



September 7th 2017

Deputy Commissioner Governance and Strategy,
Garda Headquarters,
Phoenix Park,
Dublin 8.

Dear Deputy Commissioner,

The Dublin Rape Crisis Centre welcomes the opportunity to work collaboratively with An Garda Síochána in preparation for your forthcoming Policing Plan. We focused our attention on the second pillar of your strategy – Confronting Crime in preparation of our submission.

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

Yours sincerely,

Noeline Blackwell
CEO

Dublin Rape Crisis Centre Submission on Policing Priorities 2018

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 survivors of sexual violence and who either have had interactions with An Garda Síochána, or who have considered accessing such services. Our focus concentrates on the second pillar of your strategy - Confronting Crime.

The Provision of Information & On-going Communication

At his request, we have recently furnished Detective Superintendent Declan Daly of your Garda National Protective Services Bureau with the actual experience of those who have contact with your services. 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 survivors of sexual violence who report, there are also many instances where this was not the case.

An Garda Síochána is the first and possibly the most important point of contact for those survivors of sexual violence who choose to report their crime. That first interaction between a garda and a survivor is hugely important and can ultimately determine whether a survivor will continue to remain engaged in the process.

One of the key rights within EU Directive 2012/29 establishing minimum standards on the rights, protection and support of victims¹, is the right to information at all stages of the criminal justice process and particularly at the early stages of investigation.

¹ Directive 2012/29/EU Establishing Minimum Standards on the Rights, Supports and Protection of Victims of Crime

Providing survivors of sexual violence with timely, accurate and consistent communication cannot be underestimated in policing. It is imperative that survivors of sexual violence receive an informed, consistent response from the Garda Síochána and that, no matter in which part of the country they report, they are treated with the same levels of competence and expertise.

1. Recommendation -

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 survivor's 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.

The Need for Continuing Education and Specialised Training

Of its very nature, investigating sexual violence demands a high level of specialist professional skill and knowledge. It also requires that Gardai on the frontline, interacting with those who seek to report or are contemplating reporting, have sufficient knowledge of the complexities of these crimes 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. Survivors 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 survivor experience is better.

Sexual crimes 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 survivors 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.

2. Recommendation -

The best way to safeguard both the care of survivors of sexual crimes and the collection of early evidence is to ensure that all frontline Gardai 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 survivors witness statement and maintain on-going contact with them throughout the criminal justice process, is vital. An Garda Síochána should conduct an audit of their existing training to identify gaps and further requirements, in consultation with those advocating on behalf of the survivors of sexual violence.

Conclusion

In 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 survivors of such violence at risk of a substantial breach of their human and constitutional rights.

Recent developments such as the Victims' Rights Directive have changed the criminal justice landscape in Ireland to one that is becoming more aware of and responsive to the particular needs of all victims of crime including survivors of sexual violence. In addition to investigating and prosecuting sexual crimes, we respectfully submit that the Gardaí have an obligation to ensure that it responds to and supports survivors of sexual violence with sensitivity and respect. It is important that this Policing Plan remains cognisant of the need for a fully trained, specialised service, to ensure that An Garda Síochána can meet the challenges of sexual crimes not only in 2018 but beyond that.