



Submission to the Commission on the Future of Policing in Ireland

INTRODUCTION

This submission to the Commission is made by the following Rape Crisis Centres, who work together on common issues as members of the Irish Rape Crisis Centre Managers Forum and constitute half of all of the Rape Crisis Centres in Ireland.

We are:

1. Carlow & South Leinster Rape Crisis Centre, based in Carlow with outreach in Athy and Kildare town, both Co. Kildare;
2. Dublin Rape Crisis Centre, based in Dublin City Centre with outreach in Coolock and Tallaght.
3. Galway Rape Crisis Centre, based in Galway with outreach in Gort, Ballinasloe and Tuam.
4. Kilkenny Rape & Sexual Abuse Counselling Centre, based in Kilkenny.
5. Tipperary Rape Crisis & Counselling Centre, based in Clonmel with outreach in Carrick-on-Suir, Cashel, Thurles and Tipperary town.
6. Wexford Rape and Sexual Abuse Support Service, based in Wexford, with outreach in Gorey, Enniscorthy, New Ross and Wexford town.
7. Sexual Violence Cork, based in Cork with outreach in Bantry and Mallow.

Rape Crisis Centres provide crisis counselling and long-term therapy to those who have experienced rape, sexual assault and childhood sexual abuse. The services include helplines, one-to-one counselling, Garda and court accompaniment, training programmes, policy interventions and public awareness campaigns to prevent sexual violence. This work has prompted social, political and cultural changes in Ireland. This submission is informed by the experiences of the women and men accessing these services who are victims of sexual violence and who either have had interactions with An Garda Síochána, or who have considered accessing such services.

Sexual violence can happen anywhere, regardless of social background, whether at home, at work, at school, in the street or online. It is among the most serious and personally devastating crimes imaginable, impacting not only the individual but society as a whole. That victim's experience of the criminal justice system begins with those they have first contact with, normally An Garda Síochána. 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 victim has with the Gardaí. To meet the challenge of sexual crimes now and into the future, An Garda Síochána must embed trust and confidence into their policing underpinned by their Code of Ethics.

Confronting Sexual Crimes

According to the best available research¹ less than 10% of those who are victims of sexual offences will report it to the police. And of those who report, the attrition rate between report and prosecution in Ireland is one of the highest of those studied in Europe². The 2014 survey undertaken by the European Union Agency for Fundamental Rights (FRA), revealed the extent of abuse against women alone suffered at home, work, in public and online. These findings confirmed that violence against women and girls is pervasive and extensive across the EU including Ireland, with 8% of Irish women saying they had experienced sexual violence since the age of 15 as against the European average of 11%.³ The most recently published census figures found that there were 2,407,437 women in Ireland⁴. Using those figures and the FRA findings for Ireland, we could extrapolate that approximately 192,500 women are likely to have been victims of sexual violence, which would make this one of the most endemic crimes in Ireland, albeit one which is largely hidden and under-discussed. We need to tackle this pervasive crime to reduce its incidence. Furthermore, the prosecution of those who commit these heinous crimes is essential in law enforcement's efforts to control and combat sexual violence in our society. One of the optimum ways of desistence is detection.

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.

¹ THE SAVI REPORT (2002) *Sexual Abuse and Violence in Ireland* Hannah McGee, Rebecca Garavan, Mairéad de Barra, Joanne Byrne and Ronán Conroy. Royal College of Surgeons in Ireland Commissioned by the Dublin Rape Crisis Centre <http://www.drcc.ie/wp-content/uploads/2011/03/savi.pdf>

²Different systems, similar outcomes? Tracking attrition in reported rape cases across Europe Lovett & Kelly (2009) <http://kunskapsbanken.nck.uu.se/nckkb/nck/publik/fil/visa/197/different>

³ https://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance-apr14_en.pdf

⁴ <http://www.cso.ie/en/releasesandpublications/ep/p-wamii/womenandmeninireland2016/society/#d.en.139028>

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. A sexual assault affects a person in the most intimate way possible so it is extremely important that the initial contact is handled in a compassionate and sensitive manner. Sensitivity creates trust and encourages victims to share those personal, embarrassing details of their abuse and fully co-operate with the investigation. Fostering this level of engagement will require every single member of An Garda Síochána having sufficient training to support them in engaging with victims of sexual violence in an empathetic way.

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 EU Directive 2012/29⁵ 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. Currently, the system lacks consistency. In some cases, victims receive the empathy and information that they need and in others, they do not. This points to a lack of understanding, training and systems sufficient to handle this type of crime.

There are already some positive moves. The Divisional Protective Services 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. However, these units exist in only 3 of the State's 28 police divisions. They are also called 'pilot's' and are subject to evaluation before being established. 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. This specialisation within Garda divisions is a positive and forward thinking approach for victims of sexual violence, bringing expertise across the country and building capacity throughout the system.

Quality of the 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.

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012L0029>

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 An 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)⁶, 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 and puts the State at risk of not meeting its international human rights obligations.

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.

⁶ UN Committee against Torture (2013) *List of issues prior to submission of the second periodic report of Ireland* 17 December 2013 CAT/C/IRL/QPR/2 - http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fIRL%2fQPR%2f2&Lang=en

Specialist training in all aspects of their role, including high level interviewing skills for those tasked with obtaining a victim's witness statement and maintain on-going contact with them throughout the criminal justice process, is vital. These dedicated police will be needed to investigate the most serious cases and oversee the thorough investigation of all incidents by their colleagues in the force.

The 2015 Garda Inspectorate Report⁷ indicated the importance of effective training and professional development throughout An Garda Síochána. The effect of providing a programme of continuing professional development for all ranks cannot be underestimated. Police need training as they gain experience. What a recruit learns in early training will only make sense when applied in practice. Equally practical policing reveals issues which will require further knowledge and training. And as the nature or prevalence of various types of sexual violence changes, then the police need to be re-equipped through adequate re-training. For the modern day force, that needs to interact with many other agencies with expertise, that interaction should also happen through training. Irish Rape Crisis Centres are uniquely equipped to understand and to communicate the impact of sexual violence on victims and, unlike the present day situation where their input is being continually reduced, training should incorporate meaningful input from those frontline services.

Confronting New Crimes

The internet has changed much in the way that crimes of sexual violence occur. Increasingly rape crisis centres are hearing from those who have been harmfully impacted by violations including grooming, pornography, sexting, harmful communications and improper use of personal images. The extent to which technology is advancing will inevitably require policing to advance in that area as well. An obvious solution to the explosion in cyber-crime is for the Gardaí to have appropriate levels of information and training in this area. It will be important that 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.

A further provision of the aforesaid legislation is decriminalising the sale of sex to target the wider exploitation associated with prostitution, including the trafficking of persons for the purpose of sexual exploitation. So far, it is not clear how this law is being implemented and how the rights, protection and welfare of those living in prostitution, including many trafficked people, are being protected.

⁷ http://www.gsinsp.ie/en/GSINSP/1286-ChangingPolicinginIreland_Low-Full.pdf/Files/1286-ChangingPolicinginIreland_Low-Full.pdf

The new laws, which require investigation of the purchasers of sex will need police who are sufficiently trained and resourced to investigate this type of crime which typically in Ireland is indoors and therefore harder to investigate than street prostitution. A modern police force will need to depend on intelligence and modern investigation methods if this issue is to be addressed.

Quality Data Collection

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. Not alone that, but the information that the police can collect can be extremely informative about the entire justice system. They – uniquely – get information which would allow a perpetrator to be tracked from the moment a crime is reported to post sentencing – often for the rest of a perpetrator's life if conditions are attached to a sentence. This valuable information is not available, as far as we know, right now.

When official statistics do not detail the level and depth of sexual crime, it is impossible to determine the extent of the problem. 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 rape crisis centres. The information that they collect should also be coherent with information from other State services such as Túsla (which deals with child protection), HSE (mental health services), the Courts Services and the Central Statistics Office to record data accurately and to share the data and its analysis.

CONCLUSION

Of its very nature, sexual violence demands a high level of specialist professional skill and knowledge. Throughout this submission we have endeavoured to illustrate that sexual crime is not an area of investigation where a generalist approach will deliver the best results consistently in terms of detection and conviction. The service provided by An Garda Síochána to victims of sexual crime is reliant on the quality of its people and should to be delivered by a professional workforce equipped with the skills and capabilities necessary for policing now and into the future.

For any further information on any of our observations above, please contact, on behalf of the group: Shirley.Scott@rcc.ie