

An Garda Síochána



Your Police Service in Intercultural Ireland

CONTENTS	PAGE
Glossary of Terms	3
Foreword	4
Introduction	5
An Garda Síochána	5
Vision/Mission/Values	7
Victims of Crime	7
Garda Racial and Intercultural Office	8
Ethnic Liaison Officers	8
Human Rights Office	9
Youth Services	9
Restorative Justice	10
Immigration Service	10
Definition of a Racist Incident	11
What to do if subjected to racial abuse	11
Road Traffic Laws	12
Public Order Laws	14
Domestic Violence	16
Misuse of Drugs	16
NCCRI	17
Checklists:	18
• If you are a Victim	
• When Arrested	
• When Searched	
• Court Procedure	
Complaints Procedure	20
Useful Phone Numbers and Addresses	21

Glossary of Terms used in this Booklet;

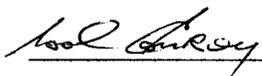
Domestic	relates to the home
Vehicle	motorcycle, car, van, truck, bus etc.
Prosecution	where legal action is taken against a person before the courts
Assault	Assault is any force which causes an impact on the body of another or causes another person to believe that they will be subjected to unlawful force
Offence	a minor illegal act, crime, misdeed
Crime	a serious act or behaviour that breaks the law
Statutory	required by law, fixed by law
Legislation	laws of the country
Controlled Drug	controlled drugs in Ireland are substances whose possession or supply are contrary to the law
European Economic Area (EEA)	Refers to all the countries within the European Union and also includes Iceland, Liechtenstein and Norway
Garda	Is an Irish language term and is the singular for a police officer
Restorative Justice	Restorative Justice is a developing area where the needs of victims are given more prominence
Racist Incident	Any incident which is perceived to be racist by the victim or any other person

FOREWORD

An Garda Síochána, which is your police service in Ireland, has a long tradition of protecting and serving people. Our mission statement is to achieve the highest attainable level of Personal Protection, Community Commitment and State Security, regardless of race, creed, age, disability, gender, ethnic group, sexual orientation or political allegiance. Bearing this in mind, the service you can expect from An Garda Síochána will be one that is highly professional based upon human rights standards and fair procedures that are centred on the principle of respect for all people without discrimination.

This booklet is a brief synopsis of aspects of Irish law which may affect people in their daily lives. More detailed information can be obtained at the Garda Racial and Intercultural Office, which has responsibility for co-ordinating, monitoring and advising on all aspects of policing in the area of ethnic and cultural diversity. An Garda Síochána is committed to improving its strategy through learning, innovation and change.

Please retain this booklet as a useful source of information, and I would also advise you that An Garda Síochána has trained a number of ethnic liaison officers and contact can be made with these officers through any Garda Station.



Noel Conroy

Garda Commissioner

Intercultural Ireland – An Garda Síochána

Your Police Service

INTRODUCTION

This booklet - *Intercultural Ireland – An Garda Síochána – Your Police Service* has been produced as a source of information for all ethnic minorities in Ireland, to facilitate an understanding of the role of An Garda Síochána and the services it provides.

The Mission Statement of An Garda Síochána is **to achieve the highest attainable level of Personal Protection, Community Commitment and State Security**. The concept of Community Policing is at the core of policing in Ireland and members of An Garda Síochána strive to ensure that a quality service is delivered to everyone living in this country. This booklet will briefly explain the structures of the Garda organisation, its core policing functions and will give readers a brief account of laws in Ireland, which may affect them in their daily lives.

AN GARDA SÍOCHÁNA – The Irish Police Service

‘An Garda Síochána’ is an Irish phrase meaning ‘Guardians of the Peace’ and they are the police service of the Republic of Ireland. An Garda Síochána is operationally independent but accountable to the people, the Parliament and Government through the Minister for Justice, Equality and Law Reform. The Courts are completely independent.

An Garda Síochána exercises all police functions in this country. It is responsible for all criminal investigations; the enforcement of road traffic law, the maintenance of public order, immigration control, the enforcement of drug laws and provides the state security service. In doing so it seeks to uphold and protect the human rights of all individuals within the state. An Garda Síochána is a human rights compliant police service.

The strength of An Garda Síochána is presently 13,178 members. In addition, there is a civilian support staff, including a Garda Reserve, which is made up of voluntary members of the public who wish to assist their police service.

The Garda Commissioner has his office in Garda Headquarters, Phoenix Park, Dublin 8. The Garda College, which conducts training, education and development of Gardaí, is based in Templemore, Co. Tipperary.

The following are the ranks of An Garda Síochána;

- Commissioner
- Deputy Commissioner
- Assistant Commissioner
- Chief Superintendent
- Superintendent
- Inspector
- Sergeant
- Garda

Recruitment

Persons wishing to join An Garda Síochána must;

- Be of good character
- Be certified to be of good health both physically and mentally and have passed a physical test.
- Be between the ages of 18-35 years
- Be a national of an EU member state, or
Be a national of a European Economic Area or the Swiss Confederation, or
Be a refugee under the Refugee Act 1996, or
have lived in the State for a legal period of five years, inclusive of the last consecutive 12 months.
- Have obtained in the Leaving Certificate a grade not lower than B3 in Foundation mathematics or D3 at another level, and a qualifying grade in two languages, one of which must be English (not lower than D3 at ordinary level) or Irish (not lower than C3 at foundation level or D3 at another level), and a grade not lower than D3 in ordinary level in at least two other subjects, or the merit grade in the Applied Leaving Certificate, or equivalent in another examination

Training

Basic training is divided into five phases over a period of two years as follows:

- Phase 1: 22 weeks at the Garda College, Templemore, Co Tipperary.
- Phase 2: 22 weeks at selected stations with tutor Gardaí.
- Phase 3: 12 weeks at the Garda College and a further four weeks at a Garda Station.
- Phase 4: 36 weeks as Probationary Gardaí with the same powers as the rest of the force.

- Phase 5: 4 weeks Return to the Garda College to Complete training and graduate as Gardaí
- Subjects include Law, Social Studies, Theory of Policing, Communications, the Irish Language and Physical Training, Technical Studies and European Languages

Vision

‘Excellent people delivering policing excellence’

Mission

To achieve the highest attainable level of Personal Protection, Community Commitment and State Security

Values

- Having respect for people and their needs
- Protecting Human rights
- Being a courteous and caring public service
- Maintaining partnerships with the community
- Accepting individual responsibility
- Ensuring transparent public accountability
- Providing ethical leadership
- Practising disciplined professionalism
- Being honest and truthful and adhering to the principles of fairness and justice
- Promoting and accepting diversity in all its forms
- Continuously learning and embracing change

VICTIMS OF CRIME

The Garda Charter for victims of crime has been revised to take account of current victims support expectations and new developments in our victim support services and networks. It is published in nine languages on the Garda website www.garda.ie. The revised Garda Charter for victims of crime sets out the services and service delivery standards which An Garda Síochána is committed to delivering to all victims. All victims will be treated in a **courteous, helpful, respectful and professional** manner by every member of An Garda Síochána.

“A victim means any person or group of people who individually or collectively, directly or indirectly, suffer harm as a result of a crime or other traumatic incident which requires a Garda response.”

Henceforth, the Gardaí will refer victims of crime to the National Crime Victims Helpline.....1850 211 407.

Victims of crime who are tourists will be referred to the Irish Tourist Assistance Service (ITAS).....01 4785295.

GARDA RACIAL AND INTERCULTURAL OFFICE (GRIO)

The Garda Commissioner established the Garda Racial and Intercultural Office in April 2000. Staff at the Garda Racial and Intercultural office have responsibility for co-ordinating, monitoring and advising on all aspects of policing in the area of ethnic and cultural diversity.

Contact: Community Relations Section, Harcourt Square, Dublin 2.
Tel: 6663150, Fax: 6663801 E-mail: crimprev@iol.ie

ETHNIC LIAISON OFFICERS

In 2002 the Garda Commissioner authorised the appointment of Garda Ethnic Liaison Officers. There are 400 trained Garda Ethnic Liaison Officers nationwide, with the following role...

- Liaise with representatives of ethnic minority communities and 'hard to reach groups'
- Inform ethnic minorities of Garda services
- Monitor racist incidents
- Provide feedback to victims of racist incidents
- Liaise with victims of racist incidents and ensure that they are afforded adequate protection
- Liaise with local organisations providing support for victims of crime, and ensure that members of ethnic minority communities are aware of local and national victim support services
- Support integration through involving members of ethnic minority communities in Garda/community social events at local level, Neighbourhood Watch, Community Alert and other community policing initiatives
- Develop initiatives at local community level to facilitate and encourage integration
- Assist in the investigation of racist incidents and ensure that appropriate support mechanisms are available to members of ethnic minorities, i.e.: interpreters/translators, family support, cultural requirements
- Monitor the delivery of appropriate policing services to ethnic minority communities
- Visit Reception Centres for Asylum Seekers and Refugees ensuring that residents are aware of Garda services and the role of Garda Ethnic Liaison Officers



Ethnic Liaison Officers and guests attending the National Conference in Templemore 2006.

HUMAN RIGHTS OFFICE

The Human Rights Office is based in the Garda Síochána College. The Office was set up in 1999 and deals with Garda training and educational policy in the areas of human rights. It also has a consultation brief with Non Governmental Organisations and community groups countrywide, and raises awareness about human rights in the Garda Organisation.

Contact: Garda Training College, Templemore, Co Tipperary.

Tel: 0504 35498, Fax 0504 35451, E-mail: ghrights@eircom.net.

GARDA DIVERSION PROGRAMME

In accordance with the Children Act 2001, children between the ages of 12 and 18 years at the time of commission of an offence and who take responsibility for their offending behaviour shall be considered for a caution under Part 4 of the Act, as an alternative to a prosecution. A Garda Juvenile Liaison Officer (JLO) assesses each case and makes a recommendation as to whether the child should receive a caution in lieu of a prosecution before the courts.

Based upon the recommendation of a JLO, a Garda Superintendent, appointed by the Garda Commissioner as Director of the Diversion Programme, under the Act, decides whether or not to admit a child to the programme. If a child is admitted for a particular offence, the

Director directs the JLO to caution the child, either formally or informally depending upon the nature of the offence.

Informal cautions are administered by the JLO to the child in the company of his/her parents/guardians at a Garda Station, the child's home or other suitable place.

Formal cautions are administered by the local District Officer (Garda Superintendent) or a JLO trained in mediation to a child in the company of his/her parent's guardians at a Garda Station, or other suitable place. A 12 month period of supervision follows a formal caution, during which the behaviour of the child is monitored by the JLO, who endeavours to assist the child to become a positive contributing member of society.

RESTORATIVE JUSTICE

In certain instances the victim of a young person's behaviour may be invited to attend at the caution. This is known as a restorative caution. The victim is given the opportunity to meet the person responsible for the harm caused and the offender is given the opportunity to apologise and/or make reparation. In addition to this, the facilitator of the caution may invite any other person to the conference who might be in a position to assist in altering the behaviour of the child. This is called a Restorative Conference.

IMMIGRATION SERVICES

Members of An Garda Síochána enforce immigration laws in places such as ports and airports. As is the case with all countries there are strict controls in operation at points of entry to the Republic of Ireland.

Non European Economic Area (non-EEA) nationals are required to comply with Irish Immigration laws. All persons from outside the EU require a valid passport. Citizens of many countries require an entry visa to enter the Republic of Ireland. On entry to the country, such persons must report to an Immigration Officer.

Non-EEA nationals are required to register annually with the Immigration Registration Office, Burgh Quay, Dublin 2, if living in Dublin or the local Garda Superintendent's Office if living outside Dublin. A member of An Garda Síochána is entitled to demand the production of either a certificate of registration in the case of registered immigrants or a temporary residence card in the case of asylum seekers.

Under the Immigration Act, 1999 the Minister for Justice, Equality and Law Reform may issue deportation orders in respect of non-EEA nationals who do not have permission to lawfully remain in the Republic of Ireland. The Garda National Immigration Bureau has responsibility for enforcing deportation orders.

Contact details: Garda National Immigration Bureau, Burgh Quay, Dublin 2. Phone 01 6669108.

DEFINITION OF A RACIST INCIDENT

“Any incident which is perceived to be racist by the victim or any other person.”

WHAT TO DO IF YOU ARE SUBJECTED TO RACIAL ABUSE OR ATTACK

- Any person who feels they have been subjected to an incident involving racism may report the incident at any Garda Station
- They will be invited to make a statement of complaint regarding the incident
- A victim should ask for the name of the Garda investigating his/her complaint so that he/she can keep in touch with the progress of the investigation



Winnie Keenan and Caroline Keane, Pavee Point, addressing the Ethnic Liaison Officers Conference.

ROAD TRAFFIC LAWS

1. Driving Licence, Insurance, Tax and National Car Test (NCT)

- Before driving any motor vehicle in a public place a person must be the holder of a current driving license or provisional driving license, the category of which covers that person to drive the vehicle in question, i.e. A Class/motorcycles, B Class/motor cars, etc
- European Union regulations categorise vehicles for driver licensing purposes. The regulations also state the minimum age of the licensee of the category of vehicle. Each licence (category of vehicle the licensee is entitled to drive) is denoted by a class letter, e.g. A, B, C, etc
- Driving licences are obtained from the Local Authority (local council). Application forms may be acquired from the Local Authority or any Post Office or Garda Station. Licences will only be granted on completion of (a) in the case of a provisional license, a Theory test, or (b) in the case of a full license, a driving test

2. Road Tax and Insurance

- Before being driven in a public place all vehicles must be insured. All Irish registered vehicles must be taxed with the local authority and must have both insurance and tax discs displayed on the windscreen of the vehicle
- Failure to comply with the above requirement is an offence and may lead to the seizure of the vehicle by Gardaí.
- All trailers must be covered by Third Party insurance
- This requirement applies when the trailer is being towed and when it is uncoupled and parked in a public place. The trailer must also have a registration plate matching the registration of the towing vehicle displayed on the rear of same. It must also be fitted with rear lights and functioning brake lights.
- It must be noted that all Insurance policies must be obtained from a reputable Insurance company. Insurance is NEVER bought with the vehicle from the seller

3. National Car Test (NCT)

- All Irish registered cars aged 4 years and over must pass a National Car Test. On passing such test a certificate and disc will be issued to the owner of the car. The disc must be displayed on the windscreen of the vehicle and is subject to renewal every two years thereafter
- Failure to display this disc is an offence

4. Road Users and the Gardaí

The Gardaí are responsible for the enforcement of all Road Traffic Laws and all signals given by Gardaí must be adhered to at all times. It should be noted that at anytime, when required by a member of An Garda Síochána, you must;

- Stop your vehicle
- Allow Garda to examine it for any defects (Section 20 Road Traffic Act, 1961) as amended
- Produce your driving license to Gardaí at the side of the road
- Produce your certificate of insurance or exemption at any Garda Station of your choice within 10 days of such demand
- Give a specimen of your breath (Sec 12 RTA 1961/02 as amended/ Sec 4 RTA 2006). Failure to comply with this requirement is an offence and may result in arrest

If arrested for the offence of driving/being in charge of a mechanically propelled vehicle in a public place while under the influence of an intoxicant, (Alcohol and/or Drugs), you must, at the Garda Station, on demand provide two specimens of your breath and/or a specimen of blood or urine. Section 13 RTA 1994.

5. Road Traffic Accidents

- Any driver involved in an accident must stop his/her vehicle and remain at the scene of the accident for a reasonable time. However, if the vehicles are causing an obstruction or pose a danger to other road users the position of the vehicles should be marked and the vehicles moved off the roadway
- A driver involved in an accident must, if requested by a Garda, give the following information;
 - Give full name and address,
 - The address at which the vehicle is being kept,
 - The name and address of the vehicle owner,
 - The vehicle registration number
 - Evidence of insurance
 - If a Garda is not present then this information must be exchanged between parties involved in the accident. This is called providing the “appropriate information”
 - A driver involved in accident where persons are injured must report the accident to the nearest Garda Station if no Garda comes to the scene
 - Where property damage only is involved, it is not necessary to report the accident to the Gardaí. The driver must give the information mentioned above to the person whose vehicle/property has been damaged

6. Unsafe Vehicles

- It is an offence to drive a defective vehicle in a public place, Section 54 RTA 1961 as amended

7. Vehicle Confiscation/Seizure

- Driving a vehicle in a public place where (a) the driver is not at that time the holder of a driving license/provisional license, (b) the driver is not at that time insured to drive the vehicle, or (c) in the case of Irish registered vehicles, the tax on the vehicle has expired for a period of 2 months or more, the vehicle maybe liable for seizure by Gardaí
- Where the owner of the vehicle is a permanent resident of the state, and the vehicle being driven on a public road is a foreign registered vehicle, Customs and Excise must be notified within 24 hours of the vehicle entering the country (where the owner intends to keep said vehicle in the state) section 140 Finance Act 2001
- If after six weeks of seizure the vehicle is not claimed, Gardaí may sell/destroy such vehicle

8. Road safety

The use of mobiles phones while driving in a public place is an offence and subject to a fixed penalty of €80 and 2 penalty points. Mobile phones may only be used while driving with the aid of a hands free device. It must be noted that 'use of' includes texting.

You must always drive with due care and attention. Road safety is a social and personal responsibility. Each of us must be personally responsible and accountable for our own behaviour while using a motor vehicle on Irish roads. If you encounter dangerous or aggressive driving please call Traffic Watch 1890 205805 and report it. Dangerous driving is a criminal offence.

Never drive while under the influence of alcohol or drugs. You must always wear a seat belt while driving. Passengers must also wear seat belts. It is an offence to travel in a motor car without wearing a seat belt. Remember SPEED KILLS. Slow down and reach your destination in safety. ARRIVE ALIVE.

PUBLIC ORDER LAWS

- People in public places are expected to conduct themselves in accordance with the law
- Gardaí have the power to stop and/or arrest persons who are drunk or disruptive in public places

- A Garda can tell a person to stop behaving in a disruptive or aggressive manner and may also direct the person(s) to leave that place
- Failure to comply with the instructions of the Garda in these circumstances is an offence

ASSAULT

- Assault is any force which causes an impact on the body of another

Or

- Causes another person to believe that they will be subjected to unlawful force
- To commit an assault in the home or outside the home is a crime
- A person can be arrested by a Garda and prosecuted



Tanya Ward, Irish Council for Civil Liberties, addressing the Ethnic Liaison Officers Conference.

DOMESTIC VIOLENCE

- Domestic Violence is a crime/ offence
- If anyone causes, or even threatens or attempts to cause harm to a wife, spouse, partner or anyone else inside or outside the home, this constitutes Domestic Violence
- It includes physical harm, mental cruelty and sexual abuse.
- If you suffer from domestic violence, Gardaí will offer advice on obtaining Protection/Barring Orders from a District Court to prevent further abuse
- A female Garda will be available to help if you wish
- Gardaí have a very strong pro-arrest policy in relation to domestic violence and will treat these incidents very seriously.
- Gardaí can identify and refer you to other support organisations, which will provide counselling, advice or refuge

Marriage

- The minimum age in Ireland for a person to legally marry is 16 years of age
- Notice of intention to marry must be given to the local clergy or Registry office.
 - 3 months notice in advance of the marriage must be given for persons over 18 years of age
 - 6 months notice must be given in the case of person aged between 16 and 18 years of age
- In Ireland, it is a crime to be married to two persons at the same time. This crime is known as bigamy

Sexual Crime

- Generally, the age at which a person is legally competent to consent to a sexual act in this jurisdiction is 17 years of age
- Any person who engages or attempts to engage in a sexual act with another person who has not reached the age of consent shall be guilty of an offence, unless they are married to each other
- Legislation in Ireland provides for the crime of rape within marriage

MISUSE OF DRUGS

- The possession, sale or supply of controlled drugs is an offence.
- A Garda can stop a person on the street if he/she believes that person has any controlled drug in his/her possession
- A Garda can search the person on the street or bring him/her to a Garda Station for the purposes of a search

National Consultative Committee on Racism and Interculturalism (NCCRI)

The National Consultative Committee on Racism and Interculturalism (NCCRI) is an independent expert body that seeks to provide advice and develop initiatives to combat racism and work towards a more inclusive, intercultural society in Ireland.

‘Racism is a specific form of discrimination and exclusion faced by cultural and ethnic minorities. It is based on the false belief that some ‘races’ are inherently superior to others. Racism denies people their basic human rights, dignity and respect’. (The National Action Plan Against Racism 2005-2008).

Role of the NCCRI

The NCCRI seeks to bring together government and non-government organisations to:

- Provide expertise and advice
- Inform policy development
- Develop linkages at a European and international level

Approach of NCCRI

As cultural and ethnic diversity in Ireland continues to broaden, particularly as a consequence of inward migration, there are challenges to ensure that such significant change is negotiated successfully. The approach of the NCCRI is to combat racism and to promote intercultural approaches to integration through dialogue and consensus. The NCCRI undertakes its business through the NCCRI Partnership; a forum that facilitates the participation of statutory and non-statutory bodies to combat racism and to develop a more inclusive and intercultural society in Ireland. To help develop the strategic priorities of the NCCRI a number of sub committees and working groups have been established focussing on issues related to migration, community and regional development and the Synergy initiative.



Kensika Monshengwo, NCCRI, addressing the Ethnic Liaison Officers Conference.

CHECK LISTS

If you are a Victim

- If you are the victim of crime, Gardaí will respond promptly to your call
- Gardaí are committed to addressing your needs and concerns in an understanding and problem-solving manner
- Gardaí will give you equal priority in the investigation of your case, regardless of your gender, race, creed, ethnic origin, sexual orientation, age, economic circumstances or membership of any minority group
- Gardaí will tell you the name, telephone number and station of the investigating Garda
- Gardaí will tell you about the services available through the National Crime Victims helpline 1850 211 407
- If you are a visitor to Ireland, and are a victim of crime, the Gardaí will also refer you to Tourist Victim Support Service
- Gardaí will show special sensitivity in relation to sexual offences
- The services of a Garda and a doctor of the same gender will, as far as possible, be made available to you

- You will be told of the availability of local specialist agencies dealing with sexual offences if you so require
- If you have any form of physical difficulties or challenges, the Gardaí will endeavour to attend to any special needs or requirements you may have
- If you are a victim and are unable to communicate fluently in Irish or English, Gardaí will provide free translation services so that you will receive the quality of service to which all victims of crime are entitled

If Arrested

- You will be informed of the reason for arrest and administered the legal caution as follows:
'You are not obliged to say anything unless you wish to do so but anything you do say will be taken down in writing and may be given in evidence'.
- You will be brought to a Garda Station
- Your name, address, date of birth and other details about you will be recorded by Gardaí
- If you have difficulty speaking English, you are entitled to avail of the services of an interpreter
- You have the right to contact a solicitor
- You have the right to contact another person named by you
- If you are feeling unwell, you are entitled to be seen by a doctor
- If you are at the Garda Station for a length of time, you are entitled to a meal. Should you have any dietary requirements, you should inform Gardaí and efforts will be made to facilitate you

If Searched

- You may, in certain clearly defined circumstances, be searched on the street or at a Garda Station
- The legal basis on which you are being searched will be explained to you

Court Procedure

- If you have to go to Court, try to find the Garda who is dealing with your case
- If you cannot find this Garda, let the Court Garda know that you are present
- If Judge of the court establishes that you cannot understand English, an interpreter will be provided by the court

COMPLAINTS PROCEDURE

- Complaints in relation to the quality of the service received can be made at any Garda Station
- Quality Service Panels have been established in District and Divisional Headquarter Stations. For information on Quality Service, contact the Quality Service Office, Garda College, Templemore, Co. Tipperary. Phone 0504 35400
- Your complaint can also be made in writing at any Garda Station



Roja Fazaeli and Brian Ruane, Amnesty International, addressing the conference.

USEFUL PHONE NUMBERS AND ADDRESSES

Garda Emergency999 or 112

Garda Confidential Line Free phone 1800 666111

Crime Stoppers Free phone1800 250025

Garda Racial and Intercultural Office,

Harcourt Square, Dublin 2 01 666 3150

Equality Authority,

2, Clonmel Street, Dublin 2. Lo Call1890 245545

**National Consultative Committee for Racism and
Interculturalism,**

3, Jervis St, Dublin 1..... 01 8588000

Women's Aid,

Free phone Help line.....1800 341900

Amen (Abused Men's Helpline)

St. Anne's Resource Centre,
Railway St, Navan, Co.Meath.....0469076864

Immigrant Council of Ireland,

2, St Andrew Street, Dublin 2.....01 8656525