for the replies. The questionnaires were not numbered and names were not required. It was hoped that this degree of confidentiality would encourage frank and open responses. Although mainly a tick box format, there were some options to write in comments.

1,242 completed questionnaires were received. This represents a survey response rate of 31%, capturing 10% of all staff within An Garda Síochána (which had been the target number).

Who took part

79% of the respondents were men and 18% were women. 3% did not give their gender. This is a slightly higher proportion of women than the 15% of women Gardai in the force overall in August 2003.

96% of the respondents were white. 3% did not answer the question. The service does not keep statistics of staff's ethnic origins so it is not possible to compare responses with the overall composition of An Garda Síochána.

The largest proportion of respondents, 42%, was aged between 39 and 48. 29% were 26 to 38, 17% 49 and above, and 7% were in the 18 to 25 age group. 5% did not give their age.

The ranks of respondents and actual in-service numbers, where known, are shown below. The response rate to the questionnaire is shown based on distribution of the questionnaire to one-third of Gardai, Sergeants and civil staff, and to all those from Inspector and Superintendent ranks.

Rank	Respondents	In post	Survey response rate	In post Response rate
Gardai	506	9289	17%	5%
Sergeant	329	1963	50%	17%
Inspector	134	294	46%	46%
Superintendent	87	220	40%	40%
Detective/other specialists ⁵	54	-	-	-
Civil Support staff	80	800	30%	16%
Did not answer	52	-	-	-
Total	1,242	12,077	31%	10%

If a similar survey is repeated in future years to assess progress, it is recommended that it is more highly targeted at the Gardai and civilian support levels to increase their participation.

Although only 5% of main grade Gardai participated, many of the responses are similar to views expressed in focus groups, which suggests they are likely to be fairly commonly held views. However the smaller number of Gardai respondents should be borne in mind.

28% of respondents were based in Dublin. A further 6.7% worked at Garda HQ and 2% at the Garda College in Templemore. 8% were from Cork.

Appendix F provides more details about the profile of the respondents. Overall, the profile suggests that the questionnaire captured a fairly representative sample of the current An Garda Síochána workforce.

⁵ These are not ranks: however these respondents did not give their ranks.

c) Interviews with senior officers

The following interviews with senior officers were held:

17 July 2003

Deputy Commissioner Peter Fitzgerald, Strategic Resource Management
Detective Chief Superintendent Phillip Kelly, Special Detective Unit
Chief Superintendent John Kelly, Internal Affairs
Chief Superintendent Pat Cregg, Community Relations
Chief Superintendent Michael Fitzgerald (Dublin Metropolitan Region, West)
Detective Inspector Pat Clavin, Garda National Immigration Bureau

18 July 2003

Assistant Commissioner Fachtna Murphy, Human Resources Management
Assistant Commissioner Pat Crummey, Strategy and Services
Assistant Commissioner Kevin Carty, Dublin Metropolitan Region

21 July 2003

Assistant Commissioner Joe Egan
Detective Chief Superintendent John O'Brien

22 July 2003 (Cork)

Assistant Commissioner Adrian Culligan
Superintendent Richard Duggan

23 July 2002 (Portlaoise)

Chief Superintendent Kevin Donahoe

24 July 2003 (Galway)

Chief Superintendent Thomas Monaghan

21 August 2003

Commissioner Noel Conroy

22 August 2003 (Templemore)

Chief Superintendent Kevin Ludlow, Director of Training and Development

Interview format

The questions used as a basis for the interviews are given in Appendix C. However as with the community meetings and the focus groups below, this was a framework for discussion: not all interviews covered all points and maximum

flexibility was allowed so that additional points could be made. Interviews ranged from about 30 minutes to one hour in length.

Human Rights Working Group: a meeting with the Human Rights Working Group took place on 25 July 2003.

Interview results

Senior officers' views and perceptions are included in relevant chapters of the report. Much of the information imparted was factual, about the present work of An Garda, for example in terms of development of training, or community fora, or policy. These points have been reflected throughout this report to describe An Garda's work rather than reported as specific interviews.

d) Community meetings and interviews

Community meetings

It was important to have a community perspective for the audit: how did Ireland's different communities view the work on An Garda Síochána in relation to human rights?

A letter was sent to about 80 community organisations, giving details of the audit and inviting each organisation to attend one of two community meetings to be held in Dublin. Letters were followed up by phone calls and emails to encourage as many people as possible to take part, either by attending one of the two meetings or to be interviewed by phone.

A first list was obtained from An Garda Síochána's Human Rights Office; this was a starting point. Other contacts were found from research on the internet into different community based organisations; and from early reading of reports of conferences or committees which listed participating organisations (for example the First Report of the National Steering Committee on Violence Against Women 1999). We also invited those receiving letters to pass the information on to anyone else who might be interested. The aim was to be as inclusive as possible and to try to get a broad range of community perspectives.

The meetings were held on 22 and 24 July 2003 in Dublin. They were held in the early evening from 6pm to 8pm to try to maximise attendance, with refreshments provided. 34 people attended one of the two evening meetings. In addition two telephone interviews were held at a later date and members of the Mayo Women's Group were interviewed on the day of the police focus groups in Galway.

The following organisations and individuals took part in the audit.

ADAPT Services
Catholic Youth Care
Chrysalis Drug Project
Community Policing Fora for two Dublin divisions
Copping On
Finglas Child and Adolescent Centre
Human Rights Commission
Integrating Ireland
IRILA
Irish Refugee Council
Kildare Asylum Seekers Support Group
Mayo Women's Refuge
National Disability Authority
National Women's Network
Nigerian community representatives (two members)
One World Spirit (Dundalk Refugee Support)
Pavee Point Traveller Centre
Refugee Project, Catholic Bishop's Conference
Residents Against Racism
Roma Support Network
Ruhama
South Inner City Community Development Association
Southill Outreach
Vincentian Refugee Centre
Women's Aid

The list of questions used as a framework is given in Appendix D. It was recognised that July was not the best time to hold these meetings as many people who might have wished to attend were away on holiday. It was also recognised that this approach did not cover cities and areas outside Dublin where there are other community organisations which might have wanted to take part. A further constraint was the need to maximise the use of time in respect of the budget for the audit, which meant community meetings had to be held during the same week as the police focus groups.

However the views put forward were important and carry weight. Firstly, they were often almost a mirror image of points made by members in the focus groups. Secondly, there was a high degree of consistency of views across the two groups which suggested that other community organisations would share many of the views and experiences expressed. Thirdly, many of the views

expressed were similar to the points made at the Human Rights Working Group consultation seminar in December 2000 and the concerns raised by non-governmental organisations (see chapter 2 for a summary of the main points).

Given the pressures of time and resources on community organisations, it was encouraging that so many people were willing to give up an evening to attend the meetings and also at their genuine interest in assisting An Garda Síochána to develop its work on human rights.

While many of the comments made were highly critical of the perceived failings in terms of human rights, there was also a strong desire to continue to build bridges and a clear recognition of the good work that was already being done particularly by some individuals. In our experience of similar work in the UK, it is not easy to hold community meetings: there is much more cynicism and less willingness to help.

The audit suggests that An Garda Síochána should act now to improve and strengthen its contacts with community organisations so that potential disagreements and divisions do not become any larger. The goodwill shown by members of different communities should be acted upon now.

e) Garda Focus groups

In order to allow for more detailed discussions with police staff, 18 focus groups were held. Locations and composition were:

Dublin: 21-24 July, 138 staff

DDU, SDU, GNIB etc	four groups
Female staff (Gardai and Support staff)	four groups
Uniform Gardai and Sergeants	four groups

Cork: 22 July, 25 staff

Operational Gardai
Operational Sergeants/Inspectors

Portlaoise: 23 July, 17 staff

Operational Gardai
Operational Sergeants/Inspectors

Galway: 24 July, 23 staff

Operational Gardai
Operational Sergeants/Inspectors

Profile of focus group participants

Altogether 203 people participated in Dublin, Cork, Portlaoise and Galway. Of these 124 (62%) were men and 78 (38%) were women (1 person did not answer). 47% of Dublin participants were women compared to 20% in Cork, 12% in Portlaoise, and 26% in Galway. Please see Appendix F for more details on focus group participants.

Format of focus groups

Appendix E provides the format for the focus groups. Each group lasted for 90 minutes. There were three sections:

- A 'straw poll' of knowledge of the Council of Europe guide to policing in a democratic society, European Convention of Human Rights and An Garda Síochána Declaration of Professional Values and Ethical Standards. This was designed to test out the extent of communication and dissemination of An Garda Síochána's human rights policies.
- Work in smaller groups looking at the implications of each of the 15 Declaration Articles for day to day policing: this was designed to explore the extent to which human rights is mainstreamed in day to day police operations.
- General questions under the four broad areas set out in the framework.

Participants were also asked to say at the end how they would know that human rights were being mainstreamed in the organisation: what would successful integration of human rights look like and how could this be measured?

Not all groups covered all questions. Some groups had a great deal to say about the Articles and barely touched the general questions; others said more on the general questions. Few groups discussed the final question about measuring success.

The results are reported under the relevant chapters, with discussion on the Articles being incorporated as appropriate.

As with the community meetings, the good attendance at these groups was a very positive sign (even if some people said they had been instructed to attend!) as was the honesty and openness with which members put forward their views. A strong desire to learn more – and quickly – about Ireland's new and diverse communities seemed very evident.

21 August 2003: Training staff at Templemore

On 21 August a discussion took place with 11 members of the training staff at the Garda College in Templemore. This followed a different format and focussed mainly on integrating human rights with other forms of training.

CONFIDENTIALITY

Everyone who took part in this audit was encouraged to be open and honest. Many were. In return we have tried to respect individuals' confidentiality so that they cannot be identified. This applies to interviews with senior officers, focus groups, write in comments on the questionnaires and the community contributions. No quotes or comments are attributed to individuals.

4. HUMAN RIGHTS AT CORPORATE LEVEL

This chapter examines the extent to which human rights are mainstreamed in national policing policy and governance; in corporate structures and systems of accountability such as complaints and discipline; in the structure for human rights work; and in An Garda Síochána Code which governs police operations and practice.

The topics covered in this chapter relate to components 4, 6 and 7 in Policing in a Democratic Society: Management Practice, Structures and Accountability respectively.

Key points

The proposed reforms in the Garda Síochána Bill may strengthen arrangements for transparency and accountability to some extent. However consideration should still be given to the establishment of a fully independent police authority.

The structure for and resources devoted to human rights work are weak. There have been delays in taking forward proposals from the human rights working group which would help to mainstream human rights work across the organisation.

In terms of 'human rights proofing', much more must be done to review existing policies and develop a mechanism for new policies to ensure they are human rights compliant. A human rights impact assessment of policies and operating procedures should be conducted as soon as possible.

The Garda Code should be reviewed to ensure that human rights are reflected throughout so that infringements of human rights, as with other infringements of the Code, become a disciplinary offence.

RECOMMENDATIONS IN THIS SECTION

The Department of Justice should ensure that there is a strong independent membership of the proposed local policing committees to complement the local authority members.

The Department should consult local communities in the production of the code of ethics proposed in the Garda Síochána Bill 2003; it should also draw on the lessons in this audit about supporting such a declaration with training and management.

It is recommended that more resources are provided for the Garda Human Rights Office and the Racial and Intercultural Office; that the work of the two units is more closely integrated; and that the two units should be placed at a more central and strategic position in the organisation.

An internal management structure and process for the development and dissemination of human rights policy and practice should be clearly identified. It should include provisions for internal and external consultation.

It is recommended that An Garda Síochána as a priority should establish a high level strategic human rights advisory committee to take forward work on human rights in all the areas highlighted in this audit.

An Garda Síochána should undertake a human rights impact assessment of all existing and forthcoming policies and operational procedures. It should establish systems to monitor policy implementation to ensure compliance.

As a priority the Garda Code should be reviewed to ensure that human rights concerns are fully integrated. It is recommended that external advice is used in this process, that the Code becomes an open and public document with the exception of security-related procedures; and that more user-friendly ways are found to distribute it and update it more regularly.

ACCOUNTABILITY

Accountability is a key area for human rights and policing. Lack of accountability had also been one of the concerns raised by the Committee for the Prevention of Torture, as well as by community and other groups, as noted in chapter 2.

An Garda Síochána is accountable to the Minister of Justice and through the Minister, to Parliament. There is no separate police authority at either national or local level. Complaints are dealt with by the Police Complaints Board and there is also an internal disciplinary process. Individual Gardai must observe An Garda Síochána Code governing all aspects of police work, and are held accountable through an internal disciplinary system.

Current reforms

The Garda Síochána Bill 2004⁶ proposes several reforms which may go some way towards meeting concerns about accountability and complaints. It does not introduce an independent police authority, as some people had wanted to see. It

⁶ Amendments to the Bill have been published since the audit was conducted.

attempts to clarify and redefine the relationship between Government and An Garda Síochána and to increase accountability by making the Commissioner accounting officer who will report directly to the Parliamentary Public Accounts Committee.

Given the findings of this audit, perhaps the most important reforms in terms of human rights at the present time are:

- The proposal to set up an independent police complaints system through a Garda Inspectorate.

As this audit has confirmed, there had been serious concerns about the Police Complaints Board for some time from a range of sources, not least Gardai themselves and the Complaints Board. As the Minister of Justice said when he published the Bill in July:

‘This in part flows from a recognition that the existing Garda Síochána Complaints Board has not been adequate for the task assigned to it, and from public demand for an answer to the age-old question posed by Juvenal when he said “Sed quis custodiet ipsos custodes”.’⁷

There will be an independent body with powers to investigate either directly with its own investigators or to supervise investigations carried out by An Garda. Its Chief Executive will be accountable to the Public Accounts Committee. There will be a Chair and two inspectors, one male and one female, who must have knowledge of international standards in the criminal justice field. As well as investigating complaints from members of the public, the inspectorate has a key role in examination of Garda policy and practice with ‘the objective of reducing or avoiding altogether future related complaints’.

‘The Inspectorate’s function in this jurisdiction will be focussed on those practices and procedures which could give rise to complaints of significant public concern rather than, for instance, issues such as efficiency, value for money etc.’ (Head 48)

The proposals mean that the Inspectorate must conduct an immediate investigation of ‘serious breach of human rights’, whether or not a complaint has been made, in accordance with requirement of the European Convention of Human Rights.

⁷ ‘Who will watch over the guards?’ Speech at Press Conference 30/07/03 to publish General Scheme of the Garda Síochána Bill 2003, published on Ministry of Justice web site

- Establishing local policing committees in each local authority area and putting public consultation on a statutory basis

As Chapter 6 shows, there is a great need for strong means of local consultation and communication with communities. These proposals for local committees which will 'formulate and oversee the implementation of measures of cooperation between the local authority and the Garda Síochána' may help to meet these needs, particularly if there is a strong input from local community members as well as the local authority representatives.

Head 24 also puts public consultation on a statutory basis.

- A statutory Code of Ethics

The provision for a statutory Code of Ethics may be one way in which the existing An Garda Declaration of Professional Values and Standards could be strengthened. This is discussed more below. The findings of this audit in relation to the Declaration (for example, the way in which it was distributed, supporting it with training and more detailed guidance, monitoring and evaluation) may be useful for the Code of Ethics when it is produced. It will also be essential to consult a diverse range of local communities in its preparation in addition to the organisations listed in Head 25.

Complaints and discipline

The audit results in Chapter 5 confirm a lack of confidence in the complaints system on the part of either complainants or Gardai. The available figures from the Complaints Board seem to reinforce those concerns. There are a low number of cases brought, and in the case of the Complaints procedure, very few prosecutions.

In 2001, the Complaints Board received 1,281 complaints, slightly lower than the 1,309 received in 2000. 822 were processed to a conclusion, of which 24 were informally resolved, 18 found minor breaches of discipline, and in 10 cases the complaints were referred to a tribunal. 199 cases were referred to the Director of Public Prosecutions which resulted in three prosecutions against members of An Garda Síochána.

It is to be hoped that the new, independent system will bring greater transparency to the complaints process and increase confidence that An Garda Síochána does enforce its policies on human rights.

Disciplinary procedure

Under regulation 40 of An Garda Síochána disciplinary Code, in 2002 three members were dismissed from the service, one for criminal conduct and two for discreditable conduct. Three other members who were being investigated for criminal conduct resigned before the proceedings were concluded. This compares to one person in the previous year.

In addition, Regulation 13 allows a Chief Superintendent to deal with an alleged breach of discipline provided that the member concerned admits the breach and wishes to have the matter dealt with under Regulation 13 and the Appointing Officer deems that the alleged matter is suitable for disposal under this Regulation. Penalties which can be awarded are advice, caution, warning, reprimand, or monetary penalty up to and including a total of one week's pay. In 2000 58 cases were dealt with under Regulation 13, with 59 cases in 2001 and 54 cases in 2002.

Regulation 7 allows supervisory members to deal informally with minor disciplinary breaches by giving advice, or an admonition, or warning. Breaches dealt with under Regulation 7 are not recorded on the member's personal file.

There were 18 sworn inquiries in 2001 and 16 in 2002. A sworn inquiry is a hearing to determine whether an alleged breach of discipline has occurred. Of those concluded in 2002, 13 breaches were identified.

These figures suggest that it is quite rare for formal Regulation 40 disciplinary procedures to be used, while Regulation 13 is used more often to deal with less serious breaches of discipline.

Infringement of human rights policy is not, yet, a disciplinary offence. If human rights principles are embedded in the Garda Code, this should mean that infringement of the Code is automatically also a breach of human rights observance.

POLICY AND CORPORATE STRUCTURE

An Garda Síochána's commitment to human rights is expressed in a range of key public documents, many of which are also available on its web site.

For example:

- The Mission statement, in which human rights protection is a core value
- An Garda Síochána Declaration of Professional Values and Ethical Standards (which has formed a key part of this audit as it embodies international instruments relating to policing and human rights)
- Garda Customer Charter
- Garda Victims Charter

There is a Garda Human Rights Office, based at Garda College Templemore, and a Human Rights Working Group.

In addition, in 2001 the Racial and Intercultural Office was established, based in Dublin, and with the support of innovation prize money from the European Commission has produced:

- A Garda training video, '*Challenge it*', which portrays various scenarios in which Gardai respond to different minority communities
- Intercultural Ireland: your changing community

This is a guide for police members which is intended 'to help them understand the beliefs, values and characteristics of the communities, cultures and religions most commonly encountered in Ireland today'. During the focus groups those members who had seen this booklet said they had found it very useful.

- Your police service in intercultural Ireland

This booklet is aimed at the new minority communities in Ireland, and provides information about the law, services available from the police, such as dealing with racist incidents, how to complain, domestic violence, and so on. In the introduction the then Commissioner Patrick Byrne wrote:

'With many new ethnic and religious groups now present in Irish society, we wish to develop [the tradition of serving and protecting the people] so as to include all members of an increasingly diverse community and

deliver a quality service regardless of colour, creed, age, ethnic group, sexual orientation or political allegiance.’

Several participants in the community meetings said that this booklet was a useful starting point.

- Garda Racial and Intercultural Newsletter: three issues of this newsletter have been produced. It covers developments both within An Garda and in the wider community, such as the introduction of new community liaison officers, and the work of refugee organisations such as the Vincentian Centre.

However the most recent issue, number 3, was in 2002 and it may be that more resources are required to allow more frequent and wider distribution of the newsletter.

- The establishment of the Garda Quality Service Bureau to develop continuous improvements to service is also a positive step towards mainstreaming human rights.

Corporate weaknesses in human rights

While this is a good foundation for work at strategic level on human rights, several concerns were raised by participants in the audit and by external sources such as ICCL, as to how this foundation could be strengthened. In addition the audit revealed structural weaknesses in ensuring stated commitments to human rights were properly supported so that they could become reality.

Key areas of concern are:

- The Garda Policing Plan for 2003 seemed to move away from mainstreaming the core human rights values as set out in the mission statement. It was felt that this might in some way be in response to public demands for resources as expressed in the 2002 public attitude survey mentioned in chapter 2.
- The level of resources available for the work of the Human Rights Office and the Racial and Intercultural Office is very low compared to the amount of work they need to do in the context of a national police service and a rapidly changing society. The two units have a total of three full-time staff.
- The implications of limited resources may include limited distribution of the booklets produced by the Racial and Intercultural Office (not many Gardai or members of the public had seen these); lack of availability of information in

other languages; and timeliness of publications such as the Newsletter where the most recent issue appears to have been in 2002.

- In 2002 the Human Rights Working Group had recommended the creation of a high level strategic human rights Advisory Committee⁸, which would be chaired by the Commissioner and include representatives from the Department of Justice, Department of Foreign Affairs, Irish Human Rights Commission, the Equality Authority, human rights academics and lawyers, ICCL and Amnesty International Irish Section as well as senior An Garda management. Its purpose would be to review policy, strategy, processes and practices in the context of policing and human rights and give advice on action plans for improvement.

At the time of the audit no action had been taken on this although it was reported in an interview with a senior manager that the establishment of this committee was now underway.

- Supporting the Declaration

Concerns were expressed at the length of time it had taken to publish the declaration after a first draft was produced in 2001. The Human Rights Working Group had hoped to support the launch of the statement with publicity, training, and seminars where staff could develop action plans. It recognised the need to make these aspirational statements 'come alive'. However this had not taken place and the findings below reinforce the need for more concrete action to support the Declaration.

- Embedding human rights in policy

The question of responsibility for human rights policy was raised in interviews with senior staff and although there was a stated commitment to mainstreaming human rights it was not clear what structure and process exists at present to review current policy (see the Garda Code below) or 'human rights proof' new policies and procedures. One senior officer mentioned the possible need for a central policy unit which could be tasked with reviewing policies to check for human rights compliance. At present there does not appear to be any central structure or mechanism for ensuring policy and procedures embed human rights values.

⁸ Proposal for the establishment of a Garda Human Right Advisory Committee, Garda Human Rights Working Group July 2002

- Monitoring the impact of human rights policies

As far as we could see during the audit, there is also no central structure or mechanism by which to monitor and evaluate the implementation of human rights policies and procedures. As several Gardai and community members mentioned, without some form of monitoring, the words in the Declaration will remain just that, words. It is essential that the application of policy and procedure is monitored and reviewed so that continuous development and improvement can be made.

A good example here is the application of policy on recording racist incidents. A directive was issued in October 2002 on recording of racially motivated incidents on PULSE. The directive included the definition of a racially motivated incident and the procedure for recording incidents on the system. It is the function of the Garda Racial and Intercultural Office to monitor all incidents to ensure the system is accurately recording these incidents.

The audit team were assured by senior managers that this was now taking place, but it did not yet seem possible to produce any firm statistics about the numbers of incidents, the ethnicity of victims or suspects, who reported them, and what the outcome was. Nor did it seem that practice in recording such incidents was well known by all members, or that all incidents were in fact being logged. PULSE is a new system and will take time to establish, but a central mechanism to monitor the implementation of this policy would help to tackle problems and enable senior managers to ensure that the desired results emerge. In addition, while the Racial and Intercultural Office may monitor the accuracy of recording, taking action on police responses to racist crimes should be the responsibility of operational managers.

- Location of the Human Rights Office

The location of the Human Rights Office at Garda training college has clear benefits for the development of human rights training. On the other hand, it is at some distance from head quarters and central policy functions. It is also separated from the Racial and Intercultural Office. A location at headquarters could perhaps strengthen links with central policy formulation and enable resources to be shared across the two units; it might also send a signal of the intention to mainstream and bring human rights to the core of the corporate structure.

It is recommended that An Garda Síochána as a priority should establish a high level strategic human rights advisory committee to take forward the issues raised above. In particular it should review and make recommendations on the present location and level of resources for human rights work.

It is also recommended that An Garda Síochána conducts a human rights impact assessment of all existing and forthcoming policy and operational procedures. A system to monitor policy implementation and compliance should be established.

An Garda Síochána Code

An Garda Síochána Code is the 'bible' for all members. An extremely lengthy and detailed document, it is provided to all members and updates and directives are issued on a regular basis which members are meant to insert in the relevant section, to replace outdated procedures. It covers all aspects of An Garda's work from employment practices to use of restraint and force, dress, uniform and equipment, and community relations. It is an internal, confidential document.

The last full edition of the Code was issued in 1991. At the time of the audit, the Code was in the process of revision and updating which was to include proofing for human rights. As above, it was not clear to the audit team how this review was being carried out and the extent to which there was any consultation on the code and its contents, either internally or externally.

Although this is a confidential document, the audit team were given a copy of some chapters on request, mainly those concerning discipline and the use of police powers, crime investigation, and community relations. In the time available for the audit it would not have been possible to conduct a comprehensive review of the entire document.

In general the chapters reviewed did seem dated and also rather selective. For example the community relations section did not mention any of the new minority communities now in Ireland; the sections on recording and investigating crime did not mention racist incidents and other forms of hate crime. On the other hand there were stronger sections on equality of opportunity, types of discrimination, and how to deal with sexual harassment, which is clearly stated as a disciplinary offence.

It is recognised that some of the points below may already be covered in the new edition, which was not available in time for the audit. But it is hoped that these general observations may be of use.

- The Code should be 'human rights proofed'. This would involve reviewing existing sections and adding new sections to fill gaps where there is at present no guidance.
- Each section or procedure should be cross referenced to the relevant Articles in An Garda Síochána Declaration and other relevant international instruments, so that the legal human rights implications are clearly and explicitly stated in each section, together with the implications of any breaches of those rights.
- The revised Code should be subject to internal and external consultation. For example, as part of the proofing exercise above, either an ad hoc advisory committee could be established for this specific purpose, or, if a national strategic human rights advisory committee is established, this could be one of its first tasks. It is essential that there is some external expertise involved in the development of the revised Code.
- With the exception of those procedures covering detailed techniques for the investigation of crime, which if made public could put detection at risk, the Code should be an open and public document. It was not clear from reading the sections that we were given why this needs to be a confidential document. The human rights principles of transparency and accountability would be greatly enhanced by making this an open and public document.
- It would be easier to keep the Code up to date and ensure timely distribution of new sections to all Gardai if the Code was computerised and access made available in all stations.

Gaps in the Code

From the information available at the time of the audit, it is suggested that these are some of the gaps in the present code. These gaps have been identified as a result of our own observations and from comments made by participants in the audit.

Human rights:

- Integration in each procedure and section of the Code of relevant human rights provisions, with specific reference to relevant instruments and Articles
- Sources of further information and guidance for Gardai on application of those rights
- Human rights training; responsibility for keeping informed and up to date
- A 'quick guide' to relevant human rights legislation (national and international)
- Implications of new legislation as it emerges

Diversity and community relations

- An enhanced community relations section with reference to the guide to different cultures and communities, and guidance on consultation and community policing.
- Information about local policing boards as these develop
- Information about the role and functions of community liaison officers
- Sources of further information about diverse communities
- Guidance on attending community meetings; building dialogues with communities
- Policing diversity: domestic violence; rape; race and hate crimes; disability issues; mental health. Policies exist in some of these areas, for example, domestic violence, but they are not (as far as could be seen) included in the Code
- Dealing with suspects from different communities.

Challenging human rights breaches

- Guidance on how to identify and report breaches of human rights
- Support structures for those who do report

Employment

- Strengthened guidance on dealing with bullying (as current guidance does not appear to be implemented as the audit has shown; see chapter 8)
- Procedures for recruiting and retaining a more diverse workforce
- Policy on positive action.

It is recommended that An Garda Síochána as a priority reviews the Garda Code as suggested above to ensure that human rights concerns are fully integrated. New policies are required, to fill the gaps listed above. Where policies are in place they do not appear to be implemented and need to be strengthened in order to ensure a change in organisational culture.

It is recommended that external advice is used in this process, that the Code becomes an open and public document with the exception of security-related procedures; and that more user-friendly ways are found to distribute it and update it more regularly.

HUMAN RIGHTS IMPACT ASSESSMENT A MODEL OF GOOD PRACTICE

In the UK, freedom of information legislation means that police services will be required to publish their written policies. In preparation for this some services are conducting impact assessments of their policies and operating procedures covering not only human rights compliance but also compliance with equality legislation relating to ethnicity, disability, religion, gender, sexual orientation and in some cases, age. This will ensure policies comply with EU employment directives as well as UK legislation (Race Relations Amendment Act 2000, Sex Discrimination Act 1974 and Disability Discrimination Act 1995.)

A model for assessing the human rights impact of policies and operating procedures involves asking a series of questions:

- Does the policy have significant human rights implications, either for the public or for staff?
- Who is the policy directed at?

- Which of their rights are being protected? (e.g. right to life; freedom of expression or assembly etc)
- Who will be affected by the policy? (including not just those directly affected but for example, bystanders, general public, family etc)
- Which of their ECHR rights might the policy potentially interfere with, and how? (e.g. right to life, fair trial, etc)

For each interference with a right

- Is the interference legal? (Evidence with relevant legislation)
- Is the interference necessary? (Evidence by for example, asking does it protect the rights of others, is there a pressing social need, does it meet legitimate aims under the ECHR?)
- Is the interference proportionate? (Are there alternative actions available? Is this the least intrusive interference possible?)
- What safeguards exist to protect ECHR in relation to this policy?
- Is there a remedy for the person who believes their ECHR rights have been infringed by the policy?

In addition, the following information must be provided as supporting evidence of the impact assessment:

- What research material or data has been used to assess the impact of the policy?
- Who has been consulted, internally and externally, about the impact of the policy? How was the consultation carried out and what were the responses?

It is suggested that this approach may provide a framework for assessing the human rights implications of the An Garda Síochána Code.

5. PERCEPTIONS AND KNOWLEDGE OF CORPORATE COMMITMENT TO HUMAN RIGHTS

This chapter reports on interviews with senior staff, questionnaire results, and the focus groups and community meetings. It explores perceptions about corporate commitment to human rights and the level of knowledge of An Garda's commitment to human rights among both staff and the wider community. It looks at matters of corporate responsibility such as the complaints and disciplinary systems and arrangements for reporting human rights abuses.

Key points

- An Garda's policy commitments on human rights are not embedded and intrinsic to the overall culture and ethos of An Garda. Despite some areas of good practice, such as the work of the Human Rights Office, there is not yet an overall ethos of human rights.
- There was a gap in perception between senior officers, who felt good progress was being made, and Gardai who took a rather more cynical view in the main. While in interviews senior officers indicated that there were few problems, members and community participants had different perceptions. There was a strong suggestion that at present commitment at senior level was superficial.
- A minority of senior officers felt that more was needed to drive human rights forward in a practical way on a day to day level, but the majority of senior officers felt that the current situation was good.
- Senior officers also tended to have a more positive view of Ireland's diverse communities, underestimating for example the problems faced by asylum seekers and refugees which were more clearly perceived by members and local communities.
- Many members did not feel supported by their managers in trying to implement human rights. From a community perspective, the hierarchical structure of An Garda was seen as a barrier to the initiatives of junior members, while at the same time senior staff tended to be better informed.

- All concerned (the community as well as members) had serious reservations about the present complaints system and it is to be hoped that the new system will help to meet these concerns. The proposals contain a penalty for making wilfully false or malicious comments which may meet some member concerns. It will be important for community confidence to promote the new system and to encourage complaints in order to demonstrate its effectiveness and independence. It will be important to encourage complaints from all sections of the community and to monitor complaints in terms of ethnicity and subject of complaint. The results should be made public.
- While a high proportion of questionnaire respondents said they would be able to challenge abuses of human rights, in focus groups and community meetings a rather more complex and perhaps more honest picture emerged which suggests it is difficult for staff to challenge human rights abuses. The organisational culture makes it extremely difficult for members to challenge abuses in the absence of clear messages from senior managers and rigorous enforcement by line managers. There is a tradition of 'turning a blind eye' and 'don't tell on each other' in response to perceived 'minor' infringements of the disciplinary code, such as for example part-time work outside police hours. In such a culture it is hard for any individual to challenge their colleagues, even over more serious abuses. Action to support members in reporting human rights abuses is clearly a high priority for middle and senior managers.

Recommendations in this section

It is recommended that as a priority senior managers receive human rights training so that they can identify the implications of human rights observance and demonstrate the application of human rights standards in their own day to day practice and so that they can effectively manage and lead their own staff.

It is recommended that the new independent inspectorate promotes its work and encourages complaints from all sectors of the community. It may also consider conducting thematic investigations, for example, into the handling of complaints of race and other hate crimes. The ethnic and national origins of complainants, their ages and their sex should be monitored together with the nature of complaints and their origin to see if any patterns or trends emerge. Annual reports on the operation of the system should include analysis of the monitoring.

It is recommended that An Garda Síochána develop more support structures to encourage staff to report human rights abuses without fear of reprisal. This could be done through training, through stronger line management support, and by steps such as confidential phone lines or other reporting mechanisms. The role of senior management in fostering a culture in which members feel secure in reporting any abuse is crucial.

INTERVIEWS WITH SENIOR OFFICERS

The following points were made by senior officers in the interviews.

Changing nature of Irish society

The majority of senior officers began by noting the rapid changes in Irish society over the past five to 10 years, particularly in Dublin but also in other cities. Ireland was becoming a far more diverse and less homogenous society. This meant that changes in policing styles were also required. As society changed, all public organisations were being questioned and it was inevitable that An Garda would be judged and held accountable.

Senior officers felt that there was ignorance among Irish society about the new communities and it was important to educate people about the contribution that these were making to Irish society. As the economy weakened, comments could be heard such as ‘they’ve taken our jobs, land and housing.’

On the other hand, several senior officers noted that there was a tradition within Irish society of helping less privileged nations and this meant there had been very few physical attacks on asylum seekers. There were however increasing numbers of violent incidents between different groups of non-nationals. This perception is at odds with the views of both members and local communities who were very aware of the problems being encountered by asylum seekers and refugees.

Many senior officers drew a strong link between human rights and diversity.

‘As senior officers, we need to create a structure to ensure that diversity and equality issues are integrated in all day-to-day work.’

This included the question of equality for women, which had been a continuing discussion for some time and where good progress was, they felt, being made. Again, this conflicts with the perceptions of some women members, as reported in chapter 8 below.

Corporate commitment

Senior officers expressed An Garda Síochána's strong commitment to human rights. Several senior officers said that they felt that in the European context, An Garda was a progressive force in terms of equality and human rights. The service made a strong contribution to the work of the UN, for example by seconding staff to provide training and for peacekeeping duties. An Garda set an example for other forces around the world and being part of the UN family allowed for continual learning and networking across different police forces.

'We have a higher and more in-depth understanding of human rights than many other forces.'

However while senior officers were well informed about human rights in an international, United Nations context, they seemed less informed about the observance of human rights at the domestic level. For example, it was agreed that at present An Garda Síochána did not have effective systems in place to monitor and measure police operations and to assess the extent to which human rights was becoming embedded in day to day work.

Although An Garda was undertaking a lot of work on human rights, senior officers felt that the media tended to always portray the service in a very negative manner: the media did not report good news.

Leadership role

'It's my role to speak with members to ensure they are aware of their powers and that they know they are working on behalf of the community.'

Senior officers believed that the role of senior managers was to lead by example – by 'walking the talk' – and if members broke the rules they would be sanctioned. Front line staff were, they said, well aware of human rights issues and knew that senior managers would not tolerate abuses. Several senior officers commented on the crucial role played by sergeants and middle managers in leading and managing human rights. Again these perceptions differ from the perceptions of members and the wider community about senior level commitment and leadership, as described below.

One person felt that An Garda Síochána had taken an overly-defensive approach to human rights; it should have acted more quickly and now needed to speed up action on human rights.

Policy

Senior officers believed that there was an increasingly strong reflection of human rights in all An Garda policies and practices. The Garda Code was in the process of revision and part of this work was to ensure human rights concerns were integrated.

However as the previous chapter showed, there did not appear to be a systematic programme of human rights proofing of policies and procedures at corporate level, and the fact that some senior officers believed that this was taking place highlights the marginalisation of human rights policy making within the organisation as a whole.

Human rights culture

‘Much done, more to do.’

An awareness of and acceptance of people’s rights was already enshrined in everything An Garda did, most senior officers felt. There was sometimes a conflict between what politicians wanted and what police could deliver. Governments want results, but the police can’t just ‘sweep away messy people’. The role of the police was always to have regard to the constitution and individual rights, sometimes despite government policy. There was already a strong human rights culture which was reinforced by legislation and the Garda codes, senior officers said.

‘I hope we have always had a human rights culture.’

While strategies and policies were in place, what mattered now was to ensure they were driven forwards throughout the organisation.

It was felt that there was no institutional discrimination in An Garda Síochána’s culture. This issue is discussed more fully in chapter 7, which presents a very different view to the perception of senior managers.

The Declaration

Senior officers felt that the distribution of the Declaration was a strong signal of commitment to a human rights culture and they expected that the majority of staff would sign up. It was written in a way which should help members to apply the principles of human rights more easily.

‘I am very happy with where we are in terms of the Declaration and human rights in comparison with what other forces are doing, such as in America.’

The message in the booklet now had to be reinforced by managers on a day to day basis.

‘If all our staff followed the booklet no member of the public would even complain!’

On the other hand, other officers expressed the view that it was not enough just to give out 12,000 booklets. There also needed to be promotion of the booklet, seminars, and other forms of back up.

‘It seems like a tick box exercise to say yes, we have completed this area. I’d like to see a more thoughtful approach to distributing the booklet.’

It seemed that some senior officers were aware that more needed to be done to ensure the Declaration was put into practice, while others felt it was enough simply to have issued the statement itself.

Accountability

A new independent complaints body would be welcomed by most senior officers. It was pointed out that it would take time to develop a similar expertise in investigations as police officers already had. If those involved were from a legal background they might be anti-police. While there was support for a new independent system many senior officers also believed that the present system worked well and in an impartial manner; the problem was rather that it was not perceived to be independent.

In the future, some senior officers suggested that more attention should be given to the type of complaints received and how they were resolved instead of focusing on numbers of complaints. It was also important to identify the ethnicity of those making complaints, and to monitor the number of reports of racism.

QUESTIONNAIRE AND STAFF FOCUS GROUPS RESULTS

Results from the questionnaire and staff focus groups were as follows.

Human rights protection is a core value of An Garda Síochána's Mission Framework. How much can you reflect this core value in your day-to-day work?

Respondents felt quite strongly that they were able to reflect the Garda core value of protection of human rights in their day-to-day work. 32% said 'most of the time', 31% 'quite often', 19% 'sometimes', 13% 'occasionally' and 5% 'never'.

Higher-ranking respondents thought that they reflected this to a greater extent than more junior staff. Support staff respondents were the least likely to feel this. Men and longer-serving respondents also thought that they reflected it more than women and short-serving respondents.

Asked whether there was a culture of human rights in An Garda Síochána, focus group participants said:

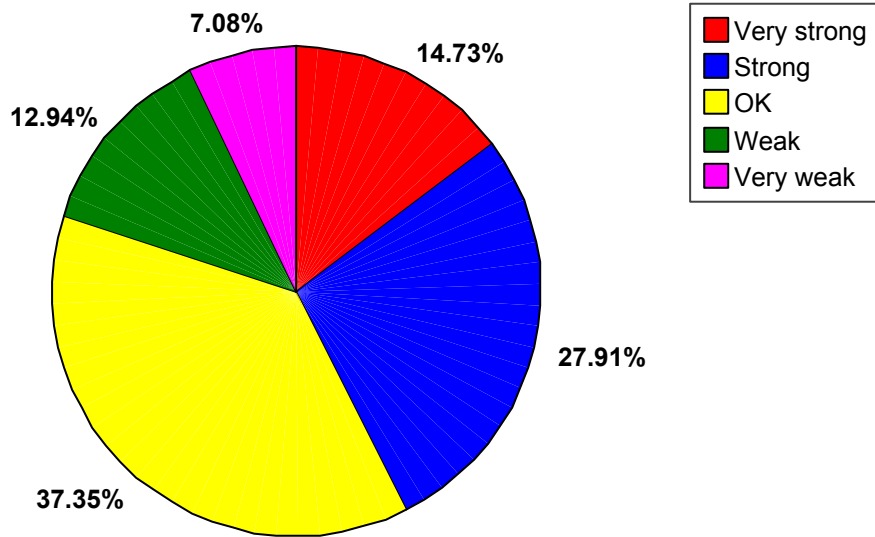
- There was a strong ethical culture which was governed by the disciplinary code, An Garda standards and by legislation. The law made sure members observed this culture.
- There had always been a culture of human rights in the organisation, but informally – no formal organisation. There was no culture of picking on any group. Terms like 'gouger' might be used but that did not mean these young people were treated differently.
- The culture is one of 'just get on with it.'
- The culture of HR is down to individual Gardai.
- Common sense was the human rights culture.

As with senior officers, there was a tendency to believe that existing organisational rules, the Constitution and 'common sense' would be enough to ensure observance of human rights, rather than a need for any fundamental cultural change or greater understanding of the ways in which human rights could be infringed.

How would you assess senior leadership commitment to policing and human rights?

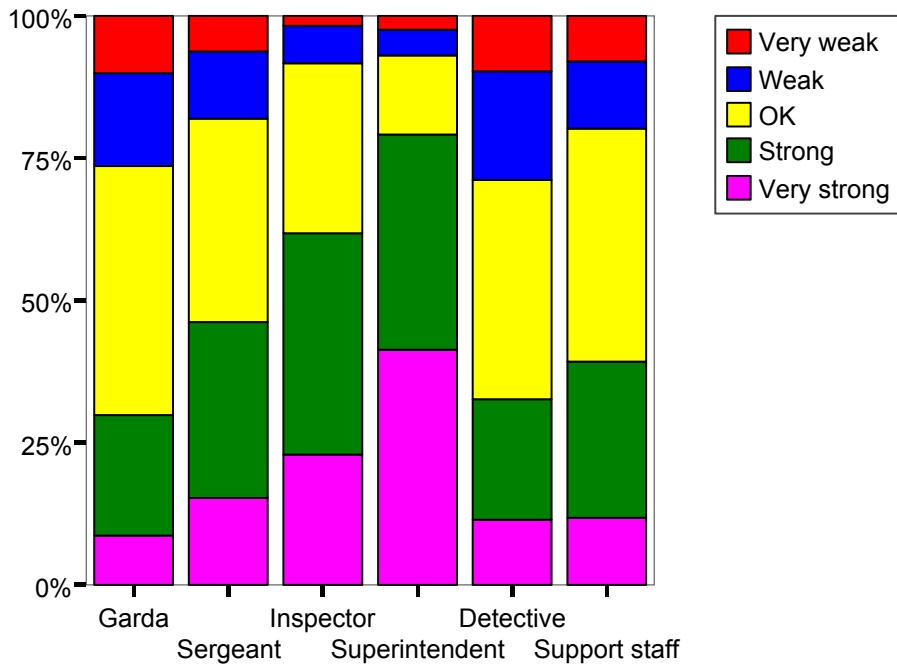
Fewer respondents felt that leadership commitment to policing and human rights was strong. 15% said 'very strong', 28% 'strong', 37% 'OK', 13% 'weak' and 7% 'very weak'.

Leadership commitment to HR



As the chart below shows, Gardai were the least likely to assess leadership commitment as strong.

Rank x Leadership commitment to human rights



Respondents were asked to write in how the senior management team demonstrated commitment to human rights.

789 people made written comments which have been grouped into the main types of reply. The majority said this was done through circulars, briefings, directions, and advice (though this was often no more than providing information and 'handing down paper') A large number (190) said that the leadership did not demonstrate commitment to human rights; or that it was lip service or 'covering their backs'. Others said it was by setting an example, and through adherence to the Garda Code and regulations. (Please see Appendix F for fuller details.)

FOCUS GROUPS: Some focus group participants felt that An Garda Síochána's leadership was committed 'in principle' to human rights, and that this was demonstrated by producing and distributing the Declaration of Professional Values and Ethical Standards. There had been a change in recent years in response to a changing Irish Society.

However, a larger number of groups (7) said that this commitment was really only paying lip service to human rights; it was senior management 'covering their backs', a public relations or paper exercise.

'The authorities need to be seen doing things so they are politically correct.'

Others said that senior managers were unaware of what happened at ground level, they were not in touch, and did not participate on a daily basis either with the public or more junior colleagues (7 groups). In addition senior managers had not themselves attended a course on human rights although this was becoming a requirement for sergeants. They were said in one group to 'make it up as they go along'.

Members therefore expressed a high degree of cynicism, in both focus groups and the questionnaire, about senior management commitment to human rights which contrasts sharply with the views of most senior managers themselves.

Support for staff from senior managers

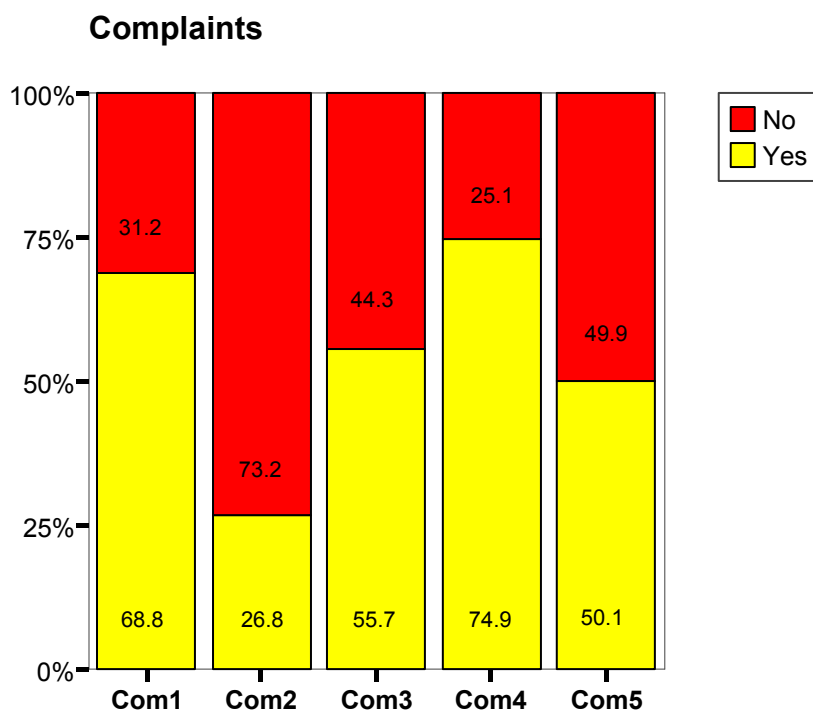
Senior members were said to have certain attitudes and they influenced junior members, no matter what else was said or done.

Four groups said that managers were not supportive of front-line staff. Members would prefer to 'go to the pub and chat about it' with colleagues when they needed support.

‘Management is happy when there are no complaints.’

Complaints system

Respondents were asked whether they agreed with a set of statements about the police complaints system.



KEY

- **Com1:** It is a fair and effective process for the complainant
- **Com2:** The public have confidence in the police complaints system
- **Com3:** Police members get a fair hearing
- **Com4:** Petty complaints are taken too seriously
- **Com5:** Overall it works well for all concerned

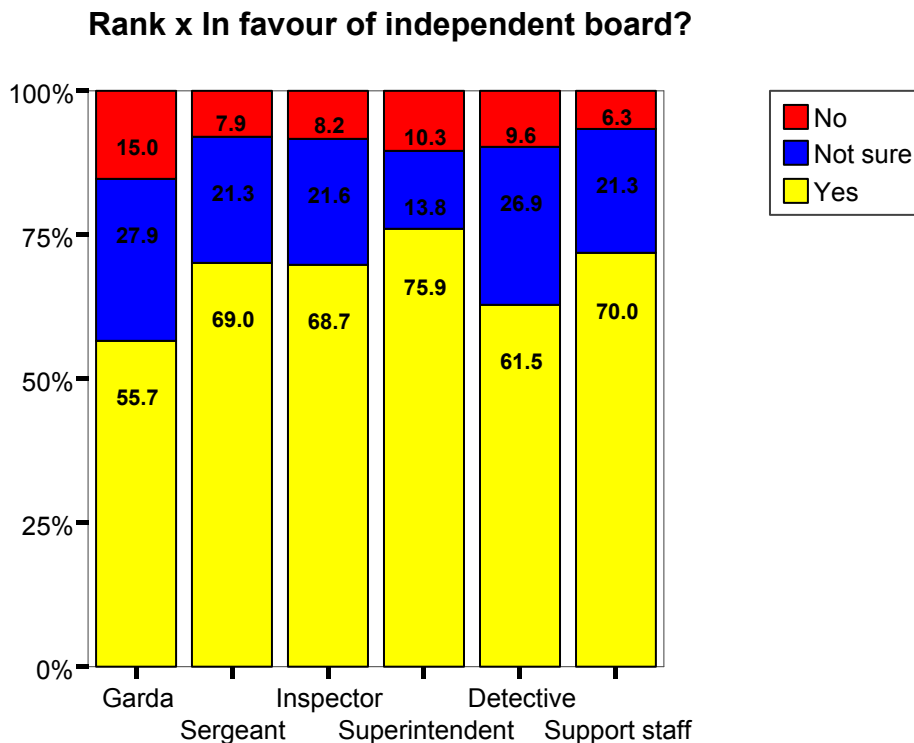
Respondents tended to think that the police complaints system was fair for the complainant (69%). But they did not think the public had confidence in the system (73%), and did think that petty complaints were taken too seriously (75%).

Half thought the system worked well overall for all concerned, and a little over half (56%) thought that it was fair to police members.

Independent Police complaints system

64% of the respondents said that they would be in favour of an independent complaints board.

As the graph below shows, Gardai respondents were the least supportive of an independent complaints board. Superintendents and support staff were the most supportive.



The majority of written comments on this point concerned the need for a system of redress for members subject to vexatious complaints, along with stronger management support for members. There were too many petty complaints made, the system was slow and cumbersome, and it was unfair to members.

FOCUS GROUPS: The majority of focus group participants welcomed the introduction of an independent complaints system: it would protect members as well as the public. Members felt they had nothing to fear from such a system.

‘Our biggest fear is politicians who want to control the police. They are afraid of the ombudsman and losing control, more so than the Gardai.’

In three groups it was stressed that police investigators would still be needed because they knew the job and how to conduct inquiries in a way which outside people would not be able to do.

A minority view across the groups was that an independent system would not make a difference except to the public's perception of greater fairness. The present system worked well.

As in the questionnaire, focus group participants felt very strongly that the present system left them 'Guilty till proven innocent.' There were too many frivolous and vexatious complaints (12 groups) and no redress for members (9). The system was stressful and far too slow for all concerned. It was a waste of resources. And finally, it was always the junior ranks who were blamed, never more senior members.

A comment in one group was:

'We have a problem with ethnic minorities. They know how to bring our standards of investigation down. They make a complaint so as to slow down the investigation process.'

Challenging human rights abuses ('whistle blowing')

Could you challenge a colleague who you witnessed abusing someone's human rights?

A high proportion of respondents – 79% - said that they would be able to challenge a colleague who was abusing someone's human rights.

There were fairly marked differences in response to this question. More men, senior staff, older staff, and longer serving staff, said that they would be able to challenge an abuse of human rights than did women, Gardai and civilian staff, younger staff and shorter serving staff. (Figures are given in Appendix F.)

Twenty-seven questionnaire respondents said it was difficult to challenge colleagues who were witnessed abusing someone's human rights, particularly if they were more senior and if the abuse was internal, for example, bullying.

Focus Groups

‘There is no corruption in our police force as we are the best in the world.’

This issue was discussed in some detail in many groups in relation to Articles 9 and 10 of the Declaration (disclosing conflicts of interest and challenging illegal or unprofessional behaviour).

The results of the focus groups differ markedly from the questionnaire results, perhaps because there was more chance to discuss concrete examples in relation to Articles 9 and 10 of the Declaration. In focus groups, few members said they were prepared to report colleagues. It would depend on the circumstances to an extent.

‘If everyone looks into their heart on this, all over the service we have all seen little indiscretions and have turned a blind eye. But we have a successful record of prosecuting things that are exposed. We would all expose major wrong doing, but not small indiscretions. For example saying the wrong thing to the wrong person, such as a Traveller or a new immigrant – should we turn a blind eye to disrespect because of someone’s background?’

‘If you take action, you are alienated from everyone. Like Serpico.’

If something serious was observed, however, most members said they would report it, and in these cases they would expect to be supported by management.

‘Not everything has to be reported and things happen in the heat of battle. It’s a personal decision.’

‘It’s hard to point a finger at one of your own. The most challenging thing is knowing how to deal with it.’

Challenging was said to be much more difficult in rural areas where everyone knew each other.

In Chapter 8, the issues of bullying and harassment at work are discussed. Again members expressed reluctance to report such incidents. This and the points above suggest that An Garda Síochána does not have an organisational culture which would support ‘whistle blowing’ or reporting of human rights abuses (regarding the public, or among colleagues). Unless all members feel able to make such reports, it will be hard to tackle problems which are too easily hidden, such as oppressive interviewing techniques or excessive use of force in police

vans or other situations. It is essential that senior and middle managers do more to foster an ethos which makes it not only acceptable but also obligatory for members to report infringements of human rights.

COMMUNITY VIEWS

Human Rights Culture

Community participants did not think there was a human rights culture within An Garda Síochána. One person commented that the organisation was 'positively aggressive towards human rights.' Others noted that it was a very authoritarian organisation, with a rigid hierarchy. In this structure, senior officers always chaired meetings with community groups while the Gardai who were in contact with people on the street were silent, and did not feel able to express their views.

Junior members were not encouraged to use their initiative. If something was needed, it was necessary to approach senior levels first.

Many participants noted the good work and commitment of some individual members, particularly community and specialist liaison officers. However it was also said that the prevailing culture within An Garda could destroy the good work done by these individual community members who worked hard to develop trust with local communities.

'With newer Gardai and the training perhaps the culture is changing, but the old traditions of power and authority are very strong. The new ones are good but the culture makes them unlearn what they know when they get on divisions. Female Gardai become very macho, rough and tough in the male culture.'

The culture did not encourage openness or accountability. There were never any consequences for misconduct. The culture allowed the law to be manipulated. There was no form of holding members to account for the ways in which they used their discretionary powers. It was difficult for members to challenge infringements because they would not be supported by colleagues – there was a culture of 'don't tell on each other'.

'The Gardai can manipulate the law. They send a hidden message – "we can lift you at any time'. There is no accountability. There is internal corruption. I have seen baton marks on young people. Fear and intimidation are used.'

The point was also made that these concerns went more widely than An Garda Síochána itself. There was a need for human rights to be applied across the criminal justice system, including the judiciary, and at Government level. Government set the tone, and should be giving a lead in relation to promoting good community relations and tackling societal discrimination. This was particularly true in relation to asylum seekers, where there was growing resentment among the Irish population. The Government sent out mixed messages and An Garda had to pick up the consequences.

Senior managers

There were mixed views about the role of senior police managers. On the one hand, they were seen as authoritarian and stifling initiative, as mentioned above. They would also leave junior staff isolated and unsupported in their community contacts. They would not support a junior member who tried to report human rights abuses, for example. They did not hold their staff to account for improper use of discretion or police powers.

On the other hand, senior officers were seen as 'easy to work with, better informed and understanding. The ordinary member on the street does not know or chooses not to know'. The commitment at senior level did not permeate down.

Corporate Commitment

The work of the Racial and Intercultural Office and the Human Rights Office was highly praised at both meetings. The booklets and information that they produced were seen as helpful. However it was also pointed out that these units had very few staff and were dependent on the extremely hard work of a few highly committed individuals. If these individuals were moved on, the work would probably not be continued.

It was also observed that An Garda Síochána's interest in human rights was in direct proportion to bad media reports on human rights abuses such as a death in custody. If there was to be a case such as the Stephen Lawrence case in the UK, there might be more top level commitment to human rights.

Complaints

'People are very tentative about making complaints. There is never any evidence of action for as long as five years. The hard men are protected by the system.'

The existing system was not seen as having any credibility. An independent system was very much needed. People were afraid to complain for fear of reprisals or intimidation, and Gardai often regarded all complaints as vexatious. It was recognised that the current system was not helpful for members either.

‘Accountability involves creating a real partnership between the police and the community – government agencies, non-government organisations, families, citizens; a partnership in which policing reflects and responds to the community’s needs.’ (Patten report Para 1.16)

6. CONSULTATION AND COMMUNICATION

This chapter examines the extent to which An Garda communicates and consults with its own staff and with the communities it serves on human rights and policing. This relates to components 2 and 5 of the guide, Staff and Operational Policing respectively.

The first section reports on findings in relation to internal consultation; the second section looks at communication and consultation with the wider community.

KEY POINTS

- Knowledge and awareness of human rights provisions among members was very low. Few members said they had read the Declaration and only four said they had signed up. However over two-thirds of questionnaire respondents said they would like more information about human rights and in the focus groups there was also a strong interest in knowing more.
- Staff felt that there were very few internal channels of communication through which they could comment or express views.
- The Declaration was welcomed by community groups but not widely known about among the public.
- The local community fora appear to be a positive step forward, which build on existing community liaison links. The work of community officers was warmly received, but there were serious problems of consistency and lack of time and resources, which both members and the community noted.
- There was a degree of defensiveness among some members about the nature of community liaison, with the view being expressed that it was not a two-way process but involved members feeling the brunt of public dissatisfaction with policing services. To some extent this is inevitable but it is worth exploring ways in which Gardai can be supported and trained to make these community contacts easier.

- Both police members and members of the community perceived the media as playing a very negative role, albeit for different reasons.
- An Garda Síochána's external communication strategy and the work of its press office was also criticised, on the one hand for not transmitting more positive messages about the organisation, and on the other for being unwilling to provide information [REDACTED] ¹⁰. This undermined the need for accountability and openness.
- Language barriers and the need for interpreters and information in other languages were also mentioned as barriers to better communication.
- There is a difficult relationship between the Gardai and certain communities, in particular Travellers, the Nigerian community, and the Muslim community. Concerns about policing and diversity are taken up in the next chapter.

RECOMMENDATIONS IN THIS SECTION

An Garda Síochána should support the Declaration and other human rights statements by a programme of human rights promotion and training.

An Garda Síochána should conduct a review of methods of internal communication in order to promote more internal participation and to ensure effective dissemination of important information such as new legislation.

An Garda Síochána should conduct a public awareness campaign to publicise the Declaration and to inform the public about what they can and should expect in terms of policing services and human rights; and to promote a continuing dialogue with communities as to what this should mean in practice.

An Garda Síochána should develop community fora in all divisions with a wide cross section of participating organisations. An Garda Síochána should enhance the status of community officers and ensure they have the time and resources to develop strong links. Efforts should be made to provide greater consistency of service. Links should be made between community liaison fora and the proposed local policing boards.

It is recommended that training for Gardai include development of skills and confidence to undertake more community liaison work so that all members can make these contacts and build bridges, not just the specialists.

¹⁰ References to matters which are under judicial review have been deleted.

An Garda Síochána should develop a communications strategy which incorporates the need for human rights observance in terms of accountability and communication of accurate information to the public. The Garda press office work on human rights and community relations should be reviewed to enable it to take a more proactive stance in correcting harmful stereotypes and misinformation about either Gardai or communities and allowing the organisation to play a stronger role in leading the promotion of human rights in the Irish criminal justice system.

An Garda Síochána should consider ways in which language barriers can be tackled. This might include producing more information in the main minority languages spoken in Ireland; establishing and accrediting a network of interpreters who will be trusted by all concerned⁹; and enhancing the language skills of members, for example.

INTERNAL CONSULTATION AND COMMUNICATION

a) Interviews

Senior officers did not make many points relating to internal staff consultation and communication. They felt that on the whole communication was through training and developing the knowledge base of staff. There was continual in-service training on new developments such as the Incitement to Hatred legislation. Consultation was usually done through the relevant staff associations.

b) Questionnaire and Focus groups

Knowledge of human rights policy

The questionnaire asked staff to assess their knowledge of key internal and external documents on human rights. The aim of these questions was to see to what extent human rights policy was communicated to and understood by staff, and the sources of their information.

As the table below shows, respondents were most knowledgeable of policy relating to Ireland and An Garda Síochána itself.

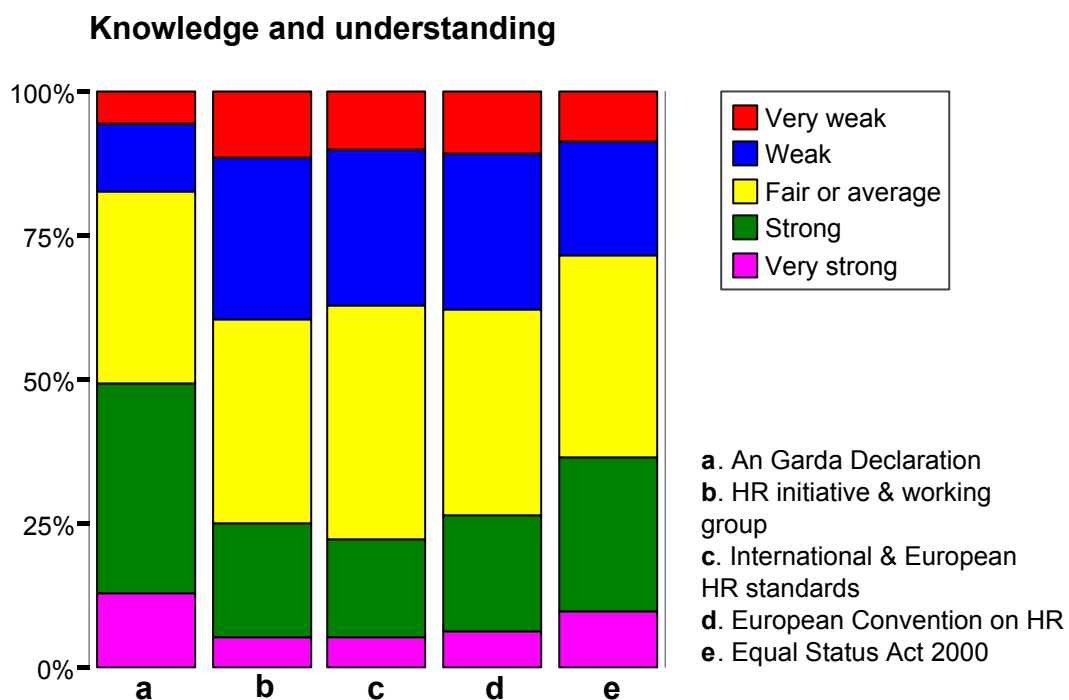
- 49% rated their knowledge of An Garda's declaration of professional values and ethical standards as very strong or strong

⁹ Developing a register of accredited interpreters could be done in partnership with other public authorities such as the courts, local authorities etc

- 36% rated their knowledge of the Equal Status Act 2000 as very strong or strong.

However knowledge and understanding was weaker in relation to

- The service's Human Rights Initiative and Working Group (25% saying strong or very strong)
- International and European human rights standards and codes on policing (22%) and
- The European Convention on human rights (26%)



A new booklet edition of the Declaration had been distributed to all staff shortly before the audit began which helps to explain why so many people might have been aware of it at that point.

The questionnaire did not ask people to assess the extent of their knowledge; as the focus groups revealed, while 49% of respondents knew the Declaration existed, knowledge of its content was at a much lower level.

Divisionally there was almost no difference between respondents based in the Dublin Metropolitan Region, and those in the rest of the country.¹⁰ This was true of all the questions asked in the survey.

¹⁰ Responses to all questions were tested to look for differences between Dublin and the rest of the country. Very little difference was found which is perhaps surprising.

How do you learn about these policies and standards?

The most common ways in which respondents learnt about these policies was through staff circulars (60%), An Garda codes of practice (31%), training (30%), posters (26%), through their own research (26%) and from operational policies (16%). Team briefings (4%), through line managers (3%) and intranet/ email (3%) were not common methods.

Other sources of knowledge included through the media (48 people); through Garda training and development, including the Sergeants Development course (9 people), through BA or legal studies (9 people) from UN service (6) and attending conferences or courses (4).

Would you like more information on policing and human rights?

Over two thirds of respondents, 68%, said they would like more information on policing and human rights. 17% said 'no' and 12% said that they 'don't know'.

Focus groups

As in the previous chapter which looked at the question of challenging abuses of human rights, the focus group results were less positive in terms of knowledge of human rights statements (and perhaps more of an honest reflection of reality). At the start of each focus group, participants were asked about their awareness of key human rights documents. This was a 'straw poll', a show of hands, and not an accurate count.

- The Council of Europe guide to policing in a democratic society, which is used as a basis for this audit: only one of the 203 participants had heard of this.
- The European Convention on Human Rights: a majority of participants had a broad awareness of this but few said they had any detailed knowledge of it.
- An Garda Síochána's Declaration of Professional Values and Ethical Standards: this varied across the groups. In some groups only two or three people had seen the Declaration; in others a majority said they had seen it. Overall about two-thirds said they had *seen* the Declaration.

However very few had actually read it, usually because they were 'too busy' to do so or they had only recently received it and had not yet had an opportunity.

It seemed that few civil servant staff had received a copy. Some of these staff also felt it did not relate to them.

Signing up: apart from four people in one sergeants/inspectors focus group outside Dublin, no one had signed the declaration of personal commitment at the front of the booklet. This reads

'I _____ do hereby adopt, accept and commit myself to this Garda Declaration of Professional Standards and Ethical Standards.

Signed _____,
Date _____,

A few people said they had signed to acknowledge receipt of the booklet, but had not signed up to the declaration.

'The higher ranks will sign it because they don't have to deal with the public.'

Reasons given for not signing included:

- There was no need to sign because the Gardai already have ethical standards and moral principles which were derived from their own upbringing. Ethics come from moral standards which are learned as children.
- The declaration did not have to be handed back so no one would know if it had been signed – signing was 'irrelevant'. There was no facility to collect signed declarations or to monitor the extent to which it happened so there was no point.
- People would not sign because it was 'not clear what is expected from you'.
- They had been trained not to sign anything so why start now?
- It was irrelevant because the public would not know about it.
- Signing it seemed childish and meaningless. 'Why not take our word for it?'
- There could be a risk of future disciplinary action if someone signed and then breached one of the Articles.

- ‘They should give us in-service training on the whole book if they want it signed.’

Several groups commented on the lack of any formal presentation of the Declaration: there had been no effort to get the message across, nor any consultation. Staff had not received any training or guidance on its use.

‘Just left it on our desks’.

It was suggested that workshops or seminars would have helped to get the message across in a practical way which might have made an impact.

What do the Articles mean in your day to day work?

Each group was asked to divide into three smaller groups. Each smaller group discussed five of the 15 Declaration Articles. They had to consider:

- What areas of your work are covered by the Declaration?
- How could the principles in the Articles be applied in practice?
- What would help to apply them?
- What might stop them being applied?

Few groups went into detail of what each article would mean in practice. Treating people well while in custody was most commonly mentioned as was the conduct of searches. Articles 2 and 3¹¹ raised a discussion in most groups on the changing nature of Irish society in the last ten years, the arrival of new and diverse community groups, and the need to become more familiar with those groups. At the same time, it was common for participants to say that they treated everyone the same. Human rights, said many, was simply a matter of common sense.

Generally it was felt that all 15 articles applied to all areas of police work. Many of the Articles seemed to be saying the same thing. The wording was vague, with the use of unfamiliar jargon. Many people were not clear how to relate them to specific police action.

Everything in the Articles was also consistent with the oath taken when joining to treat everyone ‘Without fear, favour, malice or ill will.’ They were also part of An Garda Síochána’s foundation stone of policing by consent.

¹¹ Art 2: uphold and promote the human rights of all.

Art 3: respect and support the diversity and equality of cultures and beliefs in our society

As noted earlier, many members and senior officers tended to assume that existing official documents – for example the oath, and the constitution – along with ‘common sense’, would be enough to ensure human rights observance. There was little awareness that this might require more understanding and awareness and a shift of organisational culture, nor that it went beyond ensuring good treatment and conditions in police station cells.

What would be helpful in applying the articles?

- More training, particularly about Ireland’s new diverse communities
- More management support and guidance
- More resources and more time
- Keeping an open mind
- Talking and communication
- Better information about new and developing legislation

What would stop application?

- Lack of knowledge and information
- Lack of time and resources
- Ignorance
- ‘Institutionalised’ procedures and behaviour
- Non-communication
- Language and cultural barriers
- Lack of facilities at the station
- Peer pressure and the culture – ‘25 years service versus new legislation’
- Fear of change
- Mistrust of the ‘outside’ and a natural conservatism (which was, some said, starting to change)

Internal communication

Members in five focus groups said that there were no channels through which to make suggestions or complaints. Channels such as the grievance procedure existed, but did not work well. Other participants said that they would never approach senior ranks directly: ideas and suggestions went up through the ranks through formal channels. ‘No one wants to make waves.’

Communication internally was poor, according to six groups, and the introduction of glossy booklets did not help to close the gap in communication. ‘Management has its own agenda.’

When in uniform, staff had to use formal modes of address, no first names were allowed. Staff in two groups commented that senior staff only wanted to see them when something was wrong – praise when something went well would be more beneficial.

When new legislation was introduced it could be a long time before Gardai got copies or access to the new law. It was hard to keep up to date with case law and new legal developments (3 groups). The Garda Code was very out of date, the most recent issue being 1991. (This was discussed in Chapter 2.)

Civil servant staff felt they were not consulted about the introduction of new administrative procedures. They lacked access to email and the IT system was poor.

EXTERNAL CONSULTATION AND COMMUNICATION

'The people around here have a real say in deciding what is important for the Gardai to attend to.' 22% of respondents to the 2002 Garda public satisfaction survey agreed with this statement. 60% did not.

a) **Context**

An Garda Síochána has a range of community links: through juvenile diversion, community policing fora, residents' associations and drugs task forces, for example.

Liaison officers for particular communities are also in place: there are juvenile liaison officers, liaison officers for the gay and lesbian community and for liaison with ethnic minorities. This last group were appointed in February 2002 and 'it is not envisaged that these would be full time positions'.¹²

Over the last three to four years, in the Dublin Metropolitan Region, two divisional community fora had been established (and a representative of each attended the two community meetings held during this audit).

The Garda National Quality Service Bureau was established in 1998 to coordinate the implementation of the Garda Quality Service Action Plan. It is responsible for a national customer panel and divisional customer panels which are intended to serve as two-way channels of communication with a range of community groups.

As reported in Chapter 4, the Garda Síochána Bill 2004 proposes to establish local policing boards in each local authority area to improve community consultation and liaison, although it is not clear at this point to what extent members of community and voluntary agencies, in addition to elected members of local authorities, will be included in these arrangements.

In December 2000 An Garda commissioned a review of community liaison from Insight Statistical Consulting¹³. Its aim was to research the information flow between the Gardai and citizen groups in Dublin.

¹² HQ Directive 24/02

¹³ Review of Community Liaison; Insight Statistical Consulting, December 2000

Key results: Review of Community Liaison; Insight Statistical Consulting, December 2000

- The role of community Gardai was crucial
- More community representatives were needed, along with incentives to encourage participation
- Feedback should be given to community groups on a more regular basis
- The status of community police members should be enhanced.
- More communication and respect shown by Gardai would be appreciated and would help to break down barriers
- Community policing activities should be assimilated into all policing activity and the stark difference between community and regular Gardai should be reduced.

‘Overall, this research suggests that although progress has been made in the liaison process, there is still room for improvement. A more in-depth understanding of the concerns and expectations of the communities would provide the Gardai with the intelligence needed to conduct more effective liaison.’

Many of these findings reflect comments made at the two community meetings, which are reported below.

An Garda Síochána therefore has a framework for community consultation and liaison, and some sound research to indicate how this should be developed. The next sections show how this is working in reality, according to those who took part in this audit.

b) Senior officer interviews

Senior officers noted the high level of overall customer satisfaction rates, as shown in surveys. They felt that the wider public was not aware of An Garda’s work on human rights and also that they would not be very interested unless it affected them directly. Few members of the public would be aware of the Declaration for example.

Community policing

Community policing was mentioned by senior officers as a key way in which An Garda Síochána conducted community consultation. It took different forms. Several departments had regular liaison with particular groups through specialist liaison officers for the minority communities, Travellers, young people and schools, for example. There were also good individual links between members

and minority groups; many for example had personal contacts with youth clubs. Many Gardai undertook voluntary work in their own time. There were contacts through residents associations and neighbourhood watch.

New community fora had been set up in some areas but not yet everywhere; where they existed they allowed for an honest exploration of problems and perceptions. The present fora needed to be expanded and to include a wider network of groups and a good cross section of people.

It was hoped that the positive experiences of specialist community liaison officers would be shared with other colleagues and would in turn improve their ways of working with different communities.

Feedback from the public was therefore collected in various ways, and it was always considered but not always implemented. More now needed to be done at the structural or organisational level to enhance these community contacts and to encourage two- way communication.

‘We need to give a service that communities require, not a service that we want to give the community.’

Senior officers noted that a problem for developing community policing particularly in cities was the turnover of staff which meant there was not enough time for community links to be developed. One factor here was that young members often asked for transfers to other areas where the cost of housing was cheaper than in Dublin, where it was now very expensive. There was not a tradition in Ireland of commuting long distances to work and public transport was poor. Inner cities were also more difficult to police and this led to requests for transfers.

‘There needs to be a vast amount of involvement from communities and their feedback taken forward.’

Most divisions had good links with local community organisations and faith organisations and would be involved in events in their communities.

Relationships with most minority groups were felt to be good by most members. However one person expressed a very worrying viewpoint:

‘Fundamentalist Islamic people have religious hatred for the Irish. They regard us as unclean, and there is a deep seated hatred. They will literally kill you for touching their Koran. They are volatile and we need to understand this.’

It was also felt by other senior officers that it was harder to build links with the Muslim community than some other groups. It might be that another approach was needed.

'These are the people that we need to hear but their comments may not be pleasant. It will be hard work but at least we would be getting the views that are greatly needed.'

More access to interpretation and more information in different languages would help to improve communications with minority groups.

Relationships with the Traveller community were also said to be improving with increasing levels of cooperation with the police.

As in other aspects of this audit, senior officers tended to have a more positive perception than members and community representatives.

c) **Questionnaires and focus groups**

Respondents were asked to say, in their own experience, to what extent did An Garda Síochána as a police service communicate with and consult local communities?

56% said that the service did communicate with and consult local communities in their experience. 35% said it did 'sometimes'. 5% said 'no', 3% 'don't know' and 1% did not answer.

They were asked to assess their own contact with the community in general.

Respondents gave a good evaluation of their own contact with the community. 27% assessed it as 'very good' and 43% as 'good'. 22% said that it was 'OK', 5% 'poor', 1% 'very poor' and 3% did not answer.

In relation to public cooperation with An Garda Síochána, this was assessed as 'very good' by 17% of respondents, 'good' by 49%, 'OK' by 25%, 'poor' by 6% and 'very poor' by 1%. 2% did not answer the question.

Higher ranking staff and older staff thought that communication, contact and public cooperation were 'very good' or 'good,' to a greater extent than their lower ranking or younger colleagues, reinforcing the more positive perceptions among senior officers noted above.

Write in comments were made on this by 414 respondents. The main groups of comments were that community contacts and relations were very good. Community contact was very important and more was needed; there was room for improvement and more partnership work, foot patrols, community members and management support. The quality of community contacts depended on the size of the area, its location; and the people concerned.

On the other hand, a fairly large number of comments were more negative: community contacts were poor and/or deteriorating, there was a lack of confidence in police; and there was not enough time or resources to do this properly. There was little respect for An Garda Síochána, and lack of cooperation, trust and understanding on the part of the public.

Focus group participants thought that communication with community groups was not a two-way process, as it should be. It was seen to be more about the community 'shouting at' Garda. Some members' experiences of community groups, for example on drugs, were that people only helped when it suited them, and that members came in for 'a lot of abuse'. Community relations were good when the community wanted something but not at other times. (9 groups)

'Foreigners should help the police by telling us what we require. It must be two way, in partnership.'

The Traveller community was not seen by members as wanting to have any communication at all with the police. They made no attempt to build a relationship, accused Gardai of being racist but wanted the police to have respect for their way of life. There was mutual suspicion between the police and the Traveller community.

'We try to break down barriers with the community but there are conflicts when someone from that community has to be arrested.'

Gardai were constantly accused of being racist and the public had started to think it was true. Two groups stressed that they treated minority communities with respect and dignity. However four groups said that minority communities did not respect their culture and laws – 'when in Rome do as the Romans do.'

'Some cultures treat female members with no respect – they don't even want to talk to a female member.'

It was suggested that more should be done to disperse and integrate different communities so that people could learn from each other's cultures and lifestyles. There was a risk that if this was not tackled now, more barriers would develop. It was important to act now while 'the problems are still small.'

Five groups commented on and welcomed the system for liaison with community fora, which were felt to be needed. There were not enough resources, however, for a liaison officer for each community. Several groups mentioned some examples of good community policing initiatives such as work with young people and schools, football matches, Neighbourhood Watch and so on. In two groups members felt that community liaison should be left to these officers – they were the 'experts'.

However community officers were hampered by lack of resources, and members had to bluff the public and placate people about the level of service they could provide. Those who shouted the loudest got the most resources.

Community relationships also differed depending on the area and the community concerned.

'The Nigerian community here has set up a community organisation but if they do not contact us how are we supposed to know they exist?'

It could be helpful for communities to give views about their policing needs and to make members more aware of different cultures so that they could be respectful, for example, when entering people's homes.

Talking to different communities could be of more value than booklets and information. Intercultural Ireland, the guide to different communities and cultures produced by An Garda Síochána Racial and Intercultural Office, was mentioned by several groups as being helpful.

Language and cultural factors could be obstacles to communication. The police needed named community contacts or representatives, who could be called on to advise and to assist with translation and interpretation.

'Detectives could not operate if we did not spend time in communicating.'

Some groups felt that there was a good level of cooperation when seeking information from the community, which might be because nearly everyone knew someone who was in An Garda Síochána.

‘Before, people from socially deprived areas would not want to work with the Gardai and have the frame of mind that it was them and us. However this is slowly changing and we are getting to know the community and build up contacts.’

On the other hand:

‘Less respect comes with city life, it is faster, quick service is expected, there is apathy, people don’t care about each other, there is no sense of community in the inner city.’

While several people commented that community relations were good, others pointed out that public perception was worse than before; many people had a bad image of the service.

‘Trial by media’

Eleven of the 18 groups stressed the role played in shaping these perceptions by negative and biased reporting. It was suggested that the Press Office should be much more proactive and counter negative stories. It should try to promote good stories and successes and it should train those members who might be required to speak to the media ‘so that they don’t just stand there saying “no comment.”’ The May Day demonstration was given as an example where independent film makers had recorded events and given ‘snippets’ to the media which were shown out of context, while An Garda Síochána did not use its own footage which presented a different picture.

It is interesting that participants at the community meetings also mentioned the role of the press office, from a different perspective. For them, it was more the case that the press office needed to be more proactive in countering misinformation about particular groups, and also more open and honest in providing information to the public about policing operations. It was not easy to find out what had occurred in particular cases, participants said.

There is clearly a need for An Garda Síochána to develop an external communications strategy which takes a positive lead in human rights promotion and which also meets requirements for openness and accountability in policing operations.

Focus group participants said that management had ‘hung some members out to dry’ over the May Day incident. There had been inadequate planning and training for a large public order incident, and a lack of leadership on the ground. ‘We were hamstrung’. There was a strong perception that members had been left to take the blame for the May Day incident, and this emerged strongly in all focus groups.

The incident raises many serious human rights concerns. The need to use minimum force, to react in a proportionate way, and to protect human life are paramount, and the incident seems to indicate that human rights observance did not permeate either the planning for or response to the events that day. While members of the communities consulted seemed to be cynical that the police would be held accountable for what had happened, members themselves felt deeply cynical about the low level of commitment to human rights demonstrated by senior managers in this regard. They also felt that their own human rights were not properly protected, either in terms of management support and leadership nor in terms of health and safety and protective clothing and equipment for public order events.




d) Community views

An Garda Declaration

Only one or two people who attended the community meetings had seen the Declaration or knew that it existed. It was strongly welcomed, however, though several participants also expressed (pleasant) surprise that it had been produced.

The following points were made at both meetings:

- The Declaration should be more publicly promoted to community groups. ‘It should be hanging on the walls for people to see.’
- Some of the Articles seemed to be vaguely worded and repetitive (the first three were given as an example).
- It was not likely to work without training and guidance for members on practical implementation of the Articles and on the values which were enshrined in them.

 References to matters which are under judicial review have been deleted.

- It was crucial that implementation of the Articles was enforced by managers and action taken on infringements of the standards.
- There needed to be clear guidance about what, in practice, it meant to put the Articles into practice.
- Once these criteria were agreed, there must be an effective system for monitoring and evaluating progress made in reaching the standards enshrined in the Articles.
- Evaluation of progress should be published for members and the public so that there was as much transparency as possible.

The majority of participants reported good links with specialist liaison or community officers, such as those for youth, or for domestic violence, or for minority communities. However these were often undermined because the people concerned were either taken off for other duties at peak times, or moved elsewhere just as bridges had been built. Lack of consistency of contact was a strong concern at both meetings.

The local community fora that had been recently established were welcomed and each meeting was attended by a representative from two of the Dublin groups. These fora provided a form of accountability. They gave the public a chance to say 'this is how we want you to police us'. Every three months there was an opportunity to exchange information and to see what progress had been made on any commitments given to the community. Community policing needed to become mainstream policing but not every division had the resources for a forum at present.

In addition, these good contacts could also be undermined by actions of other members, either through what was seen as overly heavy handed policing or through lack of response when crimes were reported. Much depended on line managers: for example a sergeant might send the community member off on traffic duties or instruct them to arrest people with whom they were trying to develop trust.

It was often repeated that not all Gardai were the same and that there were some excellent individuals and some good work done by the organisation. However 'inconsistency is a huge issue'.

The negative role of the media was mentioned: for example it played to Irish people's fear of large numbers of asylum seekers coming to the country and

portrayed minority communities in a stereotyped and negative manner. It was felt that An Garda Síochána's press office should do more to counter misinformation.

Similarly some Gardai had preconceived ideas about certain communities. It was felt that there was often a poor attitude towards non-governmental organisations, which were seen as 'naïve and idealistic lefties'.

A final point was that community policing did not work that well in rural areas, or in areas of high crime. It worked best in areas of high population where there was a community commitment to working with the police. The first step for An Garda, in that case, was to help to develop that community commitment.

'The Garda Síochána will succeed, not by force of arms or numbers but by their moral authority as servants of the people.' Commissioner Michael Staines, First Commissioner of An Garda Síochána.

7: HUMAN RIGHTS AND OPERATIONAL POLICING

This chapter examines the extent to which human rights are integral to operational policing and police services to the community. This relates to Component 5 of the Guide, Operational Policing.

KEY POINTS

- The questionnaire showed that there was a strong link between police knowledge of human rights policies and members' ability to deal with different groups in the community as suspects, and as victims of crime. This underlines the value of promoting human rights by training and other means.
- There is a general recognition among members of the importance of human rights for key areas of police work, such as detention, questioning, and conditions in the cells. The extent to which this recognition translates into concrete action in police vans and police stations is much more difficult to pin point in the absence of comprehensive and open arrangements to monitor practices at each stage of the stop, search, arrest, detention and questioning process.
- Despite the apparent awareness of members of the importance of human rights, there is continuing public concern about public order policing (██████████) [☞]; excessive use of force (██████████) [☞] and oppressive questioning during detention, when lawyers are not permitted.
- The protection offered by video recording was recognised and welcomed by most participants, although there were concerns about the need to also record interviews in writing, admissibility and storage of the tapes to avoid improper use. It was not clear to what extent video recording is being used in all cases and an evaluation of its use is now underway.
- The greatest area of difficulty at present appears to be in the policing of different communities. This is not made easier by An Garda's immigration

[☞] References to matters which are under judicial review have been deleted

function which can bring it into conflict with the communities it is trying to reach.

- There is evidence of institutional discrimination in the operation of some aspects of An Garda Síochána's work with some minority communities. This is supported by some of the statements and attitudes expressed in this audit, and by earlier research and reports which have similar findings. It is also supported by a lack of robust ethnic monitoring processes to ensure the rights of these communities are both respected and promoted.

RECOMMENDATIONS IN THIS SECTION

The Department of Justice should consider whether a review of An Garda Síochána's role in immigration would be helpful in reducing potential conflicts in relationships with minority communities.

It is recommended that An Garda Síochána continues to build on protection of human rights of suspects and detainees, by implementing the recommendations made in reports from the CPT, ICCL and others for the protection of the rights of those suspected of involvement in crime. **This must include establishing systems to monitor compliance at every stage.**

The evaluation of the use of video-recording of suspects should be published as soon as possible.

As part of its human rights proofing of policies and procedures, An Garda Síochána should investigate the impact of these policies on different communities and to ensure institutional racism is identified and tackled.

An Garda Síochána should establish systems for collecting information about the ethnic origins of those subject to police powers; it should review the results and commission research as appropriate into any evidence of imbalance.

Efforts should be made to encourage more reporting of race and hate crimes by promoting confidence in the communities concerned and using the full force of the law to deal with perpetrators.

The procedure for recording and investigating race and hate crime should be fully implemented and supervised by managers. Reports on the operation of the policy should be made public and discussed with the communities concerned.

Context: documented human rights concerns

Since its foundation in 1922, the ethos of An Garda Síochána has been based on the concept of unarmed policing with the consent of the community. The ethos of policing by consent was clearly important to the members and senior staff concerned in this audit.

However, as the introduction to this audit pointed out, there have been concerns over recent years that this traditional ethos may not be sufficient to ensure that human rights are embedded in day to day operational policing. As has been noted in Chapter 2, these concerns related to arrest and custody, questioning and public order policing.

The Council of Europe **Committee for the Prevention of Torture** has made three visits to Ireland, producing reports with recommendations (see chapter 2). In its 2002 report,¹⁴ the CPT outlined the main areas where it continued to have concerns and where not all of its previous recommendations had been implemented:

- Ill-treatment of suspects by police members at the time of arrest, during transport to the police station, and in cells and detention areas in police stations.
- Excessive force used during the May Day demonstration and the results of the criminal and disciplinary proceedings.
- The need to ensure all police officers are made aware that ill-treatment of detained people is not acceptable and that no more force than necessary should be used at the time of arrest and afterwards.
- Human rights concepts had to be better integrated into practical professional training for high risk situations such as arrest and interrogation of suspects.
- Allegations of ill treatment should be promptly and properly investigated.
- Police officers should be reminded that they are required to report their own use of force and to report unreported or unlawful use of force by fellow officers, and these reports must be promptly investigated.

¹⁴ Report to the Government of Ireland on a Visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment May 2002; Council of Europe, Strasbourg, 18 September 2003

- The Irish authorities should continue to give high priority to establishing ‘an inspection and complaints mechanism which is, and is seen to be, independent and impartial.’
- The need to ensure that detained people who did not have their own lawyer felt they could trust the solicitor who was proposed to them.
- That further consideration be given to allowing lawyers to be present during interviews with suspects.
- Police officers should be reminded about rights of suspects to access to doctors and medical examinations.
- While the use of audio-video recording of interrogations was welcomed, the committee asked for clarification of the range of offences which would be recorded and the circumstances in which recording might be omitted.

The **Garda Code**, said by many members and senior officers who took part in this audit to offer the best protection from human rights abuses, is under revision and as reported in chapter 4, does not at present fully reflect the circumstances in which members are expected to perform today. Nor does it integrate human rights protection and promotion in a way which underlines its importance for day to day police operations.

Concerns were also expressed in the **Garda public satisfaction survey** of 2002. For example, 64% felt that services could be improved, primarily by having more foot patrols and more members. One in eight respondents also reported that a Garda had behaved in a way which was unacceptable such as being impolite or disrespectful.

In addition, there were serious concerns about policing diversity which are discussed in this section. In the Garda survey, 200 respondents said they had been subjected to a racist incident, but only 11% reported the incident – the overall reporting rate found in the survey was 84%.

‘Two-thirds of respondents agreed with a statement ... that people who are different are likely to experience ridicule or personal attack on our streets.’

This has strong implications for the policing of minority communities who may be victims of crime.

Other concerns, well publicised by organisations such as **Pavee Point**, related to poor relationships with the travelling community, which were more long-standing.

‘42% of settled people hold negative views of Travellers, 44% would not accept Travellers as members of their community, and 80% would not want to have a Traveller as a friend.’¹⁵

It is often said that police members are recruited from and reflect the attitudes of the wider society from which they are drawn. The difference is that once the Garda oath is taken, Gardai are in a position of power, along with which comes unique responsibilities to respect the rights of all members and the community and to protect those rights from attack by others. Pavee Point has over the years raised concerns over racial discrimination, and physical and verbal abuse by Gardai, and also lack of protection for Travellers when they report crimes carried out against them.

Other organisations working with women have also pointed to the double discrimination faced by Traveller women, particularly in cases of domestic violence when stereotyped assumptions are made about Traveller lifestyle which can prevent assistance being given.

An **Amnesty International Irish Section** survey in 2001 of 622 black and minority respondents found that:

- 25% of racist incidents experienced were ‘at the hands of the Garda’
- 37% of Travellers and 54% of black Irish people said they experienced discrimination from the immigration Garda
- 56% felt they were not treated fairly by the Garda
- 61% said that the Garda did not take racist incidents seriously
- 57% thought they would not be welcome as members of the Garda.

Other studies¹⁶ have also pointed to inherent police suspicion of certain groups, including minority communities and also young people living in social housing. Heavy handed policing of young people was a point which also emerged in the community meetings.

In the context of these well-documented concerns about human rights, and the policing of various groups of people, this chapter reports on the position as shown by the audit.

¹⁵ Pavee Point, March 2000, Identifying the challenges for the police service.

¹⁶ For example Chief Superintendent John O’Brien, Study of Policing Strategy in the City of Dublin

Senior Officer Interviews

Senior officers were asked to say in what ways human rights were important for the operational policing work of An Garda Síochána.

‘A big problem with the police is that if you get something right, the practice is set in stone and developed, resulting in the same model being used time and time again, whilst forgetting that things around are constantly changing.’

Senior officers stressed that An Garda Síochána had to deal with criminality within tight resources and high demands. It was often a fire brigade service and there was a need to look more long term at underlying problems. It was important to build partnerships with other public authorities such as health and education departments so that crime could be tackled on a broader front.

The views of senior officers on human rights protection were at variance to the outstanding matters raised by the CPT (see above) and concerns raised at community meetings about excessive use of force. Senior officers stated that legislation on detention was now in place which kept tight control and offered protection for those in custody. Human rights were incorporated into daily operational procedures and prisoners were given a notice of their rights and entitlements.

They added that most interviews were now video recorded and were of a high standard, which protected both suspects and members. There were remaining problems about storage and admissibility of the evidence, and installing equipment in all police stations. There would be an evaluation of its impact at a later stage.

The assertion that most interviews were now recorded needs to be clarified. In focus groups with members, additional problems were raised such as the availability of the equipment – see below. It will be important to publish the results of the evaluation of the use of video recording for interviews to demonstrate the extent to which video recording is taking place and to show that human rights are being observed and protected during interviews.

Policing diverse communities

Senior officers pointed out that very few complaints from non-nationals or minority communities were received. There could be conflict with the Garda immigration role. Ordinary police could be blamed for immigration searches. Immigration was a sensitive area and it was essential to be respectful of people's rights and their dignity. However as seen above the present complaints system did not inspire confidence, either among members or the wider public, and it is not surprising that few complaints were made.

Several senior officers (and members in focus groups) commented on higher levels of criminality among certain communities, without any apparent firm research or statistical evidence to support these statements.

'But you may get labelled as being racist for making such a comment.'

There was said to be conflict with certain communities, particularly the Nigerian community, where there were perceived high levels of criminality. The message that An Garda was there to protect them had to be conveyed to the law abiding members of those groups.

'Certain communities – the Nigerian in particular – ask do we need to go round doing what we do? We do. We need to check for fraud, using false names, driving offences. We have to balance the rights of a potential accident victims with the rights of drivers.'

Senior officers suggested that their greater involvement in criminal activity could also explain the increasing number of reports of attacks on black and minority ethnic people.

One officer noted the involvement of some minority communities in people trafficking, itself a violation of other people's rights. He suggested that all non-nationals should be finger-printed when they entered the country to help to ensure they were safe and to check their whereabouts.

However another senior manager stressed that these perceptions about criminality must not lead to all members of that group being assumed to be criminals.

'It would be unfair to label all Travellers with the same brush.'

Several senior officers commented that members of some communities played the race card or used their race or social standing as an excuse for committing crime. In addition, they noted that many refugees and asylum seekers had been

badly treated by police in their own countries and that suspicion had to be overcome.

‘It takes effort to convince them that we do not wish them ill, we want to take on board their cultural requirements.’

It was said to be a reality that Travellers were more involved in crime than the settled community. Research in one region, it was said, had shown that about 80% of crime had some form of Traveller involvement. (This research was not identified by the person concerned.)

While a common underlying approach should be taken to everyone, based on human rights principles, it was also important to recognise the policing needs of different communities. Interpreters were provided as needed, for example.

The interviews suggested that while some senior officers demonstrated an understanding of the needs of diverse communities, others expressed views which tended to denigrate certain communities and which made assumptions about their involvement in criminality which cannot be supported or refuted without a comprehensive system of monitoring involvement in crime as both victims and suspects.

It is important that senior officers’ understanding of human rights and equality is enhanced so that they can provide the required leadership for the service as a whole.

The interviews also followed the earlier pattern of senior officers believing that because policies were in place – for example, the development of the PULSE system to record racist incidents – they were also being properly implemented. The perceptions of both members and members of the community were usually quite different.

Questionnaire and focus groups

Question 7 asked respondents to describe in their own words how they saw the role of Garda members in relation to human rights. 868 people wrote in comments. The main comments were that human rights were a basic, essential and fundamental part of police work. It was important to treat everyone equally, with respect, and to respect people’s dignity, whether victims, offenders, colleagues, or public. Many said that this applied to all citizens and that everyone, whatever their racial or cultural background, should be treated in the same way. The rights of those subjected to police powers must be respected, they said, and the police should set an example to others, internally and externally, and take a

lead, to promote good community relations and be at cutting edge in Irish society in relation to human rights. Some officers also believed that respect for human rights was automatic because it was enshrined in the oath, constitution, regulations and procedures – and treating everyone ‘without fear, favour, malice or ill will’.

Questionnaire respondents were asked about the extent to which human rights principles were important in aspects of their day-to-day work.

To what extent are human rights principles important in the following areas of your own day-to-day work?

	very important	a bit important	not at all important	not relevant to my job	no answer
Dealing with victims of crime	69%	13%	2%	13%	2%
Crime prevention	43%	32%	9%	14%	3%
Community liaison	57%	24%	3%	13%	3%
Policing local communities	62%	18%	2%	15%	3%
Stops of the public	59%	19%	3%	16%	4%
Searches of the public	65%	14%	3%	15%	3%
Public order situations	54%	23%	4%	15%	3%
Arrests	67%	14%	3%	15%	2%
Detention	70%	10%	3%	15%	3%
Use of force	66%	13%	4%	15%	3%
Interviewing suspects	67%	13%	3%	14%	3%
Dealing with complaints	65%	18%	4%	12%	2%

Note: results have been rounded to the nearest percentile and thus may not all add up to 100%

Responses were similar on all of the above areas of police work. The levels of ‘very important’ were generally high. They were highest for the use of detention, dealing with victims, arrests and interviewing suspects.

Crime prevention lagged behind the other areas somewhat in being ‘very important’ for only 43% of respondents.

107 respondents (9%) answered ‘not relevant in my job’ on all of the above areas of work. Of these 107, 36% were support staff (compared to 6% overall), 20% Gardai (41% overall), 17% were sergeants (27% overall), 8% inspectors (11% overall), 7% superintendents (7% overall), 4% detectives (4% overall) and 10% did not give their rank (4% overall).

Put another way, 48% of all support staff said these areas of work were not relevant in their jobs, as did 8% of superintendents but only 4% of Gardai.

However, despite this apparent acknowledgement that human rights is integral to these areas of work, it was clear in the focus groups that, in reality, members had less understanding of the meaning and practical application of the 15 Declaration articles for their day to day work.

How would you assess An Garda Síochána's overall relationship with the following communities?

	good	ok	poor	don't know	no answer
Black and other minority ethnic groups	35%	45%	13%	6%	1%
People with disabilities	68%	24%	5%	3%	1%
Women	73%	23%	1%	2%	1%
Young people	48%	40%	9%	2%	1%
Travellers	15%	46%	35%	2%	2%
Faith groups	24%	42%	14%	18%	2%
Refugees and asylum seekers	21%	48%	24%	6%	2%
Gay and lesbian communities	26%	39%	17%	17%	2%

Note: results have been rounded to the nearest percentile and thus may not all add up to 100%

Respondents rated as good An Garda's relationships with women and with people with disabilities. The groups most likely to have a poor relationship with the services were Travellers (35% selected 'poor') refugees and asylum seekers (24% said 'poor').

How would you assess your own relationship with the following communities?

	good	ok	poor	no contact	no answer
Black and other minority ethnic groups	53%	33%	3%	10%	1%
People with disabilities	75%	16%	1%	6%	1%
Women	82%	14%	0%	2%	1%
Young people	73%	22%	1%	3%	1%
Travellers	36%	42%	13%	7%	1%
Faith groups	33%	30%	11%	24%	2%
Refugees and asylum seekers	37%	37%	11%	14%	1%
Gay and lesbian communities	38%	29%	7%	26%	1%

Note: results have been rounded to the nearest percentile and thus may not all add up to 100%

Respondents' impressions of their *own* relationships with different communities in Ireland were better than their assessments of the service as a whole. For example 36% rated their personal relationships with Travellers as good compared to only 15% saying this about the service as a whole. 53% said their own relationship with black and minority communities was good compared to 35% for the force overall. And 37% rated their own contacts with refugees and asylum seekers as good compared to 21% overall.

This dissonance of perceptions of the organisational contact compared to personal contact is interesting. It may be that respondents were more willing to be open about their perceptions in regard to the organisation as a whole than about themselves.

The worst personal relationships were with Travellers, faith groups, refugees and asylum seekers and gay and lesbian communities. Respondents were more likely to assess their contacts with women, people with disabilities and young people as good.

In both of the above (relationships with An Garda and personal relationships) more men than women thought that An Garda's (in particular) and their own relationships (to a lesser extent) were good. This was true of almost all the communities except Travellers where slightly more women thought the service had a good relationship.

The higher ranks also tended to have a greater perception of good relationships across the different communities. Support staff had the lowest, but also the highest incidence of 'don't know' responses.

Older respondents assessed An Garda's relationships with communities more highly than did younger. Younger respondents thought in greater proportion than older colleagues that their own relationships with people with disabilities, women, young people, faith groups and gay and lesbian communities were good.

Respondents were asked whether they felt confident about dealing with victims and suspects from these groups. They were also asked about helping victims of domestic violence and helping women and children who were victims of enforced prostitution. (This last group was added because it was given as a priority for the Council of Europe's Beyond 2000 programme on policing and human rights.)

Helping people from the groups above

	yes	no	to some extent	no answer
Do you feel confident that you could assist victims of racist or other hate crimes?	74%	5%	19%	2%
Do you feel confident in helping all victims from the groups above (not necessarily race or hate crime)	74%	7%	17%	3%
Do you feel confident when dealing with suspects from these different groups?	65%	14%	17%	5%
Are you confident in helping victims of domestic violence?	79%	6%	11%	4%
Are you confident in helping women and children who are victims of enforced prostitution?	49%	22%	20%	9%

Note: results have been rounded to the nearest percentile and thus may not all add up to 100%

Two-thirds to three-quarters of respondents felt confident in all the areas above except for helping women and children who are victims of enforced prostitution. (This may be because this is not or has not been an issue within the Irish context, compared to, for example, the trafficking of women and children from Eastern European countries.)

Leaving this last question aside, respondents were most confident about dealing with cases of domestic violence (reflecting well-established An Garda policy and practice in this area) and least confident in dealing with suspects from the different groups.

There appeared to be a strong link between knowledge of the Declaration (as asked at question 1) and confidence in dealing with the types of cases above. (Please see Appendix F for the detailed statistics.) This strongly suggests that imparting knowledge of policies and procedures relating to human rights has a positive spin-off for members' confidence with dealing with these areas. It underlines the value and benefits to be gained for delivering human rights policing across all sectors of Irish society by continuing to promote a culture of human rights in the organisation.

Comments

388 respondents wrote in comments on this topic. The main types of comments were that cultural barriers, particularly language, were obstacles to helping some groups, while on the other hand general police experience should give everyone the ability and confidence to work with different communities. Distrust on the part of minority communities was also seen as a barrier. This could be because of bad experiences of police elsewhere, or because the groups concerned did not understand the law. Some members commented that some minority communities did not respond to women members. It was felt by some to be hard to deal with the travelling community as victims of crime, because of members' belief that the Traveller community was involved in criminal behaviour.

The comments suggested two different viewpoints among members:

- That training and other measures were needed to overcome barriers and provide better policing services to meet the needs of diverse groups.

Or

- That nothing else was required other than 'common sense' policing experience and 'treating everyone the same'.

The principle of 'policing communities according to need' is becoming more firmly establishing in many police forces, particularly in the UK in the light of the Stephen Lawrence Inquiry. 'Treating everyone the same' can result in inequality when different people have different needs, whether for interpretation services or for sensitivity because of past experiences in other countries.

Training and information would clearly improve members' ability to police Ireland's diverse communities, and the audit has shown a strong interest in receiving this on the part of members.

FOCUS GROUPS

Cultural changes and community relations

Most focus groups pointed to the impact of recent and rapid changes to Irish society and culture. There were now new minority communities and members lacked experience in dealing with victims or suspects from those communities. Some members felt, however, that on an individual level they were gradually getting to know these various communities better. There was a perceived separation between these groups and the mainstream Irish society from which members were drawn.

'Recently there have been some murders in different ethnic groups – none of us knew anything about their culture. Hindus, Sikhs, Russians, Romanians, Chinese – it's all a learning process.'

Members felt that 'the law is the law and we apply it in the same way to everyone'. The cornerstone was to treat everyone the same and to use common sense.

'It's very hard to have an unbiased opinion of foreign nationals who conduct welfare scams, such as the Algerians and Nigerians. Within these groups the fraudsters are a majority not a minority. This costs the tax payer €35 million a year but it's not politically correct to say it.'

Sometimes Irish members of the public felt that they were being treated worse than black people, and it was members who had to deal with that complaint. It was felt in four groups that Nigerians and other minority groups were treated better than in their own country and better sometimes than the Irish. This might be out of a desire not to offend a particular group.

There were strong feelings in particular about the Nigerian community. Some members had been told not to stop them for traffic violations because they were complaining of racism, but they were committing infringements.

‘We stop many black people and refugees for traffic violations. Many have no insurance, we are doing our job. They say it’s because they are black and play the race card. They use language and cultural barriers as an excuse.’

Six groups mentioned ‘playing the race card’ mostly in relation to Nigerian people. Six groups also said they thought that people pretended not to speak English or Irish to avoid police action.

‘They play the race card all the time as they know you will back down because there is no support from management. The focus upstairs is for no racist complaints.’

Four groups expressed the view that there was more criminality in the Nigerian, Traveller and refugee communities. As with similar statements made about criminality among different groups, no evidence was produced in terms of research or statistics to support these allegations. These unsupported views underline the need for An Garda Síochána to collect robust statistics on ethnicity and other factors about both victims of crime and suspects. This would help to identify not only different patterns of criminality but also whether police powers are being used in a disproportionate way with any particular group.

Members felt that fear could also be a factor in relationships with new minority communities: this was both fear about safety in unfamiliar situations and fear of doing or saying something which might inadvertently give offence.

An Garda Síochána’s immigration role could hamper efforts to build more positive relationships with minority communities.

‘There has been a recent increase in passport applications from coloured people. We are not sure what we should be looking for in their documents. We are uncertain. If they are illegal but have children born here, are they allowed to apply? We have been given no training. We have to wing it.’

Similarly, checking for ID cards, which all non-nationals had to carry, could also be difficult: ‘it’s very hard to know who’s telling the truth, where they are from, their background.’

The language barrier was made worse because members were not always sure if they could trust the interpreters. This could be helped by recruiting more people from minority communities.

In relation to this point, one group noted the Irish language requirement for joining and commented that 'It would be more useful to speak Chinese these days.'

Using police powers

'We don't tout for business and are as good as the last case solved. We are too soft, we should go out there and sell ourselves. The public just think about the few bad cases that get reported. We give a fire brigade service because of lack of resources, and that affects people.'

Most groups, as part of the exercise of discussing the Articles in the Declaration, mentioned some of the following points: the importance of respect for the rights of people in custody, for example to food, drink and hygiene, and their legal rights. Respect was also needed when entering homes. Searches should be conducted in a dignified manner and the use of force should be minimal, no more than necessary. It was important to be careful using the baton and to report to superiors when it was used. Members must maintain professional standards even when facing abuse.

One person commented, however:

'There is a corporate bias towards different groups. Not individual bias. For example Travellers, taxi men, people in local authority housing.'

It was important to balance the rights of different groups of people: for example, the rights of local communities and the rights of Travellers who had to be moved on. This could be made more difficult by lack of relevant information about new legislation, for example on housing provision for Travellers. This point was made by two groups outside Dublin but not in any Dublin group.

Members of six groups felt that the rights of victims were overlooked in favour of the rights of criminals.

In general, while there was a general understanding of the importance of human rights for day to day police work, it also appeared that many members felt this was automatic and something they did anyway, rooted in common sense. In reality there was a low level of understanding of the ways in which misuse or overuse of police powers could infringe human rights. This was evident in discussions on the practical implications of the Articles in the Declaration.

Video recording of suspect interviews

‘There should be cameras in reception too. We would like everything open and on camera.’

As with the suggestion of a new independent complaints system, the introduction of video recording of interviews was generally well accepted and seen as offering protection for members. However frustration was expressed because it was still necessary to take written notes, which seemed superfluous and slowed down the dynamics of interviews. Video recordings could only be introduced as evidence by the defence. A suspect had the right to refuse to be recorded. Cameras were not always available when needed.

One person said that it meant that certain interview techniques which might ‘break’ a suspect could not be used.

In two groups, both outside Dublin, it was said that some recordings were being played in Dublin pubs and members could be identified.

Resources

A small number of groups raised concerns about the impact of resources on police operations. These points included:

- The use of resources on protecting ‘important’ people – it was suggested that there should be a separate state security agency for this purpose.
- Under resourcing meant that promises were made to communities that could not be kept - local communities were not told the truth.
- Lack of resources meant that police work was rushed and proactive, members could not do a good job and then had to face the public’s anger.
- An Garda Síochána reacted to pressure from particular groups for particular actions – resources were not applied fairly and evenly.

COMMUNITY VIEWS

A recurring theme across all community interests was the lack of consistency. The quality of police operations, whether relating to traffic, domestic violence, young people or refugees, very much depended on individual members and on whether or not there were good community liaison arrangements.

‘There are some tremendous individuals who can be very compassionate. The other side is disturbing – like hatchet men in football teams. Hard men, never challenged. They can abuse and intimidate people.’

The views expressed at the community meetings very much reflected the key points made in reports from non-governmental organisations as reported in Chapter 2. This consistency of views lends weight to the issues raised.

The main concerns that were raised by community members were:

- Poor relationships between police and the Traveller community. There were some good individual contacts but on the whole the relationship was strained. There were many incidents of heavy handed policing, and verbal and physical abuse. There was also lack of response when members of the Traveller community reported crimes, and no action if Travellers were attacked by people from the settled community, perhaps as part of a vigilante action.
- Poor service for women Travellers who were victims of domestic violence. For example, a member might be called to a domestic violence incident but then start checking people’s car insurance. ‘The woman then gets the wrath of the community as well.’ Women Travellers were marginalised and it was assumed that domestic violence was ‘part of their culture’.
- Although there was a clear policy on domestic violence, its implementation and impact was not routinely monitored. There was a high level of domestic violence but still a tendency for Gardai to speak to the man rather than the women when they attended incidents. In some rural areas as many as one in four women experienced domestic violence and the perpetrator was often known to the police, who would not be willing to act.
- An Garda Síochána’s immigration role tended to damage relationships with minority communities, refugees and asylum seekers. For example, Operation

Hyphen, which involved finding illegal immigrants, was said to have done tremendous damage to the work of community Gardai and individual Gardai who were trying to develop trust. There were also rumours that people would be beaten up as well as deported which had not helped.

- Young people: there were often heavy handed dealings with young people. Many young people were 'terrified' of the Gardai; they would not come forward to report crimes against them and did not see the Garda as there to protect them. In turn this meant they were very unlikely to think about joining the Garda in the future.

'The immigrant community does not feel comfortable approaching the Garda. They are your enemy, not your friends. We expected something better in a civilised community. We expected human rights to be respected.'

- Poor relationships and mistrust with the black community (and particularly the Nigerian community). This ranged from lack of action when crimes were reported or requests made for help, to complaints of over zealous checking for traffic violations and continual car stops and passport checks. Immigration officers tended to think all Nigerians had several passports and to assume fraud was taking place.

'You get attention from the Garda depending on where they think you are from. They stereotype people. It is a crime to be a Nigerian.'

- Lack of sensitivity in suspected child abuse cases. For example, members might go to a child's school and take them away in clear view of everyone else.
- There were some incidences of ID badges not being worn or visible.
- While video recording was welcomed, some participants expressed concern that some interviews might now take place 'in the backs of vans'.
- Greater effort should be made in care of victims, from encouraging people to report crimes, such as bullying, or racism, to recording and investigating them, supporting victims at court and keeping victims informed about what was happening.

Institutional racism

*'Racism is an attack on the very notion of universal human rights. It systematically denies certain people their full human rights just because of their colour, race, ethnicity, descent (including caste) or national origin. It is an assault on a fundamental principle underlying the Universal Declaration of Human Rights – that human rights are everyone's birthright and apply to all without distinction.'*¹⁷

A strong theme which emerges across all the elements of this audit is about diversity and discrimination. Officers and members expressed negative views about some communities, in particular Travellers, and the Nigerian community. Community members attending the consultation meetings described the discrimination they experienced. These experiences are supported by reports from non-governmental organisations and by looking at the differences in responses to the 2002 public attitude survey.

Many police respondents made an assumption that if everyone is treated in the same way, then the result will be equality: this is not true. One of the key lessons in the UK from the Stephen Lawrence Inquiry had been the acceptance of policing communities according to need; like people, communities are also different and have requirements ranging from, at the simplest providing interpreters to the need to offer protection from race and hate crime, and to win the confidence of these victims so that they will report these crimes.

Common sense policing and treating everyone the same is not usually enough. Knowledge, information, training and skill development is required, which many police members in this audit recognised and requested.

In contrast to the recognition of the need for better training and information expressed by many participants, others expressed extremely prejudicial and stereotyped views about certain communities. Assumptions were made about criminality which cannot help but impact on the policing of those communities and lead to a respect for their rights and failure to protect them from abuse. The submissions from various organisations mentioned at the start of this chapter, as well as the comments expressed in community groups, suggest that it is not just a

¹⁷ Racism and the Administration of Justice, Amnesty International, 2001

matter of attitude. These attitudes are being expressed in the behaviour of some members towards some members of different communities.

Allegations about levels of criminality among the Traveller and the Nigerian communities were made at every level of those taking part in this survey, with very little hard evidence provided to substantiate them, as there is as yet no monitoring of the use and impact of police powers on different groups in the community.

A major finding of the Stephen Lawrence Inquiry Report was that the investigation of the murder had been critically hampered by institutional racism, which it defined as follows:

'Institutional racism' consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people.

'It is incumbent upon every institution to examine their policies and the outcome of their policies and practices to guard against disadvantaging any section of our communities.'

It is difficult to examine policies and their outcomes at present within An Garda Síochána because:

- There is no ethnic monitoring of the use of police powers in relation to different groups, whether as suspects or victims of crime
- There is no ethnic monitoring or research to substantiate or refute claims made about levels of criminality
- Although a procedure is in place to record and assist victims of race and hate crime, using the PULSE system, it does not appear to be widely used by members and information about racist incidents is not available.

It is important that An Garda Síochána should make sure it is itself free from any form of discrimination. But as an organisation which is in the lead in Ireland in promoting human rights, there is also a responsibility for the organisation to play a role in promoting good race and community relations in the community as a whole.

However on the basis of this audit it seems clear that there is institutional racism within An Garda Síochána in its dealing with certain groups in the community and in the absence of organisational structures which would identify and deal with what is a very fundamental abuse of human rights.

8: AN GARDA SÍOCHÁNA AS A HUMAN RIGHTS EMPLOYER

This chapter examines the extent to which the human rights of staff are considered within An Garda Síochána and the extent to which human rights is integrated into police training. It also considers diversity of the workforce, the position of women, and health and safety concerns. Finally it looks at the question of training. This chapter relates to Components 2 and 3 of the guide, Staff and Training respectively.

KEY POINTS

- The questionnaire results show a strong link between those who thought that employees' own human rights were respected and confidence in dealing with suspects and victims from different groups. This underlines the importance of internal as well as external application of human rights.
- Staff expressed concerns about health and safety, working conditions, promotion and appraisals, and a sense of being 'second class citizens'.
- Many members mentioned bullying, particularly by senior ranks, despite the existence of a clear anti-bullying policy.
- Staff expressed positive views about recruiting a more diverse workforce, which was encouraging.
- While there has clearly been progress in the recruitment of women to the service, career development and promotion prospects remain imbalanced between men and women.
- Human rights training is clearly beneficial in terms of results – greater confidence in dealing with the public – and also in demand. However it has not yet been widely delivered across An Garda Síochána.
- There is an urgent need for diversity and race relations training which will not only impart knowledge of different cultures and faiths but also tackle the question of institutional discrimination.

RECOMMENDATIONS IN THIS SECTION

It is recommended that the Human Rights Advisory Committee, if it is established, or an internal 'task force', should explore the human rights concerns raised by staff in more detail.

An Garda Síochána should further investigate the extent of bullying, probably with the help of an external agency, and take steps to encourage reporting of these incidents.

In order to encourage more diversity in the service the Department of Justice should review the Irish Language requirement and consider whether in-service training could be provided for suitable applicants so that they can acquire this skill as a serving member.

An Garda Síochána should adopt a positive action strategy to encourage more applications from suitable qualified members of diverse communities. This could include, for example provision of pre-entry Irish Language training, a strong advertising campaign in the target communities, open days for potential applicants, mobile recruitment buses, radio slots, etc. Community groups should be asked to assist.

An Garda Síochána should review the potential obstacles for career progression for women and develop an in-service career development programme to encourage more women applicants for promotion.

Training

Race and diversity training should be provided as a matter of urgency for all staff, starting with senior managers.

The existing programme of human rights training should be further developed, and provided for all staff, again with a priority given to human rights training for senior managers. A best practice model exists in the 'First steps towards an integrated approach to human rights developments' programme and this should be championed across the organisation.

Context: employment policy

In relation to employment, An Garda Síochána has developed a range of equality measures. It now uses competency based selection criteria for recruitment, and has a range of Employment Equality Initiatives. The height restriction for recruitment was lifted in 2001 in order to encourage more applicants. It was

replaced by a physical competence test. The Irish language requirement remains but the Police Cooperation Bill 2003 would allow transfer of members of the police in Northern Ireland without the language requirement.

Chapter 6 of the Garda Code relates to employment equality.

In 2002 An Garda adopted a comprehensive policy on dignity in the workplace, which covers discrimination, harassment and bullying, the welfare service, and bringing of complaints. The policy expresses a commitment to respect the dignity of everyone who works for An Garda.

‘Everyone will be treated equally as respected for their individuality and diversity. Bullying in any form is not accepted and will not be tolerated.’

During the 1990s extensive work was carried out supported by the EU Social Fund to promote equality across the workforce. An Garda Síochána NOW project consisted of training for all managers plus a leadership development programme for women wishing to move to senior roles. Women have been joining An Garda Síochána in greater numbers in recent years and in September 2003 the first woman Assistant Commissioner was appointed. Family friendly policies such as career breaks, job sharing and parental leave have been introduced since February 2000.

In relation to *training*, An Garda Síochána provides at its Training College in Templemore a comprehensive, five stage training programme for probationers which was revised following a review in 1999. This leads to a National Diploma in Police Studies, and there are also good opportunities to extend studies to degree and postgraduate levels.

Probationer training includes a section on human rights in phase 1, with contributions from external organisations such as Pavee Point. A social placement is included in phase 2, where students spend two weeks working with a community based organisation.

A five-day programme for trainers, First Steps, has been developed to assist them to integrate human rights into all forms of training. At the time of the audit about 60 of the 212 trainers had completed this course. There is a second two-day module to allow time for learning and integration between the two stages. On the third day trainers take part in a SWOT analysis of human rights and training. Problems identified here include the difficulty of delivering human rights education to large groups of people in formal lecture room settings; lack of communication between different parts of the police training organisation; and

lack of organisational support in driving forwards the programme to include all trainers.

The Sergeants Development Programme includes two days devoted to human rights, inter-culturalism and anti racism.

The Racial and Intercultural Office has produced a high quality training video which is based on scenarios involving different communities. It was not clear to what extent this video was being used on training programmes and whether any evaluation of its impact had been conducted.

A generic competency based model is used to assess training, based on Values, Tasks and Relationships. It highlights fairness and equality and strongly bars the use of discriminatory language. Behavioural competencies include:

‘Show sensitivity towards and respect for the cultural, ethnic, social and personal orientations of others.’

‘Respect and vindicate the dignity of all human persons, by confining intrusions into their personal space (for search, arrest, transportation, rescue, social interactions etc) to the minimum required to achieve the lawful purpose, in accordance with professional standards or social norms as the case may be.’

At the time of the audit, the position in relation to human rights training meant that existing Gardai were not likely to have received human rights training unless they attended a special course or were recent recruits; and there had been no training for senior managers.

In addition a proposed anti-racism course was in development but had not yet been deployed.

Therefore at the time of the audit there had not been comprehensive provision across the organisation of either human rights or equality and diversity training.

EMPLOYMENT

Senior Officer Interviews

Senior officers felt that in the main the human rights of their staff were respected. They received good quality training and were supported. At a time of tight resources, members were expected to police in increasingly confrontational situations and were becoming more aware of their own rights. There was a risk in

these situations that confrontations would escalate and self preservation instincts would prevail over human rights training 'out of fear rather than a desire to breach anyone's human rights'.

Training

An Garda Síochána probationer and in-service training was felt by several senior officers to be excellent, of a high standard and extremely comprehensive. Staff were also given financial support for further studies such as Masters Degrees.

The greatest opportunity for ensuring that human rights was understood as part of day to day work was felt to be through the training of new recruits.

'There may not be a programme labelled human rights but it is like a thread running through the whole (probationer) training programme.'

'I think there are still some internal perceptions about the need to be very macho. "You do what I say because I say so." We need to use training to guarantee that the human rights message comes through loud and clear.'

Senior officers stressed the importance of training relating to contacts with different communities and cultures. Contributions from outside agencies such as Pavee Point were very valuable.

'Some members have been scared about dealing with black and minority ethnic groups for fear of being called racist but with relevant training this can be dealt with.'

Diversity of the workforce

Senior officers strongly agreed on the need to recruit a more diverse workforce. Traditionally An Garda had recruited people from country backgrounds, but now more were being recruited from Dublin and the next stage was to recruit from minority communities. At present An Garda Síochána was not representative of Irish society today.

'There are very few coloured people in the organisation.'

Some saw it as only a matter of time before more minority members were recruited. There were already two members from the Traveller community.

'It's going to happen whether we like it or not.'

The Irish language requirement should be reviewed as it formed a potential barrier to widening recruitment.

Women

Women in the service were said by senior officers to be 'well looked after' with a 'raft of provisions' for maternity leave. The service was 'very much up to speed'. The female to male ratio was fair, with a good number of women detectives. There were many opportunities for women to progress through the ranks and good family friendly policies which gave women the opportunity of both a family life and career progression.

On the other hand, it was also suggested that

'Females gravitate to a different style of career due to family commitments.'

They might go for 'less robust' jobs within the service which in turn could affect promotion. One senior officer felt that men could not deal effectively with rape cases.

As can be seen in the following sections, the perceptions of senior officers were markedly different to the views of members and the wider community.

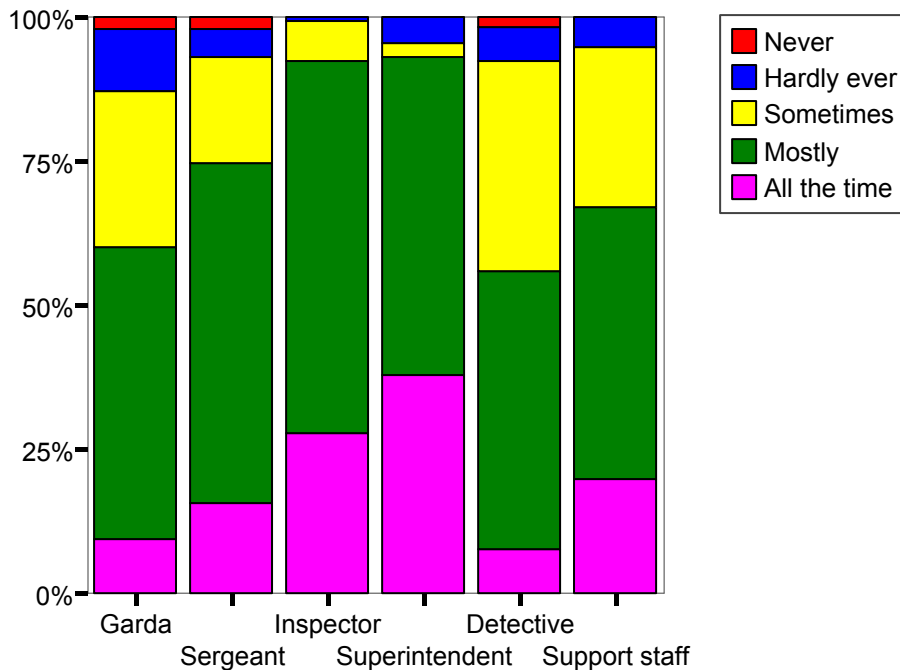
Questionnaire and focus groups

Does An Garda Síochána respect the human rights of its employees?

Sixteen per cent of respondents said that employees human rights were respected 'all the time' and 55% said 'mostly'. 21% said 'sometimes', 7% 'hardly ever' and 2% 'never'.

Superintendents thought more than any other rank that the service respects the rights of its employees. This was also true of older respondents.

Rank x Respect rights of employees?



Respondents who thought the service respects the rights of employees tended to have more confidence than others in helping people from diverse communities as both victims and suspects. The results are given in detail in Appendix F.

Write in comments were made by 502 respondents to this question. They reveal an almost even split between those who felt their human rights were respected and those who felt they were not. There were also a worryingly high number of mentions of bullying conducted by senior staff and managers.

Focus Groups

'What about attitudes to us? People who spit in our faces? Judges who call us names in court and we have no redress? They are attacking the uniform. We are a target. Everyone talks about Abbeylara but Gardai can be killed on duty, no one cares.'

There was a strong feeling in a majority of focus groups that the human rights of members and staff were not respected, by senior managers, by the public and even by those working in other parts of the criminal justice system.

'We are told in court that we should be used to it. We are meant to be able to deal with it. The uniform takes away our humanity in the eyes of others.'

It was also pointed out that members do not have formal contracts of employment, as mentioned in Article 12 of the An Garda Declaration.

Health and safety and resources

A range of concerns relating to health and safety were raised.

- Members were overworked and understaffed.
- There was a lack of equipment: this included cars, computers, and mobile phones, which several members said they had to provide themselves
- Poor equipment for health and safety.
- Efforts were being made to portray the force as non-aggressive, for example by members having to keep the baton hidden, or by not using vans with cages in some areas. This presented potential risks for members.
- There was a tendency for management to wait till someone was stabbed, for example, before issuing stab proof vests.
- Poor conditions in some stations - some were 'in bits'.
- Civilian staff could also be abused and were not well protected in some stations. More protection was needed in the public offices of stations.

Appraisals and promotions

According to members of the focus groups, there was no formal appraisal system and frequent moves could lead to lack of supervision and guidance. Promotion was said by several participants to be governed by nepotism.

Reflecting diversity

Questionnaire responses

Is the service representative of Ireland's diverse communities?

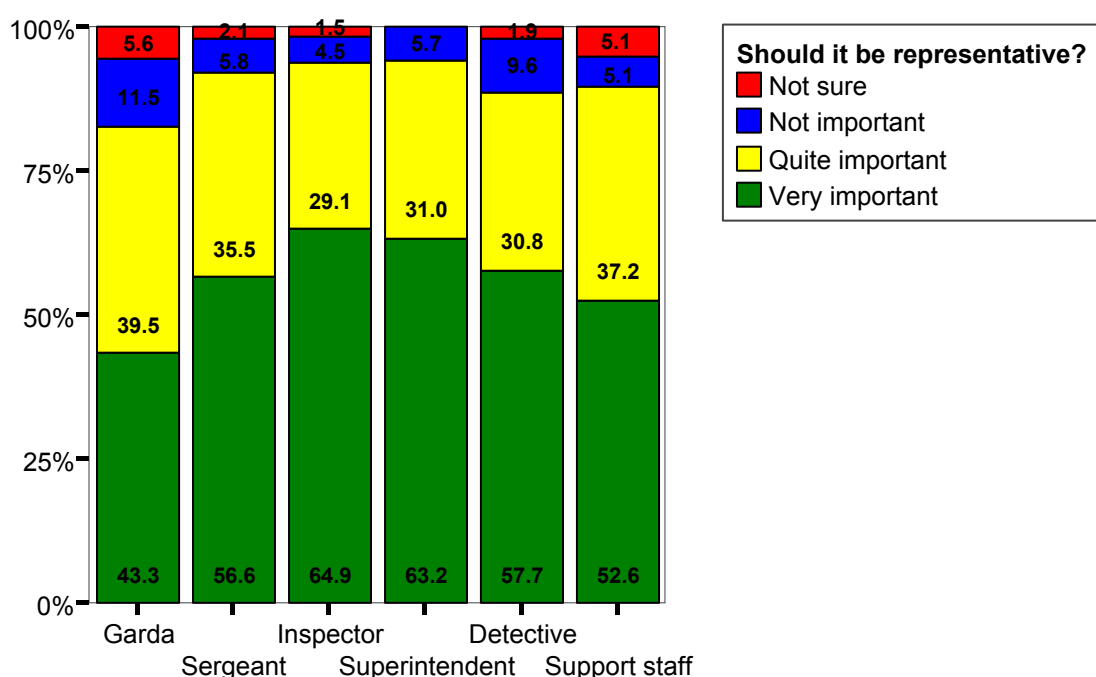
Nearly half, 43%, of respondents thought that the service was not representative of Ireland's diverse communities. 15% said it was representative, and 33% thought it was to some extent representative.

Is it important for An Garda to be representative of the communities it serves?

52% of respondents said that it was 'very important' that the service was representative (a further 36% said 'quite important'). Only 8% said it was not important, with a further 4% saying they were not sure.

More senior officers thought that it should be. Gardai were the least supportive of the importance of a representative workforce, followed by support staff.

Rank x Should it be representative?



Those respondents who thought that the service should be more representative tended also to indicate that they had more confidence with dealing with diverse victims and suspects than other respondents.

Focus groups: Reflecting Ireland's communities

'Long overdue. Should have done this years ago. It will happen with time. It goes beyond fairness. It would help us to understand the different communities. We should have actively gone out to recruit.'

There was an encouragingly positive recognition by focus group participants that An Garda Síochána needed to recruit more diverse staff to better reflect Ireland's new communities. However, the following points were also made:

- It would take time.
- The Irish language requirement was an obstacle.
- The force was not ready for such change yet.
- The force must not lower standards in order to recruit more widely.
- 'Not sure how far it's for the best'.
- 'What about wearing turbans and beards?'
- 'A friendly face, less intimidating at the station.'

Some members felt it was very important to keep the Irish language requirement, even if it was a bar and meant perhaps waiting for the next generation of Irish-educated young people. Changing the requirement could risk losing the Irish heritage and it would discriminate against Irish people if Gardai could not speak it. 'It is our right to speak it.'

It was suggested that secondments and exchanges with UK forces might assist in widening the diversity of An Garda in the short-term and could be beneficial in terms of learning from developments in the UK.

Retention of diverse staff was also discussed. There was a need to ensure that when new members from diverse communities did join, they were offered support to encourage them to stay in the service and to reduce their potential isolation, without this appearing in any way to be offering preferential treatment.

Women members

'There are too many females in the force!' (Male member)

Contrary to this view, most of the focus groups which discussed this felt that the fact that more women were now joining was positive. The presence of more women led members to be more 'conscious and respectful'. However it was still a male dominated organisation. It was better in larger stations where there were more women and the men had no choice but to treat them properly.

The 'be careful out there' attitude was still prevalent and was felt to be patronising by women members.

There were divided views about using women members in potentially violent situations; two groups said that two women could not be sent on their own to violent situations. Two other groups disagreed: it was better to use women in these situations because they calmed and diffused the situation: 'they don't go in guns blazing'.

These divided views were expressed in both mixed and women only groups: in other words, women members had a range of experiences and a variety of views.

‘Lads don’t want the hassle of it.’

Women tended to be given cases of sexual abuse and those involving children – men did not or would not deal with them, and it was felt that they should. It was right that female victims could choose to be interviewed by women members but after that the male colleague should continue the overall investigation. However several women also said they did not experience discrimination in the type of cases they were given. Again, there was no consistent pattern which emerged on this.

Male members in one group said that female members were sent to deal with rape and drunk and disorderly cases involving women as male members were afraid that they might be the subject of an allegation of rape.

Some women, but by no means all, reported some pressure on them to do administrative tasks like charge sheets.

Women Gardai would not complain about sexual harassment or bullying. This was expressed quite strongly by the majority of women with more discussion on this taking place in the women only groups than in the mixed groups. Women said that they would not know who to trust. There was no one independent to talk to.

‘If you do complain you still have to work with those you complained about. Complaining can affect transfers and promotions; you are labelled as the person who told.’

Making a complaint ‘follows the female wherever she goes’ and the ‘consequences are not worth the hassle.’

‘One girl who complained of sexual harassment was moved, and it follows her everywhere – “that girl there, she complained”. You don’t always have the courage. You are totally on your own if you complain. If you are bullied by higher ranks you have nowhere to go. If you want to get anywhere, keep quiet.’

Promotion of women members was often seen as tokenistic. There were very few women at higher ranks. Above the level of Inspector promotion was said to

be entirely a 'political' matter: it depended on doing favours and having a sponsor.

'Nobody gets anything in this organisation on merit.'

In one group it was said that women get promotion to sergeants sooner in their careers than men. This was seen as positive as it helped to balance out the sexes at that level.

On the other hand:

'There is positive discrimination. A promotion list will be sent back if there are no women on it. This is not fair. Then if you are promoted it is seen as tokenism, not because you're good.'

Unmarried women were more likely to get promotion. In addition, perhaps there were fewer women at senior levels because fewer women applied for promotion. They were more realistic; they were less likely to be 'yes' women; or they were more disillusioned. Those who did go for promotion went all the way - they were not afraid to rock the boat and to ignore the negative reactions.

The women-only groups also felt that promotion was based on nepotism. Promotion, and transfers, might depend on family connections such as having a father in the service.

A final point made in a women only focus group was UN service was more difficult for women because of family commitments and length of time required away from home.

TRAINING

Interview: Director of Training and Development

The Director of Training and Development at An Garda College in Templemore outlined the current aims for the human rights training programme.

An Garda Síochána's training on human rights had developed over the last few years. The ethos of serving the community was already inculcated in training. A programme for trainers to help them to integrate human rights was now underway. Senior management commitment to human rights was essential: 'as a senior manager you have to live it.'

The role of the training was to create links between everyday policing processes and the values and norms of society. Human rights had to be built in to how An Garda Síochána conducted its business.

‘On the ground it is about problem solving more than the application of pure law.’

Training must enable members to deliver service within a rights-based society, balancing individual rights and community rights. With CCTV on the streets, journalists, pressure groups, video interviews at police stations, the Human Rights Commission and a probable new independent complaints board there was a new framework for accountability and transparency.

Human rights training for trainers aimed to incorporate human rights in firearms, public order, driving, or whatever course was being delivered. The intention was to make it part and parcel of the culture of the organisation, and to give trainers a framework they could develop in their own courses.

A training programme on human rights for senior managers (Superintendents and Chief Superintendents) was in the pipeline, but had not yet begun. It would be delivered through in-service training provision, probably at regional level, and initially would be a short sharp programme at the time and place of need, as stage one of a continuing process. The aim was to reach a common understanding of human rights within the framework of senior managers’ responsibilities and also in relation to diversity.

There was community participation (for example, Travellers, women’s groups, and Victim Support) in many training courses at Templemore and recent contact had been established with the Islamic Centre, which it was hoped would be a positive relationship. They had input to student courses and training trainer courses.

Community involvement had not yet been developed for local regional delivery. It was expected that this would happen as there was good community liaison at local level.

It was also important that the environment at Templemore for young Gardai should reflect the wider society. It was hoped that there would one day be black and other minority students from a range of backgrounds. The Irish language requirement ruled out many people including some from the North of Ireland. The average age of students at Templemore was 21. A greater mix of ages would bring more maturity and life experience. However the current upper age limit of 26 militated against this.

Workshop with trainers

The 11 trainers came from a range of training programmes, from the driving school to management studies.

Corporate commitment

About half of the group were aware of the Council of Europe guide to Policing in a Democratic Society. All had seen An Garda Síochána Declaration, but none had as yet signed it.

It was suggested that more had to be done with the Declaration beyond its distribution to staff. There had been no formal sessions on it, nor any proper presentation. It had just been left on people's desks with no follow up. It was seen as potentially useful if it was explained in a very practical way to students on phases 1 and 3 of probationer training, and it could also be put across in divisional in-service training. Systems and skills training needed to be in place to support the Declaration.

Some group members saw the Human Rights Office and the appointment of community liaison officers for different communities as very positive. It was also encouraging that there were two days for human rights on development courses for sergeants and inspectors. This represented a major shift in thinking. Society had moved on and the organisation was responding to developments, such as for example the UK MacPherson report. Policing was all about human rights, as protecting people is a core activity.

'It underpins all that we do and it's dangerous to leave it to specialists.'

On the other hand some members questioned to what extent this was media driven – was there really such a shift outside or was this a public relations exercise? It would be interesting to see in two to three years whether there was as much emphasis on it as there was now, or would it be forgotten about.

'Give everyone a course and that's it, management is absolved of responsibility.'

It was important that all senior managers received human rights training, which had not yet happened. This would not only help them to supervise their own staff but would send a message about commitment at high level.

Operational policing and training

The following points were made:

- Human rights must underpin all training and be a common thread whatever the content of training. For example, when covering arrest, the training should look at rights, liberty, and the use of power. This required a shift in how it was taught. To reach this level of integration some framework would be needed.
- Human rights should be part of the core in-service training programme.
- It was important to encourage people to think about human rights, not just repeat things by rote.
- There was also a need for balance; much of it was common sense, and An Garda should not go too far the other way. For example, there were posters all over the place about human rights but few posters about victims' rights.
- It was important to have skills training: for example, interviewing techniques for detectives. This had been promised 'in due course' but was needed now for young Gardai who were interviewing people. Lack of skills could cause problems when people were under pressure.
- Police have special responsibility as an organ of the state with strong powers. Courts and judges also had responsibility but An Garda could show others and say 'our house is in order'.

Diversity

An Garda Síochána was said to be a very conservative organisation. There could be prejudice towards different groups. Students were encouraged to leave their prejudices behind. They came in with prejudices, for example, on Travellers and crime.

It was only recently that more women were joining. Some men felt that women were getting promotion just because they were women. There was a need for more family friendly policies and flexitime. All improvements were those coming from EU directives; management was unwilling to act on these until the last possible minute.

It would be good to have more diversity in An Garda. The biggest obstacle was seen as the Irish language requirement. It was also important to try to engage more working class Irish youth.

Gardai were prone to prejudice because of the nature of the job.

‘Whether you are open minded or not, prejudice gets reinforced every time there is an incident say with Travellers or the Nigerian population.’

Training in HR and in equality issues could be very difficult and stressful for trainers.

Rights as Employees

Students had awareness of their own rights, for example they did not like having to work in rat infested stations. There was an onus on management to consider the human rights of staff if they wanted staff to observe the rights of others.

Bullying was still common, if often done in subtle ways. Reporting these incidents was ‘not done’ – a person would ‘lose the war even if they win the battle’. Policy existed but management did not want to get reports of bullying. All group members agreed that reporting this would be ‘career suicide’.

What Would Help?

- More staff training in constitutional law and international standards
- Unambiguous commitment from ‘on high’ – for example the Declaration could have been used as a great training opportunity; the low key launch of the booklet was indicative of a lack of commitment
- People on phase 3 could sign up to the Declaration at same time as taking the oath.
- Provide training in human rights and the duty of care; give information that people need to avoid breaching human rights
- Evaluate the effectiveness of human rights training
- Recognise the changing Irish society and learn from mistakes in the UK Stephen Lawrence case

QUESTIONNAIRE AND FOCUS GROUPS

Have you received any policing and human rights training?

40% said that they had received policing and human rights training. More of the younger members (18 to 25 year olds) and those with shortest lengths of service (0-5 years) had received training.

40% of Garda respondents said they had been trained whilst 47% of sergeants, inspectors and superintendents had. Only 8% of support staff respondents said

they had had training in human rights. 57% of inspector respondents had received training, the highest of any group.

It was not possible to tell from the questionnaire what the *quality* of this training had been, for example, its duration or its content. Therefore these results should be treated with some caution.

It was found that those who had received training felt they had more confidence in helping and dealing with different groups of people, and better relationships with different communities. Gardai, for example, who said they had received training were also more confident in helping people from different communities, and also rated more highly their own relationships with those communities, than other respondents of the same rank. (Please see Appendix F for details.)

Of those who said they had had training, 26% said it was 'very useful', 43% 'useful', 27% 'OK', 4% 'not very useful' and 1% 'not at all useful'. Men found it more useful than women did, as did sergeants and superintendents, older and longer serving staff.

79% of respondents said they would like to be given more training.

Write in comments on training

605 respondents wrote in comments on what areas of training would be most useful.

213 Training and Information about Ireland's new minority communities, cultures, faiths, customs and attitudes, including hearing directly from them about perceptions and experiences in Ireland and of An Garda

111 All aspects of human right. A general overview.

67 International and national human rights laws, An Garda policies and procedures, relevant legislation

Other areas where training would be useful are listed in Appendix F.

Focus groups: Training

As with the questionnaire, there was a strong interest among participants in training to help members become more aware of and responsive to different cultures, communities and faiths. This was specifically mentioned in 11 groups. *Intercultural Ireland* was again mentioned as being very helpful though not all

members had seen this. A small number of people had seen the diversity training video which was also found very helpful. Booklets should be supported by seminars and workshops. The Gardai, it was said, could be 'lazy in relation to reading'.

Several members said it would be useful to include people from different communities in the training so that there could be a dialogue and direct information about their experiences.

It was recognised that in some ways An Garda Síochána was behind the UK in regard to race relations: but this also meant there was an opportunity to learn from the mistakes made in the UK, for example in the Stephen Lawrence murder investigation, and to pre-empt similar problems in Ireland.

A smaller number of groups wanted general human rights training and up to date knowledge of rights and developing legislation. If possible this should be interactive, and include customer service and public contacts in relation to human rights. There had been no training for members on the implications of incorporation of the European Convention on Human Rights into Irish law, for example.

One group dissented: members said their training room had a 'lot of HR stuff on the walls, and we are pounded with videos, there is a feeling of overkill. Is it a theory gone mad?'

COMMUNITY VIEWS

There was strong support in the community meetings for developing a more diverse workforce which better reflected Irish society today. It was seen as essential for An Garda Síochána to start to recruit more widely from diverse communities, so as to better reflect the community it served.

'They should understand the obvious benefits of employing members who can speak not only English but French, Spanish or Swahili. This would enrich the force and solve problems such as getting hold of interpreters. If the Irish language requirement stays the same, it will not be for 10 or 15 years till the force is representative as the younger generation would learn Gaelic at school. But a major concern is that if there are no members in the force now from different cultural backgrounds then there will be no role models for the youngsters which may still lead to there being few members of different backgrounds working in the force.'

In addition, participants felt that training in anti-discrimination and cultural diversity should be provided for all staff, which was closely related to the use of police powers and how to avoid infringement of human rights.

It was suggested that An Garda might see human rights as just a matter of common sense and treating everyone the same. However the police were now required to deal with such a complexity of situations and people that no one could be expected to have enough common sense for every possible situation. Human rights training was essential.

TRAINING: DISCUSSION

The interview, workshop, and the focus groups suggest that much more needs to be done to drive forwards the First Steps programme for trainers so that they are better able to mainstream and integrate human rights into the full range of training provided for members and officers at all levels.

The value of this is clearly demonstrated by the survey results which suggest that members who have had human rights training to some degree felt more confident in dealing with different communities.

There was a strong interest in race and diversity training among members and in the community discussions, and this was seen as important in breaking down barriers and improving relationships with Ireland's diverse communities.

Although there is some community involvement (Pavee Point, etc) in training, this appears to be at an early stage and is not yet routine or systematic. A wider network of community contributors to human rights and diversity training should be developed and supported.

It is important to recognise the human rights of students and employees, for example, by identifying and dealing effectively with bullying. This is not the case at present.

There was not time in the course of this audit to explore conditions at Templemore for students in terms of college rules, discipline and human rights. It is suggested that this should be reviewed to ensure the ethos and the culture promotes human rights for students on a daily basis, to better equip them to deliver human rights policing when they become full operational members.

9. CONCLUSIONS

This chapter summarises key findings from the audit, and also makes an assessment of progress to date against the tests set out in the Council of Europe guide to policing in a democratic society.

It begins by asking the question: what would a human rights compliant police force look like and how could this be assessed?

A HUMAN RIGHTS COMPLIANT POLICE SERVICE

Mainstreaming and measuring human rights: views expressed in the audit

Those who took part in the audit were asked what would help An Garda Síochána to mainstream human rights, so that it was central to all that it did.

On the questionnaire three key areas were identified by members:

- Training, education and raising awareness of human rights.
- Top level commitment which is demonstrated by clear direction and guidance, constant reinforcement of the message and strong management and supervision
- Improved contacts with and understanding of diverse groups including recruiting more minority Gardai

Focus group participants (and also some senior managers in interviews) were asked how success in mainstreaming could be measured. Suggestions included a decreasing number of complaints; positive feedback from communities; no negative press reports and no inquiries into alleged human rights abuses. Other points included better staff morale and recruitment of a more diverse workforce; through comparisons with other police forces and through establishing and using a comprehensive monitoring system; continued benchmarking by outside organisations such as Amnesty International and the CPT; and observable changes in attitudes towards human rights on the part of members.

Community participants suggested that some signals that An Garda Síochána was becoming a human rights police service would include the existence of a network of community members who positively wanted to work in liaison with the police; through a system of monitoring compliance and making the results public; through better contacts and communication between communities and the service at national and local levels; through more openness and willingness to

listen; and through an increased use of the complaints system by all communities, which would indicate an increase in levels of confidence in the system.

‘If in five years time there is an increase in complaints from black people this is a clear sign that change is happening as it shows that people feel safe in making complaints and know there is a good chance it will be taken seriously.’

Other indicators would include increased reporting and detection of racist attacks and a stronger lead at Government level in the promotion of human rights throughout the wider criminal justice system.

A strong point made by members and the community participants was that *positive results* will be the test and measurement of human rights compliance.

Principles of human rights policing

The views expressed above by those who took part in the audit echo the work of other human rights practitioners in trying to identify the key elements of human rights policing. It is useful to look at some underlying principles of human rights policing in order to assess the results of the audit and provide a context for the present position of An Garda Síochána.

A useful set of principles, summarised below, is provided in *Policing, Ethics and Human Rights*:¹⁸

- Use of police powers: clear justification of necessity and proportionality in the use of basic powers such as arrest, search, detention, interrogation, seizure of property, covert policing, intrusive surveillance, and stop and search.
- Use of force: threshold of absolute necessity for the use of force, or for potentially degrading treatment such as strip searching and any life threatening actions.
- Decision making must be reasonable and compatible with convention rights
- Duty of care: positive duty to uphold convention rights and protect life and rights such as freedom of speech
- Rule of natural justice – openness, transparency, fairness in investigations and hearings, decision making and audit trails for decisions.
- Accountability: personal and organisational responsibility for human rights compliance and the emphasis on independent oversight.

¹⁸ Policing, Ethics and Human Rights, Neyroud P and Beckley A, 2001, Willan Publishing UK

In 1998, Amnesty International (International Secretariat) published 10 basic human rights standards for good conduct by law enforcement officials¹⁹. They are based on United Nations law enforcement, criminal justice and human rights standards and also provide a useful set of standards, aimed specifically at operational police officers, in which the work of An Garda Síochána can also be considered.

1. *Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups.*
2. *Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy.*
3. *Do not use force except when strictly necessary and to the minimum extent required under the circumstances.*
4. *Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.*
5. *Lethal force should not be used except when strictly unavoidable in order to protect your life and the lives of others.*
6. *Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures.*
7. *Ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance.*
8. *All detainees must be treated humanely. Do not inflict, instigate or tolerate any act of torture or ill-treatment, in any circumstances, and refuse to obey any order to do so.*
9. *Do not carry out, or order or cover up extra-judicial executions or 'disappearances' and refuse to obey any order to do so.*
10. *Report all breaches of the basic standards to your senior officer and to the office of the public prosecutor. Do everything within your power to ensure steps are taken to investigate these breaches.*

¹⁹ Amnesty International, December 1998, 10 Basic human rights standards for good conduct by law enforcement officials, POL 30/04/98, London

A human rights compliant police service would therefore mean one which

- Respected the rights of everyone it came into contact with: the community in general, victims and witnesses, suspects and detainees, and its own employees
- Protected the more vulnerable members of the community
- Did not discriminate unfairly against any group of people
- Used police powers with the minimum use of force, in a proportionate manner and only as strictly necessary
- Was fully accountable to the communities it served, through community involvement, observance of the law, clear and open policies, procedures and decision making, and monitoring of compliance
- Was held to account by elected representative bodies
- Conducted its business in an open, honest and accountable manner at all times.

Where is An Garda Síochána today?

An Garda Síochána had, by the time of this audit, established a foundation for work on human rights, with the launch of the Human Rights Initiative in 1999, an international conference on human rights and policing in 2000, the establishment of the Human Rights Office and the publication of the Declaration of Professional Values and Ethical Standards in 2003.

However, after the initial impetus of the conference, the pace of progressing these initiatives had been slow. There had been long delay in issuing the Declaration, for example, although it was first drafted in 2001. The Declaration had not been reinforced with training and promotion of the human rights message. Suggestions made by the Human Rights Working Group on developing statements of operational standards and behaviour for each department and division, so that the real, practical application of the Articles would be more clearly apparent for members, had not been taken up.

It became clear during the audit that few members were aware of the contents of the Declaration and what it might mean for their work. Many felt the wording was

vague, and there had been no management direction or training provided to support the Declaration on the day to day level. Without further training and management support, it is not likely that the Declaration on its own could bring about the cultural changes required to deliver human rights compliant policing as defined above.

The audit has shown that there is an urgent need for a thorough review of all policies and operating procedures to ensure they are human rights compliant. The Garda Code does not, at present, reflect and embed human rights. In addition there do not appear to be mechanisms in place at present to allow for systematic and routine monitoring of the use of police powers in relation to human rights issues. Nor are there central, strategic mechanisms to assess the impact of existing and new policies and practices and to recommend changes as needed. As participants at the community meetings stressed, the key to the success of the Declaration of Professional Values and Ethical Standards lies in monitoring the operation of police powers and reporting openly on the results.

There was a worrying and marked difference in perceptions between senior officers and members in all areas covered by the audit, about the extent to which human rights has become part of the ethos. While most senior officers felt that good progress was being made, there was a high degree of cynicism among members who saw work on human rights as a 'back-covering' exercise, along with low level of knowledge of the real meaning of implementing human rights standards in day-to-day policing. For their part members of community groups did not perceive human rights to be a pervasive part of An Garda Síochána's ethos.

Tackling institutional discrimination is clearly a key concern at present for the organisation. Despite recognition of diversity and the changing nature of Irish society, many members reported negative and stereotypical views of certain communities, which were based on their own experiences and perceptions rather than any hard statistical evidence. Without strong and open mechanisms for monitoring the operation of police powers in general, it is impossible to identify and then tackle any human rights infringements – or to demonstrate to the wider public that these are not taking place.

Reports in the media, reports and research from non-governmental organisations, and the participants in the two community meetings all reflect serious and continuing concerns about policing and human rights. These included concerns about ill-treatment of suspects and detainees; excessive use of force; and discrimination.

Progress has been made in meeting some but not all of the human rights concerns expressed by the Committee on the Prevention of Torture, the ICCL,

Amnesty International and other non-governmental organisations. The most recent concerns expressed by the Committee for the Prevention of Torture in its 2002 report, have not yet been fully dealt with. The organisation needs to continue working on these points as a matter of urgency.

Community members felt that insufficient resources were devoted to community policing and that community consultation was minimal. There were also concerns about the use of police powers in some circumstances, for example in the policing of young people and people in minority ethnic communities. Despite these concerns there was a willingness to cooperate and work with the police expressed on the part of many individuals and community agencies which is encouraging. In general, the greater the involvement of communities in discussing policing strategies and responses to crime, in training and in liaison work, the better. Much more is needed to engage local communities in the work of An Garda Síochána.

In terms of training, the audit shows that the human rights training which has been provided so far has increased confidence among those trained and is a step towards enabling them to deliver human rights compliant policing. However this is at an early stage and needs to be provided in a sufficiently detailed and robust manner to all staff – and as quickly as possible. There is also an urgent need for race and diversity training to enable members to meet the needs of Ireland's rapidly changing and diverse society and to be able to police without discrimination *and* protect the needs of potentially vulnerable groups.

It is worrying that after the launch of the human rights initiative in 2000, progress in 2001 and 2002 appeared to have slowed down. This reminds us that implementing human rights is not a one-off, tick box exercise, but a constant and evolving process. Only by regular reviews will that progress be maintained. It is therefore essential that mechanisms to monitor and review implementation are established at a very senior level of the organisation, and that adequate resources are provided to ensure that An Garda's positive work to date can successfully move forwards.

Where should An Garda Síochána be in five years' time?

The next chapter provides detailed, practical recommendations to help An Garda Síochána to move forwards. However, it is also useful to set out a more general vision of what the service should be aspiring to in five years' time. It is hoped that by 2009, An Garda Síochána will be a police service where:

- There are no critical reports from any source about excessive or disproportionate use of force in using police powers.

- There is a flourishing network of active community support across all diverse groups.
- A high level human rights advisory committee, a high profile champion and a strong management structure for human rights work is well established.
- User satisfaction surveys show high levels of satisfaction with An Garda Síochána across all sections of the community.
- Systems are well established for monitoring, measuring and reporting on compliance with human rights standards across all of An Garda Síochána's work.
- All policies and procedures have been 'human rights proofed' and published wherever possible.
- An Garda Síochána's staff more closely reflect the communities which they serve.
- All staff put human rights observance at the heart of everything they do – and can be seen to do so.

Next steps: five points towards the five year objectives

To start on the road to achieving these objectives, key priorities for the service in the next 12 months are:

- To identify and tackle institutional discrimination and to ensure staff are equipped to promote and protect the human rights of all Ireland's diverse communities
- To place human rights at the heart of the service by establishing clear mechanisms and structures to implement and lead the work on human rights from the highest possible level
- To impact assess all policies and operational procedures, including the Garda Code, to ensure they are human rights compliant
- To set up systems to monitor and report on human rights compliance
- To provide high quality human rights and race and diversity training for all staff.

Policing in a democratic society
Component 1: basic values
Assessment of An Garda Síochána's compliance

This table sets out the principles, test questions and indicators provided in the Council of Europe Guide, 'Policing in a democratic society.' Under each section, the evidence collected during the audit and reported in the previous chapters is summarised so that an assessment can be made as to An Garda Síochána's progress against the test questions. Chapter references are given so that the full evidence can be accessed if required.

1. THE POLICE SERVICE SHOULD WORK TO A SERVICE ETHIC WHICH RESPECTS AND PROMOTES:

A. FUNDAMENTAL HUMAN RIGHTS AND THE RIGHTS OF LAW

Test (a)

How are human rights made relevant to police work? To what extent are you and your officers aware of basic human rights?

Indicators

- Human rights are mentioned in national police legislation, official policy statements, mission statements, codes of conduct or behaviour
- Operational documents
- Profile given in teaching/training
- Line managers provide oral and effective commitment
- Human rights awareness is a performance criterion for promotion

Assessment

The Garda Bill 2004 refers to human rights, which are also reflected in the mission statement as a core value. However, the 2003 policing plan puts less emphasis on human rights and priority given to human rights appears to have decreased during 2001 to 2002.

Human rights statements are not incorporated in operational documents. In particular the Garda Code does not embed human rights, although it is a key operational policing tool. Unless human rights and their implications for day to day policing are embedded in these fundamental policing documents, it will not be clear for members what is expected from them, nor can human rights infringements automatically be considered disciplinary offences.

There is an urgent need to 'human rights proof' all codes of conduct and operational procedures to ensure human rights are integral. There are also

important policy areas where the Code is either out of date or does not cover the issue at all; these gaps need to be filled. Finally there is no system to monitor and review compliance with human rights in the conduct of day-to-day policing. This is needed as a matter of urgency so that observance of human rights can be clearly measured and demonstrated. (Chapter 2)

Within An Garda Síochána there is no clear and high level structure which can champion human rights across the organisation, despite recommendations from the Human Rights Working Group for the establishment of a high level Advisory Committee. (Chapter 2)

Human rights training is of a good quality where it is provided. It is now provided for new entrants. There are concerns about methods of delivery, for example, delivery to large groups in large and unsuitable lecture halls. By no means all staff have received human rights training and there is an urgent need for senior staff and managers to be trained in order to lead their teams, and to identify human rights implications on the day to day level. A five-day programme for trainers, to enable them to integrate human rights training into other forms of training, had at the time of the audit been provided only for 60 of the 200+ trainers. (Chapter 8)

Although at senior level officers make clear statements of commitment to human rights (Chapter 4), this does not appear to be the case at line manager level, perhaps because middle managers have not yet received human rights training. There was a gap of perception of commitment to human rights between senior officers and members, and also with local communities. While police leaders felt their commitment was evident, members felt statements about human rights were no more than lip service and were not evidenced by support and leadership lower down the organisation. Managers need to play a much stronger and more clearly evidenced role in providing leadership. (Chapter 5)

Human rights observance is not a criterion for promotion. On the contrary some members expressed concerns about the basis of promotion being founded in 'who you know' and nepotism. Furthermore speaking out about human rights abuses, whether relating to internal bullying or harassment, or external events, would militate against promotion. (Chapter 5 and Chapter 8)

Test (b)

What guarantees does your police service have against abuses of authority such as arbitrary or excessive use of power or force?

Indicators

- Instruction, training and supervision in place
- Internal and external investigations

<ul style="list-style-type: none">• Judicial review in place• Recording of police use of force• Automatic and independent review in case of use of (deadly) force• Preventative measures in place to combat ill treatment and torture
<p>Assessment</p> <p>Although a human rights module is delivered to new entrants and for some sergeants and inspectors, human rights considerations are not yet clearly woven into all training modules, for example in public order or firearms training. As stated in the previous section, only 60 of 200+ trainers have been trained to integrate human rights into all forms of training. (Chapter 8). In members' focus groups, in discussion of the 15 Articles in the An Garda Síochána Declaration of Professional Standards and Police Ethics, it was clear that the Articles were not at all meaningful in terms of operational policing and members had limited understanding of their implications, tending to rely instead on the Oath and on 'common sense'. (Chapter 7). As above, line management supervision of human rights compliance is not evident.</p> <p>There have been three recent inquiries into high profile incidents (Donegal, Abbeylara and May Day). There are concerns that internal inquiries are not independent and cannot fully satisfy all concerned. For example there were serious concerns about the independence of the Abbeylara inquiry and the difficulties in acquiring information about what actually occurred in these cases. There has been a review of the use of deadly force but this is not independently conducted. The inquiries which have been established do not inspire confidence either among members or the wider communities. (Chapter 2, Chapter 7)</p> <p>There are no explicit preventive measures such as training, codes of conduct, monitoring, recording and supervision to routinely combat ill treatment and torture. Reliance on the Garda Code (which has no reference to human rights) and the Oath is not sufficient. Human rights implications for operational policing need to be clearly spelt out and members equipped and skilled to ensure observance. In a culture in which it is difficult to report human rights abuses (Chapter 5) and weak line management supervision of human rights compliance (Chapter 5, Chapter 7) prevention is not given a high priority.</p>
<p>Test (c)</p> <p><i>To what extent are human rights effectively respected and supported?</i></p>
<p>Indicators</p> <ul style="list-style-type: none">• Number and types of complaints of abuse of power and other human rights violations• Number and types of sanctions imposed, both disciplinary and judicial

- Adverse press reports
- Criticisms by NGOs
- Percentage of defendants released due to inefficient police work or 'mistakes'

Assessment

The existing complaints system does not command confidence, either among members or the community, and is in the process of change. Chapter 5) There are low numbers of upheld complaints in general: 1,281 in 2001, of which three resulted in a prosecution, 10 were referred to a tribunal, 18 found minor breaches of discipline, and 24 were informally resolved. The disciplinary system appears to be used very little, with three members dismissed under regulation 40 in 2002, for criminal or discreditable conduct. 54 cases were dealt with by regulation 13, which deals with less serious offences. In 2002 13 breaches of discipline were identified as a result of 18 sworn inquiries. (See chapter 4)

There is little evidence to suggest that members are made clearly aware that infringements of human rights will result in disciplinary action under the disciplinary process. It is difficult in the sections of the Code which were examined to ascertain exactly what is subject to the process. That non-compliance with human rights is a disciplinary offence could be much more strongly integrated into the Code and should be part of the process of impact assessment of the Code for human rights compliance. (Chapter 2)

There have been three inquiries into high profile cases such as Abbeylara, Donegal and the May Day 2002 demonstration. Again concerns were raised by both the public and members about the fairness, openness and accountability of these proceedings. (Chapters 3, 5 and 7)

These well documented and high profile cases have led to adverse national press reports, and critical reports over several years from NGOs and the Council of Europe CPT. These concerns include the following: (Chapter 3)

Concerns raised by **Amnesty International** include:

- The right to life and excessive use of force (fatal shootings by the Emergency Response Unit of John Morris in 1997, Ronan MacLoachlainn, 1998; and John Carthy in 2000).
- Ill-treatment of detainees
- Legal safeguards for those deprived of liberty by An Garda Síochána
- Inadequate force management of detention
- Extended detention under the counter-terrorism legislation and limitations on access to lawyers

- No right of access to lawyers during questioning
- Emergency provisions under the Offences Against the State (Amendment) Act 1998

Concerns raised by the **Irish Council for Civil Liberties** cover the above and:

- The need for an independent complaints system
- Accountability for example through a policing board
- Recording of interviews
- Use of emergency legislation
- Racial discrimination
- High rates of evidence from confessions
- Corruption
- A culture of denial and defensiveness

Additional points made at the An Garda Síochána 2000 conference on human rights included:

- The poor treatment of asylum seekers
- Lack of police services for asylum seekers who may be victims of crime
- The need for more action to assist victims with disabilities
- Hate crimes against members of the gay and lesbian communities
- Poor responses to racist crimes

Concerns raised by the Council of Europe's Committee for the Prevention of Torture in its most recent report (2003) include:

- Ill-treatment of suspects by police members at the time of arrest, during transport to the police station and in cells and detention areas in police stations.
- Excessive force using during the May Day demonstration and the results of the criminal and disciplinary proceedings.
- The need to ensure all police officers are made aware that ill-treatment of detained people is not acceptable and that no more force than necessary should be used at the time of arrest and afterwards.
- Human rights concepts had to be better integrated into practical professional training for high risk situations such as arrest and interrogation of suspects.
- Allegations of ill treatment should be promptly and properly investigated.
- Police officers should be reminded that they are required to report their own use of force and to report unreported or unlawful use of force by fellow officers, and these reports must be promptly investigated.
- The Irish authorities should continue to give high priority to establishing 'an

inspection and complaints mechanism which is, and is seen to be, independent and impartial.'

- The need to ensure that detained people who do not have their own lawyer feel they can trust the solicitor who is proposed to them.
- That further consideration should be given to allowing lawyers to be present during interviews with suspects.
- Police officers should be reminded about rights of suspects to access to doctors and medical examinations.
- While the use of audio-video recording of interrogations was welcomed, the committee asked for clarification of the range of offences which would be recorded and the circumstances in which recording might be omitted.

(Chapter 7)

Test (d)

What measures are taken to ensure that all citizens are treated equally, irrespective of race, gender, religion, language, colour, or political opinion?

Indicators

- Recruitment of members to represent all sections of society
- Instruction and training in the principles of non-discriminatory practices

Assessment

At present An Garda Síochána is not representative of the diverse communities which it now serves, although there is a strong wish at senior level as well as among members to achieve this. More women are now being recruited to the service but they remain at more junior ranks, with very few at senior levels and some women expressed concerns about the limitations on the scope of their work and on their ability to progress. (Chapter 7, 8)

An Garda Síochána has not kept pace with the changing nature of Irish Society and there are thought to be only two members of minority communities in the service. In the absence of ethnic monitoring of recruitment, retention and progression, there are no firm figures and ethnic monitoring should be introduced as quickly as possible. As a more diverse workforce is recruited, An Garda Síochána will need to give attention to support, reducing isolation and ensuring retention of new staff from minority communities. As with women, efforts will be needed to ensure that minority staff have equal opportunities for career development and progression. (Chapter 8)

A programme of training on race and diversity was being developed but had not yet been delivered. (Chapter 8) Throughout the audit, members showed a strong interest in being better informed about the diverse communities which they serve. There is a training video about non-discrimination although it was not clear on which courses and to which staff it was shown. (Chapter 8)

Two guidance booklets published by the Racial and Intercultural Office (Chapter 4) were regarded as helpful by members and the community, but did not appear to be widely distributed with few members saying that they had seen them.

An Garda Síochána appears very weak in this critical area with few resources devoted to ensuring equality and non discrimination, which is a key element in ensuring human rights are promoted and protected. Lack of knowledge has an impact on both victims and suspects from minority communities as well as on wider issues of public trust and confidence.

Some statements made by senior officers and the organisational responses to some groups, such as Travellers and the Nigerian Community, could be said to amount to institutional racism. (Chapter 7).

Test (e)

What legal basis do policing objectives and actions have?

Indicators

- Numbers of cases filed against police
- Numbers of findings or judicial orders that indicate excessive use of force has been used
- Percentage of unauthorised searches and unlawful arrest cases brought against police

Assessment

The legal basis for policing operations is set out in legislation and the Garda Code. Complaints against the police are low in number and this audit has revealed lack of confidence in the complaints system. See above.

Searches and arrests are not covered in legislation to the extent that they are in for example the UK through the Police and Criminal Evidence Act 1984 and it is therefore more difficult to bring complaints for unlawful arrests or searches.

As yet the structures and mechanisms to monitor these areas are not strong enough to make this a realistic test for An Garda Síochána, which underlines the need for robust monitoring on the operation of police powers, and publication of the results.

Test (f)

How is the question of legality or interpretation of the law tested by an independent authority?

Indicators

- Court rulings to test legality and interpretation of law
- Academic debates and writings
- Access to legal opinion and specialist advice

<p>Assessment</p> <p>There is little evidence of access to independent inquiry and authority although Irish non-governmental organisations are active in commenting on police issues and police reform as noted above. Three inquiries have been established to look at allegations of excessive use of police powers, as stated above.</p> <p>There is no independent police authority which might act as a channel for these debates.</p>
<p>B. DEMOCRATIC PRINCIPLES</p>
<p>Test (a) <i>How is the division of power respected between Ministries and Parliament? To whom are the police answerable?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> • Approval of police policies, plans and budgets by Parliament or a local authority • Directions taken from ministries and regional, local and other authorities
<p>Assessment</p> <p>An Garda Síochána is accountable to the Minister of Justice who in turn reports to the Dáil Éireann. The current An Garda Bill includes proposals to strengthen accountability (though this does not include establishing a fully independent police authority). There is a proposal in the Bill to establish local policing committees which should help to improve local accountability. It will be essential to ensure that diverse communities are represented on these committees. (Chapter 4)</p>
<p>Test (b) <i>How does Parliament control police powers and actions?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> • Number of parliamentary inquiries • Regularity of submission of policing reports in Parliament
<p>Assessment</p> <p>Parliamentary inquiries are rare and have been criticised for being overly dependent on internal police inquiries (for example in the John Carthy case). The Minister of Justice reports to Parliament on a regular basis. The Garda Síochána Bill strengthens parliamentary oversight of expenditure. (Chapters 2 and 4).</p>
<p>Test (c) <i>To what extent do police officers enjoy operational autonomy and independence free from political interference?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> • Open nomination procedures for senior ranking officers

<ul style="list-style-type: none"> • The nature of political party affiliations with and within police services and police/staff union representation
<p>Assessment</p> <p>An Garda Síochána has a series of policies covering equality in recruitment, and promotion. Chapter 6 of the Garda Code also relates to employment. However during the audit concerns were expressed by members about the fairness of the promotion system and it was also said that the appraisal system was non-existent. Promotion was said to depend on who one knew. Therefore although a policy on promotion appears to be in place it does not seem to be fully implemented. There is an imbalance at higher ranks between men and women which also indicates that some form of 'glass ceiling' is in place. (Chapter 8)</p> <p>The audit did not explore recording of party affiliations.</p>
<p>Test (d) <i>What formal or informal procedures exist to ensure participatory decision-making?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> • Tasking meetings • Round tables • Staff consultations
<p>Assessment</p> <p>The senior management group meets regularly and can be tasked with specific priorities.</p> <p>However wider staff consultation appears from this audit to be very weak in terms of participatory decision making. Very few members reported being consulted on any aspect of An Garda Síochána work and several reported that communication channels did not exist. (Chapter 6)</p>
<p>C. PRINCIPLES OF GOOD GOVERNANCE</p>
<p>Test (a) <i>In what way is your police service transparent, open and accountable?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> • Performance figures are publicly available • Costs and expenditure publicly available • Public access to senior officers
<p>Assessment</p> <p>Annual reports, which are available on An Garda Síochána's website, include performance figures relating to crime reports and detections. Costs are also included.</p>

However these figures do not include measurement of the use of police powers, such as searches although reports are given on issues such as use of firearms and public order policing. This is an area highlighted for action in Chapter 7. Human rights compliance is impossible to verify in the absence of robust monitoring of the use of police powers, and this is a strong recommendation arising from this audit.

A directive was issued in October 2002 on recording of racially motivated incidents on PULSE. The directive included the definition of a racially motivated incident and the procedure for recording incidents on the system. Despite this directive it was not possible to produce any firm statistics about the numbers of incidents, the ethnicity of victims or suspects, who reported them, and what the outcome was. Nor did it seem that practice in recording such incidents was well known by all members, or that all incidents were in fact being logged. (Chapters 4 and 7)

Officers at Superintendent and Inspector level take part in some community partnership activities.

Test (b)

What mechanisms are in place to combat corruption and nepotism?

- Prescribed recruitment, selection and promotion procedures based on competencies and development potential
- Division of functions
- Ongoing evaluations of staff
- Number of sanctions against members who have taken bribes
- Tenure policy in place

Assessment

An Garda Síochána has a set of recruitment, selection and promotion procedures and a competency based assessment process is being developed. (See Chapter 8)

Members who took part in this audit expressed dissatisfaction with the poor operation of the appraisal system. Although promotion procedures are set down in policy, it was repeatedly said during the audit that promotion depended on 'who you know'. (Chapter 8 and above)

Disciplinary statistics do not indicate any actions for the taking of bribes.

The audit revealed a mixed picture in terms of members feeling able to challenge colleagues seen to be acting improperly with many feeling they would turn a blind eye to smaller incidents and speak informally to the person concerned rather than

use formal procedures designed to prevent corruption. Although procedures exist they do not appear to be used. An Garda Síochána is not an organisation which would encourage 'whistle blowing' by staff. (Chapter 5)

Test (c)

How do officers recognise and respond to the different needs of the various constituencies in the community (e.g. minorities and vulnerable groups)?

Indicators

- Regularity of consultative group meetings
- Informal/formal partnership arrangements
- Regularity of meetings with hard to reach groups
- Specific outreach initiatives to vulnerable groups

Assessment

Two community fora have been established in Dublin and appear to be a good model. It is intended that this model is spread more widely. Members have many contacts with community organisations such as neighbourhood watch and victim support. The Garda Bill makes proposals for a more formal structure of local authority policing committees.

However community participants complained of lack of consistency in their contacts with the Gardai, with insufficient resources devoted to this work and members being taken away for other duties on a regular basis. This area of work needs to be strengthened. The ability of all members to build and maintain good community links should be further strengthened rather than leaving this important area of work to those perceived as the 'specialists'. (Chapter 5)

In terms of so-called 'hard to reach' groups, the audit process showed a willingness on the part of many community groups to work with and be engaged with the police. It appeared to be more of a case of 'hard to hear the message' rather than hard to reach any particular groups. Ireland has a strong network of large and small NGOs which can provide a route to contact with all communities. More effort to promote dialogue and understanding is needed which involves all members, not just 'community relations experts'. (Chapters 5 and 7)

Test (a)

How are all employees made aware of the service's values?

Indicators

- Mission statement
- Service oath on appointment
- Codes of conduct
- Incidence of commendations or awards for police support of human rights

Assessment

Commitment to human rights is a core value in the mission statement. Just before the audit began all staff were given a booklet setting out a Declaration of Professional Values and Ethical Standards. However the audit has shown that very few staff had read this or knew what it involved in terms of day to day police work. There had been no effort to promote this important human rights statement or to provide training for staff as to how it should be put into practice. (Chapter 6) Human rights are not clearly stated in the Garda Code. (Chapter 4 and above.)

The international human rights work carried out by individual staff is clearly highly valued by the organisation but the same value does not appear to be put on human rights work within Ireland itself.

Test (b)

How are the texts containing these values introduced and reinforced?

Indicators:

- Formal and informal training
- Integration into work contract
- Visual reminders
- Tests
- Formal reaffirmation on a regular or periodic basis
- Time spent in training
- Availability of training material

Assessment

Although good quality training modules on human rights have been developed, human rights training has not been delivered to all staff, and as stated above, the text containing core human rights values (the Declaration) was not reinforced by any form of training. Promotion and reinforcement of human rights values across the organisation is weak. (Chapters 4, 8 and above)

However the audit shows that where human rights training has been provided, respondents found it to be useful and it appeared to increase their confidence in dealing with the public. There is clearly value in providing human rights training to all members.

Human rights compliance is not part of the work contract. There are posters displayed in some police stations but not everywhere. There are no tests unless as part of training. More comments on training are made above.

Test (c)

In what way does the organisation recognise the need to change and respond?

Indicators

<ul style="list-style-type: none"> • Time lapse between identifying need and implementing organisation • Monitoring of criminal profiles and intelligence • Number of new units and teams created to meet new challenges • Opinion polls and interaction with community
<p>Assessment</p> <p>In some ways the organisation recognises the need for change and response, for example, in commissioning public attitude surveys and commissioning other research. However future public surveys and research needs to be weighted to ensure a large enough sample of minority respondents are included. In addition An Garda Síochána should explore other ways to include so-called ‘hard to reach’ communities in surveys and research, for example through more interaction and outreach, and different forms of consultation. In response to Ireland’s increasing diversity, community liaison officers have been appointed which is a starting point but much more is needed here. (Chapter 6) Further changes will come about in community partnership work through the Garda bill.</p> <p>The example of the human rights work itself indicates a slowness to implement change. After the launch of the human rights initiative in 1999, the pace of change has been slow, although it has increased again more recently. In addition while the need to change was recognised, An Garda Síochána has not devoted many resources to human rights or cultural diversity, with only three full-time staff working in the Human Rights Office and the Racial and Intercultural Office. (Chapter 4)</p>
<p>Test (d) <i>How are values messages applied to policing?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> • Regular review of communication on strategy and policy
<p>Assessment</p> <p>Communication both within and outside An Garda Síochána is weak. Internally, members reported that they were not consulted, and that it was difficult to get information about new legislation and other developments. The press office was criticised as being too reactive and not proactive. Externally, members of the public criticised An Garda Síochána’s communications strategy as overly secretive, making it difficult to get accurate information, and undermining human rights principles of openness and accountability. In addition the service was not proactive in promoting human rights awareness and giving a lead to the wider community and to other parts of the criminal justice system. An Garda Síochána needs to develop a communications strategy which incorporates and embeds human rights observance. (Chapter 5)</p>

Test (e)

How does management communicate these values and include them in the review of performance?

Indicators

- Circulars to staff
- Distribution of management meeting minutes
- Ceremonies and rituals
- Speeches to personnel
- Press releases
- Social events

Assessment

Communication of human rights values appears to be weak, as above.

10. RECOMMENDATIONS AND ACTION POINTS

The recommendations made throughout this report are distilled in this section into 20 key recommendations. Please see each chapter as indicated for more detailed background to each.

Most recommendations are directed to An Garda Síochána. However An Garda Síochána reports and is accountable to the Department of Justice, Equality and Law Reform and through its Minister to Dáil Éireann. Some aspects of its work are governed by legislation and parliamentary and governmental decisions. The audit makes some recommendations which do not fall within the jurisdiction of An Garda Síochána itself; however they are areas which are related to human rights and governance of police services and they are therefore included in this report. Recommendations to the Department for Justice, Equality and Law Reform are set out separately.

The second part of the chapter proposes an order of priority for these recommendations with target dates.

RECOMMENDATIONS TO AN GARDA SÍOCHÁNA

It is recommended that An Garda Síochána should:

1. **Publish the report of the human rights audit.**

Transparency and openness are key elements of human rights observance and publication of the audit report will underline An Garda Síochána's commitment to human rights and its accountability to the community which it serves. (Chapter 1)

2. **Strengthen and enhance the roles of the Garda Human Rights Office and the Racial and Intercultural Office.**

The work of these two offices is clearly highly valued and is crucial for taking forwards work on human rights and equality. However the two offices have only three full time staff; they are under-resourced and not based in the same location. The work of the two offices should be more closely integrated; and it should be considered whether they should be placed at a more central and strategic position in the organisation. (Chapter 4)

3. Establish a high level strategic advisory committee and a central senior management structure to drive forwards implementation of the human rights initiative and the recommendations in this report.

At the time of the audit there was no clear, high level responsibility or mechanism for championing and driving forwards An Garda Síochána's stated human rights commitments. A high level advisory committee, which includes external membership as well as senior Garda representation, together with a robust senior management structure to support and implement human rights, is essential if the human rights initiative is to make more rapid progress, to bring about a cultural change across the organisation and to promote human rights policy and procedures internally and externally. (Chapter 4)

4. Undertake a human rights impact assessment of all existing and forthcoming policy and operational procedures, including the Garda Code, and establish systems to monitor compliance with human rights standards in operational policing.

The audit has found little evidence that human rights are embedded in An Garda Síochána policy or operational procedures. As a priority the Garda Code should be reviewed to ensure that human rights concerns are fully integrated. New policies are required to cover gaps identified by the audit. Where policies are in place, they do not appear to be implemented and need to be strengthened in order to ensure a change in organisational culture. A model approach to impact assessment is provided in this report. An Garda Síochána should consult the wider community as part of this process and policies should be published (with the exception of security-related procedures). More user-friendly ways are needed to distribute the Garda Code and it should be updated more regularly. Systems to monitor human rights observance should be established as a matter of urgency. (Chapter 4)

5. Provide more support for staff to report human rights abuses and breaches of good human rights practice

The audit has shown that many members would not feel able to report colleagues who were involved in abuses of human rights. An Garda Síochána should develop more support structures to encourage staff to report human rights abuses without fear of reprisal. This could be done through training, through stronger line management support, and by steps such as confidential phone lines or other reporting mechanisms. The role

of senior management in fostering a culture in which members feel secure in reporting any abuse is crucial. (Chapter 5)

6. Develop more effective mechanisms for consultation, promotion and dissemination of human rights information externally and internally

It was clear that although all staff had been given a copy of the An Garda Síochána Declaration of Professional Standards and Ethical Values, this had not been supported in any other way, for example, by a programme of human rights promotion and training, and the implications of the Declaration for day-to-day work were not well understood. There had not been any consultation in its preparation, either with staff or with the wider community. Very few members of the communities consulted for the audit knew about the Declaration.

A continuing dialogue is essential to ensure that staff know what is expected of them, and members of the public know what they can expect, in regard to human rights policing. An Garda Síochána should conduct a review of methods of internal communication in order to promote more internal participation and to ensure effective dissemination of important information such as new legislation. (Chapter 6)

7. Develop and enhance arrangements for community liaison

The community fora which have been established in Dublin appear to be working well and should be extended to all districts. Membership should include a wide cross section of diverse communities and organisations. The status of community officers should be enhanced and they need more time and resources to develop strong community links. Efforts should be made to provide greater consistency of service. Links should be made between community liaison groups and the proposed local policing boards which are proposed in the Garda Síochána Bill. Training for Gardai should include development of skills and confidence to undertake more community liaison work so that all members can make these contacts and build bridges, not just the community 'specialists'. (Chapter 6)

8. Develop a communication strategy which incorporates human rights observance

Human rights compliance is crucial for the work of the press and public relations department, to promote accountability and to ensure that accurate information is provided for the public. The Garda press office work on human rights and community relations should be reviewed to

enable it to take a more proactive stance in providing information, correcting harmful stereotypes and misinformation about either Gardai or communities and helping An Garda Síochána to lead in promoting human rights in the Irish criminal justice system. (Chapter 6)

9. **Develop ways to overcome language barriers**

The changing composition of Irish society makes it essential to ensure that members of all communities understand the role of the police and receive protection of their human rights in contact with the police. Language barriers were identified as a problem by many members and some community participants. Overcoming these barriers can promote better community relations. This might include producing more information in the main minority languages spoken in Ireland; establishing and accrediting a network of interpreters who will be trusted by all concerned²⁰; and enhancing the language skills of members, for example. (Chapter 6)

10. **Implement the CPT and other recommendations to further protect the human rights of those subject to police powers**

Serious concerns have been expressed by those taking part in this audit and in public reports from the Committee for the Prevention of Torture, ICCL, Amnesty International and other organisations about human rights abuses in the exercise of police powers. There have also been three recent inquiries into excessive use of force and public order policing. While some progress has been made in implementing the CPT recommendations, more work is needed to ensure that An Garda Síochána fully protects those subject to its powers, and uses police powers only to the extent necessary, with minimum force and in proportion to each situation. The recommendations made in reports from the CPT, ICCL and Human Rights Commission for the protection of the rights of those suspected of involvement in crime should be implemented. **This must include establishing systems to monitor compliance at every stage.** The evaluation of the use of video recording of suspects should be published as soon as possible. (Chapter 7)

²⁰ Developing a register of accredited interpreters could be done in partnership with other public authorities such as the courts, local authorities etc

11. **Identify and tackle institutional racism**

The audit has shown that the procedure and operating practices of An Garda Síochána can lead to institutional racism particularly in relation to the Nigerian community, the travelling community and to a slightly lesser degree at present, the Muslim community.

It is important to stress, however, that many individual members are very keen to learn more about Ireland's diverse communities and positively wish to promote good community relations.

As part of its human rights proofing of policies and procedures, An Garda Síochána should investigate the impact of these policies on different communities and to ensure institutional racism is identified and tackled. It should establish systems for collecting information about the ethnic origins of those subject to police powers (suspects, witnesses and victims); it should review the results and commission research as appropriate into any evidence of imbalance or disproportionality. (Chapter 7)

12. **Deal robustly with racist crime and protect vulnerable communities**

Concerns were expressed during the audit about the increase in racist attacks and the lack of police action to tackle these. Although a procedure is in place and the PULSE computer system should be recording these incidents, it was not possible to get accurate figures about the numbers of such cases. Efforts must be made to encourage more reporting of race and hate crimes by promoting confidence in the communities concerned and using the full force of the law to deal with perpetrators. The PULSE system and procedures for recording and investigating race and hate crime should be fully implemented and supervised by managers. Reports on the operation of the policy should be made public and discussed with the communities concerned. (Chapter 7)

13. **Protect the human rights of its staff**

Staff expressed a range of concerns about their own human rights which should be explored and dealt with as quickly as possible. In particular the operation of anti-harassment and bullying procedures should be reviewed and strengthened so that staff feel more able to report these incidents. The use of external organisations to identify the extent of bullying and to provide support through, for example, a telephone helpline, could be explored. Staff associations should be represented on any Human Rights Advisory Committee which is established. (Chapter 8)

14. Encourage the recruitment, retention and progression of a more diverse police service

Although more women are now becoming members, they remain at lower levels with few women at more senior ranks. Several members expressed concerns about nepotism and procedures for progression which militated against women members. There are very few members of minority ethnic communities in An Garda Síochána at present and it is likely that as more members of diverse communities do join, they may need support mechanisms in order to ensure they are retained and to ensure that progression and promotion is equally available for all.

An Garda Síochána should adopt a positive action strategy to encourage more applications from suitably qualified members of diverse communities. This could include, for example, provision of pre-entry Irish Language training, a strong advertising campaign in the target communities, open days for potential applicants, mobile recruitment buses, radio slots, etc. Community groups should be asked to assist with this.

An Garda Síochána should review the potential obstacles for career progression for women and minority ethnic members, and develop an in-service career development programme to encourage more diverse applicants for promotion. (Chapter 8)

15 Provide human rights and race and diversity training for all staff

The audit has revealed an urgent need for race and diversity training to better equip members to provide good police services for Ireland's changing and diverse communities. Encouragingly it also identified a strong desire on the part of many members for more information and training in this area in order to avoid, as some people said, the poor race and community relations which have developed in the UK. Race and diversity training should be provided with some urgency for all staff, starting with senior and middle managers to ensure that they can lead and support members in promoting good community and race relations.

A start has been made on human rights training and the audit showed clear links between provision of training and increased confidence in dealing with members of the public. The existing programme of human rights training should be further developed, and provided for all staff, again with a priority given to human rights training for senior managers. A best practice model exists in the 'First steps towards an integrated approach to

human rights developments' programme and this should be championed across the organisation. (Chapter 8)

As a priority senior managers should receive human rights training so that they can identify the implications of human rights observance and demonstrate the application of human rights standards in their own day to day practice and so that they can effectively manage and lead their own staff. (Chapter 5)

Recommendations to the Department for Justice, Equality and Law Reform

The Department should

1. Consider amending the Equal Status Act 2000

At present the Equal Status Act 2000 is not interpreted as covering policing services. It is suggested that the Department considers making a proposal to the Irish Parliament to amend the Equal Status Act 2000 so that discrimination in provision of policing services (and similar services provided by public authorities) is covered. This would help to promote non-discrimination and human rights compliant policing. (Chapter 2)

2. Ensure that there is a strong independent membership of the proposed local policing committees

The local policing committees proposed in An Garda Síochána Bill 2004 will help to promote local accountability and human rights compliance and are a welcome development. It will be essential to ensure that in addition to membership of statutory authorities there is a strong, local independent membership drawn from Ireland's diverse communities. (Chapter 4)

3. Consult local communities in the production of the code of ethics proposed in the Garda Síochána Bill 2004

Local communities should be consulted and involved in the production of the code of ethics proposed in the Bill. The Department should also draw on the lessons in this audit about the way in which the Declaration was published, by supporting the code of ethics with training, external publicity and strong leadership and support from the Government. (Chapter 4)

4. Ensure that the new independent inspectorate encourages complaints from all sections of the community

It is to be hoped that the new independent inspectorate will meet many of the concerns expressed by both members and community participants in the operation of the present police complaints system. It will be essential for the new organisation to actively promote its work and to encourage complaints from all sectors of the community. It may also consider conducting thematic investigations, for example, into the handling of complaints of race and other hate crimes. The ethnic and national origins of complainants, their ages and their sex should be monitored together with the nature of complaints and their origin to see if any patterns or trends emerge. Annual reports on the operation of the system should include analysis of the monitoring. (Chapter 5)

5. Consider a review of An Garda Síochána's role in immigration

The role of An Garda Síochána members in immigration law enforcement has sometimes brought it into conflict with some minority communities and also undermined efforts of their colleagues to develop good community relations. The Department might explore whether a separate immigration law enforcement agency would be helpful in reducing potential conflicts in relationships with minority communities. (Chapter 7)

PRIORITIES FOR ACTION

Based on the results of this review, the table below sets out priorities for action in five broad priority areas, along with a suggested target date for implementation.

In general the following steps are recommended:

- This audit (or a summary) is published and that comments and views are invited from the public.
- Similarly the audit or a summary is circulated to all staff inviting comments and feedback.
- Senior management as a matter of urgency discusses the priorities set out in this table.
- A one-day workshop is convened at which senior managers from each department should develop departmental specific action plans to achieve the targets.

Priority areas and relevant recommendations	Target date
<p>Priority area 1: Developing and underpinning a comprehensive human rights ethos and structure</p> <ol style="list-style-type: none"> 1. Publish the report of the human rights audit. 2. Strengthen and enhance the roles of the Garda Human Rights Office and the Racial and Intercultural Office. 3. Establish a high level strategic advisory committee and a central senior management structure to drive forwards implementation of the human rights initiative and the recommendations in this report. 4. Undertake a human rights impact assessment of all existing and forthcoming policy and operational procedures, including the Garda Code, and establish systems to monitor compliance with human rights standards. 	<p>July 2005</p> <p>Dec 2005</p> <p>Sept 2005</p> <p>Sept 2005</p>

Priority area 2 Promotion of and accountability for human rights policing		
5.	Provide more support for staff to report human rights abuses	End 2004
6.	Develop more effective mechanisms for consultation, promotion and dissemination of human rights and other relevant information externally and internally	Sept 2005
10.	Protect the human rights of those subject to police powers	Sept 2005
Priority area 3 Policing in a diverse community		
11.	Identify and tackle institutional racism	Sept 2005
12.	Deal robustly with racist crime and protect vulnerable communities	March 2005
Priority area 4 Staff engagement, training and development		
13	Protect the human rights of staff	Dec 2005
14.	Encourage the recruitment, retention and progression of a more diverse police service	Dec 2005
15	Provide human rights and race and diversity training for all staff	June 2005
Priority area 5 Community engagement, involvement and partnership		
7.	Develop and enhance arrangements for community liaison	Dec 2005
8.	Develop a communication strategy which incorporates human rights observance	Mar 2005
9.	Develop ways to overcome language barriers	Dec 2005