



September 11th 2017

Helen Hall,
Chief Executive,
Policing Authority,
90 King Street North,
Smithfield
Dublin 7.

Dear Ms Hall,

The Dublin Rape Crisis Centre (DRCC) welcomes the opportunity to make submissions to the Policing Authority in relation to its draft policing priorities for An Garda Síochána.

An Garda Síochána has also asked for submissions, and we have put in suggestions on some of the same themes to them.

Should you have any questions or queries in relation to our submission, please do not hesitate to contact me or my colleague Shirley Scott.

Yours sincerely,

Noeline Blackwell
CEO

Dublin Rape Crisis Centre (DRCC) Submission on the 2018 Policing Priorities for the Policing Authority

Introduction

The Dublin Rape Crisis Centre (DRCC) is a non-governmental organisation which aims to prevent the harm and heal the trauma of rape and sexual abuse in Ireland. For almost 40 years, our work has been synonymous with providing crisis counselling and long-term therapy to adult women and men who have experienced rape, sexual assault and childhood sexual abuse. Our services include a national 24-hour helpline, one-to-one counselling, garda and court accompaniment. Training programmes, policy interventions and public awareness campaigns to prevent sexual violence have always been at the core of our work. Our preventive initiatives are central to a holistic and comprehensive approach to ending the trauma of sexual violence. This submission is informed by the experiences of the women and men accessing our services who are victims of sexual violence and who either have had interactions with An Garda Síochána, or who have considered accessing such services. Under both your Priority Headings – Confronting Crime and Community Policing & Public Safety we would like to draw your attention to a number of key issues.

Confronting Crime - Human Trafficking

This is an important and very hidden issue. We endorse the Policing Authority's proposal to include it in its priority areas.

The provision of the Criminal Law (Sexual Offences) Act 2017 in decriminalising the sale of sex was to target the wider exploitation associated with prostitution, including the trafficking of persons for the purpose of sexual exploitation. Under that legislation, the purchase of sex has been recognised as a crime. To date, we have seen no evidence of how this is being implemented. We are not aware of any prosecutions under the Act, since it became law in March. The experience is different in other jurisdictions. In France, which introduced later legislation, we believe that there have been over 1,000 prosecutions. It will be essential for the rights and welfare of those trafficked that this legislation be implemented without delay.

Confronting Crime - Sexual Offences Community Policing & Public Safety - Victims

Given our work with victims of sexual offences we have decided to address both of these issues together. We would also like to point out that those who avail of our services use the term survivor over victim, and vice versa so throughout this document we have decided to use the term victim to coincide with the priority headings.

We endorse the Authority's proposal to prioritise sexual offences within crimes against the person and property. According to the best available research (which is itself out of date and inadequate) less than 10% of those who are victims of sexual offences will report it. And of those who report, the attrition rate between report and prosecution is one of the highest of those studied in Europe. Unless those who commit these crimes are brought to justice through the prosecution of sexual crimes, we will not be able to adequately combat sexual violence in our societies.

We are also pleased to see the proposed focus on victim satisfaction and particularly on vulnerable victims in the proposed priorities. Victims of sexual violence can be particularly vulnerable because of the intimate nature of the violence, and also because in three out of four cases, victim and perpetrator are known to each other, often as intimate partners or family members. Vulnerable victims include those who have suffered abuse as children, and have often not been able to speak about or articulate it for years.

An Garda Síochána is the first and possibly the most important point of contact for those victims of a sexual violence who choose to report their crime. That first interaction between a garda and a victim is hugely important and can ultimately determine whether they will continue to remain engaged in the process. For those victims of sexual violence who have been disempowered by their assault, having those they first encounter provide them with all the relevant information they need, is a beginning towards their re-empowerment and healing.

Being kept informed not only contributes to a victims' feeling of safety but it also helps to restore a sense of regaining control of their life. One of the key rights within the Victims' Directive is the right to information at all stages of the criminal justice process and particularly at the early stages of investigation. Providing victims of sexual violence with timely, accurate and consistent communication cannot be underestimated in policing. It is imperative that victims of sexual violence receive a consistent response and that, no matter in which part of the country they report, they are treated with the same levels of expertise and competence.

The complete roll out of the new Divisional Protective Services Units is central to ensuring this. These units represent a concentration of specialisation that have a wide variation of skill and interest and where priority is given to the investigation of sexual crimes throughout the country. A victims' experience of the criminal justice system begins with those they have first contact with. That encounter should be one of professionalism, commitment and care for both the quality of the investigation but also the quality of the experience the survivor has with the Gardaí. Insofar as the existing four units in three divisions are designated as 'pilots', there should be a clear and immediate plan to learn whatever lessons need to be learned, together with a specific urgent timeline for the roll out to the remaining divisions.

Community Policing & Public Safety - Quality of Criminal Investigation

Building on the comments in a previous section, we would submit that, of its very nature, investigating sexual violence demands a high level of specialist professional skill and knowledge and that therefore, the quality of criminal investigation is an important issue, which we note to be among the Policing Authority's proposed priorities.

Good quality investigation also requires that Gardaí on the frontline, interacting with those who seek to report or are contemplating reporting, have sufficient knowledge of the complexities of these offences to engage appropriately with them.

All members of An Garda Síochána need adequate initial and regular training in taking and investigating crimes of sexual violence. In addition, specialist investigation and prosecution is needed in order to deliver the best results in terms of detection and conviction. Victims who come forward to report their sexual crime should be provided with an efficient and streamlined process that minimises the stresses involved wherever possible. The experience thus far is where there are dedicated services, the victims' experience is better.

Sexual offences are often difficult to prove and are associated with high levels of under-reporting. However, it is imperative that Gardaí have an understanding of the complex nature of sexual violence and assert that victims are always treated with appropriate levels of empathy to avoid secondary victimisation by the criminal justice system. To ensure that this is consistently achieved, a

commitment to adequate initial and continuing education and the professional development of members of Garda Síochána is crucial.

A recent review of Ireland's compliance with its obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), highlighted the need for Ireland to ensure that all allegations of violence against women, including sexual violence, are registered by the police and promptly, impartially and effectively investigated. The failure to ensure this risks putting the victims of such offences at risk of a substantial breach of their human and constitutional rights.

The best way to safeguard both the care of victims of sexual crimes and the collection of early evidence is to ensure that all frontline Gardaí have thorough training in handling reports of sexual violence and to place the investigation of these crimes in the hands of dedicated, specially trained members of An Garda Síochána. Specialist training in all aspects of their role, including high level interviewing skills for those tasked with obtaining a survivor's witness statement and maintain on-going contact with them throughout the criminal justice process, is vital. We would anticipate that under this heading, the Policing Authority might seek to monitor what existing training gaps arise in An Garda Síochána and to seek to close those gaps, consulting, as appropriate with those advocating on behalf of the victims of sexual violence.

We would also like to bring your attention to an attachment to this submission. The background to which is that at his request, we recently furnished Detective Superintendent Declan Daly of your Garda National Protective Services Bureau with the actual experiences of our clients and callers who have had contact with the services of An Garda Síochána. We have identified that while the National Unit is indeed a most welcome and useful addition to the Garda structures, and that while there are many instances of excellent practice and support to victims of sexual violence who report, there are also many instances where this was not the case.

Confronting Crime - Cybercrime

We find in our work that the internet has changed much in the way that crimes of sexual violence occur. Grooming, pornography, sexting, improper use of personal images, harmful communications all lead to crimes of sexual violence which we hear about from those who are harmfully impacted. Our law needs to catch up, but meanwhile, it will be important that the Gardaí have the knowledge and resources that they need to implement the legislation that currently exists, including the new

crimes identified in the Criminal Law (Sexual Offences) Act 2017. In addition, thorough implementation of existing law will give valuable intelligence on how future legislation to prevent such crime should be framed.

Organisational Development & Capacity Improvement – Implementation of the Code of Ethics.

We entirely endorse the inclusion of this in the Policing Authority draft priorities. Full implementation and understanding of the Code will undoubtedly underpin all of the issues discussed above and will increase the confidence of victims of sexual violence in the justice system.

Organisational Development & Capacity Improvement – Data quality.

The importance of adequate data cannot be overstated. In the area of sexual violence where crime is quite hidden, where under-reporting is common and where there is little information available, it is essential that the Gardaí are able to produce extensive and reliable statistics. There is little other research in the area and the crime statistics are a key source of knowledge for policy makers and decision makers, as well as for ourselves. We welcome the focus that the Policing Authority is putting on this as a draft priority and certainly endorse the need for that prioritisation.

For any further information on any of our observations above, please contact:

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