



**RCNI Submission on
An Garda Síochána Strategy Statement 2022-
2024**

April 2021

Introduction – Rape Crisis Network Ireland

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change, and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

Introduction – This Submission

RCNI welcomes very much this opportunity to make a submission to An Garda Síochána on what should be included in its forthcoming new Garda Strategy Statement 2022-2024. Members of An Garda Síochána are at the centre of the criminal justice response to victims of sexual violence. This means that there is a heavy responsibility on them to ensure that in all their interactions with victims, they are compassionate and sensitive and do nothing to dissuade victims from making or pursuing a formal complaint. In recent times, the specially trained Divisional Protective Service Units have done much to improve these victims' experiences of the criminal justice process. RCNI is aware from its own 2019 Rape Crisis Statistics Report¹ that on all three measures of the Garda response to clients who decide to report sexual offences to An Garda Síochána, there have been improvements since the date of the last report in 2015 – and these all came about before the national roll out of the DPSUs was completed in September 2020.

Since the middle of March 2020, the Covid 19 pandemic has compounded the difficulties of victims who have made a complaint of sexual violence. In these times, it has not always been possible for rape crisis centres and others to provide face to face accompaniment and support to victims of sexual violence as they prepare for and attend Garda and Court appointments. Garda members deserve praise for their continuing commitment to face to face interactions with this most vulnerable group of victims, despite the medical risks to themselves and even though their own ranks have been depleted by Covid 19 absences. Investigations of sexual offences have continued throughout the Covid 19 period despite the practical difficulties. While complaints about An Garda Síochána made to our office remain few, RCNI's view is that there is still potential for more and more effective collaboration on a range of victim-related issues between RCNI members and members of An Garda Síochána at both local and national levels.

Structure of this Submission

¹This report may be accessed via this web-link: <https://www.rcni.ie/wp-content/uploads/RCNI-Statistics-2019.pdf>

This submission follows the order of the headings listed in the Assistant Commissioner's letter of invitation to RCNI to take part in this consultation process. Those headings are reproduced below for easy reference. RCNI's commentary and any recommendations are set out below each heading in contrasting type, again for easy reference.

Engagement & Accessibility

RCNI Commentary:

- RCNI continues to receive some complaints about how difficult it can be for victims to contact the Garda investigating their case to ask for information about the criminal justice process, to enquire about any updates, and also, to air concerns about for example, privacy and their own physical safety. Our experience is that these concerns are generally easily resolved once the victim is put in touch with the local Garda Victim Service Office, who will undertake to liaise between the victim and the investigating officer and follow up to ensure that any outstanding communication issues have been resolved. However, we are still hearing from victims that they did not know that these offices existed. We understand that the protocol is that victims would all be given information about GVSOs soon after reporting the crime. This is very welcome, but with great respect, we wonder whether it is enough.

RCNI Recommendations:

- Victims should be reminded immediately after their statement is taken, and at least once more soon afterwards, that they can contact their local GVSO at any time during office hours with any query, concern, or new information. We suggest that this information is repeated **after** the statement is taken as most victims will be too preoccupied with the statement taking process itself to take in the information, and that it is repeated **face to face**, if possible more than once;
- RCNI also suggests that internal protocols for ensuring that the required information about how to contact the investigating Garda are revisited to ensure that if for any reason important contact information is not shared as early as possible in the case, the gap in information supplied is brought to the attention of the investigating officer and his/her supervising officer, as soon as possible;
- RCNI further suggests that in Garda training, at foundation and CPD levels as well as in specialised DPSU training – the importance of **proactive** regular and reliable contact between Garda and victim is stressed. This is particularly

important now as the criminal justice system as a whole is being slowed down even more for unavoidable Covid 19 related reasons and as victims begin to find it more and more difficult to live through increased delays before e.g. DPP decision and before trial;

- Victims should never be allowed to feel forgotten about or ignored by Garda investigators throughout this succession of delays. Therefore, we recommend that absence of significant new developments in the case should not be regarded as a reasonable basis for lack of contact at least at a minimum level (we suggest every 4 to 6 weeks or as agreed with the victim);
- Finally RCNI suggests that information about GVSOs is made even more obvious on the Garda website, ideally from an eye-catching link on the homepage.

Community

RCNI Commentary: In our view, the effects of sexual violence are so serious and far-reaching that its victims should be regarded as intrinsically vulnerable, whatever their age or capacity. The role of An Garda Síochána includes taking measures to reduce the risk of these victims being re-traumatised by the criminal justice process itself and members' duties in this regard are set out in some detail in the Criminal Justice (Victims of Crime) Act 2017 and elsewhere. However, we would argue that An Garda Síochána's actions can also help to **prevent** future acts of sexual violence by deterring would-be perpetrators through effective and timely investigations, leading to successful prosecutions and convictions.

RCNI Recommendations:

- An Garda Síochána should use every available power and resource to pursue perpetrators of crimes involving child sexual abuse material circulated online, as well as other forms of online child sexual exploitation;
- Where An Garda Síochána lacks appropriate legal powers to pursue this group of perpetrators, it should consider lobbying Government to provide them, including in tandem with the relevant specialist victim advocacy organisations;
- Where the obstacles to successful investigations and prosecutions of online sexual offences arise out of jurisdictional issues, An Garda Síochána should be

resourced to ensure that its concerns are raised and where possible, addressed, in every appropriate international forum, directly or indirectly;

- An Garda Síochána should take every opportunity to appear on mainstream and social media to give general advice about what to do if a person (of any age) becomes a victim of online sexual abuse whether it takes the form of circulating intimate images without consent, grooming, sextortion, deep-faking, distribution of child sexual abuse material, or whatever;
- An Garda Síochána should also take every opportunity to explain to victims of sexual offences in whose case the perpetrator has been convicted how the SORAM system works and what to do if they have any concerns about how the perpetrator is behaving on release, or may behave once released;
- Generally, An Garda Síochána should take and if necessary, make, opportunities to keep in contact and share information, experiences and resources with local rape crisis centres and other specialist services. Our experience as a network is that where this happens on a regular basis, victims benefit enormously – e.g. many victims welcome the opportunity to give their statement in the quiet and familiar environment of a rape crisis centre.

Inclusivity and Diversity

RCNI Commentary: An understanding of how different cultures perceive and react to police and other authority figures, as well as an understanding of how acts of sexual (and other) violence are perceived – is vital both for rape crisis centres and for members of An Garda Síochána. Some members of minority communities may find it extremely difficult to gather the courage to approach An Garda Síochána, not simply because they are afraid of possible adverse consequences such as being shunned by their own communities but also because they feel that they have little chance of making themselves and their own situation understood. Both rape crisis centres and An Garda Síochána need to continue to make every possible effort to “bridge that gap” so that everyone who needs their respective services feels able to access them.

RCNI Recommendations:

- An Garda Síochána could participate (and some do already) in local cross-training events which are hosted by or include, local minority community representatives and support services which examine different perspectives on

law enforcement and gender-based violence and which may include material on how to recognize and conquer our own unconscious biases;

- An Garda Síochána could participate in the current IOM-run cultural mediation project, Protect 2 Project, with a view to generating its own pool of cultural mediators from different minority communities; and
- An Garda Síochána could redouble efforts to recruit more members from a range of minority communities and where appropriate, encourage them to join specialist units such as DPSUs.

Service Delivery

RCNI Commentary: Under this heading, RCNI is asked to set out one area of strength and one area of weakness in service delivery.

With regard to the area of strength, RCNI points to the broad success of the DPSU roll out. Where victims have been interviewed by DPSU officers and the resultant investigation has been run by the relevant DPSU, our own experience is that there are very few complaints from victims about how they were treated by An Garda Síochána.

With regard to the one area of weakness, we have already referred to the challenges posed by failures to keep in contact with victims. Apart from that: RCNI understands that not every simple or routine task in a sexual violence investigation can be carried out by a specialist DPSU member. However, our observation is that failures in compassion or sensitivity, failures to give full and accurate information, and most of all, failure to keep in touch with the victim seem to be most often associated with the involvement in the case of non-DPSU Garda members, often at the very beginning of the case or in relation to a side-issue in the case.

RCNI Recommendations:

- RCNI appreciates that generating and running CPD programmes on sexual violence related issues for non-DPSU Garda members including civilian staff employed by An Garda Síochána – is very challenging in these Covid times. It is also fair to say that the overall volume of complaints about An Garda Síochána has declined dramatically in recent years. That said, it strikes us that the remaining complaints are mostly confined to a small number of themes which might be included in a circular or simple, short online training programme aimed at eliminating these failures altogether. These include:

RCNI Garda Strategy Statement 2022-2024 Submission April 2021

- The importance of proactive contact on a regular and predictable basis and the importance of ensuring that victims know, and are reminded, how to get in touch with their local GVSO and what the GVSO can do for them;
- The importance of compassion, sensitivity, kindness and respect towards victims – and the need to avoid dissuading victims from making or sustaining a report;
- The importance of conveying regular, full, accurate and understandable information about the criminal justice process in general and their own case in particular, - to the victim; and
- The importance of explaining to the victim the reasons for investigative decisions, insofar as this is appropriate. This helps the victim to understand that the reasons why a particular witness is not being interviewed (for example) are nothing to do with a lack of diligence and enthusiasm by the investigators but are justified by some other factor, such as the rules of evidence.

Conclusion

RCNI is able and willing to work with An Garda Síochána to increase local collaboration further, to assist with content and delivery of any training programmes on sexual violence related issues and to advocate for more resources and for the introduction of any statutory and/or administrative changes which would help members of An Garda Síochána to carry out their investigations of sexual offences more effectively.

Ref: RCNI/LPD/

Date: 7th April 2021

Rape Crisis Network Ireland clg

Carmichael Centre

North Brunswick Street

Dublin D07 RAH8

Tel: 087 9635201

Email: legal@rcni.ie

Website: www.rcni.ie

RCNI Garda Strategy Statement 2022-2024 Submission April 2021

Please note that during this period of Covid 19 related restrictions, all RCNI staff are working from home and can be contacted by mobile phone or by email only.