

Rape Crisis Network Ireland

An Garda Siochana

SUBMISSION

Garda Policing Plan for 2015

NB: This is an update of the RCNI Submission on the Garda Policing Plan for 2009.
New developments are highlighted below in purple

A: Introduction and Background to the Submission

1. Rape Crisis Network Ireland welcomes the opportunity to make submissions on the Policing Plan for 2015. The role of An Garda Siochana is of the greatest importance for the best care and welfare of survivors of rape and other sexual violations, not least because the Guards will often be the first agency contacted by them. In addition, sympathetic and professional early care of survivors of sexual crime is central to the collection of the best evidence, in terms of both survivors' witness statements and forensic samples, where appropriate.
2. While there will always be many survivors of sexual crime who would not wish to prosecute in any circumstances, there are many who are overwhelmed by the experience of reporting and becoming a witness in the criminal justice system, and who are understandably daunted by the prospect of being cross-examined in harrowing detail on their personal lives. The recurrent theme from the survivors we represent as they pass through the criminal justice system is that of powerlessness and ignorance at best, and re-traumatisation equal to or even worse than the sexual crime itself, at worst. This is reflected in the attrition rates, which are high at every stage of the criminal justice process¹.
3. Two other factors which make the prospect of reporting and proceeding to conviction especially challenging for survivors of rape and other sexual crimes are the culture of disbelief which they are likely to encounter at any stage of the criminal justice process, and the uniquely intimate and personal nature of the crime itself. RCNI believes that the best way to ensure **both** the best possible care of survivors **and** the collection of the best possible early evidence is to place both responsibilities in the hands of a dedicated specially trained chaperone officer, who will normally be the only member of An Garda Siochana with whom

¹95% of cases reported to the Guards fell out of the system prior to any adjudication by the Courts, see 'Rape: A Forgotten Issue?', Prof Liz Kelly et al, 2001. More recently, 'Rape and Justice in Ireland' (2009), Hanly et al, (Liffey Press), found that levels of attrition at both investigative and prosecutorial stages of the criminal justice process were significant in relation to rape against adult victims. 'RAJI' Executive Summary can be accessed online through the RCNI website, www.rcni.ie/publications/research and reports

the survivor will be in contact, and who will be responsible for keeping the survivor properly informed not only of available supports, but also of the nature and effect of each stage of the criminal justice process, and their role within it. Such Sexual Violence Officers, or SVOs, should have intensive specialist training in all aspects of their role, including the impact on survivors of sexual crime and the most effective and sensitive techniques for interviewing survivors in order to obtain their witness statement.

4. RCNI recognizes that An Garda Síochána has put in place some measures to address the difficult area of sexual crime, and that there are many officers at all levels sincerely committed to improving the experience of survivors and also to efficient and timely investigation of these crimes. Recent very positive developments include the incorporation of many of the Rape and Justice in Ireland recommendations into the Garda Policy on the Investigation of Sexual Crime, Crimes against Children and Child Welfare (2010). These relate to ongoing contact between victims and An Garda Síochána, the provision of accurate information to the victim, a prohibition on dissuasive behaviour by members of An Garda Síochána, an emphasis throughout on compassion and sensitivity, including on the timing of the formal Garda statement by the victim. In addition, the Policy addresses the management of sex offenders, sets out the procedure to be followed in sexual cases by all members but especially those who are specially trained Special Victim Interviewers, and sets out a policy of regular contact between designated liaison officers and relevant NGOs at local level.

Garda Special Victim Interviewers' role is to interview in specially structured and reassuring surroundings, victims who are children under the age of 14 and vulnerable adults (primarily). All SVIs are required to complete an intensive training course before they can take up their duties, and numbers of these officers have now grown significantly. General training for all members now takes account of sexual violence issues to a greater extent, and there are high level interviewing courses available which are aimed at officers interviewing victims of serious crimes, including sexual crimes.

B: The Policy and Strategy of An Garda Síochána in relation to Sexual Violence

1. RCNI submits that the implementation of the national Garda Policy and Garda Strategy on Sexual Violence can and will continue to be urgent priorities for the Policing Plan 2015. With the advent of the forthcoming new National Strategy on the prevention of Domestic, Sexual and Gender-Based Violence, and the need to implement the EU Directive establishing minimum standards on the rights, protection and support of victims of crime, in particular those with identified individual specific needs (which include victims of sexual violence), it is clear that An Garda Síochána will be asked to devote significant resources to the area of sexual crime throughout 2015.

2. RCNI believes that the first and most important principle of the care of survivors of sexual violence within that policy and strategy should be to **accept reports made by any victim of sexual crime in the first instance as being truthful**, that is, to focus on the care of the victim and the gathering of the earliest and the best evidence, including from the victim, rather than on the truth or otherwise of the victim's report. There is no objective evidence to support the myth that false allegations are in the majority, or even common². On the other hand, if the survivor gets the message from the Garda in her case at the earliest stages that she is believed, she is empowered to trust that officer to the extent that the chances of her giving a coherent and convincing statement are maximised. More, she is empowered to proceed within the criminal justice system with confidence, as she is aware she has the Guards 'behind' her as an ongoing and personal support, for information and practical help.³
3. The Garda Policy and Strategy on Sexual Violence should continue to be informed by expert input from specialised survivor agencies, such as the RCNI itself and its member Rape Crisis Centres.
4. The Garda Policy and Strategy on Sexual Violence should also be informed by the best international practice available.
5. The Garda Policy and Strategy should continue to work with relevant NGOs to find ways to obtain data on performance indicators for quality of investigation and survivor satisfaction in the area of sexual violence, with a view to finding ways to improve both the care of survivors and investigation techniques. **In this regard, the RCNI National Rape Crisis Statistics Database now incorporates a series of questions to survivors which relate to RAJI recommendations now incorporated into the Garda Policy⁴. However, qualitative analysis is also vital to identify the reason(s) why a matter might not have been proceeded with by the complainant, and such analysis should feed into ongoing performance reviews by An Garda Síochána. A simple way to do this might be by providing an online, anonymous feedback form on the Garda website, which survivors would fill in to provide more detailed information on their experiences with Garda members.**

C: Garda Training:

² For instance, the figure quoted by Project Sapphire (the agency within the London Metropolitan Police Service dedicated to the investigation of rape and other sexual crimes) from its internal research is a false allegation rate of 2%. More recently, Rape and Justice in Ireland (see note above for full reference) found that while some 6% of cases involved allegations deemed to be false, only 1% were deemed to be made for malicious reasons.

³ RAJI (Stage 1 ó Reporting) found that a majority of victims who proceeded with their complaint felt that the Garda member in their case treated them with compassion and sensitivity in the initial stages of the investigation. (See note above for full reference).

⁴ RCNI data from 2013 in relation to these questions is now being analysed and will shortly become available to An Garda Síochána.

RCNI Recommends that the following be included in Policing Plan 2015:

6. With regard to the general training of An Garda Siochana, a detailed knowledge of the impact of sexual violence and of best practice when dealing with a survivor of sexual violence as a frontline officer, should always be **mandatory examinable subjects** for final examinations and/or assessments for **all** students who pass through the Garda Training College in Templemore, whether or not they wish to become specialists in this area.
7. This **general training** for all frontline officers should be clearly distinguished from the proposed **specialised training** of more cohorts of Sexual Violence Officers, which is of its nature much more intensive. RCNI advocate the urgent development of intensive modules which address the issues facing
8. (i) **adult victims of adult sexual violence** (such as alcohol/drug use, intimate partner sexual violence)
9. (ii) **adult survivors of historic child sexual violence** (reporting has increased in this area), and therefore also the urgent development of a **specialised training module** for both groups, both to be included in the 2015 Policing Plan.

D: Other Matters to be included within the Policing Plan 2015

10. RCNI recommends that the Policing Plan 2015 include a commitment to continue to work with Government and other organisations to find ways to overcome legal and procedural obstacles to the welfare of survivors of sexual crime, as and when An Garda Siochana becomes aware of them. There is no question but that the participation of senior Garda members in inter-agency for a relating to sexual crime, has been extremely constructive and positive, and this participation must continue for the sake of all victims of sexual crime (examples are SATU Guidelines Committee, NSC, LISC, Garda Crime Victims Forum).
11. In particular, RCNI advocates that An Garda Siochana continue to support, recommend and promote inter-agency working through informal Garda/Rape Crisis Centre Roundtables at local level, (via local Garda NGO liaison officers, inspectors, superintendents, and other experienced sexual violence investigators) as the feedback we have been getting from our own members is that all Centres which have such a structure in place have experienced dramatic improvements not only in inter-agency relationships but in the experiences of their clients as they come into contact with Garda members investigating their complaints. (This is now a majority of our member Centres).
12. We would recommend that An Garda Siochana examine closely and consider replicating nationwide, the model of victim support by AGS now being operated in Waterford City. Our local member Rape Crisis Centre notes that complaints

about the Guards have diminished almost to vanishing point, since the system of dedicated victim liaison officers came into operation. This examination and potential roll-out nationwide should be priorities in the Policing Plan 2015.

13. RCNI advocates the development of **sexual violence specialist investigation units as a long-term goal**, should be included in the Policing Plan 2015, perhaps by way of a pilot scheme at first, and once evaluated positively, should be rolled out nationwide over time as this becomes possible.

E: In Conclusion

14. RCNI has witnessed a slow but steady improvement in how our clients are treated by the Guards since 2008. However, we still receive a steady flow of disturbing complaints about Garda members from individual clients, and the issues raised are mostly to do with lack of contact and/or information. Complaints about lack of compassion and sensitivity and/or dissuasive behaviours are now rarer, however in the Appendix to this submission there is a list of dissuasive comments gathered from one, admittedly large, Centre in 2013. This Appendix also contains a list of recommendations made by RCNI to An Garda Síochána in summer 2012, by way of easy reference.
15. We also remain concerned that there is little input into Garda training from specialist NGOs in sexual violence, whose perspectives on the impacts of sexual violence on its victims would do much to inform and improve further the way in which victims of sexual violence are treated by members of An Garda Síochána with whom they come into contact at each stage of the criminal justice process. We suggest that the Garda training obligations under Article 25 of the EU Directive establishing minimum standards on the rights, protection and support of victims offer an opportunity for An Garda Síochána to work with experienced and well-qualified Rape Crisis trainers to provide Garda members with a good overview of the impacts (of all kinds) of sexual crimes on their victims.
16. We would be happy to provide more detailed information to the Commissioner on any of the points addressed above, and refer also to the Garda policy documents on our website, www.rcni.ie. As time is so short, unfortunately it is not possible to expand at any length on any one theme in this brief submission.

Rape Crisis Network Ireland
4 Prospect Hill,
Galway

Tel: 091 563 676
11 September 2014

LPD/1

APPENDIX:

1. Collection of Dissuasive Comments by Garda Members to Sexual Violence Victims ó from one Rape Crisis Centre, 2013: NB: The Centre reports that the context was dissuasive in each case. It should also be noted that the volume of Garda complaints from this Centre has declined in very recent months.

- 1 -IT WAS ALL JUST TOO LONG AGO-
- 2 - THERE ARE JUST TOO MANY IF'S & bUT'S
- 3- SURE YOUR ALL RIGHT NOW!
- 4- YOU DONT WANT TO BRING SHAME ON YOUR FAMILY
- 5- SWEETHEART YOU WERE DRUNK
- 6- WE DONT HAVE TIME FOR THIS -WONT HOLD UP IN LAW
- 7- DONT BOTHER , IT WILL GET YOU NO WHERE
- 8- WHATS THE POINT, HE IS GONE BACK TO UK
- 9- HOW MANY DRINKS DID YOU HAVE THEN
- 9- YOU CANT DO THIS, ITS YOUR BROTHER
- 10- IF I WERE YOU, I WOULD JUST GO HOME & FORGET IT
- 11- So... YOU GREW UP IN CARE RIGHT
- 12- IN MY OPINION YOU DONT HAVE A CASE

2. List of detailed recommendations made by RCNI in meeting between RCNI and AGS, summer 2012, and relayed to all RCNI member Centres and staff later:
 1. it would be great to have a cohort of AGS who were intensively trained in **adult issues** as a counterpart to Special Victim Interviewers, and
 2. at all levels, first responder as well as investigating Guards, more attention needed to be paid to **historic** child sexual violence survivors' issues, as the feedback I have been getting is some survivors of historic abuse feel that the crimes against them are not taken as seriously as they should be by the Guards;
 3. roundtables: I had some feedback on them, very positive, but there would be more soon ó outcomes were very positive for survivors (more referrals by AGS to RCCs, requests for RCC literature from AGS and promises to distribute same) ó said they provided good forum for exchange of information and ideas;
 4. AGS needed to improve **contact interfaces** with survivors ó e.g, private email addresses or something for individual clients and their cases, to put an end to the endless round of 'she's not on duty today but she will be tomorrow' - and then, she never rings you back or at least, not till you've rung up three more times - but also, need more and better information specifically for **sexual violence victims** on their website ó nice and obvious;
 5. New SORAMs (sex offender risk assessment and management) mini committees, comprising AGS and Probation Service personnel in now 16 areas countrywide ó would benefit from establishing and maintaining formal links with local RCCs;

6. Would be great if Gardai would do more to tell public directly what they should do about any child protection concerns arising out of sex offenders being released perhaps in their own area;
7. SATU committee: good working model of how multi-agency structures can be very effective for survivors ó AGS input has been well worth it, and let's more of same from them on
8. New inter-agency structure to work out guidelines for dealing with people with (esp) intellectual disabilities in the criminal justice system, as recommended by the Law Reform Commission;
9. AGS should foreground and develop inter-agency working generally, as in our experience, they are good at it
10. Also mentioned Restorative Justice and Vicarious Trauma (in relation to Garda members who deal with many sexual violence victims)