

IN THIS ISSUE

1. My vision for the Commissionship.
2. Schengen - what it will do for An Garda Síochána – and how it assists police.
3. CEPOL - history, current work, plans for the future, and effect on police services in the EU.
4. Europol - past, present and future.
5. Domestic Violence & the Police : First point of contact....or first point of failure.....

IN THE NEXT ISSUE

1. Corporate Strategy.
2. Team based approach to the Implementation of Corporate Strategy.
3. Risk Management
4. Competency based approach to Selection and Promotion
5. An Examination of the Concept of Cyberterrorism

Letters to the Editor

Letters will be welcomed by the editor and should be addressed to

Peter Fitzgerald, The Editor, Communique,
Office of Deputy Commissioner SRM,
Garda Headquarters, Phoenix Park, Dublin 8.

Short articles which meet the criteria in Notes for Contributors overleaf will be welcomed by the Editorial Board.

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MANAGEMENT JOURNAL

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A M G A H U A S I U C H A N A

communication

Eire 2004 Uachtaránacht an Aontais Eorpaigh
Ireland 2004 Presidency of the European Union

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EDITORIAL

This issue of *Comminiqué* is published at a time when Ireland is approximately half way through its current EU Presidency.

The Commissioner of An Garda Síochána Mr Noel Conroy outlines in this publication many of the pertinent issues that our organisation faces in the coming years. The challenges presented to our organisation on a national level are indeed wide ranging and difficult to manage. The degree of difficulty is further compounded when one considers the impact of the horrific events of 11th March 2004 in Madrid when hundreds of early morning commuters were killed and maimed in bomb blasts as they travelled to work. The scale of this atrocity should focus the minds of all on the ever present dangers of international terrorism. The attacks on the World Trade Centre in 2001, the Bali Bombings in 2002 and now the latest attack in Madrid highlight the requirement amongst all police forces for international co-operation and collaboration. The reason behind such senseless acts of wanton destruction are often complex and varied but the results are invariably the same, scenes of carnage and destruction that are becoming all too common on the world stage.

An Garda Síochána is well placed to share the policing burden associated with countering this type of crime. Our commitment to the Schengen Agreement¹ will provide a 'one stop shop' for both external police forces wishing to contact An Garda Síochána and for our own members seeking to contact European police forces. The close co-operation that already exists will be further enhanced.

Our involvement with EUROPOL², whose mission is to make a significant contribution to the European Union's law enforcement actions, in many areas including terrorism further facilitates the exchanging of information with our international police partners. This in turn contributes to a greater degree of safety for all citizens of the European Union.

These proactive collaborative measures are further enhanced by our commitment to CEPOL³ which allows our organisation access to a network of national police training institutions for senior police officers. This in effect means that management within An Garda Síochána is sharing information, knowledge and best practices in a trans-national structure that facilitates learning and co-operation.

These initiatives and others not mentioned here will I believe help An Garda Síochána to deliver an excellent service to the people of Ireland

¹ See article in this issue of *Comminiqué*, Donohoe, K., 'Schengen-What will it do for An Garda Síochána and how it assists the police'.

² See article in this issue of *Comminiqué*, O'Brien, J., 'EUROPOL- Past Present and Future'.

³ See article in this issue of *Comminiqué*, Ludlow, K., 'CEPOL- History, Current Work and Plans for the Future'.

Note for contributors

Copyright

Articles submitted to the journal should be original contributions and should not be under consideration for any other publication at the same time. Authors submitting articles for publication warrant that the work is not an infringement of any existing **copyright** and will indemnify the publisher against any breach of such warranty. For ease of dissemination and to ensure proper policing of use, papers and contributions become the legal copyright of the publisher unless otherwise agreed. Submission should be sent to:

The Editor

Peter Fitzgerald, Editor: Communiqué,
Office of Deputy Commissioner,
Garda Headquarters,
Phoenix Park, Dublin 8
Tel: (01) 6662082;
Fax: (01) 6662084;
E-mail: srmstaff@iol.ie

Final Submission Requirements

Manuscripts must:

- be clean, good quality hard copy
- include an abstract and keywords
- have Harvard style reference
- include any figures, photos and graphs as good quality originals
- be accompanied by a labelled disk

Editorial objectives

Ultimately, the goal of Communiqué as the management journal of An Garda Síochána is to promote best practice in policing operations and management by identifying and communicating excellence from within the organisation and without.

To accomplish this goal, Communiqué encourages:

- (a) The submission of appropriate articles on policing operations and management
- (b) Views on current criminal justice issues
- (c) Criminal justice and, particularly, policing research results
- (d) Sound methodological rigorous and substantive critiques of academic issues in policing theory and practice
- (e) Contributions to best practice in training and development
- (f) Lessons from the international policing arena.

The reviewing process

Each paper is reviewed by the editor and, if it is judged suitable for this publication, it is then sent to the Editorial Board for approval. Based on their recommendations, the editor then decides whether the paper should be accepted as is, revised or rejected.

Manuscript requirements

One copy of the manuscript should be submitted in single line spacing with wide margins. All authors should be shown and **author's details** must be printed on a separate sheet and the author should not be identified anywhere else in the article.

As a guide, articles should be between 1,500 and 3,000 words in length. Preferred length is between 1,500 and 2,000 words.

A copy of the work should also be provided on disk.

A **title** of not more than eight words should be provided.

On separate paper, a brief **autobiographical note** should be supplied including full name, affiliation, e-mail address and full contact details. Authors must supply an **abstract** of 100-150 words. Up to six **keywords** should be included which encapsulate the principal subjects covered by the article

Where there is a **methodology**, it should be clearly described under a separate heading. **Headings** must be short, clearly defined and not numbered. **Notes** or

Endnotes should be used only if absolutely necessary and must be identified in the text by consecutive numbers and listed at the end of the article. **Figures, charts and diagrams** should be kept to a minimum. They must be numbered consecutively using arabic numerals with a brief title and labelled axes.

In the text, the position of the figure should be indicated appropriately, e.g. "as shown in Figure 3 below."

Tables should be kept to a minimum. They must be numbered with a brief title. In the text, the position of the table should be shown in the same way as for figures.

Photos and illustrations must be supplied as good quality originals with captions. Their position should be shown in the text by typing on a separate line the words "take in Plate 1".

References to other publications must be in Harvard style. That is, shown within the text as the first author's name followed by a comma and year of publication all in round brackets, e.g (Fox, 1994).

At the end of the article a reference list in alphabetical order must be given as follows: For books: surname, initials, (year) title, publisher, place of publication, e.g. Kenny, I. (1999), *Freedom & Order: Studies in Strategic Leadership*, Oak Tree Press, Dublin.

For journals: surname, initials, (year) "title" journal volume, number, pages, e.g. Fox S.(1994). "Empowerment as a catalyst for change: an example from the food industry", *Supply Chain Management*, Vol. 2 No.3, pp.29-33.

Final submission of the article

The manuscript will be considered to be the definite version of the article. The author must ensure that it is complete, grammatically correct and without spelling or typographical errors. In preparing the disk please use the following format if possible: Word on Windows. For assistance contact Geraldine Greene at the Office of Deputy Commissioner, Strategic Resource Management phone (01) 6662082 or at E-Mail srmstaff@iol.ie

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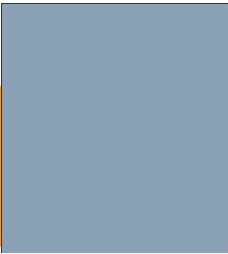
Noel Conroy



Kevin Donohoe



C S Ludlow



John O'Brien



Colm Dempsey

CONTENTS

"My Vision for the Commissionership"

Commissioner Noel Conroy

3

Schengen - what it will do for An Garda Síochána and how it assists the police

Superintendent Kevin Donohoe

8

CEPOL - History, Current Work and Plans for the Future

Chief Superintendent K. G. Ludlow

18

EUROPOL - Past Present and Future

Detective Chief Superintendent John O'Brien

27

Domestic Violence and the Police : First point of contact...or first point of failure...

Garda Colnr Dempsey

33



MANAGEMENT JOURNAL

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A N G A R D A S I U L H A N A

COMMUNITY



NOTES ON THE CONTRIBUTORS

COMMISSIONER OF AN GARDA SÍOCHÁNA – MR. NOEL CONROY. Noel Conroy is the current Commissioner of An Garda Síochána and was appointed in July 2003. He is a native of Blacksod, Co. Mayo and joined the Garda Síochána in 1963. He has served in Finglas, Kevin Street, Cabra, Store Street, Santry, Central Detective Unit and at the Crime & Security Section at Garda Headquarters. Most of his service has been in Detective Branch. Previous to his appointment as Garda Commissioner, he was Deputy Commissioner in charge of Operations from 1996 to 2003. In that role he had responsibility for all operational resources concerned with crime investigation, drugs enforcement, security matters and tactical planning. He has graduated from executive programmes in policing in Europe from the FBI Academy and the FBI National Executive Institute.

SUPERINTENDENT KEVIN DONOHOE. Superintendent Kevin Donohoe is a Detective Superintendent based at Liaison & Protection, Garda Headquarters with responsibility for International Liaison, including Interpol NCB; Europol National Unit; Sirene Bureau; Schengen Project; International Coordination Unit and the Garda International Liaison Officer network. He most recently served as District Officer, Blackrock, Dublin (Jan 02 – Aug. 03) and prior to that as District Officer, Athlone (Aug 00 – Jan 02). He is the holder of a BA (Management) Degree (IPA, 1997) and has completed post-graduate studies in leadership/management at the Kennedy School, Harvard University, Boston (1998). He is currently undertaking a MBA at the Smurfit Graduate Business School, UCD.

CHIEF SUPERINTENDENT LUDLOW. Chief Superintendent Kevin Ludlow, a native of Co. Meath, joined An Garda Síochána in March 1973. He is currently the Director of Training and Development for An Garda Síochána based at the Garda College, Templemore. He is responsible for all aspects of the day-to-day College management as well as the co-ordination and integration of police training initiatives at national and international level on behalf of An Garda Síochána.

He previously served in Harcourt Terrace, Crime Task Force, Blanchardstown and Garda College and prior to his current appointment served as District Officer in Nenagh and Thurles. He has a background in Garda Education/Training and was the Superintendent in Charge of Student/Probationer Training from 1991 – 1996. He is the holder of a Bachelor of Arts (Hons.) Degree in Police Management.

DETECTIVE CHIEF SUPERINTENDENT JOHN O BRIEN. Appointed Chief Superintendent in 1993. In 1999 was appointed Detective Chief Superintendent for the Liaison and Protection section at Garda HQ. This is a key unit located within the Crime and Security Branch. This position has primary responsibility in the field of International Police cooperation and as a consequence appointed Head of Europol National Unit (HENU) and Head of National Central Bureau (Interpol). He is the holder of a Master Science (Distinction) in Public Order Studies from the University of Leicester (2000).

GARDA COLM DEMPSEY is a native of Athenry, County Galway and joined An Garda Síochána in September, 1982. He is currently stationed at the Garda District Headquarters at Dundalk, having previously served in Omeath and Dromad. He is the only member of the Force to have received a Certificate in Professional Policing (Domestic Violence) from the University of Teeside, UK and, in 2001 became the first member of a western European police force to participate on a multi-agency training course entitled " Assessing your Domestic Violence Intervention System : Conducting a Safety and Accountability Audit" at the world renowned Duluth Domestic Intervention Project, Minnesota, USA . In 2003, he received his MSc Justice in Society from the University of Teeside, UK, where his thesis and research was on the expectations and perceptions of victims of domestic violence. Currently, he is one of the Garda trainers on the joint Garda/ NEHB Training program on violence against women.

"My Vision for the Commissionership"



Noel Conroy

Commissioner Noel Conroy

An Garda Síochána was formed at a time when the moral authority of the people was recognised as the premise upon which policing would be grounded. The Garda service developed through decades that alternated between times of relative peace and times more troubled. The legacy upon which we continue to build has proven to be steadfast. Eighty years later a lot has changed.

INFORMATION TECHNOLOGY

Information technology, perhaps the most profound development to impact on mankind since the industrial revolution has, both in time and space, caused our planet to shrink. IT has facilitated enormous, varied and rapid developments in a range of areas across many facets of people's lives and made information and the information highway an invaluable asset.

ADAPTING TO CHANGE.

Policing worldwide, as with every endeavour, has had to adapt, and adapt rapidly. Ever-changing environments demand not only immediate and appropriate responses to prevailing issues but must also take cognisance of, and develop, a blueprint for going forward. Adaptability, flexibility, initiative and innovation are some of the essential constituents required, indeed demanded, of an organisation and its members not only to survive in today's society but to ensure its development and progress. An Garda Síochána, as a policing agency in modern Ireland, is no different. The changing environment within which it operates has demanded that An Garda Síochána not only adapts, but does so continuously. I see this as an essential necessity. The demands being placed upon An Garda Síochána will be wide-ranging and require vision, leadership, commitment and professionalism on the part of every member of An Garda Síochána.

The provisions enunciated in the Garda Síochána Bill for example, are significant and progressive not only in that they mark a watershed in the development and provision of policing in this State but are a blueprint for the manner in which the State and An Garda Síochána will manage and deliver that service well into the 21st Century and will ensure that State Security continues to be a function of paramount importance in providing a free, secure and just environment for the people of this jurisdiction.

LEGACY.

At present An Garda Síochána is at the centre of a debate that questions not only its performance as a police service but its role in a Criminal Justice System which itself is finding it evermore challenging to cope with the rapidly changing environment. The questioning is, I believe, not only healthy but welcome and necessary if An Garda Síochána is to function

3

effectively.

SUPPORT OF THE PEOPLE.

Policing with the consent of the people is the bedrock upon which the concept of community policing is based.

The genesis of that philosophy, as I see it, is fundamental to the provision of a relevant and effective policing service by An Garda Síochána. Such consent cannot, and must not, ever, be taken for granted, compromised or betrayed in any way by our members.

4

'Policing legitimacy', as R.I. Mawby says, "is derived from the law and public consent"¹. Our tradition in An Garda Síochána is to treat people with respect and this has been built-up over eighty years of serving the people of Ireland. If a member of An Garda Síochána is in a position to assist the public, he or she must, as was done in the past, go that 'extra mile' to be helpful. I would like to see the ethos of being of assistance and obliging maintained, even if the matter requested is not primarily a policing matter, and the profile of this ethos raised within our membership. We must continuously earn the respect and support of the public by working closely with them and using common sense in our approach to our everyday dealing with them. By listening we adopt a 'community' approach to policing. We as members of An Garda Síochána are of the people in the communities we are tasked to police. To alienate ourselves from this community will compromise the effectiveness of that job. An Garda Síochána has the support of the vast majority of the people of this land. This is borne out by the high detection rate in headline offences achieved down through the years. We must be thankful to those people for that continuing support and make maintaining and building on that support one of our priorities for the future.

PROFESSIONALISM.

The professionalism demonstrated in the manner in which we perform our duties is the yardstick by which An Garda Síochána is measured. Professionalism is demanded in every aspect of our daily work, regardless of the profile given to the task in hand. The public demand no less from their public servants and from police officers more so, having regard to the nature and scale of our daily interaction. Attitude, manner, skills and competence are traits and aspects of expertise that require constant review if we are to ensure the delivery of an efficient and effective police service. This presents us in An Garda Síochána with a challenge. It demands commitment, dedication, integrity, courage, expertise, accountability and professionalism. We in An Garda Síochána have seen, and continue to see, these attributes displayed by our members time and time again.

¹ Mawby R.I. "Handbook of Policing" edited by Tim Newburn 2003.

GLOBALISATION.

The modern phenomenon of globalisation has ensured that threats posed to society by terrorism and by organised crime, indigenous or otherwise, have challenged and will continue to challenge law enforcement and judicial systems. Continued and enhanced co-operation between Governments and, by extension, police forces is essential if such threats are to be successfully combated. Developments such as the harmonisation of aspects of the criminal law and investigation techniques and the sharing of expertise and best practice in policing methods must, however, reflect the desire to achieve a secure and just society where people can live freely and securely. Criminality, in its various guises, will pose significant challenges in the future.

We must take stock of the trends and types of criminal activities that will impact on society, not just within our own jurisdiction, but world-wide. We must ensure that we have the capability, education, skills, resources and, most importantly, public support in our efforts to combat such criminality. Crime prevention operations and initiatives require to be put in place in an endeavour to reduce crime and, where possible, to have an inter-agency approach in combating crime in all areas and, in particular in the trafficking of illegal drugs. The information age has both facilitated and fuelled the development of information technology. This indispensable element of modern living has made land-borders porous and, within the criminal realm, has accelerated the progress of those who would choose to undermine the rule of law. Such developments impact on policing in this country as much as elsewhere. An Garda Síochána has developed and continues to develop effective strategies to combat these unwelcome trends.

PUBLIC ORDER.

As the decade unfolds another matter that will continue to impact on policing in the State will be public order related crime where the prevalence of alcohol continues to exacerbate such related issues as assaults, domestic violence and drink-driving offences. Random and unprovoked assaults and wanton vandalism are examples of behaviour which appear to be symptomatic of a society that has, over time, allowed a culture to develop where respect for civic norms has greatly diminished and where the rule of law is increasingly ignored, not only by those who are labelled as marginalised, or perhaps socially excluded, but increasingly by mainstream society. Examples would include the public's attitude to road traffic and liquor licensing laws. If respect for the rule of law is compromised, whether through perceived irrelevancy, questionable enforcement practices, inadequate safeguards or not delivering the intended result which is to deter deviant behaviour, the fabric of a free and civilised society begins to unravel. Significant challenges to policing are faced in such societies. This is a challenge for society and An Garda Síochána. We must work together with the community at large, so that

5

we can improve public order and encourage respect for the law.

CULTURAL DIVERSITY.

6
As Ireland becomes a multi-cultural nation, policing strategies and methods will require continuous adaptation in order to acknowledge the diversity of ethnicity in our culture. As the European Union expands, with an additional ten new members joining on 1st May, 2004 during Ireland's Presidency, its influence will impact on ever-increasing areas of our daily lives. Policing will, I believe, become even more dependant on co-operation between law enforcement agencies. Europol, Eurojust, mutual assistance, joint investigation teams and the European arrest warrant are some examples of the 'co-operation' ethos recognised as essential in combating crime which has the potential to undermine the democratic way of life. It is here that we in An Garda Síochána have been tasked with making a difference and it is through our professionalism that we will achieve this.

INTER-AGENCY APPROACH

Whether it is in the area of crime investigation, including cybercrime, subversion, road traffic or drug supply, or indeed any other aspect of daily policing the management, performance and results of our strategies and policies will be monitored, evaluated and judged by an increasingly demanding and exacting society. Much has been written and spoken about the concept, and indeed the reality, of a multi / inter – agency approach to identify and tackle some of the challenges being presented by today's society. While I agree that such an approach is essential in seeking not just long but also short-term solutions I believe that the input of An Garda Síochána into any such initiatives, and subsequent strategies must be properly considered, resourced and evaluated - but above all, effective. The ability to deliver is the key to any successful strategy or initiative. These must be driven, co-operation ensured and the will to succeed nurtured.

ROAD SAFETY

Over the last five years we have seen a significant reduction in the number of deaths on our roads. Endeavouring to further reduce fatalities and serious injuries caused to people on our roads through targeting specific offences such as drink-driving, speeding, non-wearing of seatbelts and other road traffic offences are situations where significant progress can still be made. Increased concentration on the three central tenets of an effective road safety strategy i.e. Education, Enforcement and Engineering, over future years can prove beneficial in achieving such progress.

RESOURCES.

Resourcing the police continues to be a controversial issue and is seen, in some quarters, as a panacea to all policing problems. While not denying that additional resources would enable more and diverse strategies to be

employed in a number of operational and administrative areas within An Garda Síochána, the management of resources allocated at any particular time necessitates the ability to maximise such resources through continuous monitoring and evaluation of policy. Let us take for example, the Garda response to Alarm calls where, at present, 98% are false activations and account for 21% of all Garda response time. This is an area we are now examining and it is intended that we will be working closely with the private security and alarm company industries to introduce change in the number of false alarm calls so that time spent in the future will be utilised in pro-active policing operations.

ACCOUNTABILITY.

Accountability and transparency in how we do our work is now the norm in all walks of life including An Garda Síochána. Vibrant, innovative and cogent management practices will be required to ensure that accountability is maximised. The education and up-skilling of members of An Garda Síochána in areas such as management skills, in operational, administrative or procedural matters must continue to be of the highest standard.

The importance of comprehensive and cohesive strategies, delivered by relevant and achievable policing plans, in real time cannot be underestimated. The public including the members of An Garda Síochána must be able to see their place in such plans, recognise their contribution and have an input into the delivery of a quality policing service. Hence the need for relevancy. Policing is, after all, a partnership endeavour.

In the final analysis, it will fall to us, each and every member of An Garda Síochána, to deliver a professional policing service, mandated by the people, through the Government, in an effective, efficient and economic manner. Accountability, not only collectively but individually, is and will be demanded, as it should be. In this regard, I welcome and support the measures circulated by the Minister for Justice, Equality and Law Reform in the Garda Síochána Bill, 2004.

Debate on the various aspects of the criminal justice system will continue to rage, and policing, by its very nature, will be central to any such debate or discussion. Controversies will arise and other issues will be highlighted and further discussions will ensue. Progress, strategies and developments will result. We, in An Garda Síochána, must be ever mindful of the undertaking we made on entering the service – to do our job without favour or affection, fear, malice or ill-will. A significant undertaking which, if not adhered to, does a grave injustice not only to An Garda Síochána and its members but to the people of Ireland.





Kevin Donohoe

Schengen – what it will do for An Garda Síochána and how it assists the police

Superintendent Kevin Donohoe

SCHENGEN – WHAT IS IT ?

The European Union from its beginnings as a trade and economic community has constantly evolved over the last forty years. Within the Third Pillar (Justice and Home Affairs) it continues to develop a zone where its citizens can go about their business in an atmosphere of freedom, security and justice. The Schengen Agreement is one of the cornerstones in this development.

The Schengen Agreement, named after the small town in Luxembourg in which the Agreement was signed, started its life on the 14th June, 1985. It was an agreement between France, Germany, Luxembourg, Belgium and The Netherlands that enabled their citizens to freely cross internal borders and to permit the unrestricted circulation of transport and goods between the five signatory countries – with the ultimate aim of the complete abolition of borders between the states.

It was acknowledged that the unrestricted movement of people, goods and transport across these internal borders, might well lead to an increase in crossborder or international criminality. Fears were particularly expressed in the areas of drug trafficking, trafficking in humans and organised crime generally.

However, rather than curtailing the aim of free movement of people, it was considered more appropriate to provide a framework within which police, customs and judicial cooperation between Member States could be improved and enhanced.



This package of measures was incorporated within the Schengen Convention, 1990 and applied to all Schengen countries. The Convention was integrated into the Amsterdam Treaty and ultimately, in 1999, subsumed into the European Union Framework.

The Agreement takes the form of 142 separate Articles, each of which must be accepted and implemented by the participating Schengen countries. While the Convention is broad and wide-ranging, those Articles which refer to the Schengen Information System (SIS) are probably the most important for law enforcement across Member States. The implementation of the Agreement and Convention across member states is monitored by a Joint Supervisory Authority (JSA), operating through the Schengen Evaluation Working Group (SCHEVAL). Ultimately, policing of the Agreement is undertaken through COREPER



(Permanent Representatives) to the Council of Ministers for Justice and Home Affairs (JHA).

SCHEVAL monitors the operational aspects of Schengen and undertakes its monitoring role through seven Evaluation Teams under the headings of:-

- Sea Borders
- Land Borders
- Air Borders
- Data Protection
- Judicial Cooperation
- Police Cooperation
- Schengen Information System (SIS)

Evaluation Teams are established on an ad-hoc basis for each evaluation, with member states indicating their interest in participating and nominating a national expert to the team. Each team is chaired by the national expert of the country then holding the EU Presidency. A representative from both the EU Commission and the General Secretariat also attend. During the current Irish Presidency, Irish delegates will lead Expert Evaluation Teams to the United Kingdom and Austria under the headings of Police Cooperation and SIS/Sirene.

SCHENGEN – WHO’S IN IT ?

The benefits to the citizen, Member States and the Union of unrestricted movement of people, goods and transport across international borders in an atmosphere of freedom, security and justice, was soon appreciated by other EU Member States and from 1990 onwards the five original signatories were joined in the Schengen Agreement by other EU Member States. Table 1 outlines the progressive membership of the Schengen area.

Having retained observer status at Schengen for a number of years, Ireland requested participation in certain aspects of Schengen on the 16th June, 2000. This request was accepted by the Schengen countries on the 28th February, 2002.

The United Kingdom, who likewise had retained observer status, also requested participation in certain aspects. Both countries were permitted to opt in to selected Schengen Articles.

France; Germany; Belgium; Luxembourg; The Netherlands	1985
Italy	1990
Spain; Portugal	1991
Greece	1992
Austria	1995
Denmark; Finland; Sweden;	1996
Ireland; United Kingdom	2002
Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; Slovenia	2004

9

Iceland and Norway, while not members of the European Union, do have common travel agreements with Nordic countries and have been admitted as full members of Schengen. As of the 1st May, 2004, all the acceding ten States will be full members of Schengen, bringing the total number to twenty seven (27).

SCHENGEN – IRELAND’S PREPARATION AND PARTICIPATION.

Ireland applied for membership of aspects of Schengen on the 16th June, 2000 and was approved on the 28th February, 2002. So, while we are ‘officially’ Schengen members, our participation requires final ratification following full evaluations of the measures introduced by Ireland.

10

Preparations for our full participation in Schengen and the implementation of the various measures required, are overseen by a Project Board, chaired by Assistant Commissioner, Crime and Security Branch.

The operational, day to day management of the project falls to a small project team at Liaison & Protection Section, under the area of responsibility of D/Superintendent (Liaison). The technical aspects of the project are managed at the Garda IT Section under the area of responsibility of Superintendent (Schengen).

These two Superintendents posts were approved as additional posts during 2003, indicating the Government’s commitment to Ireland meeting its obligations under the Schengen Agreement. In addition to overseeing the legal, procedural and technical preparation for full Schengen participation, the Project Board also manage the construction of a new building at Garda Headquarters which will house all international sections within An Garda Síochána, including Schengen (Sirene Bureau); Europol National Unit; Interpol National Contact Bureau; International Coordination Unit and management of the Garda International Liaison Officer Network. Construction of the building is due for completion by December, 2004.

<p>Schengen Project Board</p> <p>Chaired by:-</p> <ul style="list-style-type: none"> ● Ass. Comm., Crime and Security <p>Representatives from:-</p> <ul style="list-style-type: none"> ● Liaison and Protection Section. ● Telecommunications Section. ● IT Section. ● Change Management Section. ● Housing Officer. ● Garda College. ● Dept. of Justice Equality and Law Reform

This facility will provide a ‘one stop shop’ both for external law

enforcement agencies wishing to contact An Garda Síochána and for members of An Garda Síochána who require to contact foreign law enforcement agencies, which is in line with international recommendations and 'best practise'. The facility will operate on a 24 hour / 7 day basis and will replace the current 'call out' facility provided at Liaison and Protection.

SCHENGEN – WHAT DOES IT INVOLVE AND HOW WILL IT WORK ?

All existing Schengen member states (15) and new EU acceding countries (10) are or will be required to adopt all 142 Articles. However, the Irish and UK Governments separately negotiated opting in to certain Articles due to the political, cultural and historical uniqueness of our two countries.

11

The aspects of the Agreement which Ireland and the UK will not implement relate primarily to cross border and aliens/visa issues. In the case of cross border issues, this includes cross border operations, surveillance and 'hot pursuits', as defined within the Schengen Agreement. In the case of aliens/visa issues this includes asylum seekers, residency permits, etc.

Of course, due to the close cooperation which already exists between An Garda Síochána and the Police Service of Northern Ireland, the non-implementation of these small number of Articles will not have a detrimental effect on operational policing.

So, what are we operating and how will it benefit operational policing ? The list of Articles to which Ireland have signed up to and which are of primary concern to An Garda Síochána are listed at Appendix 'A'.

All Articles deal, in a broad sense, with enhancing police, customs and judicial cooperation. From the Irish policing perspective, many of the ideals enshrined in Schengen are already in place in an operational sense. For example, Article 44 includes a commitment by member states to enhancing communications between law enforcement agencies, particularly in border areas, within international agreements and local arrangements. This is something that An Garda Síochána has been engaged in for a long time and while this cooperation will continue, it is now done within the spirit and principles of Schengen.

Likewise, Article 47 allows for the placing of liaison officers overseas on a

bilaterally agreed basis. Liaison Officers provide assistance in the gathering of intelligence to combat criminal activity and assist also in the request under the mutual assistance on criminal matters protocols.

As of now An Garda Síochána have four liaison officers posted overseas giving us direct access to law enforcement agencies in eight countries.

Garda International Liaison Officers

<u>GLO based in:</u>	<u>Covering:</u>
The Hague	The Netherlands. Germany. Belgium.
Madrid	Spain. Portugal. Morocco.
Paris	France.
London	United Kingdom

SCHENGEN INFORMATION SYSTEM.

Probably the most crucial aspect of Schengen and certainly the most beneficial from an operational policing perspective are the Articles relating to the Schengen Information System (SIS). Article 92 includes an affirmation by all members states to maintain a joint information system. The Schengen Information System provides a conduit between the police national databases of members states through which certain information can be made available, searched and viewed.

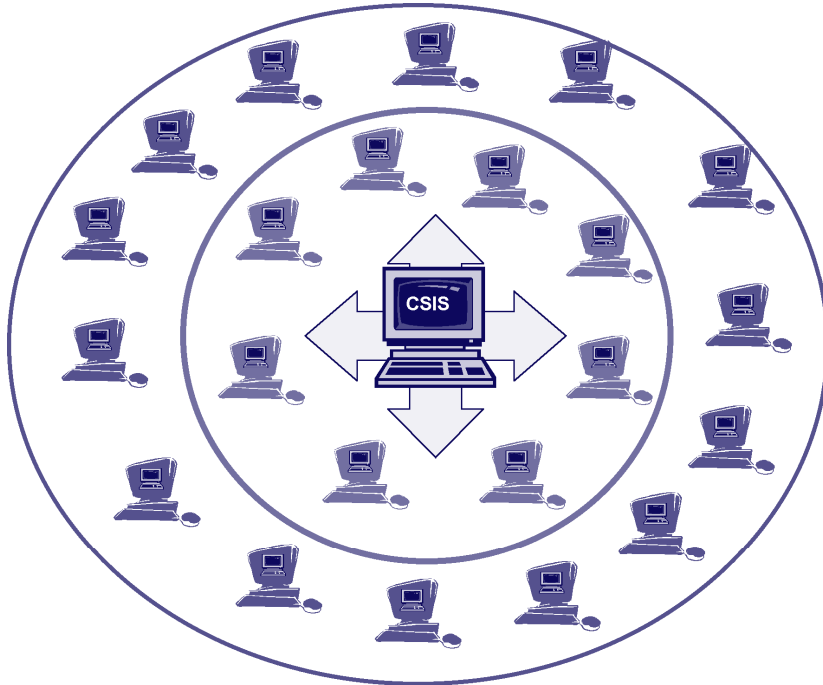
Each member state operates a Sirene Bureau, which selects certain categories of information from national police computers and places them on the Schengen Information System, through a central server (C.SIS) located in Strasbourg. Sirene Bureau and C.SIS are operational on a 24/7 basis. The Garda Sirene Bureau, when established, will be located at the new International Liaison Building at Garda Headquarters and is expected to be staffed directly by sixteen (16), who, together with existing liaison staff, will provide a 24/7 cover for both incoming and outgoing enquiries.

Each Sirene Bureau controls the data from national systems which is to be entered on SIS. Once placed on SIS, the data is then searchable by any police officer in any member state with access to SIS.

**NATIONAL POLICE COMPUTER SYSTEMS
SIRENE BUREAU**

12

When fully operational, specific fields of data in certain incidents created on PULSE will be included on the Schengen Information System, in real



13

time and searchable throughout all twenty seven Schengen Member States. In some cases, for example, a missing person report, the data will be transferred automatically without further involvement of the reporting Garda member or the Garda Sirene Bureau. In other cases, for example a vehicle theft report, the reporting Garda member will be given an option of including the details of the theft on SIS. And in other cases, due to the need to maintain the integrity of the data and the system, the information will only be made available on SIS having been authorised by the Garda Sirene Bureau. Likewise, Gardai can search data on SIS through PULSE work stations in their own stations, again subject to certain criteria. It is not possible to trawl the system for information, as it is operated on a 'hit/no hit' system. In other words, a search for a specific object or person can be made and the result will either be in the positive or negative.

Articles 95, 97 and 98 deal with persons sought by the police. In the case of Article 95, it is a person sought for extradition; in Article 97 it relates to a missing person and in Article 98 it relates to a witness being sought.

In each case, Gardaí will be able to enter the details as a PULSE Incident in the normal manner and the link to SIS will either be made automatically or through the Garda Sirene Bureau. Should that person be located in another Schengen jurisdiction, the originating Sirene Bureau, in this case the Garda Sirene Bureau, will be advised and appropriate action can then be taken to progress the return of the person to this jurisdiction, if appropriate.

14 As currently operating in the existing fifteen (15) Schengen countries, the existence of an Article 95 Alert (arrest for the purpose of extradition) has the force of the provisional arrest warrant as per Article 16, European Convention on Extradition, 1957. A person subject of an Article 95 Alert can be arrested and detained, pending follow-up extradition or European Arrest Warrant surrender procedures.

Article 99 refers to both persons and vehicles which are sought by police officers. In these cases, an alert may be entered on SIS, through the Sirene Bureau, with a request for either discreet surveillance or a specific check. In the case of the former, should the person or vehicle come to notice of a police force in another Schengen country, this fact will be reported back to the originating Sirene Bureau, without the target having been approached.

In the case of Article 99 Alerts, the Agreement states that these Alerts are only acceptable on SIS if there is clear evidence that a person intends to



GARDA SIRENE BUREAU

In the case of the latter, the alert will include a request for a specific stop/check of the person/vehicle, subject to national legislation.

Whatever information or intelligence is gleaned from the officers who stop the person/vehicle, will be reported back to the Sirene Bureau for the information and appropriate attention of the original requesting officer.

commit or is committing serious criminal offences or there is reason to suppose the person will commit serious criminal offences or there is a serious threat to internal or external national security.

Article 100 refers to 'objects' lost or stolen. There is a definitive list of objects which can be entered on SIS and this includes – motor vehicles in excess of 50c.c.; trailers & caravans; firearms; suspect bank notes; identity documents e.g. passport, driving licence, etc. and blank official documents, e.g. visas, birth certificates, etc.

It is envisaged that all reported stolen vehicles and indeed property within the above categories, once entered on PULSE will be automatically linked to SIS. Should any of the lost/stolen property be located by police in another jurisdiction, the originating Sirene Bureau will be alerted and normal procedures can be applied for its repatriation.

The Schengen Information System is now considered to be one of the

ENTRIES ON SIS FOR

- Persons wanted for extradition - Article 95.
- Missing Persons – Article 97.
- Persons sought for Court – Article 98
(as a witness; to be prosecuted or served with judgement)
- Check for suspect persons/vehicles – Article 99.
- Objects sought for confiscation or evidence – Article 100.
(including vehicles over 50cc; trailers and caravans;
firearms; blank official documents; authentic identity
documents; suspect banknotes)

most important search tools available to the police within the Schengen countries.

CONCLUSION.

The European Union continues to progress towards a Europe with no internal borders. It aims to allow the free and unrestricted movement of people, goods and transport in an atmosphere of freedom, security and justice for all.

While the benefits of this are obvious, it was appreciated that such a situation could be taken advantage of by the criminal fraternity in exactly

15

the way set out in this case study.

The package of measures within the Schengen Agreement and Convention regarding enhanced police, customs and judicial

Case Study. In September, 2003, a Swedish national had his motor car stolen while in **Bulgaria** (non-Schengen country). In addition to reporting the theft to Bulgarian authorities, he also reported it to Swedish authorities, who in turn entered the theft as an Article 100 alert on SIS.

Two weeks later during a routine traffic stop in Greece, a police officer checked the vehicle on SIS. He recovered the vehicle and made an arrest. The driver of the vehicle was a Georgian national, holding a (false) Irish passport.

cooperation, were included to ensure that law enforcement would not be left on the back foot when it came to international criminality.

The provisions within Schengen and the Schengen Information System do not bestow any additional powers on law enforcement agencies but are merely intended to provide ease of access to information by the law enforcement community in 'real' time on a 24/7 basis, to assist in their efforts to combat criminal activity. This will not only benefit law enforcement, but each and every citizen within the EU.

Closer police cooperation is a key element of Schengen and the agreed provisions within the various Articles aim to provide an appropriate framework for this cooperation to be enhanced.

While Ireland is now a Schengen member state, it has yet to 'go live' on the Schengen Information System. Considerable preparatory work is required and is being undertaken and it is hoped that An Garda Síochána can realise the full benefits of Schengen and the SIS within the next two years.

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APPENDIX 'A'

SCHENGEN AGREEMENT – A SUMMARY OF THE PRIMARY ARTICLES AFFECTING
IRELAND

POLICE COOPERATION

- Article 39 Affirmation of countries that their law enforcement agencies will assist each other for the prevention and detection of criminal offences.
- Article 44 A commitment to enhancing communications between law enforcement agencies in border areas.
- Article 46 Allows for the sharing of information on a police to police basis
- Article 47 Allows for the placing of liaison officers in other countries on a bilaterally agreed basis

MUTUAL ASSISTANCE IN CRIMINAL MATTERS

- Article 48 - 51 Allows for a range of measures under the heading of Mutual Assistance in Criminal Matters, supplementing the European Convention, 1959.

'NE BIS IN IDEM PRINCIPLE'

- Article 55 - 58 Deals with the 'ne bis in diem' principle, acknowledging that where a trial has been finally disposed of in one country, that person can not be prosecuted for the same offences in another member country, except in certain cases.

EXTRADITION

- Article 61 - 66 Deals with the area of extradition between member countries.

CRIMINAL JUDGEMENTS

- Article 67 - 69 Allows for a criminal judgement made in one country to be enforced in another where the person has escaped to that country.

NARCOTIC DRUGS

- Article 71 - 73 Affirmation by countries that they will take all necessary measures to prevent and punish the illicit trafficking in narcotic drugs and psychotropic substances

SCHENGEN INFORMATION SYSTEM

- Article 92 Affirmation that each member state will maintain a joint information system - the Schengen Information System (SIS)
- Article 93 - 94 Sets out the format and range of information stored on the SIS
- Article 95 Allows for an alert to be created on persons wanted for extradition
- Article 97 Allows for an alert to be created on missing persons.
- Article 98 Allows for an alert to be created on witnesses sought for Court.
- Article 99 Allows for an alert to be created on persons and/or vehicles with accompanying requests for discreet surveillance or a specific check.
- Article 100 Allows for an alert to be created on objects lost or stolen, including motor vehicles, firearms and official documents.
- Article 101 Gives authorisation only to police and customs for access to SIS.

DATA PROTECTION

- Articles 102 - 118 Deals with various protections within the SIS re personal data and the overall security of the data, to which each member state must adhere.

17



K. G. Ludlow

CEPOL – History, Current Work and Plans for the Future

Chief Superintendent K. G. Ludlow

INTRODUCTION

This article introduces the reader to CEPOL the European Police College, which has been in existence since 2000. CEPOL was established as a network of existing national police training institutes with members drawn from across the European Union. It may become a permanent European Police College with a seat of its own in a few years time. The general aim of CEPOL is to develop a joint approach to the main problems encountered in crime prevention and detection, the maintenance of law and order and public security particularly in cross-border cooperation. The Governing Board and various committees of CEPOL are made up of representatives of various Member States. The article outlines the various initiatives undertaken by CEPOL to achieve its objectives. In particular it outlines the various courses available and the development of a leading Knowledge Management Network (EPLN)

18

WHAT IS CEPOL?

Essentially, CEPOL is a network of existing national police training institutes for senior police officers with members drawn from across Europe. CEPOL may become a permanent European Police College with a seat of its own in a designated location in a few years time.

WHEN WAS CEPOL CREATED?

The European Police College (CEPOL) was created by an EU Council of Ministers decision of the 22nd of December 2000. This development arose out of a meeting in Tampere in October 1999, where the European Council agreed to establish a network of national police training institutes, which could ultimately lead to the creation of a permanent institution. While the English title is 'The European Police College' the acronym CEPOL is derived from the French translation of the term as 'Le Collège Européen de Police'. English is the recognised official language of CEPOL.

WHY WAS CEPOL CREATED?

The general aim of CEPOL is to develop a joint approach to the main problems encountered in crime prevention and detection, the maintenance of law and order and public security, particularly in cross-border cooperation.

In April 1998, the European Parliament adopted a resolution on the implication of enlargement of the European Union for cooperation in the field of justice and home affairs and stated that the European Parliament proposed

'the establishment of a European Academy..... to be responsible for

training police forces and border control forces in the European Union and the applicant countries, in order to prepare them for ...the implementation of common measures'.

COUNTRIES INVOLVED IN CEPOL

The following countries are involved in the work of CEPOL:



19

C E N T R E

Making Organisational Change Stick

There is one fundamental principle underpinning all major organisational change initiatives and that is - **change will not happen easily**. The Kotter typology of change suggests that there are eight stages in a change journey that an organisation must undertake in order to successfully implement a change programme. Table 1 below outlines this typology and list the change stages in sequence.

THE EIGHT STEPS FOR SUCCESSFUL LARGE SCALE CHANGE		
Step	Action	New Behaviour
1	Increase Urgency	People start telling each other, "Lets go, we need to change things!"
2	Build the guiding team	A group powerful enough to guide a big change is formed and they start to work together well.
3	Get the vision right	The guiding team develops the right vision and strategy for the change effort.
4	Communicate for buy in	People begin to buy into the change and this begins to show in their behaviour.
5	Empower action	More people feel able to act on the vision.
6	Create short-term wins	Momentum builds as people try to fulfil the vision, while fewer and fewer resist change.
7	Don't let up	People make wave after wave of changes until the vision is fulfilled.
8	Make change stick	New and winning behaviour continues despite the pull of tradition, turnover of change leaders etc.

TABLE 1: KOTTER, JOHN P. AND COHEN, DAN S. (2002) P7.

These eight stages are relatively familiar to students, practitioners and employees within organisations that have undergone fundamental organisational change. However, Kotter and Cohen found that their research in collaboration with Deloitte Consulting into 130 organisations revealed that most people did not handle large-scale change well. They found that the central issue in change programmes is often not strategy, structure, culture or systems but they concluded that the main issue invariably is about changing people's behaviour (Kotter and Cohen 2002).

Success in the modern economy requires that we leave behind a number of our fantasies about how organisations work. For example, it is a misnomer that companies can transform themselves into something entirely different with a stroke of the pen through directives, mergers or acquisitions. The truth is that an organisation must first build an appropriate culture and capability so it is ready to tap into the synergies that can happen when organisational change is implemented.

Most organisations focus on deciding what to change to improve performance or product quality and oftentimes



P O I N T

the human element of executing these decisions is left unattended. Organisations must find the connections between the organisation, the employee and the change initiative to successfully implement major change (Conner, 1994). The notion of a parent chastising children for errant behaviour or of a school teacher controlling a rowdy classroom are images easy to visualise and also the realisation that once the parent or teacher have left the room the original status quo returns. This is particularly prevalent within organisations that have implemented change. Once the initial enthusiasm has waned the dangers of reverting to the original status are all too common. Research in this area concludes that 70% of change initiatives such as BPR¹ and 80% of TQM² initiatives within European firms ultimately fail (Burnes 2000).

The reason for this level of failure is worrying and Kotter and Cohen (2002) address this at stage eight of their typology when they emphasise that making change stick is ultimately the key component of any change initiative. Any amount of visioning, communicating and implementation will not be successful unless the change is anchored firmly in the corporate culture of the organisation. Anchoring change requires that the change becomes the norm when it is accepted as 'the way we do things around here' (Kotter 1996 p.14).

WHAT MAKES CHANGE STICK

- 1 Do not stop at Step 7 – it isn't over until the changes have roots.
- 2 Use new employee orientation to compellingly show recruits what the organisation really cares about.
- 3 Place people who act according to the new norms into influential and visible positions.
- 4 Repeat the success stories.
- 5 Make absolutely sure that you have the continuity of behaviour and results that help a new culture to grow.

TABLE 2: ADAPTED FROM KOTTER AND COHEN, (2002) P 177.

This article does not purport to be a panacea for all the problems that can be associated with organisational change initiatives. The authors John P. Kotter and Dan S. Cohen on whose work this Centrepiece is mostly based, are firm in their conviction that change initiatives must involve a multi-layer approach because change itself is difficult.

Unless change is firmly anchored within an organisation, then it will not stick and the organisation will revert back to its traditional form and structure and the initiative will become just another statistic.

¹ BPR is Business Process Re-engineering

² TQM is Total Quality Management

Peter Fitzgerald, Editor

REFERENCES

- 1 Kotter, John P. (2002), *The Heart of Change*, Harvard Business School Press, Boston, MA. 2002.
- 2 Kotter, John P. (1995), *Leading Change*, Harvard Business Review, March-April.
- 3 Burnes, B. (2002), *Managing Change, A Strategic Approach to Organisational Dynamics*, Financial Times, Prentice Hall.



Photographs by Photography
Section, Garda H.Q.

CEPOL OBJECTIVES

The EU Council of Ministers identified the following objectives for CEPOL:

- (a) to strengthen knowledge of international instruments, in particular those which already exist at European Union level in the field of cooperation in combating crime;
- (b) to provide appropriate training with regard to respect for democratic safeguards;
- (c) to encourage cooperation between police training institutes;
- (d) to increase knowledge of the national police systems and structures of other Member States, of Europol and of cross border cooperation within the European Union.

22

ACTIONS AND ACTIVITIES

To achieve these objectives, CEPOL undertook to involve itself in the following activities and tasks:

- Provide training for senior national police officers on the basis of common standards;
- Participate in drawing up harmonised programmes for training middle-ranking police officers and police officers in the field of cross-border crime;
- Provide specialist training for key police officers involved in combating crime, with particular emphasis on organised crime;
- Develop and provide training for trainers;
- Disseminate best practice and research findings;
- Develop and provide training for police authorities from those States applying for membership of the European Union;
- Facilitate relevant exchanges and secondments of personnel for training purposes;
- Develop an 'electronic network' to provide back-up for CEPOL in the performance of its duties, ensuring that the necessary security measures are put in place;
- Enable the police officers of EU Member States to acquire relevant language skills.

THE STRUCTURE OF CEPOL

CEPOL takes the form of a network bringing together national training institutes across Europe. It has a permanent secretariat and is managed by a Governing Board made up of the Directors of the national training institutes. The secretariat has been hosted by the Danish Police in Copenhagen since 2001. However, from October 2004, a permanent CEPOL secretariat will be established in England. On the Governing Board each national delegation (consisting of one or more directors of national training institutes) has one vote. Representatives of the General Secretariat of the European Council, the European Commission and Europol sit on the governing board as non-voting observers. Experts, if

necessary, may accompany members of the Governing Board to meetings. CEPOL'S operating costs are borne by the Member States. The Governing Board makes decisions unanimously. It decides on the annual training programme and may adopt additional programmes and initiatives. Its decisions are then passed on to the Council of Europe, which endorses them.

In May 2001, the Governing Board decided to establish five committees to progress the objectives of CEPOL. These committees exist at present, and are as follows:

- The Annual Programme Committee
- Finance and Budget Committee
- Candidate Countries Committee
- Management of Learning Committee
- Research and Science Committee.

23

The largest five countries (Germany, France, Italy, Spain and UK) have one seat on two committees and all other Member States have one seat on one committee. At present, An Garda Síochána represents Ireland on the Research and Science Committee.

On May 1st next the Accession Countries will enter the European Union. Consequently the need for the Candidate Countries Committee will be limited and may eventually be substituted by a small working group. As a consequence of this enlargement membership of the Committees will increase from 15 to 25.

CEPOL COURSES

The primary activity of CEPOL is to supply high quality training courses on a range of topics, with the goal of meeting police training needs in the European context. These courses include such topics as

Knowledge of European Police Systems, Europol (including European Union and Third Pillar)

Civilian Aspects of Crisis Management, Police Commander Course

Strategic Planning for European Union Police Missions

Anti-Terrorism

Illegal Immigration and Border Control

Trafficking in Human Beings

Economic and Financial Crime

International and Cross-Border Crime – Trafficking in Drugs

High Tech and Internet Crime

Police Ethics and

Human Rights and Policing

The duration of courses varies from days to weeks. The programmes are often in modularised format, and are held at police training institutes across Europe. Since the formation of CEPOL, An Garda Síochána has

hosted a number of international courses, for example, in 2003, the Garda College hosted a 'Knowledge of Police Systems including Language Skill Course' (June) and a 'Civilian Aspect of Crisis Management Course' (September) involving over 60 European police colleagues. Both courses provided valuable opportunities for learning about different cultures, management structures, policies and procedures and for fostering a spirit of cooperation. In turn members of An Garda Síochána have attended similar courses in other European police training institutions.

24

In total, CEPOL provided 59 training courses during 2003. Recent reviews of the courses indicate that they achieved the objectives of CEPOL and were judged very favourably by the organising institutes and participants. Surveys showed particularly high levels of satisfaction in respect of developing and improving competencies, establishing networks and increasing cooperation¹.

AREAS FOR DEVELOPMENT

In achieving these results the Governing Board has identified areas for improvement and development. CEPOL is made up of members from richly diverse backgrounds of police cultures and regulations (administrative, organisational and financial). Managing this diversity is challenging and the members of CEPOL are committed to creating sound structures and links to foster and value this diversity. The various committees are dedicated to ensuring there is no duplication in regard to training programmes and that all courses support and complement the national programmes of each Member State. In addition, while English is the official language of CEPOL, the Governing Board recognises that many police training institutes have difficulty in targeting appropriately qualified police officers that have sufficient command of the English language to benefit from learning opportunities. CEPOL is committed to providing learning opportunities for police officers to acquire and improve their language skills in a policing context. Finally, CEPOL is working towards the development of a system for long term evaluation of the results of its courses to ensure that training outcomes impact both directly and indirectly on professional police practice.

EPLN – THE 'EUROPEAN POLICE LEARNING NETWORK'

Over the last three years CEPOL has invested much effort in the development of an information technology supported European Police Network to support CEPOL activities. EPLN, or the 'European Police Learning Network' has the potential to open learning opportunities to police officers across all police organisations in Europe and to enable the

¹ Information on courses available through CEPOL can be viewed under "calendar" on the CEPOL network at www.cepol.net.

dissemination of research findings and good practices. EPLN is as a result of the Council of Europe decision establishing CEPOL, which states that CEPOL must 'construct an electronic network'. The network consists of three separate functions:

EPKN – European *Knowledge* Network

The EPLN Knowledge function is primarily a reference facility. It provides outlines and summaries of articles and reports (including research) from various European police organisations. EPKN shows colleagues within Europe what information is available, where to go and who to contact for more detailed information.

EPDN – European *Discussion* Network

This function allows authorised groups of police across Europe to enter into discussion with each other on policing issues.

EPSN – European *Study* Network

This function will allow members engaged in study through CEPOL courses to communicate with each other on various topics in a 'distance learning' capacity.

It is envisaged that the different functionalities of EPLN, that is, Knowledge, Discussion and Study, will support the process of harmonising EU police systems and improve international police cooperation. Knowledge and experiences can be exchanged without the boundaries of time and place. This contributes to a better mutual understanding between police organisations in Europe.

EPLN TARGET GROUP

EPLN is designed in the first instance for policy makers, researchers, CEPOL students, staff from police colleges, higher management and committees for international police cooperation.

ACCESS TO EPLN

In 2003 each European Union country including the acceding countries appointed a national coordinator to coordinate the number of users of EPLN. It is envisaged that from this year onwards, selected individuals in various European Union Countries will have access to EPLN via a secure connection to the internet. Each police organisation will determine a right of access for its members to the network via the national EPLN coordinators. Individuals will only be able to consult EPLN with a recognised password. Firewalls ensure that only authorised persons can use the network. The national coordinator of each Member State can arrange

25

access to EPLN for police officers that are part of the target group². All EPLN activities are organised and supervised by a 'Back Office'. The Back Office is based in the Netherlands. The responsibilities of the Back Office include keeping in contact with the national coordinators, organising authorisations, monitoring and facilitating content delivery from the different countries, supporting communication to the CEPOL Governing Board, arranging technical infrastructure and financial administration.

CONCLUSION : THE FUTURE OF CEPOL

26 A free, safe and just Europe requires the continued development and cooperation of police organisations. CEPOL contributes immeasurably to the quality of police services and thereby the common values of police systems and their effectiveness throughout Europe. The Governing Board of CEPOL has indicated its determination to forge ahead with implementing the Council Decision for the foreseeable future. This year will see CEPOL develop its educational strategy, organisational structure and governance policy to ensure greater accountability. Most importantly, on the 1st May 2004, it formally welcomes into its structures the present Accession Countries, which will make for a stronger and more richly diverse institute than ever before. In addition, the debate continues as to whether CEPOL should continue its existing structure as a network of National Police Training Institutes, with a permanent seat for the Secretariat or whether a formal Academy should be established in one location in Europe.

In general, CEPOL has fostered a spirit of cooperation between the National Training Institutes of Member States and engendered lively debate about the training needs of police officers to increase effectiveness in addressing crime prevention and detection, the maintenance of law and order and public security and the protection of rights and freedoms. As a consequence it has become a vitally important contributor to the development of a unified, prosperous and peaceful Europe.

REFERENCES

- ¹ www.cepola.net
- ² Article 3 European Council Decision December 2000 (2000/800/JHA)

² The national coordinator for An Garda Síochána is Inspector Sarah Meyler, Garda Síochána College. (0504) 35509.

EUROPOL – Past Present and Future



John O'Brien

Detective Chief Superintendent John O'Brien

This article is primarily about the Europol organisation and its connection in the Member States of the European Union. It is a police information exchange mechanism facilitating contact with international partners. There are a number of such networks including Interpol and Schengen. From a national perspective, there is a requirement to select the most appropriate network in any given set of circumstances. On many occasions, the network chosen is the Europol network.

HISTORY

The establishment of Europol was agreed in the Maastricht Treaty on the European Union in February 1992. Initially, the main focus of the EU Member States was on the fight against drugs and drug trafficking, which led to the establishment of The Europol Drugs Unit (EDU) by the Ministers of Justice and Home Affairs on 2 June 1993. The EDU began limited operations on 3 January 1994. It was based in The Hague, The Netherlands. In the following years, the mandate of the EDU was extended to include other areas of criminality. In 1998, the Europol Convention was ratified by all Member States and Europol was granted its legal powers from the 1st October of that year. Following a number of legal acts related to the Convention, Europol commenced its full activities on 1 July 1999.

MISSION

The mission of Europol is to make a significant contribution to the European Union's law enforcement actions in preventing and combating serious international crime with a particular emphasis on the criminal organisations involved.¹ Its main objective is;

- to improve the effectiveness and cooperation of the competent authorities in the Member States in preventing and combating serious forms of international crime, coming within the mandate of Europol, where;
 - there are factual indications that an organised criminal structure is involved and
 - two or more Member States are affected by the forms of crime in question in such a way as to require a common approach by the Member States owing to the scale, significance and consequences of the offences concerned.²

¹ Freedom, Security, Justice – A guide to Europol, 2003.

² Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention), Article 2.1, 1997.

27

It achieves this by;

- Facilitating the exchange of information, in accordance with national law, between Europol Liaison Officers (ELOs). ELOs are seconded to Europol by the Member States as representatives of their national law enforcement agencies
- Providing operational analysis to support operations of the Member States
- Generating strategic reports (e.g. threat assessments) and crime analysis on the basis of information and intelligence supplied by Member States, generated by Europol or gathered from other (open) sources
- Providing expertise and technical support for investigations and operations carried out within the EU, under the supervision and the legal responsibility of the Member States concerned

28

MANDATE

Europol's mandate includes the following areas of crime; illicit international drug trafficking; illicit immigration networks; terrorism; illicit vehicle trafficking; trafficking in human beings including child pornography; forgery of money and other means of payment; illicit trafficking in radioactive and nuclear substances and money-laundering. A Council Decision of 6 December 2001 extended the mandate of Europol to include serious forms of international crime listed in the Europol Convention Annex, such as environmental crime, organised robbery and illicit trade in cultural goods etc.

MANAGEMENT AND STAFF OF EUROPOL

Europol is accountable to the Council who is responsible for its main control, guidance and functions. It is headed by a Director appointed unanimously by the European Council of Ministers of Justice and Home Affairs. He is assisted by Deputy and Assistant Directors who are also appointed by the Council.

The Europol Management Board, which is composed of representatives from the various Member States, deals mainly with strategic issues related to Europol's current activities and its future developments. Ireland is represented on the Europol Management Board by Assistant Commissioner Joe Egan, Mr. James Martin, Department of Justice, Equality and Law Reform, and Detective Chief Superintendent John O'Brien.

Two representatives from each Member State are attached to the Joint Supervisory Body which reviews the activities of Europol in order to ensure that the rights of the individual are not violated by the storage, processing and utilisation of data held by Europol. It also monitors the

permissibility of the transmission of data originating from Europol.

There are close to 400 members on the staff at Europol in The Hague. About 50 of these are Liaison Officers drawn from the Member States and representing various law enforcement authorities such as police, gendarmerie, customs, state security, etc.

Ireland also has two Liaison Officers based at Europol Headquarters – Inspector Frank Martin and Sergeant Joan Wilson. These officers are part of a liaison network of 25 countries permanently based there. This network provides an invaluable contact mechanism transcending national boundaries and language barriers. The Irish National Office of Europol is based at Garda Headquarters and is currently staffed by Detective Sergeant Maura O’Sullivan and Detective Garda Brian Gowran. This office is located within the International Liaison Section of the Garda service and provides for an integrated point of contact with international stakeholders.

29

EXPERTISE

Europol provides expertise in all the mandated areas. Experts originate not only from EU Member State Police Services, but also from customs, border police, secret service agencies, and many other European law enforcement agencies. In addition, experts from outside the law enforcement sector, e.g. scientists, information technology experts, intelligence analysis experts etc. serve to complement the various crime units.

As well as providing the expertise mentioned above, Europol also benefits its members by offering a multi-agency approach, a multi-lingual institution, quick information exchange, a European crime overview, investigative support (operational, technical and analytical), training and European projects.

WORK PROGRAMME

Each year, the Europol Management Board adopts a Work Programme for Europol. The issues given priority for 2004 were the extension of Europol’s mandate from 1 January 2002 to allow for the definition of new priority areas, the revision of Europol’s Vision, and the enlargement of the EU from 1 May 2004. In view of these changes and new challenges and given the development of international criminality, the main objectives for Europol during 2004 are under these four headings. **Operational support and investigations:** The provision, in an efficient manner, of accurate information and intelligence, as well as valuable analytical and other expert support to cross-border or international investigations and operations. This will be done in partnership with other law enforcement agencies. The main priority areas will be

Terrorism, Drugs (heroin, cocaine, cannabis and synthetic drugs), Crimes against Persons and Forgery of Money including Euro. **Technology Services:** The further development and management of an effective Europol Information System and the establishment of an updated Europol Analytical System.

Enlargement and other developments of the EU: The preparation of the organisation and its customers for the challenges related to the expansion and restructuring of the EU in order to enhance the mid- and long term performance of Europol.

Corporate Governance, Business Excellence and Resources: The stabilisation and improvement of the internal working processes of Europol by providing excellence in corporate governance and leadership in intelligence and technology management in a professional surrounding of high competence and accountability.

30

Priority will be given to the Financial Action Plan, corporate governance development, professional standards and the efficient use of human resources.

OPERATIONAL SUPPORT AND INVESTIGATIONS

Europol will focus primarily on the following areas:

Drugs

Europol will focus on combating the production and trafficking of synthetic drugs. However, resources will also be invested in combating heroin and cocaine trafficking.

Crimes against Persons

Europol will focus on initiating and supporting investigations in Illegal Immigration and Trafficking in Human Beings and combating Child Abuse (Child Pornography and illicit trade in abandoned children). Europol will provide target orientated and operational support via analytical work files (AWFs) and by seconding experts into investigation teams.

Counter Terrorism and Related Activities

The threat of Islamic terrorism will dictate a significant part of the activities of counter terrorism work at Europol. The work will, however, also cover a wider spectrum of terrorism including other groups and organisations active in and posing a threat to the European Union (e.g. to events such as the Olympic Games 2004 in Athens).

Organised Crime

Europol's approach is focussing on the most threatening active Organised Crime Groups and will concentrate on combating criminal groups and organisations from East and South East Europe, Outlaw Motorcycle Gangs and regional organised crime groups inside the European Union.

EURO currency – Forgery of Money

In close cooperation with the European Central Bank and other partners such as Interpol, Europol shall increase the operational support by analysis, expertise and co-ordination of investigations and operations by Law Enforcement Agencies of the Member States and also of Non EU Countries. In general, Europol shall further develop its role as the European Union contact point for the Suppression of Euro Counterfeiting.

Financial Crimes and Crimes against Property

Money laundering is a high political priority and therefore Europol will continue to focus on this and other specific forms of international fraud such as credit card fraud.

Analysis Work

About 90% of all manpower within the analytical work of Europol will be concentrated on supporting operational projects to satisfy the increasing demand from the Member States. Operational analysis includes support to short term specific operations and Joint Teams. 10% of total manpower will be devoted to the development of projects in the field of Strategic Analysis, particularly to the EU Organised Crime Situation Report.

Cooperation with other bodies and organs

The work on a new European Convention and the establishment of a considerable number of new institutions within the EU aimed at combating crime means that Europol has to position itself in this arena as an effective partner.

TECHNOLOGY SERVICES

After finalising the establishment of the Europol Information System (EIS) in its main functionality, the widening of the scope of languages and links with National Units will have high priority. During 2004 the full implementation of the analytical system OASIS within Europol and in those Member States that are interested in obtaining the system for their own national purposes shall be realised.

THE ENLARGEMENT AND ITS CONSEQUENCES

The enlargement of the EU will have a fundamental effect on the work of Europol. The crime situation and threat for the extended geographical area of the EU will be affected. Europol's working methods have to be compatible to the law enforcement structures of the new Member States. Europol has to adapt to the new languages and the overall composition of staff. Areas which require attention include Information Management, Analysis, Information Technology, Training, Language Management, Legal issues and the European Convention.

CORPORATE GOVERNANCE

The organisational structure of Europol changed in 2003. The

37

implementation of the Change Plan will improve the organisations' internal processes and infrastructure. A new document management system will be finalised during 2004, which will improve the management of the internal preparation process for decision-making.

CONCLUSION

It will be seen that Europol is principally a police intelligence gathering system which aids the investigative process within the European Union without itself engaging directly in investigations at this stage. It has expanded its mandate to meet changing transnational policing needs. It is anticipated that in an evolving future Europe, Europol will become more directly involved in joint investigation teams by way of direct information analysis support.

32

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Domestic Violence and the Police : First point of contact...or first point of failure...



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INTRODUCTION

Defining domestic violence has posed several questions for researchers and academia alike over the years. The term "domestic violence" portrays the image of only physical violence yet the US term "domestic abuse" appears to be more inclusive of other forms of non-physical violence such as emotional or physiological abuse. Generic terms such as "Family Violence", "Spousal Abuse" and "Battered Woman's Syndrome" have also been used.

In the vast majority of cases, victims of domestic violence are predominately female but there have been instances where victims are male (Jukes 1993, Mooney 2000). Bagshaw and Chung (2000), cite a 1998 South Australian study which reports males being 7.5% of victims of domestic violence.

BACKGROUND

Domestic Violence had not really emerged as a significant social issue until the recent decades, however the rise of the feminist movement initially in the US and later in the UK from the 1960s onwards, thrust women's issues into the public domain. The perception existed that the man's role as the "gatherer" i.e. the head of the family by providing for the family, while the woman's role was more "maternal" i.e. providing for the care of children, doing the cooking, cleaning etc for the family. This perception was confirmed in how women within the workplace were paid alongside their male counterparts or being forced to give up employment after marriage. The way children were brought up was clinically designed, even in the type of subjects they were taught in school, to educate each gender in their role within society.

The feminist movement was not just simply about publicity campaigns but rather issues which sought to challenge society to examine closely the status of women and how they were dealt with. One of these issues was violence against women. Violence against women is not a new phenomenon as over the centuries women have been subjected to rape and torture in times of war; kidnapped to be sold as slaves or, were chastised and ridiculed by their husbands within their homes. Men assumed their patriarchal role and exercised their dominance through the use of power and control. To impose this power and control, the use of violence was often used. Because this violence took place behind closed doors, it was regarded as a "private matter".

33

THE ROLE OF THE POLICE

The role of the police in dealing with what is now known as domestic violence was often very obscure. For victims of domestic violence, the police may well be their first contact with the criminal justice system. When called to domestic incidents, the police in most cases failed to do their job, and simply let the parties "sort it out between them" Edwards (1989)¹. In 1985, Sir Kenneth Newman, then Police Commissioner for the London Metropolitan Police is quoted as saying "*Male domestic violence and stray dogs are rubbish work for police..*". Dobash and Dobash (1992)² cite "*police practices revealed a strong current of animosity... to the plight of women*". Unfortunately, to some degree, remnants of this attitude remain and the enforcement of legislation has been inconsistent (Worden, 2000).

34

In 1990, the British Home Office introduced its Circular 60/1990 which set out Government policy in relation to the policing of domestic violence. It recommended that police should take a proactive role thereby making their response more effective by combining their investigative role with a victim supportive role. This brought the introduction of specialised police units in most services to deal with domestic violence cases. Other services appointed dedicated Domestic Violence Liaison Officers instead of establishing such units. Police officers of various ranks now hold positions within multi-agency forums addressing domestic violence throughout the UK.

In 1993, An Garda Síochána introduced a directive on domestic violence, which advocated a pro-arrest policy. This policy was revised in 1997 and is currently under revision again. An Garda Síochána is the only statutory agency in Ireland that has a stated policy on domestic violence. There is only one dedicated Domestic Violence Unit in Ireland and is based in Dublin. With a national remit, it also assumes responsibilities for sexual assaults and abuse cases. The 1997 Irish Government Task Force Report on Violence against Women called for the establishment of similar units in other urban areas but this has not been done to date. Arising from that report, Gardaí are now involved on the various Committees established in each Health Board area.

The first significant piece of research into violence against women in Ireland was commissioned by Women's Aid, Dublin and published in 1995. One alarming statistic that emerged from this work was that only 1 in 5 victims would report violence to the police, giving the reason that they felt the police wouldn't take them seriously enough. In 1996, in a paper presented by Claire McDonagh, she quotes 1992 statistics from

¹ Edwards, S.S.M. (1989), *Policing Domestic Violence: Women, the Law and the State*. Sage, London UK.

² Dobash, R.E. and Dobash, R.P. (1990): *Violence against Wives a case against Patriarchy*. Free Press UK

Women's Aid, UK in which it is claimed that there will be on average 35 incidents of domestic violence before a victim will contact the police.

Research conducted by the EU for its 1999 European Campaign against Domestic Violence asks "If 95% of Europeans believe that a man who beats his wife or partner should be sentenced by a criminal court, why then is only 1 out of every 20 incidents of domestic violence reported to the police?". These figures are corroborated by findings issued from Welsh Women's Aid. Godsi (1999)³ points to the difference in recorded figures and the under-reporting of abuse. Hester and Radford (1996)⁴ argue that "Women are unlikely to disclose domestic violence unless they are assured that the reaction will be positive".

35

RESPONDING TO DOMESTIC VIOLENCE CALLS

As previously stated, the police is the first point of contact for victims of domestic violence with the criminal justice system. As every domestic incident is a potential murder, it is necessary therefore to emphasise that a police officer's actions when called to the scene is critically the most important element of attending a domestic call. Both the victim and the abuser will view the actions taken by the attending police officers at the scene of a domestic incident differently. This is where relevant education and training comes into practice.

For the victim, positive action will signify that the police are there to provide a foundation of safety from which other safety structures can be put in place. This safety may comprise of the removal of the abuser from the scene where there is the appropriate power of arrest to do so, removal of the victim for medical attention, providing information in relation to support services, crisis shelter and legal options. Collaboration through multi-agency initiatives has now made referrals to appropriate services easier. An example of this in the Garda / Health Service joint Training Programme established in the North Eastern Health Board Region in 2002.

In stark contrast, negative action by an attending officer serves only to validate or minimise the abuse of the victim by the abuser. It will indicate to the abuser that the abuse is not being regarded as a "police matter". For the victim, it will lead to the increased likelihood of further and more frequent incidents of abuse, probably of a more serious nature with potentially tragic consequences. As with other statutory agencies, the police now find themselves in an era of greater accountability, therefore failing to carry out their "duty of care" potentially leaves the service open to civil litigation.

³ Godsi, E. (1999): *Violence in Society-The Reality behind Violent Crime*. Constable, London UK.

⁴ Hester, M. and Radford, L. (1996): *Domestic Violence and Child Contact: Arrangements in England and Denmark*. Policy Press, Bristol UK.

36

An example of this occurred in the US in the case Tracey Thurman –v– City of Torrington Police Department. In this matter, Tracey Thurman had been estranged from her husband for over a year and had obtained through the Court a Restraining Order. Despite this, her husband continued to harass and threaten her. She had called the police continually but with no success. Finally, in fear for her life, she again called the police. A lone police officer responded to the call 25 minutes later. This officer sat in the car while he observed Tracey being chased and attacked by her husband, who then proceeded to stab her 13 times. She survived and the husband received a 7-year jail sentence. Later in 1989, the US Supreme Court awarded Tracey Thurman \$2.3 million in damages against the Police Department for failing to protect her. This incident was later made into a feature film entitled *"A cry for help : the Tracey Thurman story"*. While this is an extreme example, it must be clearly understood that without an effective integrated criminal justice system there is the potential for any element within that system to fail in their duty of care to any victim.

GETTING INTO COURT

Police must become more conscious of getting the balance right in terms of their response to domestic violence incidents. This may mean that it is time to move away from a "victim driven" style of prosecution to a "victim-less" type. Because our criminal justice system is adversarial, the prosecution is reliant on the evidence of the victim to support its case. The difficulty arises when the victim chooses to recant their evidence, withdraw their complaint, and then the prosecution case fails. When this situation arises, the victim is blamed because it is the easy way out. If it were otherwise, all agencies, including the police might have to take a hard look at themselves and how they do their work.

The pivotal point of the justice system is the way judges deal with domestic violence cases coming before them. In a display of autonomy, individual judges may undermine good support work carried out with victims of domestic violence by activists through publicly quoted insensitive and derogatory comments. Examples of such comments are from judges in 1990 asking a woman *"How do I know you didn't deserve it"* Jukes (1993)⁵ to a judge in New York in 1997 who stated *"Every woman needs a good pounding now and then..."*. Such attitudes impact on whether a victim will choose to seek help through the criminal justice system.

By adopting a "victim-less" style of prosecution, the police can continue to process its investigation through the courts while not dependent on evidence from the victim. Vital evidence can be obtained through the use of good and sound investigation techniques. One method yet to be fully

⁵ Jukes, A. (1993): *Why Men hate Women*. FAB, London, U.K.

utilised in this area is the use of photography or video recording at a domestic violence scene. When injuries received as a consequence of a domestic violence incident are quickly documented and properly sequenced over a period of time, it is possible to proceed with a prosecution in the event that the victim recants her evidence or deliberately absents herself from the case.

When presented to the Court, photographs or videotape of injuries sustained by the victim or the condition of the scene provide for a high impact submission of evidence hence "bringing the crime scene into the courtroom" rather than leaving it within the body of a statement. The Polaroid Spectra camera with specialised attachments is one such piece of equipment currently deployed by various police forces in the UK. Other crucial documentation would include noted excited utterances made by the victim at the time, noted threats made by the abuser at the scene or later in the police station, physical appearance, demeanour of both victim and abuser, preservation of the scene(s), evidence retention e.g. torn or bloodied clothing, weapon etc., previous history, and medical records.

37

FUTURE STRATEGIES

If the police adopted a "chain link" method of support –a linked system of service provision from which the victim of domestic violence can access support – positive action by the police will be greatly enhanced. This can also be achieved through multi-agency training such as the current joint training initiative taking place by the North Eastern Health Board, Gardaí, Women's Aid and other support services. For the police service, this could be enhanced through the implementation of the ABCDE

Model of Intervention which is simply

Always speak with the victim away from the abuser,

Believe the disclosure,

Call in the appropriate resources,

Document all physical and non-physical injuries and any previous history of the relationship,

Ensure safety of both victim and officer.

Supporting the victim rather than leading the victim is the underlying feature of this. To that end, police officers should remember that victims of domestic violence possess a wide range of intelligences as they emerge from across all strata of society. They may be more aware as to the capabilities of the abuser; may previously have had bad experiences from services; endured and coped with far more violence than initially reported; have a distorted and confused view of themselves and experience emotional difficulties such as flashbacks, mood swings or poor concentration.

CONCLUSION

The police alone cannot provide the solution to the complex issue of domestic violence as it must be dealt with by society as a whole. However, as a resource, the police can provide part of the safety shield victims need in times of crisis and after. Therefore, it is very important that agencies like the police look beyond their own boundaries in endeavouring to provide a better service. I believe the future lies within intervention through collaboration and training

In the area of domestic violence, the leading intervention programme is the Domestic Abuse Intervention Project (DAIP) from Duluth in the USA. This collaboration project promotes a coordinated multi-agency criminal justice and community based response which has been adapted and in use in other countries such as Austria, Germany, New Zealand and the UK. Using the potential of the criminal justice system and the support of the community, this project is focused on making the victim safe while holding the abuser accountable.

With the police service getting more involved in more partnership forums, policing of domestic violence is becoming more responsive to the service needs of the user. Most crucial to this advancement is ongoing education and training about the issue of domestic violence. Education and training, both internally at the Garda College and externally with other agencies, is challenging entrenched perceptions and myths surrounding domestic violence. The joint Garda / Health Service Training is just one example which has been very well received by participants and agencies alike.

With these initial positive steps, it is very feasible that within several years, the title of this paper may change to "Domestic Violence and the Police : first point of contact and first point of safety".

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