



**AN GARDA SÍOCHÁNA  
HUMAN RIGHTS AUDIT**

**EXECUTIVE SUMMARY**

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## PRIORITIES FOR ACTION

<b>Priority areas and relevant recommendations (Please see section 4 of this summary for the full recommendations and background explanations)</b>	<b>Target date</b>
<p><b>Priority area 1: Developing and underpinning a comprehensive human rights ethos and structure</b></p> <p>1. Publish the report of the human rights audit.</p> <p>2. Strengthen and enhance the roles of the Garda Human Rights Office and the Racial and Intercultural Office.</p> <p>3. Establish a high level strategic advisory committee and a central senior management structure to drive forwards implementation of the human rights initiative and the recommendations in this report.</p> <p>4. Undertake a human rights impact assessment of all existing and forthcoming policy and operational procedures, including the Garda Code, and establish systems to monitor compliance with human rights standards.</p>	<p>July 04</p> <p>Dec 04</p> <p>Sept 04</p> <p>Sept 05</p>
<p><b>Priority area 2 Promotion of and accountability for human rights policing</b></p> <p>5. Provide more support for staff to report human rights abuses</p> <p>6. Develop more effective mechanisms for consultation, promotion and dissemination of human rights and other relevant information externally and internally</p> <p>10. Protect the human rights of those subject to police powers</p>	<p>End 04</p> <p>Sept 05</p> <p>Sept 05</p>
<p><b>Priority area 3 Policing in a diverse community</b></p> <p>11. Identify and tackle institutional racism</p> <p>12. Deal robustly with racist crime and protect vulnerable communities</p>	<p>Sept05</p> <p>Mar 05</p>
<p><b>Priority area 4 Staff engagement, training and development</b></p> <p>13. Protect the human rights of staff</p> <p>14. Encourage the recruitment, retention and progression of a more diverse police service</p> <p>15. Provide human rights and race and diversity training for all staff</p>	<p>Dec 05</p> <p>Dec05</p> <p>June 05</p>
<p><b>Priority area 5 Community engagement, involvement and partnership</b></p> <p>7. Develop and enhance arrangements for community liaison</p> <p>8. Develop a communication strategy which incorporates human rights observance</p> <p>9. Develop ways to overcome language barriers</p>	<p>Dec05</p> <p>Mar05</p> <p>Dec05</p>

## 1. INTRODUCTION

### Aims of the human rights audit

- To examine An Garda Síochána's current policies and strategies to assess the extent to which they comply with the values enshrined in international human rights standards, with particular reference to the basic values set out in the Council of Europe's guide: 'Policing in a Democratic Society'
- To identify any gaps in compliance with these values
- To make recommendations for future compliance

### How the audit was conducted<sup>1</sup>

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

The audit was conducted from February to September 2003. <sup>2</sup>

### Audit framework: *Policing in a Democratic Society*

The audit set out to answer the test questions in component 1, basic values, of the 2000 Council of Europe guide, *Policing in a Democratic Society*. It was also important to set the audit within a wider context. <sup>3</sup>

- The rapidly changing nature and increasing diversity of Irish society, and the implications for policing
- Developments in Northern Ireland, and the Patten Report
- The legislative framework: international human rights treaties and domestic law
- Levels of public satisfaction with policing among different communities
- An Garda Síochána's work on human rights
- Human rights concerns as reported by the Council of Europe Committee for the Prevention of Torture, Amnesty International, other non-governmental organisations and the media.

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<sup>1</sup> The full report provides more details of the methodology in chapter 3; the questionnaire and interview questions are included in appendices to the main report.

<sup>2</sup> Developments since September 2003 are not included.

<sup>3</sup> Chapter 2 of the main report

## **Confidentiality**

This report respects individuals' confidentiality. No quotes or comments are attributed to individuals.

## **This executive summary**

This summary includes the conclusions, an assessment of An Garda Síochána against the Council of Europe Guide, and the recommendations. The appendix gives the contents list for the main report.

## **The full report**

The full report gives the detailed results of the audit, which provide the evidence for the key findings and recommendations in each chapter. The evidence is presented in five chapters:

### **Chapter 4: human rights at corporate level**

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

### **Chapter 5: perceptions and knowledge of corporate commitment to human rights**

This chapter explores perceptions and levels of knowledge about corporate commitment to human rights. It includes matters of corporate responsibility such as the complaints and disciplinary systems and reporting human rights abuses.

### **Chapter 6: consultation and communication**

This chapter examines the extent to which An Garda communicates and consults with its own staff and with the communities it serves on human rights and policing.

### **Chapter 7: human rights and operational policing**

This chapter examines the extent to which human rights are integral to operational policing and services to the community.

### **Chapter 8: An Garda Síochána as a human rights employer**

This chapter examines the extent to which the human rights of staff are considered within An Garda Síochána and the extent to which human rights is integrated into police training. It also considers diversity of the workforce, the position of women, and health and safety concerns.

## 2. CONCLUSIONS

### A HUMAN RIGHTS COMPLIANT POLICE SERVICE

A human rights compliant police service would mean one which

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

### Where is An Garda Síochána today?

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

There had, however, been a long delay in issuing the Declaration, and it had not been reinforced with training and promotion of the human rights message. Suggestions made by the Human Rights Working Group on developing statements of operational standards and behaviour for each department and division had not been taken up.

Few members were aware of the contents of the Declaration and what it might mean for their work. Many felt the wording was vague, and there had been no management direction or training provided to support the Declaration on the day to day level. Without further training and management support, it is not likely that the Declaration on its own could bring about the cultural changes required to deliver human rights compliant policing as defined above.

There is an urgent need for a thorough review of all policies and operating procedures to ensure they are human rights compliant. The Garda Code does not, at present, reflect and embed human rights. In addition there do not appear to be mechanisms in place at present to allow for systematic and routine monitoring of the use of police powers in relation to human rights issues. Nor are there central, strategic mechanisms to assess the impact of existing and new policies and practices and to recommend changes as needed.

There was a marked difference in perceptions between senior officers and members about the extent to which human rights has become part of the organisation's ethos. While most senior officers felt that good progress was being made, there was a high degree of cynicism among members who saw work on human rights as a 'back-covering' exercise, along with low level of knowledge of the real meaning of implementing human rights standards in day-to-day policing.

Members of community groups did not perceive human rights as embedded in An Garda Síochána's ethos.

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

Reports in the media, reports and research from non-governmental organisations, and the participants in the two community meetings all reflect serious and continuing concerns about policing and human rights. Progress has been made in meeting some but not all of the human rights concerns expressed by the Committee on the Prevention of Torture, the ICCL, Amnesty International and other non-governmental organisations. The most recent concerns expressed by the Committee for the Prevention of Torture in its 2002 report, have not yet been fully dealt with.

Community members felt that insufficient resources were devoted to community policing and that community consultation was minimal. There were also concerns about the use of police powers in some circumstances, for example in the policing of young people and people in minority ethnic communities.

Despite these concerns there was a willingness to cooperate and work with the police expressed on the part of many individuals and community agencies which is encouraging. Much more is needed to engage local communities in the work of An Garda Síochána.

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

Implementing human rights is not a one-off, tick box exercise, but a constant and evolving process. Only by regular reviews will that progress be maintained. It is essential that mechanisms to monitor and review implementation are established at a very senior level of the organisation, and that adequate resources are provided to ensure that An Garda's positive work to date can successfully move forwards.

Human rights are not yet embedded in and intrinsic to the culture and ethos of An Garda Síochána. It is hoped that this audit will benchmark the present position and point the way forwards so that future progress can be measured and assessed.

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

In 2009, An Garda Síochána should be a police service where:

- There are no critical reports from any source about excessive or disproportionate use of force in using police powers.
- There is a flourishing network of active community support across all diverse groups.
- A high level human rights advisory committee, a high profile human rights champion and a strong management structure for human rights work is well established.
- User satisfaction surveys show high levels of satisfaction with An Garda Síochána across all sections of the community.
- Systems are well established for monitoring, measuring and reporting on compliance with human rights standards across all of An Garda Síochána's work.
- All policies and procedures have been 'human rights proofed' and published wherever possible.
- An Garda Síochána's staff more closely reflect the communities which they serve.
- All staff put human rights observance at the heart of everything they do – and can be seen to do so.

## **Next steps: five points towards the five year objective**

Priorities for the service in the next 12 months are:

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

### 3. POLICING IN A DEMOCRATIC SOCIETY: ASSESSMENT OF AN GARDA SÍOCHÁNA'S COMPLIANCE

This table sets out the principles, test questions and indicators provided in the Council of Europe Guide, 'Policing in a democratic society.' Under each section, the evidence is summarised so that an assessment can be made as to An Garda Síochána's progress against the test questions.<sup>4</sup>

<p><b>1. THE POLICE SERVICE SHOULD WORK TO A SERVICE ETHIC WHICH RESPECTS AND PROMOTES:</b></p>
<p><b>A. FUNDAMENTAL HUMAN RIGHTS AND THE RIGHTS OF LAW</b></p>
<p>Test (a)  <i>How are human rights made relevant to police work? To what extent are you and your officers aware of basic human rights?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Human rights are mentioned in national police legislation, official policy statements, mission statements, codes of conduct or behaviour</li> <li>• Operational documents</li> <li>• Profile given in teaching/training</li> <li>• Line managers provide oral and effective commitment</li> <li>• Human rights awareness is a performance criterion for promotion</li> </ul>
<p>The Garda Bill 2004 refers to human rights, which are also reflected in the mission statement as a core value. However, the 2003 policing plan puts less emphasis on human rights and priority given to human rights appears to have decreased during 2001 to 2002.</p> <p>Human rights statements are not incorporated in operational documents. The Garda Code does not embed human rights, although it is a key operational policing tool. Unless human rights and their implications for day to day policing are embedded in these fundamental policing documents, it will not be clear for members what is expected from them, nor can human rights infringements automatically be considered disciplinary offences.</p> <p>There is an urgent need to 'human rights proof' all codes of conduct and operational procedures to ensure human rights are integral. This includes updating some procedures and producing new policies where there are gaps. There is no system to monitor and review compliance with human rights in the conduct of day-to-day policing. This is needed as a matter of urgency so that observance of human rights can be clearly measured and demonstrated. (Chapter 2)</p> <p>Within An Garda Síochána there is no clear and high level structure which can champion human rights across the organisation, despite recommendations from the Human Rights Working Group for the establishment of a high level Advisory Committee. (Chapter 2)</p> <p>Human rights training is of a good quality where it is provided, e.g. for new entrants. There are concerns about methods of delivery, such as to large groups in unsuitable lecture halls. By no means all staff have received human rights training and there is an urgent need for senior staff and managers to be trained in order to lead their teams, and to be able to identify day-to-day human rights implications. A five-day programme for trainers, to enable them to integrate human rights training into other forms of training, had at the time of the audit been provided only for 60 of the 200+ trainers. (Chapter 8)</p>

<sup>4</sup> Chapter references are to the full report and indicate where evidence for each assessment can be found.

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

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

Test (b)

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

Indicators

- Instruction, training and supervision in place
- Internal and external investigations
- Judicial review in place
- Recording of police use of force
- Automatic and independent review in case of use of (deadly) force
- Preventative measures in place to combat ill treatment and torture

Although a human rights module is delivered to new entrants and for some sergeants and inspectors, human rights considerations are not yet clearly woven into all training modules, for example in public order or firearms training. As stated earlier, only 60 of 200+ trainers have been trained to integrate human rights into all forms of training. (Chapter 8). The Declaration Articles were not at all meaningful to members in terms of operational policing and members had limited understanding of their implications, tending to rely instead on the Oath and on 'common sense'. (Chapter 7). Line management supervision of human rights compliance is not evident.

There have been three recent inquiries into high profile incidents (Donegal, Abbeylara and May Day). There are concerns that internal inquiries are not independent. For example there were serious concerns about the independence of the Abbeylara inquiry and the difficulties in acquiring information about what actually occurred in these cases.

There has been a review of the use of deadly force but this was not independently conducted. The inquiries which have been established do not inspire confidence either among members or the wider communities. (Chapter 2, Chapter 7)

There are no explicit preventive measures such as training, codes of conduct, monitoring, recording and supervision to routinely combat ill treatment and torture. Reliance on the Garda Code (which has no reference to human rights) and the Oath is not sufficient. Human rights implications for operational policing need to be clearly spelt out and members equipped and skilled to ensure observance. In a culture in which it is difficult to report human rights abuses (Chapter 5) and weak line management supervision of human rights compliance (Chapter 5, Chapter 7) prevention is not given a high priority.

Test (c)

*To what extent are human rights effectively respected and supported?*

Indicators

- Number and types of complaints of abuse of power and other human rights violations
- Number and types of sanctions imposed, both disciplinary and judicial
- Adverse press reports
- Criticisms by NGOs
- Percentage of defendants released due to inefficient police work or 'mistakes'

The existing complaints system does not command confidence, either among members or the wider community, and is in the process of change. (Chapter 5) There are low numbers of upheld complaints: 1,281 in 2001, of which three resulted in a prosecution, 10 were referred to a tribunal, 18 found minor breaches of discipline, and 24 were informally resolved. The disciplinary system appears to be used very little, with three members dismissed under regulation 40 in 2002, for criminal or discreditable conduct. 54 cases were dealt with by regulation 13, which deals with less serious offences. In 2002 13 breaches of discipline were identified as a result of 18 sworn inquiries. (See chapter 4)

There is little evidence to suggest that members are made clearly aware that infringements of human rights will result in disciplinary action under the disciplinary process. It is difficult in the sections of the Code which were examined to ascertain exactly what is subject to the process. That non-compliance with human rights is a disciplinary offence could be much more strongly integrated into the Code and should be part of the process of impact assessment of the Code for human rights compliance. (Chapter 2)

There have been three inquiries into high profile cases such as Abbeylara, Donegal and the May Day 2002 demonstration. Again concerns were raised by both the public and members about the fairness, openness and accountability of these proceedings. (Chapters 3, 5 and 7)

These well documented and high profile cases have led to adverse national press reports, and critical reports over several years from NGOs and the Council of Europe CPT. These concerns include the following: (Chapter 3)

Concerns raised by **Amnesty International** include:

- The right to life and excessive use of force
- Ill-treatment of detainees
- Legal safeguards for those deprived of liberty by An Garda Síochána
- Inadequate force management of detention
- Extended detention under the counter-terrorism legislation and limitations on access to lawyers
- No right of access to lawyers during questioning
- Emergency provisions under the Offences Against the State (Amendment) Act 1998

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

- The need for an independent complaints system
- Accountability for example through a policing board
- Recording of interviews
- Use of emergency legislation
- Racial discrimination
- High rates of evidence from confessions
- Corruption

<ul style="list-style-type: none"> <li>• A culture of denial and defensiveness</li> </ul> <p>Additional points made at the An Garda Síochána 2000 conference on human rights included:</p> <ul style="list-style-type: none"> <li>• The poor treatment of asylum seekers</li> <li>• Lack of police services for asylum seekers who may be victims of crime</li> <li>• The need for more action to assist victims with disabilities</li> <li>• Hate crimes against members of the gay and lesbian communities</li> <li>• Poor responses to racist crimes</li> </ul> <p>Concerns raised by the Council of Europe’s Committee for the Prevention of Torture in its most recent report (2003) include:</p> <ul style="list-style-type: none"> <li>• Ill-treatment of suspects by police members at the time of arrest, during transport to the police station and in cells and detention areas in police stations.</li> <li>• Excessive force using during the May Day demonstration and the results of the criminal and disciplinary proceedings.</li> <li>• The need to ensure all police officers are made aware that ill-treatment of detained people is not acceptable and that no more force than necessary should be used at the time of arrest and afterwards.</li> <li>• Human rights concepts had to be better integrated into practical professional training for high risk situations such as arrest and interrogation of suspects.</li> <li>• Allegations of ill treatment should be promptly and properly investigated.</li> <li>• Police officers should be reminded that they are required to report their own use of force and to report unreported or unlawful use of force by fellow officers, and these reports must be promptly investigated.</li> <li>• The Irish authorities should continue to give high priority to establishing ‘an inspection and complaints mechanism which is, and is seen to be, independent and impartial.’</li> <li>• The need to ensure that detained people who do not have their own lawyer feel they can trust the solicitor who is proposed to them.</li> <li>• That further consideration should be given to allowing lawyers to be present during interviews with suspects.</li> <li>• Police officers should be reminded about rights of suspects to access to doctors and medical examinations.</li> <li>• While the use of audio-video recording of interrogations was welcomed, the committee asked for clarification of the range of offences which would be recorded and the circumstances in which recording might be omitted.</li> </ul> <p>(Chapter 7)</p>
<p>Test (d)</p> <p><i>What measures are taken to ensure that all citizens are treated equally, irrespective of race, gender, religion, language, colour, or political opinion?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Recruitment of members to represent all sections of society</li> <li>• Instruction and training in the principles of non-discriminatory practices</li> </ul>
<p>At present An Garda Síochána is not representative of the diverse communities which it now serves, although there is a strong wish at senior level as well as among members to achieve this. More women are now being recruited to the service but they remain at more junior ranks, with very few at senior levels and some women expressed concerns about the limitations on the scope of their work and on their ability to progress. (Chapter 7, 8)</p>
<p>An Garda Síochána has not kept pace with the changing nature of Irish Society and there are</p>

thought to be only two members of minority communities in the service. In the absence of ethnic monitoring of recruitment, retention and progression, there are no firm figures and ethnic monitoring should be introduced as quickly as possible. As a more diverse workforce is recruited, An Garda Síochána will need to give attention to support, reducing isolation and ensuring retention of new staff from minority communities. As with women, efforts will be needed to ensure that minority staff have equal opportunities for career development and progression. (Chapter 8)

A programme of training on race and diversity was being developed but had not yet been delivered. (Chapter 8) Throughout the audit, members showed a strong interest in being better informed about the diverse communities which they serve. There is a training video about non-discrimination although it was not clear on which courses and to which staff it was shown. (Chapter 8)

Two guidance booklets published by the Racial and Intercultural Office (Chapter 4) were regarded as helpful by members and the community, but did not appear to be widely distributed with few members saying that they had seen them.

An Garda Síochána appears very weak in this critical area with few resources devoted to ensuring equality and non discrimination, which is a key element in ensuring human rights are promoted and protected. Lack of knowledge has an impact on both victims and suspects from minority communities as well as on wider issues of public trust and confidence.

Some statements made by senior officers and the organisational responses to some groups, such as Travellers and the Nigerian Community, could be said to amount to institutional racism. (Chapter 7).

Test (e)

*What legal basis do policing objectives and actions have?*

Indicators

- Numbers of cases filed against police
- Numbers of findings or judicial orders that indicate excessive use of force has been used
- Percentage of unauthorised searches and unlawful arrest cases brought against police

The legal basis for policing operations is set out in legislation and the Garda Code. Complaints against the police are low in number and this audit has revealed lack of confidence in the complaints system. See above.

Searches and arrests are not covered in legislation to the extent that they are in for example the UK through the Police and Criminal Evidence Act 1984 and it is therefore more difficult to bring complaints for unlawful arrests or searches.

As yet the structures and mechanisms to monitor these areas are not strong enough to make this a realistic test for An Garda Síochána, which underlines the need for robust monitoring on the operation of police powers, and publication of the results.

Test (f)

*How is the question of legality or interpretation of the law tested by an independent authority?*

Indicators

- Court rulings to test legality and interpretation of law
- Academic debates and writings
- Access to legal opinion and specialist advice

There is little evidence of access to independent inquiry and authority although Irish non-

<p>governmental organisations are active in commenting on police issues and police reform as noted above. There is no independent police authority which might act as a channel for these debates.</p>
<p><b>B. DEMOCRATIC PRINCIPLES</b></p>
<p>Test (a)  <i>How is the division of power respected between Ministries and Parliament? To whom are the police answerable?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Approval of police policies, plans and budgets by Parliament or a local authority</li> <li>• Directions taken from ministries and regional, local and other authorities</li> </ul>
<p>An Garda Síochána is accountable to the Minister of Justice who in turn reports to the Dáil Éireann. The An Garda Bill includes proposals to strengthen accountability (though this does not include establishing a fully independent police authority). There is a proposal in the Bill to establish local policing committees which should help to improve local accountability. It will be essential to ensure that diverse communities are represented on these committees. (Chapter 4)</p>
<p>Test (b)  <i>How does Parliament control police powers and actions?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Number of parliamentary inquiries</li> <li>• Regularity of submission of policing reports in Parliament</li> </ul>
<p>Parliamentary inquiries are rare and have been criticised for being overly dependent on internal police inquiries (for example in the John Carthy case). The Minister of Justice reports to Parliament on a regular basis. The Garda Síochána Bill strengthens parliamentary oversight of expenditure. (Chapters 2 and 4).</p>
<p>Test (c)  <i>To what extent do police officers enjoy operational autonomy and independence free from political interference?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Open nomination procedures for senior ranking officers</li> <li>• The nature of political party affiliations with and within police services and police/staff union representation</li> </ul>
<p>An Garda Síochána has a series of policies covering equality in recruitment, and promotion. Chapter 6 of the Garda Code also relates to employment. However during the audit concerns were expressed by members about the fairness of the promotion system and it was also said that the appraisal system was non-existent. Promotion was said to depend on who one knew. Therefore although a policy on promotion appears to be in place it does not seem to be fully implemented. There is an imbalance at higher ranks between men and women which also indicates that some form of 'glass ceiling' is in place. (Chapter 8) The audit did not explore recording of party affiliations.</p>
<p>Test (d)  <i>What formal or informal procedures exist to ensure participatory decision-making?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Tasking meetings</li> <li>• Round tables</li> <li>• Staff consultations</li> </ul>
<p>The senior management group meets regularly and can be tasked with specific priorities. However wider staff consultation appears from this audit to be very weak in terms of participatory decision making. Few members reported being consulted about An Garda Síochána work and several reported that communication channels did not exist. (Chapter 6)</p>

<b>C. PRINCIPLES OF GOOD GOVERNANCE</b>
<p>Test (a)  <i>In what way is your police service transparent, open and accountable?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Performance figures are publicly available</li> <li>• Costs and expenditure publicly available</li> <li>• Public access to senior officers</li> </ul>
<p>Annual reports, which are available on An Garda Síochána's website, include performance figures relating to crime reports and detections. Costs are also included. These figures do not include measurement of the use of police powers, such as searches although reports are given on issues such as use of firearms and public order policing. This is an area highlighted for action in Chapter 7. Human rights compliance is impossible to verify in the absence of robust monitoring of the use of police powers, and this is a strong recommendation arising from this audit.</p> <p>A directive was issued in October 2002 on recording of racially motivated incidents on PULSE, but it was not possible to produce any firm statistics about the numbers of incidents, the ethnicity of victims or suspects, who reported them, and what the outcome was. It was not evident that all incidents were being logged as they should be. (Chapters 4 and 7)</p> <p>Officers at Superintendent and Inspector level take part in some community partnership activities.</p>
<p>Test (b)  <i>What mechanisms are in place to combat corruption and nepotism?</i></p>
<ul style="list-style-type: none"> <li>• Prescribed recruitment, selection and promotion procedures based on competencies and development potential</li> <li>• Division of functions</li> <li>• Ongoing evaluations of staff</li> <li>• Number of sanctions against members who have taken bribes</li> <li>• Tenure policy in place</li> </ul>
<p>An Garda Síochána has a set of recruitment, selection and promotion procedures and a competency based assessment process is being developed. (See Chapter 8)</p> <p>Members who took part in this audit expressed dissatisfaction with the poor operation of the appraisal system. Although promotion procedures are set down in policy, it was repeatedly said during the audit that promotion depended on 'who you know'. (Chapter 8 and above)</p> <p>Disciplinary statistics do not indicate any actions for the taking of bribes.</p> <p>The audit revealed a mixed picture in terms of members feeling able to challenge colleagues seen to be acting improperly with many feeling they would turn a blind eye to smaller incidents and speak informally to the person concerned rather than use formal procedures designed to prevent corruption. Although procedures exist they do not appear to be used. The organisational culture of An Garda Síochána does not encourage 'whistle blowing'. (Chapter 5)</p>
<p>Test (c)  <i>How do officers recognise and respond to the different needs of the various constituencies in the community (e.g. minorities and vulnerable groups)?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Regularity of consultative group meetings</li> <li>• Informal/formal partnership arrangements</li> </ul>

<ul style="list-style-type: none"> <li>• Regularity of meetings with hard to reach groups</li> <li>• Specific outreach initiatives to vulnerable groups</li> </ul>
<p>Two community fora have been established in Dublin and appear to be a good model. It is intended that this model is spread more widely. Members have many contacts with community organisations such as neighbourhood watch and victim support. The Garda Bill makes proposals for a more formal structure of local authority policing committees.</p>
<p>Community participants complained inconsistency in their contacts with Gardai, with insufficient resources devoted to this work and members being taken away for other duties on a regular basis. This area of work needs to be strengthened. The ability of all members to build and maintain good community links should be strengthened rather than leaving this area of work to those perceived as 'specialists'. (Chapter 5)</p>
<p>In terms of so-called 'hard to reach' groups, the audit process showed a willingness on the part of many community groups to work with and be engaged with the police. It appeared to be more of a case of 'hard to hear the message' rather than hard to reach any particular groups. Ireland has a strong network of large and small NGOs which can provide a route to contact with all communities. More effort to promote dialogue and understanding is needed which involves all members, not just 'community relations experts'. (Chapters 5 and 7)</p>
<p>Test (a)  <i>How are all employees made aware of the service's values?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Mission statement</li> <li>• Service oath on appointment</li> <li>• Codes of conduct</li> <li>• Incidence of commendations or awards for police support of human rights</li> </ul>
<p>Commitment to human rights is a core value in the mission statement. Just before the audit began all staff were given a booklet setting out a Declaration of Professional Values and Ethical Standards. However the audit has shown that very few staff had read this or knew what it involved in terms of day to day police work. There had been no effort to promote this important human rights statement or to provide training for staff as to how it should be put into practice. (Chapter 6) Human rights are not clearly stated in the Garda Code. (Chapter 4 and above.)</p> <p>The international human rights work carried out by individual staff is clearly highly valued by the organisation but the same value does not appear to be put on human rights work within Ireland itself.</p>
<p>Test (b)  <i>How are the texts containing these values introduced and reinforced?</i></p>
<p>Indicators:</p> <ul style="list-style-type: none"> <li>• Formal and informal training</li> <li>• Integration into work contract</li> <li>• Visual reminders</li> <li>• Tests</li> <li>• Formal reaffirmation on a regular or periodic basis</li> <li>• Time spent in training</li> <li>• Availability of training material</li> </ul>
<p>Although good quality training modules on human rights have been developed, human rights training has not been delivered to all staff, and as stated above, the text containing core human rights values (the Declaration) was not reinforced by any form of training. Promotion and</p>

<p>reinforcement of human rights values across the organisation is weak. (Chapters 4, 8 and above)</p> <p>Where human rights training has been provided, it was useful and it appeared to increase members' confidence in dealing with the public. There is clearly value in providing human rights training to all members.</p> <p>Human rights compliance is not part of the work contract. There are posters displayed in some police stations but not everywhere. There are no tests unless as part of training.</p>
<p>Test (c)  <i>In what way does the organisation recognise the need to change and respond?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Time lapse between identifying need and implementing organisation</li> <li>• Monitoring of criminal profiles and intelligence</li> <li>• Number of new units and teams created to meet new challenges</li> <li>• Opinion polls and interaction with community</li> </ul>
<p>In some ways the organisation recognises the need for change and response, for example, in commissioning public attitude surveys and commissioning other research. However future public surveys and research needs to be weighted to ensure a large enough sample of minority respondents are included. In addition An Garda Síochána should explore other ways to include so-called 'hard to reach' communities in surveys and research, for example through more interaction and outreach, and different forms of consultation. In response to Ireland's increasing diversity, community liaison officers have been appointed which is a starting point but much more is needed here. (Chapter 6) Further changes will come about in community partnership work through the Garda Bill.</p> <p>The example of the human rights work itself indicates a slowness to implement change. After the launch of the human rights initiative in 1999, the pace of change has been slow, although it has increased again more recently. In addition while the need to change was recognised, An Garda Síochána has not devoted many resources to human rights or cultural diversity, with only three full-time staff working in the Human Rights Office and the Racial and Intercultural Office. (Chapter 4)</p>
<p>Test (d)  <i>How are values messages applied to policing?</i></p>
<p>Indicators</p> <ul style="list-style-type: none"> <li>• Regular review of communication on strategy and policy</li> </ul>
<p>Communication both within and outside An Garda Síochána is weak. Internally, members reported that they were not consulted, and that it was difficult to get information about new legislation and other developments. The press office was criticised as being too reactive and not proactive. Externally, members of the public criticised An Garda Síochána's communications strategy as overly secretive, making it difficult to get accurate information, and undermining human rights principles of openness and accountability. In addition the service was not proactive in promoting human rights awareness and giving a lead to the wider community and to other parts of the criminal justice system. An Garda Síochána needs to develop a communications strategy which incorporates and embeds human rights observance. (Chapter 5)</p>
<p>Test (e)  <i>How does management communicate these values and include them in the review of performance?</i></p>
<p>Indicators</p>

- Circulars to staff
- Distribution of management meeting minutes
- Ceremonies and rituals
- Speeches to personnel
- Press releases
- Social events

Communication of human rights values appears to be weak, as above.

#### 4. RECOMMENDATIONS

##### RECOMMENDATIONS TO AN GARDA SÍOCHÁNA

It is recommended that An Garda Síochána should:

1. **Publish the report of the human rights audit.**

Transparency and openness are key elements of human rights observance. Publication of the audit report will underline An Garda Síochána's commitment to human rights and its accountability to the community which it serves. (Chapter 1)

2. **Strengthen and enhance the roles of the Garda Human Rights Office and the Racial and Intercultural Office.**

The work of these two offices is clearly highly valued and is crucial for taking forwards work on human rights and equality. However the two offices have only three full time staff; they are under-resourced and not based in the same location. The work of the two offices should be more closely integrated; and it should be considered whether they should be placed at a more central and strategic position in the organisation. (Chapter 4)

3. **Establish a high level strategic advisory committee and a central senior management structure to drive forwards implementation of the human rights initiative and the recommendations in this report.**

At the time of the audit there was no clear, high level responsibility or mechanism for championing and driving forwards An Garda Síochána's stated human rights commitments. A high level advisory committee, which includes external membership as well as senior Garda representation, together with a robust senior management structure to support and implement human rights, is essential if the human rights initiative is to make more rapid progress, to bring about a cultural change across the organisation and to promote human rights policy and procedures internally and externally. (Chapter 4)

4. **Undertake a human rights impact assessment of all existing and forthcoming policy and operational procedures, including the Garda Code, and establish systems to monitor compliance with human rights standards in operational policing.**

The audit has found little evidence that human rights are embedded in An Garda Síochána policy or operational procedures. As a priority the Garda Code should be reviewed to ensure that human rights concerns are fully integrated. New policies are required to cover gaps identified by the audit. Where policies are in place, they do not appear to be implemented and need to be strengthened in order to ensure a change in organisational culture.<sup>5</sup> An Garda Síochána should consult the wider community as part of this process and policies should be published (with the exception of security-related procedures). More user-friendly ways are needed to distribute the Garda Code and it should be updated more regularly.

Systems to monitor human rights observance should be established as a matter of urgency, with results made public. (Chapter 4)

5. **Provide more support for staff to report human rights abuses**

The audit has shown that many members would not feel able to report colleagues who were involved in abuses of human rights. An Garda Síochána should develop more support structures to encourage staff to report human rights abuses without fear of reprisal. This could be done through training, through stronger line management support, and by steps such as confidential phone lines or other reporting mechanisms. The role of senior management in fostering a culture in which members feel secure in reporting any abuse is crucial. (Chapter 5)

6. **Develop more effective mechanisms for consultation, promotion and dissemination of human rights information externally and internally**

It was clear that although all staff had been given a copy of the An Garda Síochána Declaration of Professional Standards and Ethical Values, this had not been supported in any other way, for example, by a programme of human rights promotion and training, and the implications of the Declaration for day-to-day work were not well understood. There had not been any consultation in its preparation, either with staff or with the wider community. Very few members of the communities consulted for the audit knew about the Declaration.

A continuing dialogue is essential to ensure that staff know what is expected of them, and members of the public know what they can expect, in regard to human rights policing. An Garda Síochána should conduct a review of methods of internal communication in order to promote more internal participation and to ensure effective dissemination of important information such as new legislation. (Chapter 6)

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<sup>5</sup> A model approach to impact assessment is provided in the main report.

**7. Develop and enhance arrangements for community liaison**

The community fora which have been established in Dublin appear to be working well and should be extended to all districts. Membership should include a wide cross section of diverse communities and organisations. The status of community officers should be enhanced and they need more time and resources to develop strong community links. Efforts should be made to provide greater consistency of service. Links should be made between community liaison groups and the proposed local policing boards which are proposed in the Garda Síochána Bill. Training for Gardai should include development of skills and confidence to undertake more community liaison work so that all members can make these contacts and build bridges, not just the community 'specialists'. (Chapter 6)

**8. Develop a communication strategy which incorporates human rights observance**

Human rights compliance is crucial for the work of the press and public relations department, to promote accountability and to ensure that accurate information is provided for the public. The Garda press office work on human rights and community relations should be reviewed to enable it to take a more proactive stance in providing information, correcting harmful stereotypes and misinformation about either Gardai or communities and helping An Garda Síochána to lead in promoting human rights in the Irish criminal justice system. (Chapter 6)

**9. Develop ways to overcome language barriers**

The changing composition of Irish society makes it essential to ensure that members of all communities understand the role of the police and receive protection of their human rights in contact with the police. Language barriers were identified as a problem by many members and some community participants. Overcoming these barriers can promote better community relations. This might include producing more information in the main minority languages spoken in Ireland; establishing and accrediting a network of interpreters who will be trusted by all concerned<sup>6</sup>; and enhancing the language skills of members, for example. (Chapter 6)

**10. Implement the CPT and other recommendations to further protect the human rights of those subject to police powers**

Serious concerns have been expressed by those taking part in this audit and in public reports from the Committee for the Prevention of Torture, ICCL, Amnesty International and other organisations about human rights abuses in the exercise of police powers. There have also been three recent inquiries into excessive use of force and public order policing. While some progress has been made in implementing the CPT recommendations, more work is needed to ensure that An Garda Síochána fully protects those subject to its powers, and uses police powers only to the extent necessary, with minimum force and in proportion to each situation. The recommendations made in reports from the CPT, ICCL and Human Rights Commission for the protection of the rights of those suspected of involvement in crime

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<sup>6</sup> Developing a register of accredited interpreters could be done in partnership with other public authorities such as the courts, local authorities etc

should be implemented. **This must include establishing systems to monitor compliance at every stage.** The evaluation of the use of video recording of suspects should be published as soon as possible. (Chapter 7)

#### 11. **Identify and tackle institutional racism**

The audit has shown that the procedure and operating practices of An Garda Síochána can lead to institutional racism particularly in relation to the Nigerian community, the travelling community and to a slightly lesser degree at present, the Muslim community.

It is important to stress, however, that many individual members are very keen to learn more about Ireland's diverse communities and positively wish to promote good community relations.

As part of its human rights proofing of policies and procedures, An Garda Síochána should investigate the impact of these policies on different communities and to ensure institutional racism is identified and tackled. It should establish systems for collecting information about the ethnic origins of those subject to police powers (suspects, witnesses and victims); it should review the results and commission research as appropriate into any evidence of imbalance or disproportionality. (Chapter 7)

#### 12. **Deal robustly with racist crime and protect vulnerable communities**

Concerns were expressed during the audit about the increase in racist attacks and the lack of police action to tackle these. Although a procedure is in place and the PULSE computer system should be recording these incidents, it was not possible to get accurate figures about the numbers of such cases. Efforts must be made to encourage more reporting of race and hate crimes by promoting confidence in the communities concerned and using the full force of the law to deal with perpetrators. The PULSE system and procedures for recording and investigating race and hate crime should be fully implemented and supervised by managers. Reports on the operation of the policy should be made public and discussed with the communities concerned. (Chapter 7)

#### 13. **Protect the human rights of its staff**

Staff expressed a range of concerns about their own human rights which should be explored and dealt with as quickly as possible. In particular the operation of anti-harassment and bullying procedures should be reviewed and strengthened so that staff feel more able to report these incidents. The use of external organisations to identify the extent of bullying and to provide support through, for example, a telephone helpline, could be explored. Staff associations should be represented on any Human Rights Advisory Committee which is established. (Chapter 8)

#### 14. **Encourage the recruitment, retention and progression of a more diverse police service**

Although more women are now becoming members, they remain at lower levels with few women at more senior ranks. Several members expressed concerns about nepotism and procedures for progression which militated against women members. There are very few members of minority ethnic communities in An Garda Síochána at

present and it is likely that as more members of diverse communities do join, they may need support mechanisms in order to ensure they are retained and to ensure that progression and promotion is equally available for all.

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

An Garda Síochána should review the potential obstacles for career progression for women and minority ethnic members, and develop an in-service career development programme to encourage more diverse applicants for promotion. (Chapter 8)

## **15 Provide human rights and race and diversity training for all staff**

The audit has revealed an urgent need for race and diversity training to better equip members to provide good police services for Ireland's changing and diverse communities. Encouragingly it also identified a strong desire on the part of many members for more information and training in this area in order to avoid, as some people said, the poor race and community relations which have developed in the UK. Race and diversity training should be provided with some urgency for all staff, starting with senior and middle managers to ensure that they can lead and support members in promoting good community and race relations.

A start has been made on human rights training and the audit showed clear links between provision of training and increased confidence in dealing with members of the public. The existing programme of human rights training should be further developed, and provided for all staff, again with a priority given to human rights training for senior managers. A best practice model exists in the 'First steps towards an integrated approach to human rights developments' programme and this should be championed across the organisation. (Chapter 8)

As a priority senior managers should receive human rights training so that they can identify the implications of human rights observance and demonstrate the application of human rights standards in their own day to day practice and so that they can effectively manage and lead their own staff. (Chapter 5)

## **Recommendations to the Department for Justice, Equality and Law Reform**

### **The Department should**

#### **1. Consider amending the Equal Status Act 2000**

At present the Equal Status Act 2000 is not interpreted as covering policing services. It is suggested that the Department considers making a proposal to the Irish Parliament to amend the Equal Status Act 2000 so that discrimination in provision of policing services (and similar services provided by public authorities) is covered. This would help to promote non-discrimination and human rights compliant policing. (Chapter 2)

2. **Ensure that there is a strong independent membership of the proposed local policing committees**

The local policing committees proposed in An Garda Síochána Bill 2004 will help to promote local accountability and human rights compliance and are a welcome development. It will be essential to ensure that in addition to membership of statutory authorities there is a strong, local independent membership drawn from Ireland's diverse communities. (Chapter 4)

3. **Consult local communities in the production of the code of ethics proposed in the Garda Síochána Bill 2004**

Local communities should be consulted and involved in the production of the code of ethics proposed in the Bill. The Department should also draw on the lessons in this audit about the way in which the Declaration was published, by supporting the code of ethics with training, external publicity and strong leadership and support from the Government. (Chapter 4)

4. **Ensure that the new independent inspectorate encourages complaints from all sections of the community**

It is to be hoped that the new independent inspectorate will meet many of the concerns expressed by both members and community participants in the operation of the present police complaints system. It will be essential for the new organisation to actively promote its work and to encourage complaints from all sectors of the community. It may also consider conducting thematic investigations, for example, into the handling of complaints of race and other hate crimes. The ethnic and national origins of complainants, their ages and their sex should be monitored together with the nature of complaints and their origin to see if any patterns or trends emerge. Annual reports on the operation of the system should include analysis of the monitoring. (Chapter 5)

5. **Consider a review of An Garda Síochána's role in immigration**

The role of An Garda Síochána members in immigration law enforcement has sometimes brought it into conflict with some minority communities and also undermined efforts of their colleagues to develop good community relations. The Department might explore whether a separate immigration law enforcement agency would be helpful in reducing potential conflicts in relationships with minority communities. (Chapter 7)

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