

Policing **with** the Community in 2008



Sinn Féin submission to the Garda Policing Plan 2008
27th August 2007

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1. Introduction

Sinn Féin welcomes the decision by an Garda Síochána to invite submissions for the first time to its up-coming Garda Policing Plan 2008. As a political party representing 323,983 voters we welcome the opportunity to participate in the plan's development. It is essential that the state level Policing Plan 2008 strikes the right balance between the various competing priorities. This is particularly important given that the annual Divisional and District plans will rely heavily on it as a template. We hope that our views, which have been informed by ongoing and active engagement with communities, will contribute positively to the development of a sound policing plan for 2008.

We want to see an all-island police service established. And we hope that the Policing Plan 2008 and all future policing plans and corporate strategies will work towards the establishment of an all-Ireland policing service. In the interim, we want policing services North and South that can attract widespread support from, and that are seen as an integral part of, the host community as a whole. We want effective policing with local democratic accountability, shaped as a community service and imbued with a human rights ethos.

Our submission begins by commenting on previous Garda policing plans, it then addresses the need to develop a pervasive human rights and public service ethos throughout An Garda Síochána, its policies and practices. It moves on to make informed recommendations around deployment and resourceing priorities. It then makes specific recommendations in relation to serious drug and gun crime, anti-social behaviour and domestic and sexual violence. Finally it makes a range of recommendations covering various other important issues.

Our submission contains sound and realisable proposals which we believe, if enacted, will contribute to real progress for communities and for An Garda Síochána. We trust that our submission will be received positively and hope that our recommendations will be taken on board.

2. General comment on previous policing plans

The publication of policing plans and the decision to actively seek submissions for same is good practice and is a positive example of progress made by An Garda Síochána in recent years. That said it is important that the plans be subject to ongoing review and independent evaluation and we hope the Garda Ombudsman Commission, Inspectorate and the Joint Policing Committees amongst others will play important roles in this regard.

Following an initial reading of the policing plans one gets the impression that the 2007 plan gives prominence to state security at the expense of more general and pressing community safety issues. It is interesting to note that the list of strategic goals contained in the 2004 Policing Plan better reflect the real problems faced by communities today than does the 2007 plan. The 2004 strategic goals mandate the prioritisation of joy riding/boy racing, drugs and alcohol related offences, organised crime, sexual offences, fraud and white collar crime, supporting victims, public annoyances and vandalism and Garda patrols. 'Ensuring state security' comes in at strategic goal no. 9. By contrast 'maintaining state and international security' is strategic goal no. 1 of the 2007 Plan. While all threats to the public should be professionally and accountably policed it is questionable whether the scale of priority and hence resources allocated to Garda Special Branch and its activities are justified. Particularly given the resultant under-resourcing of areas such as drugs and community policing.

The performance indicators attached to the state security goal in the 2007 plan are also concerning. Current performance indicators focus on measuring the quantity of work done by Gardaí rather than the success or relevance of that work. For example, the performance indicators count the number of individuals profiled and the number of operations initiated. The implication being - the higher the number the better the performance. However, the performance indicators fail to distinguish between

actions that are effective, necessary and proportionate and actions that fail to produce results or that are simply harassment. This shortcoming may result in the perpetuation of harassment practices and unjustified invasions of privacy as Gardaí attempt to keep their performance indicators high and as Special Branch attempts to justify its continuation and magnitude.

That said there are many good actions and performance indicators contained in the 2007 policing plan as a whole and it is possible that Michael McDowell's ministerial determination of priorities from 2005 onwards influenced the ensuing overemphasis on state security. We hope to see a more balanced policing plan for 2008 that returns to the community safety type issues identified in the 2004 plan but with a new community partnership approach and greater accountability. We would like to see a commitment from Gardaí in the Policing Plan 2008 to work with communities, local authorities and statutory agencies, such as the Health Service Executive (HSE), to develop comprehensive crime prevention strategies at a local level.

3. Deployment & Resourcing Priorities

It is essential that the Policing Plan 2008 strongly reflects the views and priorities of communities. Earlier this year Dublin Sinn Féin conducted a survey of 852 respondents at 21 locations across Dublin. The objective of the survey was to identify the particular behaviours that are causing serious problems and to determine some of the most effective responses from the perspective of local people.

While the survey was conducted in Dublin its findings have relevance throughout the state. The findings provide valuable insight which should inform the Garda Policing Plan 2008. The survey found that:

- More than a third of respondents from across Dublin identified the following behaviours as serious problems in their local area: people using drugs, people being drunk and rowdy, threatening or intimidating behaviour and people dealing drugs. Discarded needles or syringes were identified as a serious problem by 17.4% of respondents and this was concentrated in a number of specific Dublin areas. And with 53.5% of respondents identifying drunk and rowdy behaviour as a serious problem in their area the role of alcohol in anti-social behaviour is proven to be prominent. The Policing Plan 2008 should prioritise addressing these identified behaviours.
- An overwhelming 95.2% of respondents would prefer full-time Gardaí in their area to members of the Garda Reserve. Nearly a third of respondents are unsure of the difference between the Garda Reserve and Full-time members of the force so it is essential that the Gardaí undertake to raise awareness around the limits on reserve members' powers. In formulating the Policing Plan 2008 the Gardaí should also consider whether they have the capacity to put local Garda resources into the supervision of a small number of reservists and the opportunity cost of this demand on full-members.

A smaller sample of 100 respondents from across Dublin were asked to complete a more detailed questionnaire. From this it was found that:

- 52% of respondents were personally affected by anti-social behaviour in the last 12 months and of these just a little over 60% reported it to the Gardaí. The reasons for not reporting centred on an expectation of a poor response from Gardaí and a perceived lack of Garda resources. Of those who reported their experience to An Garda Síochana the level of satisfaction varied with many respondents complaining of no clear response or follow-up; lengthy delays; a lack of interest on the part of Gardaí; and failure to even show up when called. The Policing Plan 2008 should contain strong actions with performance indicators aimed at reversing these public perceptions both through quicker routine response times and the communication to residents of follow-up actions undertaken.
- Over 80% of respondents are not aware of the work of Gardaí in their area thus highlighting the need to increase the accountability and visibility of Gardaí and their work to local communities in 2008. The Policing Plan 2008 should prioritise participation by Garda members in public meetings hosted by Joint Policing Committees (JPCs), Community Policing Fora and others.
- Just 15% of respondents believe that the actions of the Gardaí and other state bodies in their local area are successful in terms of tackling anti-social behaviour. 55% claim they are not successful and 30% are unsure of their success. This affirms the importance of a partnership approach to these issues between Gardaí, local authorities, statutory agencies and the community. And the need for a commitment from Gardaí in the Policing Plan 2008 to work with communities, local authorities and statutory agencies, such as the HSE, to develop comprehensive crime prevention strategies at a local level.

- When asked to rank measures to tackle crime and anti-social behaviour and to build community trust and confidence in terms of effectiveness the clear preference of respondents was for Gardaí on foot patrol. After Gardaí on foot the most frequently highly ranked option was Youth Liaison Officers, there is a clear desire for these officers. Respondents were also inclined towards Gardaí on bicycles more so than in patrol cars and vans. It is essential that Policing Plan 2008 actions and indicators prioritise these measures which have been deemed by the public to be most effective in terms of tackling crime and anti-social behaviour and building community trust and confidence.

Sinn Féin's key priority for 2008 is to see more Gardaí on foot and on bicycles patrolling anti-social behaviour hotspots and residential areas with greater frequency and particularly during the hours when problematic and criminal behaviour occurs. And interacting positively with the community as they do so.

A major process of civilianisation of appropriate administrative tasks and of the Garda traffic corps would free-up fully trained Gardaí to be redeployed into much needed patrolling duties and ultimately to fight crime. It is essential that the Policing Plan 2008 progresses this process of civilianisation.

The Policing Plan 2008 should include a commitment on the part of the Gardaí to comprehensively review and determine Divisional and District resourcing priorities, including the manner of deployment and shift arrangements. This should be done in partnership with communities through the Joint Policing Committees and community policing fora.

4. Human Rights & Public Service Ethos

A pervasive human rights and public service ethos must be at the heart of the Garda Policing Plan 2008. Policing can and must make a positive contribution to the protection and promotion of human rights. Best practice on human rights in policing requires, not only human rights training and periodic upskilling, but also a pervasive human rights ethos. This must be underpinned by structures and systems that reflect a human rights-based philosophy of policing.

While An Garda Síochána has certainly made some progress towards considering human rights in the course of its functions the organisation has a long way to go to reach the highest international standards of practice and even to reach equivalence with 6 county policing arrangements. This fact was highlighted by Maurice Manning president of the Human Rights Commission (HRC) on August 20th when he said “The gardaí have been much slower than the PSNI in bringing a fully-proofed human rights regime into their rules and activities”. In their publication ‘Implementing Morris: An Agenda for change’ the Irish Council for Civil Liberties (ICCL) recommended that a human rights monitoring framework be devised and that human rights training be included in all training programmes for all members at every level.

In its annual report for 2006 published on August 1st the Garda Complaints Board, which is itself an ineffectual body, stressed the fact that in over half of the cases of minor breaches of discipline that it referred to Garda authorities no follow-up action was taken. It is crucial that this same pattern of inaction is not repeated in relation to recommendations from the Ombudsman Commission.

The Garda Complaints Board chairman Gordon Holmes also said, “I have emphasised in the past and continue to emphasise the total inability of the Gardaí, where a genuine bona fide mistake has been made, to offer apologies for that mistake”. This is unacceptable and must be reversed.

The Patten Commission rightly emphasised that the community is “the ultimate custodian” of policing services. In keeping with this, Patten recommended a governing concept of “policing WITH the community” that should be the core function of a policing service - at the level of every police station and every serving member. Sinn Féin is recommending an equal partnership approach between Gardaí and the community. This means that Gardaí should participate in the community and respond to the needs of that community. This also means that the community should participate in policing and support the police. Together they can solve problems more effectively.

The Gardaí should continue to work with the Ombudsman Commission, the HRC, the ICCL and others to develop full human rights compliance in their policies and practices. The draft Policing Plan 2008 should be given to the HRC for human rights-proofing. And Divisional Policing Plans 2008 should be developed in full partnership with Joint Policing Committees and community policing fora.

5. Serious Drug & Gun Crime

As in previous years it is essential that the Policing Plan 2008 includes actions with performance indicators relating to the implementation of the National Drugs Strategy and specifically targeting serious drug and gun crime. Taking a justice approach alone to the drugs crisis will be of very little value and it is essential that the government prioritise and resource all 5 pillars of the national drugs strategy i.e. prevention, treatment, research, rehabilitation and supply reduction. The Policing Plan 2008 should include provision for the following:

- Activities focused on disrupting illegal drugs supply chains and on eliminating the proceeds of drug-related crime.
- Co-operation with the Criminal Assets Bureau (CAB) with a focus on proceeds from drug-related crime.
- The continued and increased pursuit of major drug traffickers and lower level dealers in addition. We need a more aggressive pursuit of major drug traffickers by the state, ensuring that the bigger players are caught, tried and receive appropriate and consistent sentences. In conjunction with this the Gardaí must develop a new strategy, in partnership with communities, to ensure that these big fish are not merely replaced by others.
- The resources available to Garda Drug Units should be at least doubled and at all times they should strive to operate at full capacity (in the recent past positions in the drug units have been left vacant). Community input should be sought via JPCs and community policing fora, where these exist, into the use of these resources.
- Special Branch should be disbanded and its officers redeployed only following completion of intensive human rights upskilling. For decades this “force within a force” has dominated both the ethos and the management structure of the Gardaí. Using the draconian Offences Against

the State Acts, it has violated civil rights and diverted much policing time and resources away from real service to the community. It should be disbanded as part of an overall reorganisation of Garda structures taking into account, in particular, the need to tackle organised drug and gun crime. The resources freed up by this disbandment could be redeployed to properly target serious drug-related crime.

- Develop and keep under review regulations and standards in line with best international practice governing dealings with informers or ‘intelligence sources’ to ensure that no informer is allowed to amass a criminal empire on foot of a Garda decision to de-prioritise their crimes in favour of a possible bigger fish. As recommended by the ICCL in their publication ‘Implementing Morris: An Agenda for change’ “Garda policies on informer handling and covert policing methods should be human rights proofed; Garda covert policies and practices should be subject to external scrutiny by, for example, a High Court judge; Members of the Gardaí who are engaged in activities involving the use of covert policing should undergo training on new policies in this area” (2006:8).
- Increase Garda profile in areas experiencing chronic problems of public drug dealing through higher frequency of targeted patrols on foot and bicycles in particular.
- Seeking and co-operating with a state-wide roll out of the ‘Dial to Stop Drug Dealing’ campaign. A non-Garda phoneline for reporting drug related crime which was successfully piloted in Blanchardstown.

6. Anti-Social Behaviour

While 'anti-social behaviour' may have a variety of legal definitions, it is a popular blanket term commonly understood to cover a variety of different behaviours ranging from criminal behaviour (for example assaults, drug dealing, 'joy riding/death driving' and vandalism) through to non-criminal and nuisance type behaviour (such as loitering, verbal abuse including racist abuse and excessive noise), we believe that it is crucial to distinguish between criminal and non-criminal activities. In the interests of safe communities and the effective resolution of community conflict, criminal behaviour must be properly policed and prosecuted and non-criminal nuisance behaviour must also be responded to appropriately.

See section on Deployment and Resourcing Priorities, above, the content of which, along with the proper implementation of the Children Act 2001, is crucial to tackling anti-social behaviour.

Actions and performance indicators in the Policing Plan 2008 should include the following:

- A commitment to increase the rates of enforcement and prosecution of public order offences, drug and alcohol-related offences, joy riding/boy racing type offences, criminal vandalism, provisions relating to dangerous dogs and noise pollution.
- A commitment to co-operate with and participate in community restorative justice initiatives, to train Gardaí in the principles and practice of CRJ and mediation and to ringfence part of the Garda budget for same.
- A commitment to expand and further develop the Garda Juvenile Diversion Programme and Youth Diversion Projects.
- A commitment to increase the number of Gardaí employed full-time on community policing. And to address the difficulties involved in filling such positions with the right candidates and reversing

the high turnover in this post by changing Garda perceptions of the post and its status through, for example, alterations to the current norms governing promotions and career development in an Garda Síochána.

- A commitment to act on the recommendations of Joint Policing Committees and community policing fora.

7. Domestic & Sexual Violence

The prevalence and gravity of crimes of domestic and sexual violence is often not recognised and neither domestic nor sexual violence featured in the Policing Plan 2007 at all. This was despite the fact that:

- An estimated 1 in 5 Irish women experience domestic violence at some point in their lives.
- Of 126 women violently killed since 1996, 81 were killed in their home and just under 50% of victims whose cases have concluded were killed by their partner or ex-partner.
- In 2003 on average more than 23 incidents of domestic violence were recorded by Gardaí each day compared with an average of 11 other assaults recorded.
- Crimes of sexual violence in Ireland have very low conviction rates and very high attrition rates.

It is absolutely essential that domestic violence, rape and sexual abuse crimes are named as crime priorities in the Policing Plan 2008. Actions with performance indicators must include:

- A commitment to work towards an effective sanctioning system. This is essential if the incidence of domestic violence is to be reduced. Therefore law enforcement bodies and agencies involved in the administration of justice, including an Garda Síochána, must prioritise the prosecution of domestic violence crimes on indictment where possible rather than simply as breaches of orders.
- A commitment to address the variation in Garda practice across the state and within stations. This is a serious problem and can impede women from making complaints or even undermine the cases that are brought forward. Therefore the existing Garda policy on domestic violence and practice must become subject to monitoring, support and supervision to ensure it at least achieves the level of response expected and set down by that

policy.

- Consideration should be given to the appointment of a Commissioner within An Garda Síochána tasked with ensuring domestic violence is treated as a serious criminal matter.
- Greater investment to be made in specialised training and ongoing in-service training for Gardaí given the distinct nature of crimes of domestic and sexual violence.
- The Rape Crisis Network Ireland (RCNI) made sound recommendations in their document 'The Investigation of Sexual Violence: Priority Recommendations' published in April 2007. RCNI made proposals in relation to initial and ongoing training and specialisation of expertise. RCNI also recommended that the Domestic Violence and Sexual Assault Investigation Unit model be rolled out across the state to ensure regional specialisation of investigation. Finally RCNI also recommend the introduction of a dedicated sexual violence officer for every victim of sexual violence to provide the immediate response and to be a single point of contact throughout the criminal justice process. All of these recommendations must now be acted upon by an Garda Síochána and included in the Policing Plan 2008.
- Work towards the establishment of an effective all-Ireland sex offenders register and arrangements for appropriate post-release supervision of sex offenders across the island.

8. Other priorities

A number of other objectives and actions which should be included in the Policing Plan 2008 follow:

- Establish an all-Ireland missing persons helpline and website that are adequately resourced, properly run and widely advertised.
- Keep the Garda service routinely unarmed. Review and improve the currently inadequate training delivered to Gardaí bearing weapons.
- Arrange for an evaluation of the effectiveness of existing CCTV schemes in the community in terms of crime prevention, reduction, investigation and suitability for admission as evidence. Work with local authorities to ensure that all CCTV schemes are objective-driven, fit for purpose technically and in terms of lighting and monitoring. And also to ensure that CCTV is not abused to unnecessarily invade privacy or breach data protection rights. In addition roll out routine CCTV recording throughout Garda Stations including interview rooms, holding cells and corridors.
- Review existing approaches and develop new human rights compliant approaches to policing at demonstrations. Seek external human rights expertise to roll-out training for all Gardaí engaged in such policing. Endeavour to engage positively with the organisers of demonstrations prior to them taking place so that demonstrations may be facilitated by a low key Garda presence.
- Increase resources and training to improve relations with ethnic minority communities including the Traveller community.
- Increase resources to the Garda vetting service to cover all adults working with substantial access to children including the voluntary sector and to ensure that vetting is conducted in a timely manner.
- The relationships between the Gardaí and the media must be examined. These relationships are important and must be employed where it is in the public interest to do so such as to seek information and possible witnesses to an incident or to promote crime prevention, for example to flag the danger of fraud or identity theft to the public. However other more informal relationships between anonymous Garda sources and certain elements in the media can result in the names of innocent individuals being tarnished. Also certain coverage arguably increases tensions in the criminal world and sensationalises violent crime prompting heightened violence. This whole area must be fully examined and all practices that are contrary to the public good and to the principles of natural justice must be brought to an end.
- The traffic corps should be civilianised but remain publicly accountable and under Garda supervision and no aspect of road safety enforcement should be privatised including the operation of speed cameras. In addition, speed cameras should not be so heavily concentrated on motorways rather they should instead be deployed strategically at identified places of highest risk i.e. black spots. Local communities should have an input into this process. Training for police services in detecting and proving drug-impaired driving should be rolled out, a Safe-Cycling education programme should be incorporated into the Road Safety Programme and public information campaigns should be introduced highlighting common misconceptions about road traffic law.

9. Conclusion

We want to see an all-island police service established. And we hope that the Policing Plan 2008 and all future policing plans and corporate strategies will work towards the establishment of an all-Ireland policing service. In the interim, we want policing services North and South that can attract widespread support from, and that are seen as an integral part of, the host community as a whole. We want effective policing with local democratic accountability, shaped as a community service and imbued with a human rights ethos.

Our submission contains sound and realisable proposals which we believe, if enacted, will contribute to real progress for communities and for An Garda Síochána. We trust that our submission will be received positively and hope that our recommendations will be taken on board.