

An Garda Síochána

Oifig Saorála Fáisnéise
An Garda Síochána, Teach áth Luimnigh
Lárionad Gnó Udáras Forbartha Tionscail
Baile Sheáin, An Uaimh
Contae na Mí
C15 DR90



Freedom of Information Office
An Garda Síochána, Athlumney House
IDA Business Park
Johnstown, Navan
Co Meath
C15 DR90

Teileafón/Tel: (046) 9036350



Bí linn/Join us

Láithreán Gréasain/Website:

www.garda.ie

Ríomh-phoist/Email: foi@garda.ie

Ms. Jocelyn Watkins

Re: Freedom of Information Request FOI-000267-2017 Request Refused

Dear Ms. Watkins,

I refer to your request, dated 19th June, 2017 and received on 20th June, 2017 which you have made under the Freedom of Information Act (FOI) 2014 for records held by An Garda Síochána.

Part 1(n) of Schedule 1 of the FOI Act states that An Garda Síochána is listed as a partially included agency "insofar as it relates to administrative records relating to human resources, or finance or procurement matters". Therefore, only administrative records that relate to human resources, finance or procurement shall be considered.

Your request sought:

I respectfully request that you provide me with crime statistics from the 2016 calendar year for the below listed crimes for the locations specified in the "Geographic Locations" section of this letter.

Specifically, I am requesting crime statistics for the following crime categories:

- *Murder/Non-Negligent Manslaughter*
- *Negligent Manslaughter*
- *Sex Offenses (Rape, Fondling, Incest & Statutory Rape)*
- *Robbery*
- *Burglary*
- *Aggravated Assault*
- *Motor Vehicle Theft*
- *Arson*

In addition, I need to know if any of the above-listed offenses were categorized as Hate Crimes. I also need to know if there were any incidents of Larceny-Theft; Simple Assault; Intimidation; Destruction/Damage/Vandalism of Property, or other crimes involving bodily injury that were classified as Hate Crimes. If you provide me with statistics regarding Hate Crimes, I also need the category of prejudice for each Hate Crime according to the eight categories for which we are required to report: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity and disability.

I also need the statistics for arrests only for the following categories:

- *Liquor Law Violations*
- *Drug Law Violations*
- *Illegal Weapons Possession*

Crime Category Definitions

For the crimes of Murder and Non-Negligent Manslaughter, Negligent Manslaughter, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Liquor Law Violations, Drug Law Violations, and Illegal Weapons Possession, I am requesting statistics based upon the definitions of those crimes as contained in the Summary Reporting System (SRS) User Manual from the FBI's UCR Program.

For the crimes of Fondling, Incest, and Statutory Rape, I am requesting statistics based upon the definitions of those crimes as contained in the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program.

I am requesting Hate Crime statistics based upon the definitions of those crimes as contained in the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program.

Lastly, I am also requesting statistics for any incidents reported to your agency that involve Domestic Violence, Dating Violence or Stalking, which are considered crimes under the Clery Act and are defined as follows for statistical reporting purposes:

•*Domestic Violence:*

- i. *A Felony or misdemeanor crime of violence committed—*
 - A) *By a current or former spouse or intimate partner of the victim;*
 - B) *By a person with whom the victim shares a child in common;*
 - C) *By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;*
 - D) *By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or*
 - E) *By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.*

•*Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.*

i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

ii. For the purposes of this definition—

A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

B) Dating violence does not include acts covered under the definition of domestic violence.

•**Stalking:**

i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

A) Fear for the person's safety or the safety of others; or

B) Suffer substantial emotional distress.

ii. For the purposes of this definition—

A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Unfounded Crimes

Finally, I am requesting the total number of unfounded crimes reported to your agency regarding any of the crimes listed in this letter. For the purposes of my request, "unfounded" crimes should include only those crime reports fully investigated by sworn or commissioned law enforcement personnel which, based on the results of this full investigation and evidence, have been formally determined to be false or baseless (and therefore "unfounded"). Please note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report for the purposes of my request.

GEOGRAPHIC LOCATIONS

I am requesting crime statistics for Trinity College Dublin, College Green, Dublin 2, Ireland, for the dates of 18 May 2016 through 2 June 2016.

I wish to inform you that I have decided to refuse your request on the 21st June, 2017.

The purpose of this letter is to explain my decision.

1. Findings, particulars and reasons for decision.

I advise that An Garda Síochána became subject to Freedom of Information under the FOI Act, 2014. Under Part 1 of Schedule 1 of the FOI Act a number of agencies were defined as "partially included" and An Garda Síochána is listed as one of them at Part 1(n).

The FOI Act specifically states that An Garda Síochána is subject to the Act in relation to “*administrative records relating to human resources, finance or procurement matters*” only.

The term “administrative records” is understood to mean records relating to the processes of running and managing a business or organisation. As a result the FOI Act excludes operational policing business as opposed to the defined administrative processes of An Garda Síochána.

The records you are requesting relate to operational policing matters and do not meet the criteria of administrative records as defined in the Act. Therefore your request must be refused.

However, information you seek may be available from Central Statistics Office who receive all crime related data from An Garda Síochána. They can be contacted at Skehard Road, Cork, T12 XOOE, Ireland or alternatively you can email them at crime@cso.ie with your request.

2. Right of Appeal

In the event that you are not happy with this decision you may seek an Internal Review of the matter by writing to the address below and quoting reference number **F01-000267-2017**.

Freedom of Information
An Garda Síochána,
Athlumney House,
IDA Business Park,
Johnstown,
Navan,
Co. Meath
C15 DR90

Please note that a fee applies. This fee has been set at €30 (€10 for a Medical Card holder). Payment should be made by way of bank draft, money order, postal order or personal cheque, and made payable to Accountant, Garda Finance Directorate, Garda Headquarters, Phoenix Park, Dublin 8.

Payment can be made by electronic means, using the following details:

Account Name: Garda Síochána Finance Section Public Bank Account
Account Number: 10026896
Sort Code: 900017
IBAN: IE86B0F190001710026896
BIC: BOFIE2D

You must ensure that your FOI reference number is included in the payment details.

You should submit your request for an Internal Review within 4 weeks from the date of this notification. The review will involve a complete reconsideration of the matter by a more


senior member of An Garda Síochána and the decision will be communicated to you within 3 weeks. The making of a late appeal may be permitted in appropriate circumstances.

Please be advised that An Garda Síochána replies under Freedom of Information may be released in to the public domain via our website at www.garda.ie.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.

Should you have any questions or concerns regarding the above, please contact me by telephone at (046) 9036350.

Yours sincerely,



SUPERINTENDENT

HELEN DEELY

FREEDOM OF INFORMATION OFFICE

21st June, 2017