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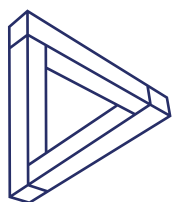
THE EXPERIENCES OF VICTIMS OF CRIME WITH THE GARDA SÍOCHÁNA

INTERIM REPORT

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Trilateral Research

October 2020

**TRILATERAL
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This research was funded by the Policing Authority. The views expressed in this report are those of the authors and not those of the Authority.

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GLOSSARY OF KEY TERMS

- CoFPI: Commission on the Future of Policing in Ireland
- CPD: continuing professional development
- DPSUs: Divisional Protective Services Units
- ECHR: European Convention on Human Rights
- ECRI: European Commission against Racism and Intolerance
- FLO: Family Liaison Officer
- FRA: European Union Agency for Fundamental Rights
- GNPSB: Garda National Protective Service Bureau
- GS: Garda Síochána
- IGPR: Implementation Group on Policing Reform
- IHREC: Irish Human Rights and Equality Commission
- ITAS: The Irish Tourist Assistance Service
- KPI: Key Performance Indicators
- NALA: National Adult Literacy Agency
- NGO: Non-governmental organisation
- NHRI: National Human Rights Institution
- OSCE: Organisation for Security and Cooperation in Europe
- PAF: Performance and Accountability Framework
- PSF: Policing Service for the Future
- PULSE system: Police Using Leading Systems Effectively
- RFT: Request for Tender
- ViCLAS: Violent Crime Linkage Analysis System
- VSO: Victim Services Office

1. INTRODUCTION

This *Interim Report* is the output of Phase 1 of the research project entitled *‘The Experiences of Victims of Crime with the Garda Síochána’*. This project is funded by the Policing Authority (hereafter ‘the Authority’) as part of their policing performance oversight role and is carried out by Trilateral Research Ltd. The research has been commissioned *to achieve a better understanding of the experiences and interactions of victims of crime with the Garda Síochána (the GS)*. In particular, the project was commissioned to convey the nature and quality of the experience, mindful of the recent GS initiatives towards enhancing the experience of victims of crime in recent years.¹ It also investigates the consequent impact on victims on aspects such as, their view of the police, willingness to report again, willingness to cooperate and to proceed with prosecution, as well as the long term impact of the crime on the victim.²

Importantly, the research takes place within the context of significant institutional reform by GS, which includes the process of implementing the new operating model under the ‘A Policing Service for the Future’ (PSF) programme. The PSF programme is the governmental and GS response to the intensive and expansive study of the Commission for the Future of Policing in Ireland (CoFPI) in *The Future of Policing in Ireland* report published in September 2018. The CoFPI report was commissioned by the Government to make recommendations on the future of policing in Ireland and was a yearlong process which included, among other aspects, 322 submissions from stakeholder individuals and organisations (Commission on the Future of Policing, 2018, pg. 105-106).

In regard to victims of crime specifically, the CoFPI reported being told how the first encounter with the GS was of *‘extreme importance’* in terms of establishing whether victims would engage with the GS in the future (ibid, pg. 20). The CoFPI recommended that the GS *‘should ensure that services to victims and compliance with victims’ rights are embedded in the organisation’s processes, and that all members understand fully what their obligations are towards victims of crime’* (ibid, pg. 21). The CoFPI also stressed that this applies in particular to *‘those victims who have been traumatised by the crime, or who are marginalised such as ethnic or other minorities’* (ibid, pg. 21).

Apart from the GS commitment to structure reform under the PSF programme, the GS has demonstrated a commitment to improving the situation of crime victims in Ireland across recent years. The GS Modernisation and Renewal Programme 2016-2021 (now superseded by the PSF) was introduced by former GS Commissioner Nóirín O’Sullivan as placing victims ‘at the heart’ of the GS service. O’Sullivan stated that the GS is *‘committed to providing a respectful, reassuring, responsive and reliable victim centred service addressing the needs and expectations of all victims of crime. This work will be conducted in partnership with community groups, statutory agencies and voluntary organisations’* (O’Sullivan, 2015, pg. 16). Most recently, in the GS Policing Plan 2019, current Commissioner Drew Harris identified his commitment to *‘delivering a victim centred policing service, focussed on keeping people safe, protecting the most vulnerable and providing a consistently high standard of service’* (pg. 2).

Indeed, the GS has established a number of initiatives in recent years directed towards improving the experiences of victims in the criminal justice system. GS initiatives, such as the Victim Services Offices (VSOs) and Divisional Protective Services Units (DPSUs) at divisional level, as well as the Garda National Protective Service Bureau alongside recent legislative reforms, provided relevant context in the

¹ See Request for Tender, pg. 20, available https://irl.eu-supply.com/app/rfq/publicpurchase_docs.asp?PID=151011&LID=167974&AllowPrint=1

² Ibid.

Authority's Request for Tender (RFT).³ The legislative reforms include the introduction of the Criminal Justice (Victims of Crime) Act 2017 (known as the '2017 Act') and the Domestic Violence Act 2018, instigated largely by the European Union Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (hence known as the 'EU Victim's Directive').

As to this project: Phase 1 of the research project lasted from January 2020 until June 2020 and focused on setting the scene for the primary research gathering exercise with non-governmental organisations (NGOs) and victims of crime, which is to take place in Phase 2. As described in the methodology (section 2), Phase 2 has been postponed until January 2021 due to the COVID-19 health pandemic. Phase 1, as reported here in the Interim Report, sets the scene for Phase 2 by providing a brief overview of the legal and policy context within which the GS operates (section 3), as well as the envisaged or intended journey of a victim of crime based on the perspective of the GS, from conversations with the GS (section 4). The Interim Report then turns to its core focus, which is the literature review captured by section 5, in which good practices as well as concerns and issues identified by academics and relevant organisations to date are described.

As detailed in the methodology section, there has been a limited body of research carried out into the experience of victims of crime of the GS since the Commission for the Support of Victims of Crime commissioned an in-depth study on victims' experiences, published in 2010 (Kilcommins et al. 2010). The literature review summarises the most relevant available literature found by researchers, with an effort to emphasise more recent literature in light of the evolving GS initiatives of recent years that remain ongoing. What is clear from the literature review, is the paramount importance of the victim perspective and thus, the victim's satisfaction with the GS, to their engagement with the criminal justice system generally.

This research project aims to focus on the victim's experience, predominantly through the Phase 2 information gathering exercise with victims and NGOs with experience working with victims of crime. The Interim Report aims to inform and guide the research in Phase 2, through the contextual information provided, the relevant findings of other credible studies and the specific actions generated for the project in section 6. Interestingly, the literature review also revealed important gaps in research around how police officers understand justice, and the significance of such research in terms of orientating the officer towards procedural justice for victims rather than the offender (see generally Ballucci & Drake, 2020). While this research project will not focus on the experiences from the GS perspective, it is hoped that the experiences of the victim as relayed through both the (predominantly) secondary research of Phase 1 outlined here, and the primary information gathering exercises to be conducted in Phase 2, will further inform the GS approach to interacting with victims of crime, in liaison with the Authority.

This report was drafted in June 2020 at the end of Phase 1 of the research, and after review and approval by the Authority, published in October 2020.

³ Ibid, pg. 19.

2. METHODOLOGY

The aim of the research project, as established by the Authority, is to better understand the experience of victims of crime concerning their interactions with the GS, and in particular the performance of the GS and the impact of these interactions on victims. The Authority identified specific areas of focus towards achieving this aim, namely:

- **The nature and quality of the victims' experience**, with a view to the effects of the implementation of GS initiatives in recent years;
- **The impact of that experience on the victim's involvement with the GS**, such as willingness to cooperate and proceed with prosecution; and,
- **The wider and longer-term impact of that experience on the victim**, especially on their well-being and on their willingness to engage with the police concerning future crimes.

The research project was originally due to take place between January 2020 and September 2020. The project commenced in January 2020 and completed Phase 1 of the research in June 2020. Phase 1 is represented in the current report. On 19 March 2020, however, Trilateral Research, in agreement with the Authority, postponed Phase 2 of the research involving face to face interactions with research participants. On 4 June 2020, Phase 2 of the project was formally postponed until January 2021 with the intention that it will complete in June 2021.

The postponement of the research was in response to the COVID-19 global health pandemic and the Irish Government's 'tiered approach' to social distancing measures first introduced on 12 March 2020 and furthered strengthened on 24 March and 27 March (Government of Ireland, 2020, pg. 2). The project was able to continue with the Phase 1 literature review and complete two additional academic interviews between 19 March 2020 and 30 April 2020 using online technologies. At the time of writing (June 2020), Ireland is in the process of easing lockdown measures in accordance with the 'Roadmap for Reopening Society & Business' (Government of Ireland, 2020). That said, travel restrictions remain in place and the Government advises that organisations maintain remote working where possible (Government of Ireland, 2020, pgs. 10 and 13). It is hoped that by delaying Phase 2 of the research until January 2021, the project will be better able to facilitate face to face interactions with research participants, where appropriate. This timeframe will be kept under review.

2.1 PHASE 1: (JAN 2020 – JUNE 2020)

This phase of the research, as presented in the current report, involved establishing a baseline context for the primary data gathering exercise in Phase 2. It involved desk-research into the most relevant laws and policies, a literature review, an in-depth conversation with three specialist members of the GS, and finally two interviews with academics with significant experience researching on victims of crime in Ireland. These various research methods are described in more detail below:

Legislation & Policy

The research project does not engage extensively with the GS or its members and so does not primarily seek to assess the compliance of the GS with a specific legal framework (e.g. human rights law, the EU Victim's Directive or the 2017 Act). The mandate rather, is to conduct research from the victim's perspective on their experience of the GS. The focus of the methodology presented by researchers is on relaying the victim's experience in a manner that will allow the Authority to draw additional conclusions, based on their own experience and expertise of relevant laws, policies and GS practices. The main contribution to this research objective will take place in Phase 2 of the project. It

nevertheless remained important for researchers during Phase 1 to identify the broad legal and policy framework within which the GS interacts with victims of crime, without allowing the project to stray from its core objective. This has been achieved (in section 3 of the report) through desk based and legal research, as well as conversations with the GS and the Authority. In particular, it is considered that the legal framework of the EU Victim's Directive and 2017 Act provide the added advantage of an appropriate normative guide for the thematic analysis in section 5. The research also adopts the definition of a victim of crime under EU law (section 3).

Validation Meeting with the Garda Síochána

In February 2020, two researchers met with three members of the GS at Harcourt Square, Dublin, with expertise in both the policy and practice of the GS concerning victims of crime in Ireland. The purpose of the meeting was to discuss and validate the researchers understanding of the institutional and policy framework within which GS members operate. The relevant members were identified by the Garda Commissioner (following a request by the Authority). The GS members were subsequently sent Figure 3 and Figure 4 for validation concerning the structure of the GS victim-focused units and the intended journey of a victim's interactions with the GS respectively (see section 4 of the report).⁴ The GS members have provided consistently helpful clarifications to researchers since this face to face meeting when approached by email and phone.

Literature Review

As mentioned in the Authority's Request for Tender (RFT), there has been limited research carried out with victims of crime since the Commission for the Support of Victims of Crime commissioned the Kilcommins et al. study which published in 2010. This was an in-depth study on victims' experiences of the GS relying on the views of 303 victims who responded to a postal survey and 20 that engaged in in-depth interviews (Kilcommins et al. 2010, pg. iii). Respondents to the Kilcommins' study included a large majority of females and persons below 50 years, resulting in less information from victims of crime who are male or over 50 years old (pg. 17). The data in that study also included a spread from across Ireland's geographical regions, with the greatest number coming from Cork (pg.19) as well as a notably high response rate from victims of sexual crimes (pg. 23).

The literature review within this Interim Report confirms the Authority's view on the limited nature of the specific research on victims of crime in Ireland since this time, as well as the Kilcommins' study observation that there appears to be more available data within the field of sexual crime, compared to other crimes. In addition to the limited nature of the literature, the significant and ongoing evolution of GS policing services for victims of crime in recent years has further shaped the literature sample. To assist with maintaining the contemporary relevance of the research, the literature review endeavoured to focus on academic literature and oversight body reports published within the recent past, in particular from 2017 onwards. However, given the scarcity of literature, references are made to relevant pre-2017 research within the report and, at times, to the experience of victims within the Irish criminal justice system as a whole. Caution should generally be exercised regarding the findings represented in the literature review in light of the significant developments in GS victim's services in recent years (see especially section 4 for an overview of the contemporary framework of GS services to victims of crime). An effort has been made throughout the report to identify time frames for recent initiatives and to cross-reference findings with the evolution of these initiatives for important context.

The literature identified by the researchers consists of a mix of legal, theoretical and empirical analysis in the form of academic papers, organisational research reports, statutory agency reports,

⁴ These diagrams were also shared with the Authority and feedback received.

international organisation and foreign government reports,⁵ as well as some newspaper articles. Just under 20 of these sources concern matters pertaining to the victim's experience of the GS in Ireland between 2017 and 2020 albeit that this was often not the primary focus.

Key academic texts include the following:

- A book on victim's rights entitled, *The Victim in the Irish Criminal Process* by Kilcommins, Leahy, Walsh, & Spain published in 2018. This book aims to provide both a historic and contemporary picture of victims' interactions with the GS, as well as an analysis of the 2017 Act, and the processes undertaken by the GS' to provide information, protection, and support to victims. The book includes examples of good practices as well as areas of challenge for the GS.
- With regard to minority victims, key academic literature includes Cusack's 2017 article on 'Victims of Crime with Intellectual Disabilities and Ireland's Adversarial Trial: Some Ontological, Procedural and Attitudinal Concerns.' This article applies the literature findings on the nature of intellectual disability to Ireland's adversarial criminal justice system structure. Additionally, Edwards, Harold, & Kilcommins older 2012 study on 'Access to Justice for People with Disabilities as Victims of Crime in Ireland' is included: a study which relied on 13 semi structured interviews with key stakeholders.
- Finally, Healy's 2019 'state of the art' literature review offers a wider insight into the victim's interaction with the criminal justice system as a whole, in Ireland and in international contexts. This literature review includes 136 studies undertaken between 2009-2019, based on primary research and directly investigated victims' interactions with the criminal justice system (pg. 8). This literature review was commissioned by the Department of Justice and Equality and includes many examples and studies highlighting the victim's experience.

With regard to organisational reports, the 2019 One in Four Study conducted by Brown, McKenna and O'Kennedy provides important insights due to its reliance on interviews with victims of sexual abuse, albeit based on a relatively small number of ten participants. A further report published by VOCIARE⁶ and written by Puckhaber (2019) is especially informative to this report in terms of providing an analysis of the EU Victims Directive and the 2017 Act in practice. The methodology of the VOCIARE study is similar to that intended within this project, by relying on desk research, an online survey, and one on one interviews. The VOCIARE online survey is, however, distinguished from the current research in that it involved 'closed-ended questions directed at organisations and practitioners having contact with victims (e.g. police, prosecutors, judges and court staff, policy makers and victim support organisations)' (pg. 7), whereas the online survey run in Phase 2 of this project will engage victim's directly and predominantly employ open-ended questions.

Finally, and most specifically on the GS, the literature includes recent reports from GS oversight bodies such as the Policing Authority's Assessment of Policing Performance, July 2019 and March 2020 editions and the Garda Inspectorate's December 2018 report on Policing with Local Communities.

Interviews with academic experts

During April 2020, three academics with expertise on the victim's experience of the GS, identified from the literature review, were approached for an interview. Two academics were available, and separate one-hour audio interviews were subsequently conducted via skype with each. Both academics have

⁵ For example, the United States, Department of State (2019) report of 'Trafficking in Persons'.

⁶ The VOCIARE project is a project funded by the European Commission. According to its website, it seeks to 'ensure that the rights established in the Victims Directive are operating in practice' by assessing its implementation in participating Member States. See, <https://victimsupport.eu/about-us/our-projects/vociare/>

extensive experience interacting with victims of crime as well as civil society organisations engaging with victims of crime in Ireland.

This Interim Report presents the findings from the literature review and the academic interviews within section 5 of the report entitled 'Setting the Scene'. Researchers have extracted certain identified 'good practices' before focusing on the identified concerns and issues. The concerns and issues are presented around broad themes which, as mentioned, have been informed by the structure of the obligations imposed on Ireland through the EU Victims Directive.

2.2 PHASE 2: (JAN 2021 – JUN 2021)

Phase 2 of the research is intended to be the primary contribution of the project and will continue with a multi-method staggered approach:

- The first stage of this phase is to conduct three focus groups with NGOs and other civil society representatives of victims of crime (each with between five and eight attendees).
- The second stage is to run an online survey for victims of crime (aiming for 50 respondents).
- The third stage is to conduct a smaller number of in-depth interviews with victims of crime (aiming for ten respondents).

The research sample will endeavour to include the variety of experience across Ireland, most notably by using an online survey for victims of crime that will be widely distributed. The focus groups will however be Dublin-centric. Two focus groups will be held in Dublin due to the high concentration of the urbanised population located in that area. In an effort to capture an experience distinct from Dublin city, a third focus group will be held in Drogheda, Co. Louth to facilitate a more rural data gathering exercise while still allowing for sufficient focus group participants. The April 2016 census reports Drogheda to be Ireland's largest town.⁷ It is additionally located on a major transport route (M1) and at the juncture of Co. Louth, Co. Meath and Co. Monaghan. At the time of writing (June 2020), both Dublin and Drogheda have Divisional Protective Services Units (DPSUs). By the end of the year (2020), all areas should have access to a DPSU.

2.3 APPROACH TO VICTIMS OF CRIME

The project places, and will continue to place, a high emphasis on ethical engagement with victims of crime. Researchers are especially mindful of the potential of research to re-traumatise, as well as the specific vulnerabilities concerning some of the victims engaged. The trauma that often accompanies the experience of being a victim of crime can be worsened by a victim's engagement with law enforcement, and further by having to re-live their story with researchers.

The second and third potential trauma referred to here is often called 'secondary victimisation', whereby institutions designed to assist the victim in fact re-traumatise. In contrast, when approached within an ethical framework, offering victims the opportunity to tell their story to researchers in a safe and sensitive environment can provide a neutral and potentially even beneficial experience to victims.

To ensure that the current research interacts appropriately with victims of crime, the project has to date been governed by an internal Ethics Protocol, Data Management Plan and Disclosure Policy, relying on the expertise of Trilateral researchers and advised on by two independent project ethics advisors. To ensure a sensitive approach to victims of crime, a staggered research methodology will be adopted in Phase 2 to ensure that researchers do not make initial direct contact with victims of crime. Instead, the research contact with victims will rely on relationships established with victim

⁷ Ibid.

support organisations and community representatives introduced to the project through the focus groups, as well as victim self-identification in response to a non-intrusive survey advertisement. Additionally, the research methodology does not include child victims of crime. All interactions with victims of crime will take place on the basis of *informed* consent.

The online survey, to be run through the online platform SurveyMonkey, will be advertised digitally through victim support organisations across Ireland, as well as through community forums where victims of crime are likely to present. It will also be advertised through social media and on websites such as activelink.ie. To mitigate the possibilities of false data, the research does not intend to provide an open link to the survey but will include within the advertisement an email and telephone contact number for researchers. Respondents will then be sent the survey by researchers upon contact. It is intended that the efforts to advertise the research widely will mitigate the barriers to engagement posed by the closed link.

To gather interview data, two strategies will be relied on. First, victim support organisations and community representatives will be asked to advise on victims' who would be open to and benefit from providing an in-depth interview. Furthermore, all victims responding to the online survey will be asked whether they would like to participate in an in-depth interview. Significant emphasis will be placed on facilitating victim choice regarding the method of interaction with researchers, while mindful of researcher safety.

As evidenced by the Kilcommins' research, there are additional challenges around getting particular groups to engage, such as male victims and the elderly. Challenges also exist in accessing victims that do not report crimes, a key issue which the research aims to understand. Since marginalised communities often network in small social peer groups, the research will proactively approach relevant community organisations and representatives (as opposed to relying solely upon victim focused support groups) for inclusion in the focus group and online survey advertisement stages. It is hoped that as the researchers engage with relevant stakeholders and victims, they will snowball other respondents who are not automatically linked to such groups.

Further detail on the Phase 2 methodology will be provided in the final research report on completion on Phase 2 of the project.

3. LEGISLATION AND POLICY

3.1 LEGAL FRAMEWORK

The key EU and domestic legislation focused on victims' rights and services relevant to the GS are listed in Figure 1 and explained below:



Figure 1: Key Legislation relevant to Victims' Rights within Ireland

EU law has supremacy over national laws making the **European Union Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime ('the EU Victim's Directive')** of particular significance. EU directives are binding on Member States as to the results to be achieved but permit States discretion concerning the choice of form and methods for achieving those results. The purpose of the EU Victim's Directive as set out in article 1 is to *'ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings'*. Article 1 of the Directive continues to stipulate that:

Member States shall ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority, operating within the context of criminal proceedings.

Article 2 of the EU Victim's Directive defines a 'victim' of crime to be a person who has *'suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence'*. This includes *'family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.'* Family members is further defined to mean: *'the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim'*. This definition of a victim of crime will be used by the project when gathering the views of victims of crime, with the exception of child victims who are not included in the research methodology.

The Criminal Justice (Victims of Crime) Act 2017, ('the 2017 Act') is the main domestic legislation on the rights of victims of crime in Ireland. The 2017 Act transposes the EU Victim's Directive into Irish law. For the most part, the 2017 Act mirrors the Directive, and places various obligations on the GS, the Director of Public Prosecution (DPP), the Courts Service and the Irish Prison Services to establish *'minimum standards on the rights, support and protection of victims of crime.'* It was signed into law on the 5th November 2017 and commenced on the 27th November 2017, except for section 19(2)(c) and section 30, which commenced on the 30th May 2018.

Part 2 of the 2017 Act concerns the **'Right to Information'**, with sections pertaining to: 'information on first contact' (section 7); 'information regarding investigations and criminal proceedings' (section 8); 'decisions regarding prosecution of offences' (section 9); 'review of decisions in relation to prosecutions' (section 10); as well as to 'limitations on the provision of information' (section 11).

Part 3 of the 2017 Act speaks to the **'Protection of Victims During Investigations and Criminal Proceedings'** with sections pertaining to, among others: 'complaints' (section 12); 'offences occurring outside the State' (section 13); 'conduct of interviews and medical examinations' (section 14); 'assessment of the victim' (section 15); 'application of protection measures and special measures during investigations' (section 16); 'special measures during investigations' (section 17); 'appropriate persons' (section 18); 'special measures during criminal proceedings' (section 19); communication, interpretation and translation (section 22); 'refusal of request for interpretation or translation' (section 23); 'review of decision to refuse request for interpretation or translation' (section 24); 'effect of refusal of interpretation and translation' (section 25); and 'restorative justice' (section 26).

While the transposition of the EU Directive into domestic law is not the role of the GS, but rather the executive and legislative branches of government, any actions of the GS which fail to comply with the EU Victim's Directive still have the potential to give rise to legal challenge against the state due to the vertical direct effect of EU directives and the status of the GS as an 'emanation of the state'.⁸ During the literature review, researchers came across reports which analyse the 2017 Act for conformity with the EU Victim's Directive, and which identify both the significance of the 2017 Act for victims' rights as well as certain challenges for Ireland around implementation of the Directive. The most notable literature in this regard is that of Maria McDonald BL in her report 'Guide for Lawyers to the Victim Directive & the Criminal Justice (Victims of Crime) Act 2017' (McDonald, 2018a) and of Puckhaber in the 'Victims of Crime Implementation Analysis of the Rights of Victims in Europe (VOCIARE) National Report on Ireland' (Puckhaber, 2019).

The Domestic Violence Act 2018 focuses on victims (and perpetrators) of domestic violence. The Domestic Violence Act 2018 introduced various changes to Irish law, most significantly: the expansion of the eligibility criteria for 'Safety and Protection Orders' (section 6) to include all partners in an intimate relationship, regardless of cohabitation; and, the introduction of two new offences; - forced marriage (section 38) and coercive control (section 39).

The **Garda Síochána Act 2005** requires the Policing Authority to determine and revise, after consultation with the Garda Commissioner, policing **'priorities'** for the GS as well as set **'performance targets'** aimed at achieving the objectives of the policing priorities (section 20). The 2005 Act also requires that the Garda Commissioner *'submits to the Authority for its approval (with the consent of the Minister) a strategy statement for the Garda Síochána and for policing services for the following 3 years'* (section 21). The strategy statement must have regard to, among others, the policing priorities determined by the Authority. In addition, the Garda Commissioner must prepare an **annual policing plan** *'setting out the proposed arrangements for policing services for the following year'* (section 22). The annual policing plans should have regard to, among others, the strategy statement in operation, as well as the policing priorities. The Authority must also approve the strategy statement and annual policing plans, within its mandate to oversee the GS's functions in relation to policing services more generally (section 62H), which includes services to victims of crime.

The GS, like all public bodies, is further required to adhere to the **public sector equality and human rights duty** in section 42 of the **Irish Human Rights and Equality Commission Act 2014**. This duty requires the GS to have regard to the need to eliminate discrimination, as well as promoting equality of opportunity and protecting the human rights of all persons to whom it provides services, such as

⁸ See e.g., *Foster, A. and others v. British Gas plc*, Case C-188/89 [1990].

victims of crime. Within that context, human rights protections include those in the Constitution and the European Convention on Human Rights (ECHR) (see article 29). The ECHR in particular, places relevant obligations on the GS such as around the investigation of crime and the establishment of reasonable preventative operational measures.⁹ Unlike many other international human rights treaties to which Ireland is a signatory, the ECHR has been incorporated into domestic law through the European Convention on Human Rights Act 2003.

It is also important to note the several international human rights treaties that have been ratified by the Irish Government, which are of relevance to the experience of victims of crime within the criminal justice system, including with the GS. These treaties form international obligations of the Irish Government but cannot be relied on by individuals within domestic courts unless their provisions have first been incorporated into domestic law through legislation, such as with the ECHR. Relevant treaties include, among others, the:

- International Convention on Civil and Political Rights ('ICCPR');
- International Convention on the Elimination of Racial Discrimination ('CERD');
- Convention on the Rights of Persons with Disabilities ('CRPD');
- Convention on the Elimination of All Forms of Discrimination Against Women ('CEDAW');
- Convention against Torture and other Cruel Inhuman or Degrading Punishment ('CAT');
- Council of Europe Convention on preventing and combating violence against women and domestic violence ('the Istanbul Convention'); and,
- Council of Europe Convention on Action against Trafficking in Human Beings.

Finally, there exists international mechanisms with standards and recommendations relevant to policing in Ireland, often referred to as 'soft law', including among others, the European Commission against Racism and Intolerance (ECRI) and the Organisation for Security and Cooperation in Europe (OSCE).¹⁰

3.2 POLICY FRAMEWORK

The key departmental and GS level programmes and policies directing the GS's interactions with victims of crime are listed in Figure 2 and explained below:

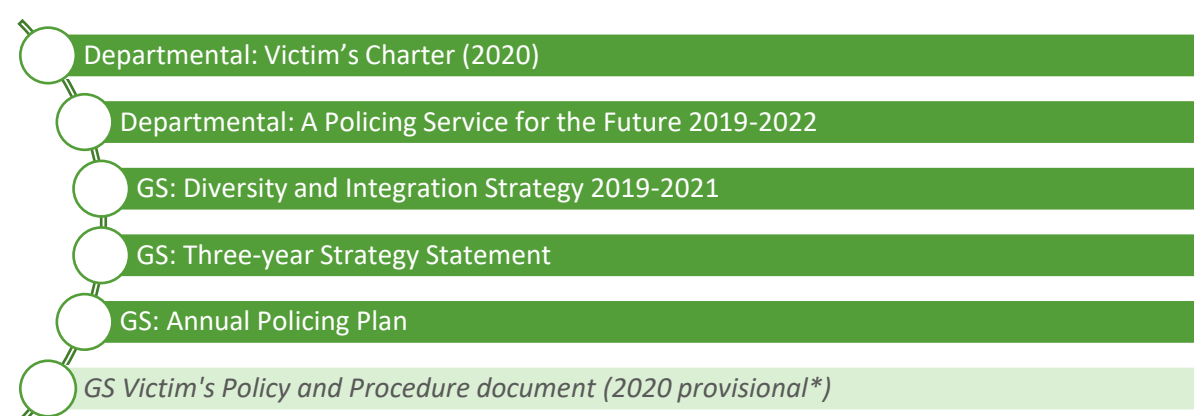


Figure 2: Key GS-related Programmes and Policies on Victims' Rights

⁹ See generally, *Opuz v Turkey*, ECtHR, Application no. 33401/02 (9 September 2009).

¹⁰ See e.g. ECRI Report on Ireland (fifth monitoring cycle), CRI(2019)18, (published 4 June 2019) and the OSCE Recommendations on Policing in Multi-Ethnic Societies (February 2016).

The Department for Justice and Equality recently published the **new Victim's Charter** (launched by the Minister on 21 February 2020), with a dedicated website¹¹ replacing **the 2010 Victim's Charter** (which can also still be found online).¹² As described on the website, the Victims Charter aims at *'providing victims of crime with information on the services offered by the State's agencies as well as voluntary groups who work with victims of crime'* while also describing the criminal justice system. The Victim's Charter was developed by the Department in conjunction with state agencies and NGOs, including engagement from the GS. Although orientated towards victims, the Charter also functions as an important policy directive for the criminal justice agencies, including the GS, on victims' legitimate expectations. The Charter has also been published on the GS' website.¹³

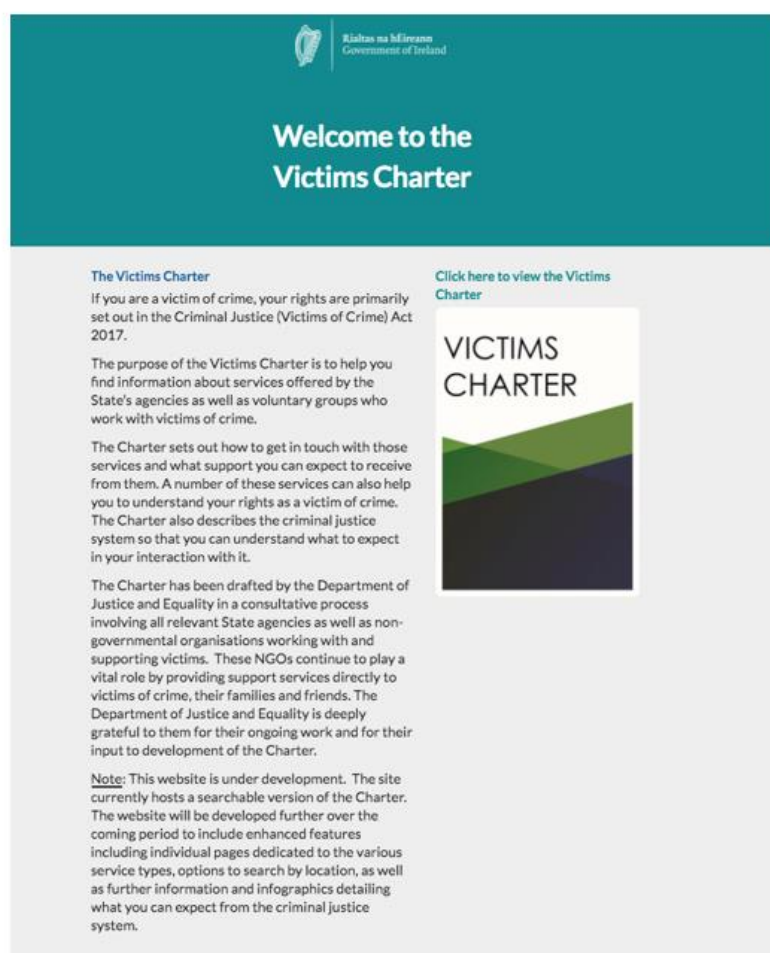


Image 1: Screenshot of the Victim's Charter Website

The GS is directed by several overarching multi-agency departmental strategies, as well as the statutory standing commitments of a three year 'Strategic Statement' and an annual 'Policing Plan'.

The main driver of organisational change is currently - **'A Policing Service for the Future 2019-2022' programme (PSF)**.¹⁴ PSF is a response to the Commission on the Future of Policing in Ireland (CoFPI)'s expansive September 2018 report (referred to in the Introduction above) which suggested sweeping reforms in the delivery of GS services.¹⁵ PSF is overseen by the Implementation Group on Policing Reform (IGPR) which includes senior members of the GS, Department of Justice and Equality, the Department of the Taoiseach, and the

Department of Public Expenditure and Reform. The PSF aims to implement the CoFPI recommendations across a four-year timeframe. There are two iterations of the implementation plan currently available: an initial high-level implementation plan understood as a 'living document'¹⁶ and a second phase based report entitled 'A Policing Service for the Future - Implementing the Report of the Commission on the Future of Policing in Ireland' (July to December 2019).¹⁷ These programme documents focus on the reform of GS structures rather than the victim policy detail. Under the PSF

¹¹ www.victimscharter.ie

¹² <http://www.victimsofcrimeoffice.ie/en/vco/Entire%20Charter.pdf/Files/Entire%20Charter.pdf>

¹³ <https://www.garda.ie/en/victim-services/garda-victim-service/victim-charter-2020.pdf>

¹⁴ <https://www.gov.ie/en/campaigns/065724-policing-reform/>

¹⁵ <https://www.garda.ie/en/about-us/a-policing-service-for-the-future/the-future-of-policing-in-ireland.pdf>; and

¹⁶ <https://www.gov.ie/en/publication/eecd54-what-is-the-high-level-implementation-plan/>

¹⁷ http://www.justice.ie/en/JELR/A_Policing_Service_for_the_Future.pdf/Files/A_Policing_Service_for_the_Future.pdf

¹⁷ <https://www.gov.ie/en/campaigns/065724-policing-reform/>

programme, the GS is in the process of adopting a new operating model, to include a reduction in the number of regions (six to four) as well as a reduction in the number of divisions. A key transformation is a shift towards focusing on divisions as the primary operational unit for service delivery, aimed at producing a more local response to victims of crime.¹⁸

Prior to the PSF, the **'Modernisation and Renewal Programme (2016-2021)'**¹⁹ was the main driver of institutional change. Although this programme has now been superseded by the PSF, it is of note as a driver for the recent past. The Modernisation and Renewal Programme has an entire chapter focused on victims which stresses putting victims at the heart of the GS service. It states that the GS *'will provide a respectful, reassuring, responsive and reliable service addressing the needs and expectations of all victims'* (pg. 16). It acknowledges some of the issues the GS has had in the past and seeks to mitigate them through a strong victim-orientation, balanced with a perpetrator-focus. Providing a step-change improvement in the relationship between the GS and victims is, according to the programme, the overall objective.

The **GS Diversity and Integration Strategy (2019-2021)**²⁰ puts a strong emphasis on human rights as a foundation for providing policing services and highlights the GS' commitment to providing a victim-centred service supportive of all service users from all backgrounds. It is of note that the strategy provides a definition of a victim of hate crime, its objectives include the development of a tailored and bespoke training programme for the GS to build their *'competency and capacity to interact more effectively and positively with migrants, refugees, victims of hate crime and people from diverse and minority backgrounds'* (pg. 9) and *'to improve the confidence of communities and victims of crime to engage openly'* (pg. 7) with the GS and report all crimes.

Under the rubric of this strategic emphasis, the GS informed researchers that the GS Community Relations Bureau, which is responsible for educating and engaging the wider community, have disseminated posters on bias related crimes and engaged with social media platforms such as Twitter. Other relevant Community Relations Bureau activities include an annual calendar of initiatives, such as attendance at various community festivals, for example the Bloom festival (a gardening festival) and LGBT Pride where they have information stands (GS Validation Meeting, 2020).

As mentioned in the legislation section above, the GS is under a statutory commitment to produce a three-year Strategy Statement and an annual Policing Plan. (It is of note that there also exist divisional level annual policing plans which reflect the objectives of the national plan and set out how they are to be achieved in a manner reflective of local need.).²¹ Both of these documents are approved by the Authority and should reflect, among others, the Authority's Policing Priorities. The Authority also establishes performance targets under its function to assess policing performance.²²

The **Policing Priorities for 2020** were developed following both public consultation and engagement with representatives of the Joint Policing Committees as well as being informed by the work of the Authority more generally. One especially relevant priority under the heading of 'Preventing and Confronting Crime' is that of 'Protecting vulnerable people (hate crime, domestic abuse, vulnerable

¹⁸ https://www.policingauthority.ie/assets/uploads/documents/Garda_S%C3%ADochana_Presentation_on_Operating_Model_at_Policing_Authority_meeting_on_26_September_2019.pdf, p6.

¹⁹ <https://www.garda.ie/en/About-Us/Publications/Policing-Plans/Strategy/Modernisation-and-Renewal-Programme/Modernisation-and-Renewal-Programme-2016-2021.pdf>

²⁰ <https://www.garda.ie/en/crime-prevention/community-engagement/community-engagement-offices/garda-national-diversity-integration-unit/diversity-and-integration-strategy-2019-2021-english-v1-1.pdf>

²¹ Conversation with the Authority 21.05.2020.

²² Garda Síochána Act 2005, section 62H. See, https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_Report_2019_FINAL.pdf

victims)'.²³ The **GS Strategy Statement 2019-2021** sets out the GS commitment to *'provide victim-focused services, establishing a network of Divisional Protective Services Units to ensure crimes against the most vulnerable are prioritised'*. The GS (national level) annual policing plans set out more concrete steps to achieve the strategy statement objectives, as well as establishing measures of success in the form of performance targets set by the Authority as part of their statutory functions. The Authority then publishes assessment reports on policing performance twice a year identifying whether these targets have been achieved.

At the time of writing (early June 2020), the 2020 Policing Plan is at the advanced draft stage.²⁴ The main Key Performance Indicators (KPIs) within the **2019 Policing Plan** relating to 'Victim's Engagement' are as follows (pg. 6):

Victim Engagement – Key Performance Indicators	
In 2019 we will improve the service we provide to victims through increased contact and information provision, from the time an incident is reported to the time an investigation concludes	
Increase the average recorded victim contacts per complete incident	<ul style="list-style-type: none"> • The number of contact entries (except No Contact) in the Victim Engagement Screen of the identified victims • The number of 'in person' contact entries (except No Contact) made within 7 days in the Victim Engagement Screen of the identified victims of domestic abuse

Table 1: 2019 Policing Plan - Victim Engagement KPIs

The **Policing Authority Assessment of Policing Performance 2019**, published in March 2020,²⁵ considered that the KPI for an increased number of victim contacts per incident was 'stable' while the KPI for an increased number of 'in-person' contacts made to victims of domestic abuse within seven days was 'increasing' (pg. 18) (see section 4 below for more detail).

Furthermore, in the May 2020 monthly report to the Authority, the Garda Commissioner reported that since 1 April 2020, 5,592 contacts, or attempts at contact, have been made to persons experiencing domestic abuse (An Garda Síochána, May 2020, pg. 6).²⁶ These were reported by the Commissioner in the context of 'Operation Faoiseamh', launched in response to the increase in domestic abuse and intended to offer protection and support to victims of domestic abuse (ibid, pg. 5). In this context, the Garda Commissioner further reports that *'a significant number of victims have also requested an 'in-person' call-back, and these are currently being undertaken'* (ibid, pg. 6).

²³ https://www.policingauthority.ie/assets/uploads/documents/Policing_Priorities_-_approved.pdf

²⁴ The revised 2020 Policing Plan was submitted to the Minister on 17 June 2020.

²⁵ https://www.policingauthority.ie/assets/uploads/documents/Policing_Performance_Report_2019_FINAL.pdf

²⁶ <https://www.garda.ie/en/about-us/publications/general-reports/commissioner-s-monthly-reports-to-policing-authority/commissioners-monthly-report-to-the-policing-authority-may-2020.pdf>

Beyond the specific Victim Engagement KPIs, the GS 2019 Policing Plan further outlined twelve measures of success for the strategy statement objective identified above, namely: *'provide victim-focused services, establishing a network of Divisional Protective Services Units to ensure crimes against the most vulnerable are prioritised'*. Many of these measures have been specifically linked to compliance with the 2017 Act (marked within Table 2 below with an Asterix). The following table identifies the twelve measures in the 2019 Policing Plan against the victim-focused services objective, as well as the Authority's assessment concerning each target in the March 2020 report, and the rationale for that assessment:

2019 Policing Plan Target	Authority Assessment	Further Explanation
Ensuring all divisions have access to a Divisional Protective Services Unit Q4 Font in this column should be navy (style guide)	Partially achieved	15 DPSUs established.
Report trends over time in the detection of sexual assault, with a view to increasing the detections by 2% during 2019 (2018 baseline)	Achieved	Increased detections at 9% welcomed, but a note that the detection rate may be falling. The potential relevance of increased reporting noted here.
Finalising a Garda Síochána /TUSLA Information Sharing Protocol (Q1)	Not Achieved	Negotiations ongoing.
Reviewing the Garda Síochána /TUSLA Joint Working Protocol (Q2)	Achieved	Review completed.
Finalising (Q3) and implementing (Q4) a domestic abuse risk assessment tool	Partially Achieved	Tool completed. Review of implementation ongoing.
*Updating victim information documents (Q2), developing a set of victims KPI's by end Q4 for implementation in 2020.	Partially Achieved	'The Authority will be interested to learn in 2020 how the use of the website by victims is being tracked, and how the Garda Síochána plans to evaluate its effectiveness... ...it is disappointing that the enhanced victim KPIs have not yet been developed as there have been substantial changes in the services delivered to victims by the Garda Síochána since the commencement of the Victims of Crime Act.'
*Developing proposal for measuring call backs to victims of crime on conclusion of investigation (Q2) for implementation in Q4	Not Achieved	Authority accepts challenges identified by GS i.e. cannot call back victims in every instance (c.129,000 victims on PULSE). GS focusing on harm and/or vulnerable victims, including domestic abuse. Authority keeping under review.
*Establish a baseline for incidents of 'coercive control' in 2019	Achieved	22 incidents were recorded by GS in year.

*‘In-person’ contact will be made and recorded in the Victim Engagement screen within 7 days of a domestic abuse incident in 40% cases Q4	Partially Achieved	Although the target was missed, the degree of improvement is welcome. Authority welcomed GS consideration of appropriateness of operational activity.
*We will increase the proportion of complete victim assessments which are made within 3 days of reporting by 7% to 85%	Not Achieved	81% assessments achieved in timeframe.
*We will reduce the number of missing person incidents with overdue District Officer reviews to 60 or less per month nationally	Not Achieved	Deferred until 2020. Amendment to PULSE system required.
Publishing our Hate Crime policy and procedure (Q3)	Partially Achieved	Guidelines under development.

Table 2: Compilation of 2019 Policing Plan Victim Focused Targets and Policing Authority Assessment of Performance 2019 (March 2020)

The Authority’s March 2020 report also noted concern that KPIs to measure the compliance with the 2017 Act are not yet in place (Policing Authority, 2020a, pg. 7). Additionally, according to the report, all the numeric non-crime targets for 2019, which sought to improve the GS performance, including in their interactions with victims, were missed (pg. 14). This was despite the fact that these targets were related to internal processes and set at levels which the GS has previously managed to achieve (pg. 14).

As part of the current research, the GS informed researchers of a specific **GS victim’s policy and procedure document** developed in close collaboration with the DPP office and their legal section and currently progressing through the GS approval process. This document, which is likely to obtain imminent approval,²⁷ is an HQ Directive and is based around the 2017 Act. It includes the procedures and vision the GS hopes to achieve around victims. Additionally, the GS is currently formulating an awareness and training package based on the document. The training however, cannot be launched until the guidance document has been formalised. The GS informed researchers that a ‘train the trainer’ course has been completed and will soon be rolled out to enable the ‘filtering down’ throughout the GS (GS Validation Meeting, 2020). Different crime areas such as domestic violence and human trafficking also have their own specific policy documents. At the time of writing this report (June 2020), the researchers had not received this document.

²⁷ Conversation with GS member, 26.06.2020

The **GS Quarterly Public Attitudes Survey** is a further relevant tool which allows the GS to gain some understanding of the public's perception of the service. Indeed, the annual Policing Plan (above) includes as an additional KPI measure, the 'proportion of victims who are quite satisfied or very satisfied with how AGS handled their case' in the Public Attitudes Survey (pg. 5). In the most recent publicly available survey bulletin, Q3 of 2019 (July – September 2019),²⁸ the satisfaction levels among victims of crime (who reported the crime to GS) was reported to have decreased in Q3 2019 to 52% from 66% in Q2 (pg. 6). It is important to note that the survey sample is random and consists of 1,500 adults aged over 18 years old and in-home face-to-face interviews. However, in Q3 2019, the victimisation rate stood at 4.2%, while the proportion of victims reporting their most recent crime to Gardaí stood at 82% (pg. 6). As the survey bulletin makes clear, the smaller the proportions of the sample, the higher the margin of error. This should therefore be considered when examining quarterly victims of crime samples (pgs. 1 and 6).

According to the Policing Authority Assessment of Policing Performance 2019, which contains additional information on Q4 (October – September 2019) of the GS Quarterly Public Attitudes Survey, the satisfaction levels among victims of crime stood at 60% in Q4 of 2019. Taking the Q4 2019 figure, the Authority have noted an overall downward trend in 2019 when compared with 2018 (63%) but still higher than the annual figures for 2017 (58%) and 2016 (57%) (pg. 17). Authority minutes from the 29 January 2020 monthly meeting additionally indicate that the sample size for victims of crime in the Public Attitudes Survey increased within 2019.²⁹

In terms of other Survey indicators, the level of satisfaction with the GS among the overall respondents remained quite high. In fact, 77% of respondents agreed that the GS 'can be relied upon to be there when needed' and 89% felt that the GS 'listened to the concerns of the people.' Trust in the GS from the general population also remained high, with 92% of respondents 'reporting having a mid to high level of trust'.

4. THE GS SERVICES FOR VICTIMS OF CRIME AND THE INTENDED VICTIM'S JOURNEY

In line with the recent legislative reforms, a number of GS initiatives in recent years have been directed towards improving the experiences of victims in the criminal justice system, including in addressing the gaps posed by the legislation. These initiatives include the creation of the following:

- A Garda National Protective Services Bureau (GNPSB);
- Victim Services Offices (VSOs); and
- Divisional Protective Services Units (DPSUs).

The following section aims to provide a detailed overview of the primary GS services aimed at victims of crime at the time of writing (June 2020). An important caveat is that the implementation of the new operating model remains ongoing as part of the PSF programme (see 'Policy Framework' in section 3 above). As a result, caution is exercised concerning current numbers and some organisational remits.

Garda National Protective Services Bureau (GNPSB)

Within the GNPSB are the following entities and remits:

- *Victim Liaison Office (VLO);*
- *'Sexual Crime Investigation;*

²⁸ <https://www.garda.ie/en/information-centre/quarterly-public-attitudes-surveys/public-service-attitude-bulletin-q3-2019.pdf>

²⁹ https://www.policingauthority.ie/assets/uploads/documents/Minutes_of_Policing_Authority_meeting_on_29_January_2020.pdf, p3.

- *Online Child Exploitation Investigation;*
- *Child Protection, Domestic Abuse Intervention and Investigation;*
- *Human Trafficking Investigation;*
- *Organised Prostitution Investigation;*
- *[Violent Crime Linkage Analysis System] ViCLAS;*
- *Specialist Interview;*
- *Sex Offender Management;*
- *Missing Persons;*
- *Missing Persons in Care; and,*
- *Support for Victims of Crime.*³⁰

The focus of the Bureau is to lead the investigation in more complex cases. At time of the GS conversation, the GNPSB consisted of a chief superintendent and three detective superintendents who divide the full remit of work (GS Validation Meeting, 2020).

Garda Victim Services Offices (also known as GVSOs or VSOs)

At the Divisional level, there is the intention to have one VSO per GS Division. In December 2015 when the VSOs were introduced, there existed 28, one for each GS Division. Under the new operating structure, the GS is decreasing the number of divisions and consequently VSOs; this reform has, however, not yet reached completion.

VSOs are managed divisionally and are open Monday to Friday from 9am to 5pm. Although each unit varies from another, in general they are staffed with a Garda member and a Garda staff member, who is a civilian. According to the Modernisation and Renewal Programme *'[these staff] have been specially trained with input from victim support groups in how to deal with victims with empathy'* (pg. 17).

The core role of these offices is to assist victims as well as lodge their information. They collect and process the victim's information, provide the victim with the contact details of the investigating Garda member and relevant support services, as well as keeping the victim informed of all significant developments with their case. Victims are also able to raise any problems or concerns they may have with their case to the VSOs, although VSOs have no face to face contact with victims (GS Validation Meeting, 2020).

Around the time VSOs were introduced, former Garda Commissioner O'Sullivan described the intended centrality of the role, stating that their implementation *'will provide a central point of contact for any questions, issues or problems victims of crime are experiencing as their case is being investigated and moves through the criminal justice system'* (O'Sullivan, 2015, pg. 16).

Divisional Protective Services Units (DPSUs)

Additionally, at the Divisional level, are the relatively new DPSUs, of which there were 15 at the end of 2019. The GS plans to develop these in each of the other policing divisions, country wide.

In December 2019, the then Minister for Equality and Justice reported the following Garda personnel at the following example DPSUs:

- (i) DMR Eastern: 1 Inspector; 2 Detective Sergeants; 10 Detective Garda;
- (ii) DMR South: 1 Inspector; 3 Detective Sergeants; 13 Detective Garda; and
- (iii) Tipperary: 1 Detective Sergeant and 5 Detective Garda.³¹

It is important to note however, that resourcing, capacity and training has been reported as highly variable within the DPSUs.³²

³⁰ <https://www.garda.ie/en/about-us/organised-serious-crime/garda-national-protective-services-bureau-gnpsb/>

³¹ Dáil Éireann Debate, Question 282 (10 December 2019), available, <https://www.oireachtas.ie/en/debates/question/2019-12-10/282/>

³² Conversation with the Authority 21.05.2020 and GS Validation Meeting 28.02.20.

As suggested by a June 2017 press release, DPSUs were originally intended to cover the types of crime under the GNPSB, such as sexual, domestic or child abuse, prostitution, human trafficking and support investigations of missing persons cases.³³ A January 2019 press release, however, also suggests that the remit of the DPSUs has been narrowed to ‘victims of sexual crime and domestic abuse’.³⁴ The Authority confirmed this status in the Assessment of Policing Performance published in July 2019 (and covering the period up to end of June 2019), stating that the original scope of the DPSUs may be ‘too wide or staffing levels insufficient as existing DPSUs report that they cannot take on all the types of crime they were put in place to address’ (Policing Authority, 2019, pg. 14).

A diagram summarising the relationship between these victim focused GS units is included below:

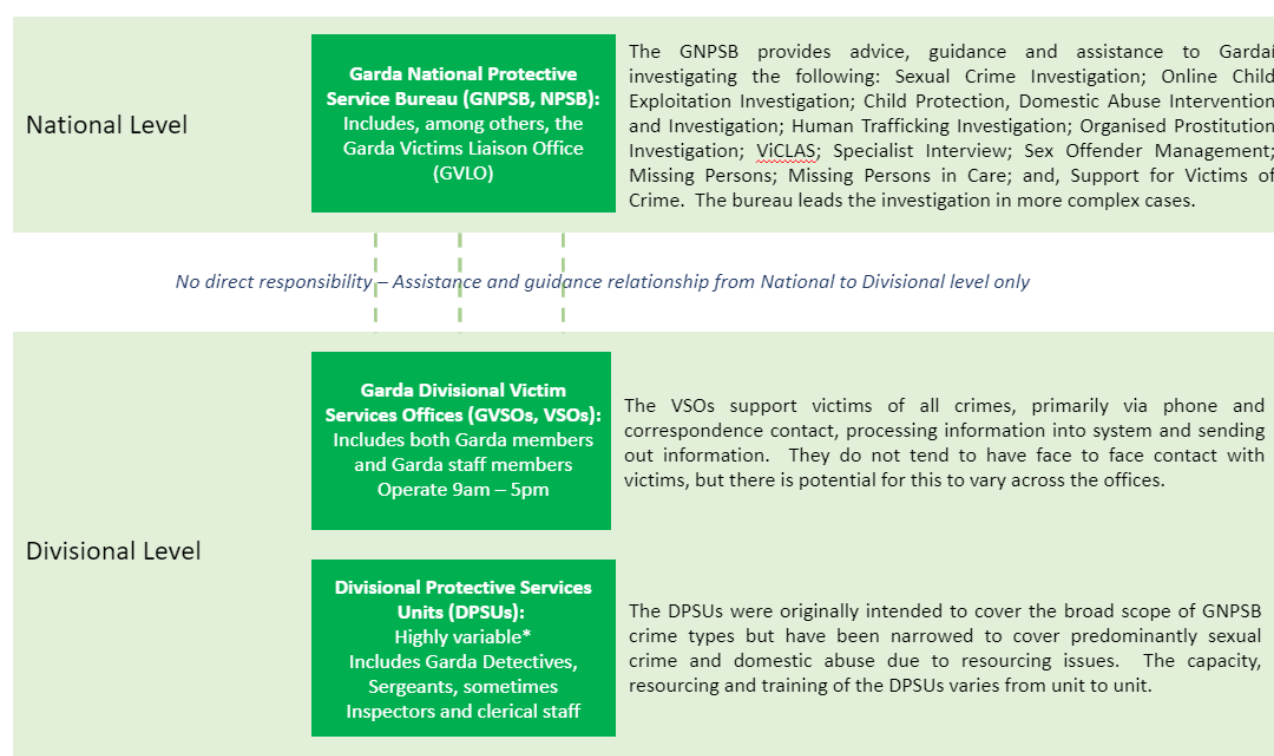


Figure 3: Structure of GS Victim-focused Units

THE GARDA SÍOCHÁNA INTENDED VICTIM'S JOURNEY

Based on discussions with GS and a review of the existing literature, we can present the *GS's intended journey* for victims of crime concerning their engagement with the GS once a crime has been reported. As mentioned in the methodology, it is important to be mindful of the evolving nature of GS policies in recent years and to this end, dates and timeframes have been added where relevant. The following journey depicts the intended pathway at the time of writing the report.

Following the report of a crime, the Garda member in charge gives the victim a card with their name and contact details (see Image 2 below). The card also includes the Crime Victims Helpline website

³³ <https://www.garda.ie/en/About-Us/Our-Departments/Office-of-Corporate-Communications/Press-Releases/2017/June/FOUR-NEW-DIVISIONAL-PROTECTIVE-SERVICES-UNITS-GO-LIVE.html>

³⁴ <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2019/january/six-new-divisional-protective-services-go-live-on-the-9-1-19.html>

and telephone number as well as the details of the Garda VSO. The card was introduced on the 10th February 2020, and as a new initiative does not appear in the literature. The GS did however inform researchers of the encouraging adoption of the recent contact card system by GS members (GS Validation Meeting, 2020).

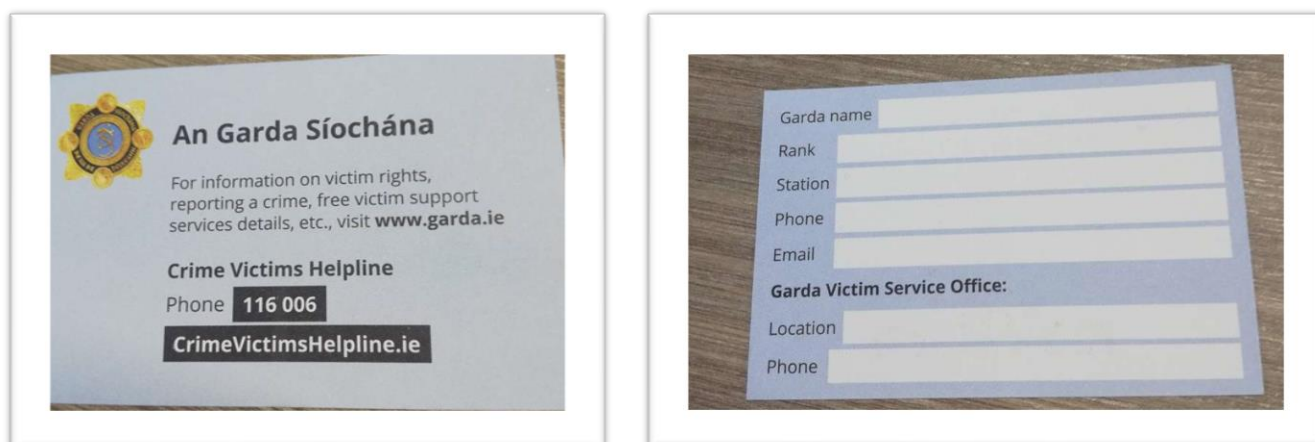


Image 2: Victim Card

The attending Garda member in charge will also take details of the incident and the victim, which are recorded into the **PULSE system** (Police Using Leading Systems Effectively, version 6.8), the **GS computer-based content management system**. Ideally at the scene, but occurring also at the end of the shift, or shortly thereafter, the Garda member telephones the Garda Information Services Centre (GISC) (located in Castlebar and staffed 24/7). The GISC is described as the ‘central location for the reporting and recording of case details for members of the Garda Síochána’ (Policing Authority, 2020a, pg. 56). Importantly, the 2019 Policing Plan includes a target measure which suggests that the GISC may not be able to immediately answer Garda member calls in all cases. The target specifies: ‘GISC meeting service level targets of answering 80% of calls within 20 seconds (end Q4)’ (pg. 24).

When contact is made with GISC, it should then prompt the Garda member to ask the victim a series of questions, such as ‘*what is your date of birth?, what were the circumstances of the case and incident?, what language do you speak?, what nationality are you?*’ and any other question/s required by the PULSE system to create the incident. This information is then entered into the system and captured on a screen called **victim’s assessment**, which is an assessment of the needs of the victim.

As described by the GS during the conversation with researchers, the next step is consideration by the superintendent. The superintendent logs into their computer and reviews all incidents that occurred overnight. Four boxes appear in the superintendent’s consideration screen relating to the victim, as follows:

1. The victim is a child (under the age of 18)
2. The victim is a repeat victim
3. There was a particular motive behind the incident (e.g. racist, homophobic, sectarian etc) – which is recorded from the officer’s perspective but informed by the victim’s view
4. The victim has particular needs (e.g. disability)

If one of the above categories is highlighted, the superintendent considers further actions, which are translated into next steps (see also Puckhaber, 2019, pg. 54). These steps may include for example, the appointment of a diversity officer if there is a certain motive linked to the incident or a crime repeat officer/crime prevention officer if it is repeat incident. When the victim is a child, they will be presumed to have protection needs and when carrying out their assessment, the GS must always

consider the best interest of the child. With child victims, the GS can undertake interviews with specialised interviewers at a place where the child is more comfortable. According to the Children First Guidance, where necessary, the GS will refer a child to Tusla – the Child and Family Agency.³⁵

The Performance and Accountability Framework (PAF) is of note here, which is in essence the team meetings that supervisors have with their direct reports (Policing Authority, 2020, pg. 12). The PAF allows the management of the GS to gain an overview of the crimes occurring within the area through regular daily and weekly meetings in which crimes and actions are discussed. Over 2019, a standard agenda and the roll-out of PAF guidelines are reported to have driven *‘increased consistency and focus’* in PAF meetings (Policing Authority, 2020, pg. 12).

Family Liaison Officers (FLOs) are also mentioned by Puckhaber. These individuals are trained officers who can be assigned to victims or family members of victims in cases of homicide, fatal collision or kidnappings, to provide accurate and timely information on any developments and progress of an investigation (Puckhaber, 2019, pg. 21). They also provide victims or their families with contact details of victim support organisations (ibid). The literature also mentions lesbian, gay, bisexual, and transgender (LGBT) liaison officers, for victims from the LBGT community and Ethnic Liaison Officers (ELOs) for victims of racist incidents and Access Officers to help victims with disabilities with any *‘obstacles they might face in accessing Garda services’* (Leahy and Spain, 2017, pg. 527).

However, according to the recent engagement with the GS, the roles discussed above (i.e. LGBT Liaison Officers, Ethnic Liaison Officers and Access Officers but not including the Family Liaison Officers) are not (or no longer) form distinct roles per se but rather come under one role which is presently the Diversity Officer mentioned above. (It is however noted that the GS website still refers at the time of writing to ELOs.)³⁶ Researchers were informed (GS Validation Meeting, 2020) that although the Diversity Officer is not currently a formalised role, there is work being done by the Garda Community Relations Bureau to formalise this role and provide training. In addition to Diversity Officers, community policing members often serve as liaison officers to meet the local needs of the particular communities in an area, and (as mentioned) there are Crime Prevention Officers in each division which focus on repeat victims of crime.

Concerning additional supports, if the incident has occurred late at night or early in the morning, the investigating officer must make a preliminary assessment there and then, without waiting until the superintendent’s review. The GS informed researchers that the victim does not get a copy of any assessment made by them following on from the statement they make. Under the 2017 Act, sections 8(1) and 8(2), the victim must be informed about their right to make a request and amend a request for certain types of information, and the relevant procedures for doing so. The types of information include: information relating to any significant developments in the investigation of the alleged offence, a copy of any statement or submission made by the victim, information regarding a decision not to proceed with, or to discontinue, the investigation and a summary of reasons for the decision, the date of trial, information regarding a decision not to prosecute and the right to review such a decision, among many other forms of information (section 8(2)(a)-(o), Criminal Justice (Victims of Crime) Act 2017 for full list. Any information a victim requests or any information which cannot be provided must be recorded in conjunction with the reasons behind this decision (sections 8(4) and 11(3), Criminal Justice (Victims of Crime) Act 2017)).

This assessment does not finish with these initial considerations. Indeed, the circumstances of a victim or of a case may change and there are various milestones in the investigation at which the assessment is re-assessed.

³⁵ <https://www.gov.ie/en/policy-information/d1b594-children-first/#children-first-guidance>

³⁶ <https://www.garda.ie/en/Victim-Services/Reporting-a-crime-FAQs/Where-can-I-get-more-information-.html>

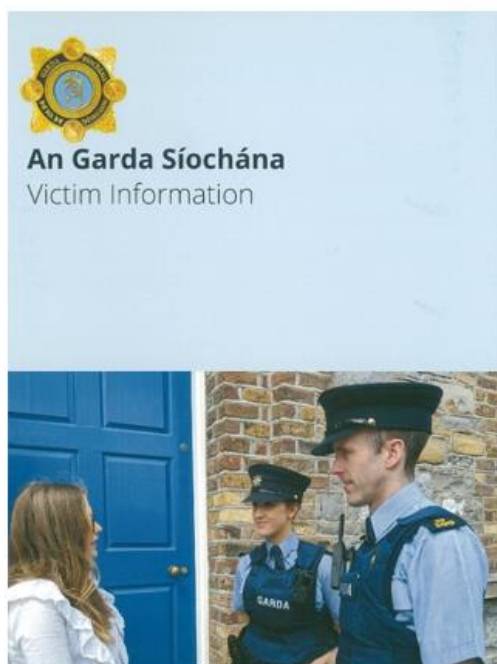


Image 3: GS Victim Information booklet front cover

In tandem with the superintendent or reporting officer assessment, PULSE is prompted to notify the VSOs of this incident. Within three working days, the first letter is sent out to the victim. The GS informed researchers that this letter provides victims with the details of their **PULSE incident number** which is again generated automatically and is allocated to the crime/incident in the Garda computer system. According to the Crime Victim's Helpline website³⁷, *'this number enables Gardaí to access information on the current status of the case and the progress of the investigation.'* The letter previously also contained a leaflet with some information (including on support organisations), however this has been replaced by the Victim Information Booklet (see Image 3)³⁸ with a phasing out of the leaflet underway.

The Victim Information Booklet has been translated into 36 languages as well as English and Irish, with hard copies in English and Irish held at GS Stations. GS officers do not regularly distribute this booklet to victims on the scene due to its length and the

perception it can be overwhelming; instead preferring to distribute it via the automated VSO letter which provides an online link to the booklet and the option to request a hard copy, thereby allowing victims to assess the information in their own time and means. The GS informed researchers of plans in motion to allow GS members to send off the relevant information, including the booklet to the victim, via email, when they first encounter victims. In the context of monitoring, the GS further identified the intention to monitor the number of hits of the Victim Information Booklet on the GS website, including which languages are viewed as a means of better understanding both engagement and victim information needs.

Researchers were informed by the GS that extremely vulnerable victims, such as victims of domestic violence or human trafficking victims, will not receive a letter. Instead, these victims are contacted face to face by an investigating officer or in more serious cases a Family Liaison Officer. The GS guidance to VSOs defines vulnerable victims to include *'any victims whose incidents involve any of the following elements: Domestic violence, sexual, terrorism, organised crime, or human trafficking, gender related, anti-disability, transphobia, homophobia, anti-Semitism, sectarian, anti-Muslim, racism, anti-Roma, anti-traveller, ageism, or if the victim is under 18'* (Garda Inspectorate, 2018, pg. 164).

The GS sends a second letter to victims of crime if there is a development in their case, asking the victim to contact the GS to gain more information. A third letter will be sent if a person is charged or summoned. A fourth and final letter is sometimes, but not always, sent within six months, informing the victim that there are no concrete developments in their case.

³⁷ <https://crimevictimshelpline.ie/>

³⁸ <https://www.garda.ie/en/victim-services/garda-victim-service/english-victim-information-booklet.pdf>

All letters prompt the victim to visit the GS's website. The researchers were informed that most of the GS's publications are assessed by the National Adult Literacy Agency (NALA), which examines documents and evaluates whether they are easily understandable.³⁹

The researchers were also informed that it is GS practice to encourage the investigating officer to maintain close contact with the victim and not to rely on the victim initiating contact with them. Indeed, personnel from the VSOs may also contact victims by phone to check up on them and provide them with information about victim support services (see further Puckhaber, 2019, pg. 19 also citing the GS Domestic Abuse Intervention Policy, 11.5(c)).

To monitor GS engagement, there is a victim engagement screen on the PULSE system which includes all types of engagement from a drop-down list. The GS informed researchers that the GNPSB monitors this process and there are KPIs and dashboards where they can seek out how many contacts have been made within certain timeframes. As discussed above, there are targets around victim contact within the 2019 Policing Plan and which are monitored by the Authority.

As identified above, specific national measures are in place for vulnerable victims. For instance, domestic violence victims will receive a call back within seven days, and then another call back within a month of the incident being reported. The Garda members with whom the researchers engaged also noted that any complaint about an officer can be made to the Garda Ombudsman (GS Validation Meeting, 2020).

With regard to support for victims, it was noted above that a list of key national organisations has typically been included in the leaflet sent to victims with the initial VSO letter, but has now been replaced by the Victim Information Booklet also available online. The victim card also contains the number of the Crime Victim's Helpline, which may tell victims about services in their local area and specialist services (Puckhaber 2019, pg. 26). With the victim's consent, the GS can also notify a support organisation on their behalf.

Although there is no nation-wide support service, there are multiple NGOs and agencies that support victims as indicated by the literature review. The GS informed the researchers that the Federation for Victim's Assistance which is volunteer led, is the closest organisation to a national victim support service. It is currently in 13 different counties but aims to be fully national and conducts face to face meetings with victims. The Federation liaises locally with the GS VSOs. The Victim's Information Booklet provides a complete list of every Garda VSO nationwide including their emails and phone numbers.

The Victim Information Booklet provides a list of 'useful websites' which includes the websites and phone numbers for various organisations.

Researchers were informed by the GS that there is a lot of engagement between the GS and victim support organisations with members of the GNPSB having personally engaged with these groups, via phone, email and on occasions, in person. These organisations also occasionally provide training to the GS. Training and high-level investigative courses are also provided by universities such as the University of Limerick and Maynooth University. There is further training specific to certain crimes for DPSUs senior investigating officers. According to the Policing Authority Assessment of Policing Performance published in March 2020, a training model has been established on the Domestic Risk Assessment Tool, which from 2020 will form part of the GS' core training (pg. 30). This is now piloted

³⁹ Of further note here is the requirement in the 2017 Act that communications with victims are written in '*simple and accessible language and have regard to the personal characteristics of the victim including any disability, which may affect the ability of the victim to understand them or be understood*' (Section 22 (1) of the 2017 Act).

in the Eastern Region and will be evaluated before roll out nationally. An e-learning course has also been established which will provide GS frontline members with key knowledge and skills concerning the Garda Youth Diversion Projects (pg. 24).

GS engagement with victims can extend through to the prosecution review and court process. Indeed, one academic informed the researchers that victims 'rely' and 'look to' the GS for information and explanations at the court stage of the criminal justice process (Interview 02, 2019). The GS will liaise for example with the victim concerning the Office of the Director of Public Prosecutions (DPP) decisions not to prosecute. In fact, to meet their requirements under section 36 of the 2017 Act of collecting data on victims, GS are currently engaging with their IT sections to find the best way to achieve this broad objective (GS Validation Meeting, 2020). The data they have begun to engage with includes the number of victims seeking review of the decision not to prosecute, and the number of victims they have engaged with. The DPP have developed a booklet on a victim's right to request a reason and review for a decision not to prosecute (Puckhaber, 2019, pg. 14; see also Annex to this report). (This booklet has been approved by the NALA for its accessibility). If a victim is asked to appear in court, they may claim reimbursement of their expenses, which includes travel expenses, costs for providing evidence, subsistence, and accommodation. This process is organised by the investigating Garda or the Garda VSO, and processed by the local Superintendent (Puckhaber, 2019, pg. 40; see also The Victim's Information Booklet).

A diagram summarising the *intended victim journey* as described is included in Figure 4 below:

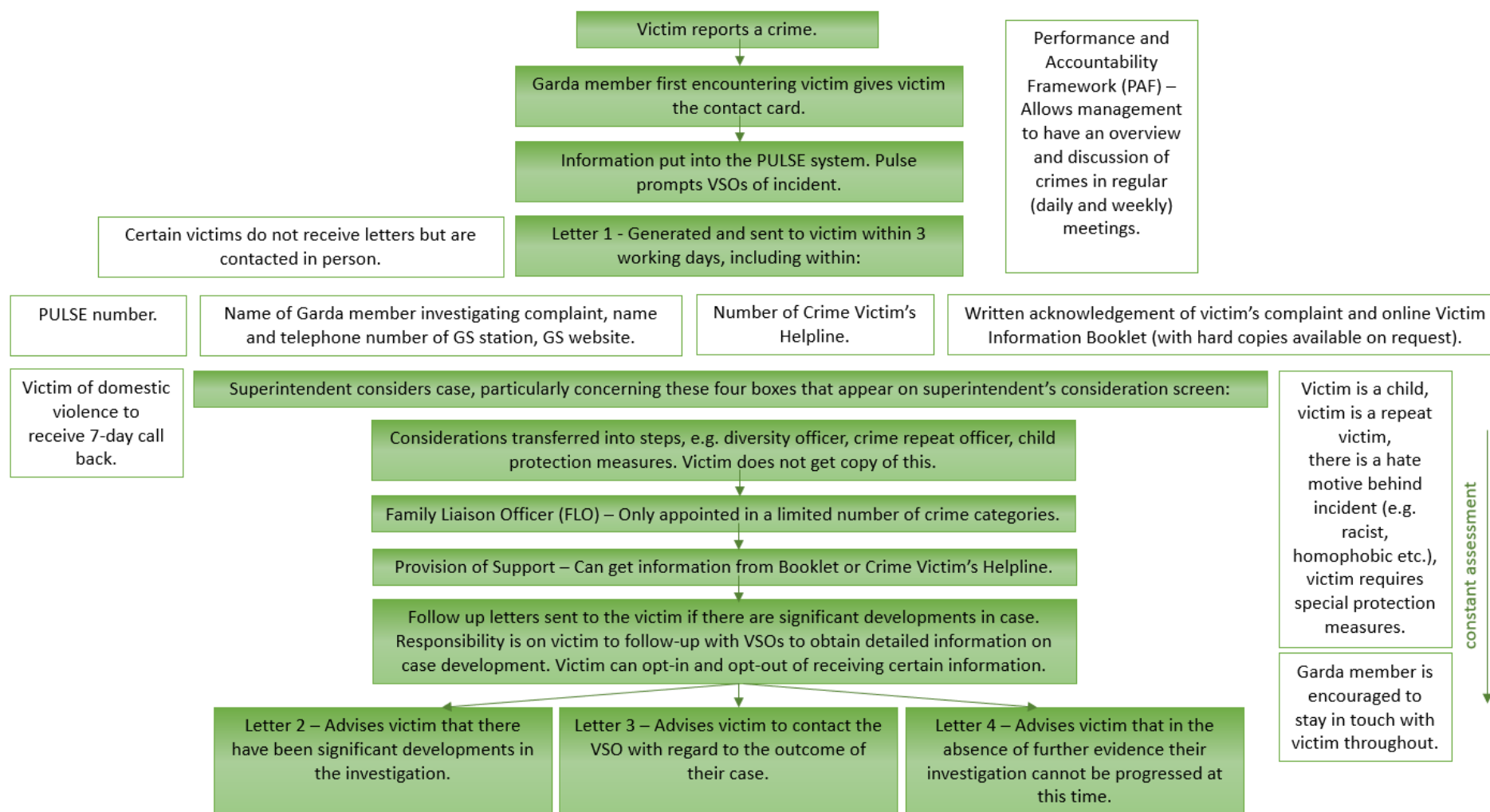


Figure 4: Intended Victim Journey Interacting with GS

5. SETTING THE SCENE

This section focuses on how the GS's practice has been portrayed in the recent literature. It begins by identifying some good practices before discussing areas of concern regarding the victims' engagement with the GS. On occasion, the following section identifies practices within the remit of other criminal justice agencies, such as the Court Service of Ireland. This is because such practices are intrinsic to the victims' experience of the criminal justice process and can form the broader context within which the victims and GS interactions take place.

5.1 GOOD PRACTICE

According to Kilcommins et al. *'overall [...] [the] Irish criminal justice stakeholders have demonstrated a firm commitment to effective service provision for victims and recent initiatives would seem to indicate that the momentum to further improve upon these services will continue in the future'* (2018, pg. 3451). In fact, the literature outlines a variety of good practice among the GS, described further below, relating to:

- The general attitude and conduct of GS members;
- Call-backs to victims;
- The establishment of the DPSUs;
- Language accessibility and strategies to identify special needs of victims;
- Consultation with NGOs, including on training; and
- The provision of financial assistance for victims' expenses when involved in court or evidence gathering activities.

THE GENERAL ATTITUDE AND CONDUCT OF GS MEMBERS

Healy's literature review (2019, pg. 70) included the older Hanly et al. 2009 study which surveyed 100 victims of rape about their experiences with the GS (Hanly et al., 2009 in: Healy, 2019). Although somewhat outdated and thus not completely cognisant of the many changes the GS has undergone in recent years - such as the institutional reform in the form of the new operating model and the establishment of VSOs and DPSUs - the Hanly study indicated that at the initial stage, many victims were satisfied with their interaction with the GS, which they considered to be warm and supportive, sympathetic and compassionate (ibid). Indeed, a (relatively modest) majority of victims responded positively when asked about the following four Victim's Charter commitments,⁴⁰ as follows: 63% said they were given the option of a female Garda at interview; 58% said they were given information about support services; 64% said they were given explanations about the investigation, and 56% said they were given explanations about criminal proceedings (ibid). More recent evidence of positive first encounters with GS emerged from an academic interview for this report whereby researchers were told that the first call and initial contacts with the GS are often very positive (Interview 01, 2020).

The One in Four study, which interviewed **10 clients** of One in Four on their experience of how the criminal justice system responds to complainants of sexual violence, also highlighted many interviewees who have positive experiences with the GS. Although the study had a small number of participants, it is one of the only studies recently published which includes interviews with victims. Some participants within the study *'praised the commitment and professionalism of the Gardaí, who often went out of their way to help'* them (Brown et al., 2019, pg. 36). This was echoed by other participants who described situations in which the Garda dropped everything to help them and would

⁴⁰ This is referring to the 2010 Victim's Charter, now updated in 2020 (see section 3 of the report above).

continue to check up on them through repeated calling (ibid). One participant felt that the GS really cared about his case and had been really good throughout the reporting procedure (ibid), while another acknowledged the help she had been given and the expertise and experience of the Sexual Violence and Sexual Assault Investigation Unit.

CALL-BACKS TO VICTIMS

Healy's literature review also revealed examples of good practices where GS members provided emotional support and follow-up contact to victims, sometimes in the form of telephone calls to check on their wellbeing or taking days off to attend their medical examination (Healy, 2019, pg. 70).

The 2018 Report of the Garda Síochána Inspectorate also put forward the relatively new call-back initiative as a promising practice which they stated could also lead to increased Garda visibility (pg. 13, pg. 89). The Inspectorate reports that this initiative consists of conducting follow-up call-backs for some vulnerable victims of crime (pg. 98) and was described in its most recent form in section 3 of the report above, within the Policing Plan 2019 targets, namely the aim to increase the average recorded victim contacts per complete incident, and the specific 'in-person' contact target for victims of domestic abuse. However, in the recent Policing Authority Assessment of Policing Performance, and as observed above in Table 2, the Authority identifies (and understands) certain challenges faced by the GS in calling back victims in every instance (2020, pg. 31).

According to the report, the GS *'has come to the conclusion that it is not possible to undertake call backs in each and every case'* citing approximately 129,000 victims of PULSE at that time. The report continues to note that the GS have argued that in the case of many victims, a call back may not be required and that victims *'may be satisfied with the current, relatively new process to issue a letter at the conclusion of many cases'* (pg. 31). It is for these reasons, that the GS are concentrating call-backs on victims of harm and/or vulnerable victims (pg. 31).

THE ESTABLISHMENT OF THE DPSUs

The recent establishment of the DPSUs has also generated positive commentary. The most recent Policing Authority Assessment of Policing Performance report remarks on the positive feedback from stakeholders about the improved service that has been provided in many cases through the DPSUs (2020, pg. 29).

One academic expert also reported hearing reports about the DPSUs performing very well. Indeed, the academic claimed that the specialist response of the DPSUs *'ha[s] made a real difference for victims'* (Interview 02, 2020). This difference is due to the fact that *'the level of specialisation gives an increased confidence to the victim as well. There is something different about dealing with a specialised unit.'* (Interview 02, 2020).

The units have also been praised for evidence gathering, as having specialists investigating crimes must help victims present evidence in court (Interview 02, 2020). While the previous section highlighted the resourcing issues around DPSUs, limiting in many cases their investigative ability to only sexual crimes, the Authority identifies the DPSUs as an important area for consolidating the relative success achieved by *'ensuring that [the DPSUs] are available and providing a consistent service throughout the country'* (2020, pg. 29).

LANGUAGE ACCESSIBILITY AND STRATEGIES TO IDENTIFY SPECIAL NEEDS OF VICTIMS

Concerning the needs of vulnerable victims, good practices include a recent cooperative measure between the GS and the Irish Association of Speech and Language Therapists which according to VOIARE will lead to the '*creation of a roadmap for providing assistance in language tailored to specific needs*' (Puckhaber 2019, pg. 14). Towards a similar *de facto* equality objective, the report further notes that in November 2015, GS issued all members '*aide memoires*' to carry with them in their '*notebooks*', which consist of a list of the key information for GS members to use when assessing victims' special protection needs (Puckhaber, 2019, pg. 53). These considerations and questions include what the nationality of the victim is; their contact details; whether they speak English and thus, their translation needs; whether there is the need to see a doctor and their preferences. Additional considerations include detail of the case and the incident such as whether the GS considers there was a particular motive behind the incident (ibid). The GS informed researchers that the PULSE system now automatically contains these prompts for GS members.⁴¹

CONSULTATION WITH NGOS, INCLUDING ON TRAINING

The Victims of Crime Consultative Forum, which had been running since 2009 and is reported to have held a meeting in April 2018, was also identified as good practice within the VOIARE report (Puckhaber 2019, pg. 61). This forum, which was previously held annually, allowed victim support groups and NGOs working in this area to exchange and collaborate views and opinions to influence future policy and GS strategy (ibid, see also An Garda Síochána, 2016, pg. 18). According to discussions with the GS, this forum is no longer operational. The GS did however express their intention to institute a further physical forum for NGOs to attend (GS Validation Meeting, 2020). More broadly, the uniqueness of the Irish Tourist Assistance Service (ITAS), a service dedicated to tourist victims of crime, might be considered an example of good practice (Puckhaber 2019, pg. 45).

With regard to training, some consultation and involvement of specialist NGOs was also apparent from the literature. These included the fact that Women's Aid has been training the GS on how to respond to victims of domestic violence since 1995 (Puckhaber, 2019, pg. 60). The Human Trafficking Investigation and Co-Ordination Unit (HTICU) and International Organisation for Migration (IOM) also devised a three-day training course on Human Trafficking for members of the GS (GRETA, 2017). The Reach Project,⁴² co-funded by the European Commission, is another project which developed a training app for professionals who were likely to identify victims of trafficking. Finally, the Irish Council for Civil Liberties (ICCL), the Bar of Ireland and the Law Society of Ireland developed a training course for professionals, mostly lawyers, working with victims of crime on the needs and rights of victims through the use of a Massive Open Online Course (MOOC) (see McDonald 2018b, pgs. 24-30). The course was delivered online over five weeks from November 2017 and included modules on the EU Victims' Directive, the 2017 Act, disclosure and special measures and supports for victims, child victims and victims with disabilities, and best practice from abroad (McDonald, 2018b., pgs. 25-26; see also, Puckhaber, 2019, pg. 59-60).⁴³ According to Puckhaber, there was no formal response on behalf of the GS to the invitation to access the training, although a number of individual Garda members supported the training by pre-recording a video for the MOOC and being involved in a Victims Conference (Puckhaber, 2019, pg. 59-60).

⁴¹ Follow up discussion 26.06.20.

⁴² <http://www.reachproject.eu/>

⁴³ See also, <https://www.iccl.ie/justice/victims-rights/>

THE PROVISION OF FINANCIAL ASSISTANCE FOR VICTIMS' EXPENSES WHEN INVOLVED IN COURT OR EVIDENCE GATHERING ACTIVITIES

Finally, the VOIARE Synthesis report (Ivanković et al., 2019) also outlines the following promising practices specifically related to the GS: (i) the information leaflets provided by the GS to victims, and their ongoing revision (pg. 32) – (note that the leaflets have now been replaced by the Victim Information Booklet mentioned in section 4 above); and, in the case of economic hardship, the ability of victims to receive financial advance by the GS for court or evidence gathering expenses (as discussed above) (pg. 114). The same report identifies more general promising practices in the wider criminal justice system, namely, (i) the presence of Victim Impact Statements. This allows for victims to *'reflect on the evidence, try to influence the sentencing and in general to tell to the court about how the crime impacted their life'* (pg. 101); and, (ii) pilot projects which include the presence of courthouse dogs and intended to instil confidence in the victim (pg. 102).

5.2 CONCERNS AND ISSUES

The literature review and interviews also revealed areas of concern regarding GS practices towards victims of crime, overlapping with some of the generally good practices identified above. These are outlined below following the three pillars of the EU Victim's Directive (i.e. information, protection and support) as well as training, monitoring, the GS physical environment and organisational culture. The GS's role in these thematic areas naturally varies due to their mandate. A more limited role is for example noted concerning the provision of support services. All of the following areas do however note some need for GS improvement.

COMMUNICATION AND INFORMATION PROVISION

The GS is the first point of contact a victim has with the criminal justice system. This renders the first communication the Garda member has with a victim incredibly important, as the *'encounter [...] may determine if she will or not call the Garda again in the future. An unhelpful response may mean that [she/he] will not call again when the violence is repeated or even when it escalates'* (Women's Aid, 2018, pg. 16; see also Commission on the Future of Policing, 2018, pg. 20 and Ballucci & Drakes, 2020, pg. 1). Ballucci & Drakes (2020), citing other scholars, identify a range of potential impacts that a negative criminal justice experience can have on the victim ranging from a lack of cooperation, to vigilantism, to an increased risk of post-traumatic stress and poor health (pg. 3).

Notwithstanding the good practice identified above, the GS has however been criticised for its communication, information provision and system failures. Indeed, inordinate delays, a lack of communication and provision of information from the various agents of the criminal justice system as well as system failures (Kilcommins, 2018, pg. 85) were also highlighted as reasons for the dissatisfaction and departmental errors within the literature. This is further evidenced by Hanly et al. (2009), although somewhat outdated the study is of note as it surveyed 100 victims of rape about their engagement and experience with the GS. The study found that the victims' satisfaction levels decreased at the investigation stage mainly due to a lack of information and updates on their case. Indeed, according to an academic expert, interviewed for this report: *'it was the follow up [calls and contact with the GS] where challenges began to appear'*. The academic acknowledged that in some cases, the victims could have been expecting a service which the GS could not deliver, but in other cases it could have been *'that the follow up back to victims wasn't as strong'* as the initial contact (Interview 01, 2020).

Although subject to caveats due to the small number of participants as discussed above, some participants in the One in Four Study felt that the GS lacked experience and sensitivity, were rude and made inappropriate comments and questions (Brown et al., 2019, pg. 42-43). Some participants described situations in which they had to make a statement twice, never received phone calls, experienced a general lack of information provided to them and/or long delays in getting a response from the GS (Brown et al., 2019, pg. 37). Others were given conflicting information about what they were entitled to and a lack of information about their case specifically (Brown et al., 2019, pg. 38). One participant described not being informed about her case by the GS but finding out about it by reading the newspaper (Brown et al., 2019, pg. 38). Another found out the court date through a friend who was a witness in the court case (Brown et al., 2019, pg. 39). Although subject to caveats due to the small number of participants (10) as discussed above, some participants described being treated in an *uncaring and insensitive way* by the GS (either explicitly or implicitly by actions of omission around information provision), including for one interviewee feeling *put under pressure to develop Victim Impact Statements* (Brown et al., 2019, pg. 40).

Up until the date of writing (June 2020), the Authority has published five reports on the policing performance of the GS during COVID-19. Within these reports, there is a perception that policing during the pandemic has in fact become *'more empathetic, respectful, focused, caring and engaged'* (Policing Authority, 2020b, pg. 11). The Authority reported this perception to derive from a number of different groups, as follows:

Groups that hitherto would have reported low confidence in the Gardaí are now expressing cautious optimism that the tone of interaction might be preserved beyond the COVID-19 emergency. As one Traveller remarked, 'it is like nothing we've experienced before — it is as if they have been instructed to treat us as members of the community'. A number of domestic abuse organisations described an increased alertness, empathy and appreciation of the situation in which the interaction with victims is taking place. In some cases groups stressed that it may not be that the policing actions being taken were different than before, but the manner in which they were discharged was of a different character (Policing Authority, 2020b, pg. 11).

Research suggests there are other instances in which the GS either did not provide victims with the required information or provided inaccurate information (Kilcommins et al., 2018, e-book, pg. 2865). Puckhaber found that the Crime Victims Helpline heard from a number of victims that they were similarly told by the GS that they *had* to make a victim impact statement, which they have no obligation to do so (2019, pg. 33). Also, according to Puckhaber, some victims said they never received the first letter (see section 4 of the report above) with the relevant information (2019, pg. 16).

These findings are particularly problematic as providing information to victims is not only a legal requirement within the 2017 Act but also essential to levels of victim satisfaction with the service. One academic expert in fact told researchers that in their experience, the only instances in which the GS was described negatively was when *'the information flow wasn't there'* (Interview 02, 2020). The academic explained that although victims want a result from their case, in that they want to see it go to court, and have someone convicted for their crimes, what they want most of all is *'to be treated fairly'* (Interview 02, 2020). In fact, the academic stated that, *'over the years I have realised what victims want is far less about convictions, it is more about their treatment. This fair treatment for me is all about information. So long as, the information flow is there, and they feel as if they are being treated with respect, the relationship with the GS stays strong'* (Interview 02, 2020). Interestingly, the academic expressed concern over the information flow being *less present among certain victims of what could be seen as 'lower level crimes'* than among victims of more serious crimes. This is problematic considering that 'victims of lower level crimes such as burglaries can face substantial trauma. The academic in fact stresses that the information flow is still needed for these victims to,

'feel that [their] complaint is being taken seriously. To me it is all about information, and it is about feeling respected' (ibid).

Puckhaber (2019, pg. 19) also states that there are often delays in processing complaints or the complaint is not entered into the PULSE system at all, meaning that no formal record of the complaint is made and thus, no PULSE number is generated. Indeed, according to Kilcommins et al. (2018, pg. 3760), 17% of crime reported was not recorded in the PULSE system in 2015. This is problematic as it means victims have to follow up with the GS to get their PULSE number while the GVSOs are only able provide information and an acknowledgement of the complaint if it is recorded in the PULSE system (Puckhaber, 2019, pg. 19). Sometimes, it may also be difficult to track down the individual GS member to gather more information, leading to further delays (ibid). There have also been instances in which the GS member has recorded very few details on the incident in the PULSE system leading to incidents not being classified as a crime (Kilcommins et al., 2018, pg. 3682).

Issues surrounding data quality and the PULSE system were also highlighted in 2019, relating to the Garda Juvenile Diversion Programme, which diverts children between 12 and up to 18 away from the criminal justice system. Between July 2010 and July 2017, 55 serious crimes and a total of 7,894 reported crimes committed by young people between the ages of 12 – 18 were not progressed due to a failure from the GS to follow up on cases deemed unsuitable for this scheme. This meant that 2,492 individuals, 988 organisations and 3,489 children and young people who were victims of crime did not see their cases progressed properly. This omission resulted in formal GS letters of apology to the victims (The Journal.ie, 2019).

As described above in the victim's journey (section 4), some victims are to be contacted in person. However, according to the VOIARE project's report on Ireland, service providers stated that this practice *'left certain victims without record of the complaint and incomplete information on who to contact within the Gardaí and how to contact them'* (Puckhaber, 2019, pg. 19). The same report also found that many of the GS offices operate without a voicemail, meaning that many victims were left frustrated when they were unable to get through to leave a message (Puckhaber, 2019, pg. 36).

In terms of recommendations, Hanly et al. (2009) suggested that the GS develop a *'victim communication protocol to improve information sharing practices'* (Hanly et al, 2009, in: Healy, 2019, pg. 70).

PROTECTION OF VULNERABLE VICTIMS

According to one of the academics interviewed, one of the major gaps in the GS response is the protection element. The academic suggested that the GS process for conducting a needs assessment for protection measures lacks clarity. Concern was expressed that this lack of clarity creates greater space for discretion and therefore assumptions. It was pointed out that for victims of some crimes, such as victims of domestic violence, there is an assumption of special protection needs, which does not exist for other types of crime (Interview 02, 2020). The same interviewee expressed uncertainty over how the GS would flag a repeat crime in the form of, for example, an elderly victim of burglary who knows the perpetrator because they have been harassed and assaulted by that person previously (Interview 02, 2020).

In the words of the academic, *'there is a little bit of a gap in knowledge of how those assessments of your needs for protection are made by the Gardaí - what training is involved to make those assessments'* (Interview 02, 2020). Together with stressing the importance of gaining a better understanding of the needs assessment processes, the academic acknowledged the challenge for the

Gardaí in making these assessments as requiring *‘a particular skill set to determine whether someone needs extra assistance and extra support’* (Interview 02, 2020).

Concern was also expressed by the same interviewee over the perceived tendency of the GS to categorise victims into victims of serious crimes versus victims of more minor crimes. It was considered that this could result in the GS overlooking a victim’s *‘inherent vulnerabilities that may not be immediately obvious’*. The point was that each victim has a unique response to crime – it is a subjective experience - and what may not be considered a serious crime to others, could be to the particular victim. Toward this end, the interviewee emphasised the variability of the impact of crime on the individual stating that: *‘for some, what we may think is a ‘minor crime’ may actually be a very big deal and what we think of as a ‘more serious’ crime may not have the same impact on all victims across the board’*. The same academic expressed the view that a *‘high emotional intelligence’* is required of GS members in terms of discerning the specific victim’s needs (Interview 02, 2020).

Staffing in GISC has been an issue of ongoing concern to the Authority, which noted in the most recent Assessment of Policing Performance report, the *‘seemingly intractable difficulties in recruiting and retaining staff for the GISC’* and the potential for *‘detrimental effect on its ability to maintain current improvements to data quality classification and review’* (Policing Authority 2020a, pg. 8). It will be recalled from the previous section (section 4 of the report) that the 2019 Policing Plan targets imply that the GISC is not always able to respond to GS member calls within 20 seconds and so it may not be in fact possible for GS members to record the victims details on PULSE at the scene. In fact, the Policing Authority Assessment of Policing Performance reported in March 2020 that this target had not been achieved. According to the Authority, the GISC *‘has not been able to achieve its service level targets throughout the year as it has faced difficulties in recruiting and retaining staff’* and the GS had no clear plans to resolve this difficulty (Policing Authority, 2020a, pg. 56). This would also suggest that members are often unable to complete victim assessments prompted by GISC in a timely manner. Indeed, supporting this assumption is the 2019 Policing Plan target (also mentioned in the Policy section above) of: *‘we will increase the proportion of complete victim assessments which are made within 3 days of reporting by 7% to 85%’* (pg. 15).

According to the Garda Inspectorate’s 2018 Report ‘Policing with Local Communities’, there currently is no Garda policy or procedure for dealing with repeat victims of crime (pg. 200), although this may change when the new GS policy on victims is approved later this year (see section 3 above). In spite of information provided above to the effect that the superintendent’s screen and therefore the PULSE system has the ability to record and identify repeat victims of crime (see section 4 above), the Garda Inspectorate has noted that the systems used by the Garda including the PULSE system, do not consistently identify repeat callers for service or repeat victims of crime making it extremely hard for the GS to identify vulnerability arising from repeat victimisation (pg. 20, pg. 164). This suggests that either the technology is not functioning to identify repeat callers as it should, the GS is not utilising the available technology, or the practice has altered since the Inspectorate report.

The Inspectorate noted that some divisions *‘use a morning accountability meeting as the forum for identifying [the] vulnerable group [of repeat victims]’* (pg. 200), i.e. the PAF meeting, described above (section 4 of the report). While the 2018 Inspectorate report notes that the PAF meetings are an inconsistent practice (pg. 200), the more recent Policing Authority Assessment of Policing Performance published in March 2020, praised the PAF system as a progressive development through the 2019 year. According to the Authority, the PAF has established *‘some national consistency in how the Garda Síochána manages its activities and monitors performance’* (pg. 6).

According to Hanly’s 2009 survey of 100 victims of rape, satisfaction levels were deemed to be lower among *‘female victims who were interviewed by male Gardaí and those who endured lengthy*

interviews or felt that their cases were not thoroughly investigated' (Hanly et al., 2009 in: Healy, 2019, pg. 70). The same study found that *'40% of participants seriously considered withdrawing their case at some point during the criminal justice process and the most common reason given was poor treatment by Gardaí'* (Hanly, et al, 2009 in: Healy, 2019, pg. 70).

In terms of specific crime types and categories of victims, quoting the former Minister for Justice and Equality, the Irish Human Rights and Equality Commission (IHREC) has pointed to sexual and domestic violence offences as 'chronically under reported' (Irish Human Rights Equality Commission, 2019, pg. 2). The same is true of victims with disabilities and victims from the Traveller and Roma communities (ibid). This is not an issue unique to Ireland, in fact, domestic violence is described as a *'global pandemic'* (De Nagy Köves Hrabar, 2018) and considered to be amongst *'the most underreported crimes'* (Holliday et al, 2019). McCullagh specifically points to experience of male victims of domestic violence, whose experiences can be found 'unbelievable' and 'trivialised' due to the wider Irish cultural context (McCullagh, 2017, pg. 544 relying on AMEN information and a Weiss (2020) article).

Within the Policing Authority COVID-19 reports and under the heading of 'Operation Faoiseamh' (see section 3 above), the Authority has highlighted the views of stakeholders to the effect that the GS's role in identifying vulnerable victims, especially in a domestic abuse context, is *'even more important'* (Policing Authority, 2020b, pg. 9). This is due to the increased restriction on the movements of victims, as well as their formal and informal safeguarding environments, such as from the social workers, friends and neighbours (ibid, pg. 9).

In relation to concerns about the rise in domestic abuse during the health pandemic, one organisation is reported to state that there remain *'cultural'* issues within the GS, in terms of the police framing domestic abuse as a *'relationship issue rather than a crime'* (ibid, pg. 12). Such issues were identified as especially relevant in small towns where the police, perpetrator and victims are known to each other or where the victim or perpetrator is a GS member (ibid. pg. 12). Also relevant is suggestions from stakeholders to the Authority that GS members may be reluctant to respond to domestic abuse calls from Traveller communities. In this regard, concerns were noted that the GS would *'take [the] opportunity'* to also check in tax and insurance compliance thereby de-incentivising victims from seeking further police assistance (ibid, pg. 12).

In the context of a study within a UK NHS trust, Willott et al. also notes that people with disabilities are considered to be at a heightened risk of being sexually violated, additionally noting that these violations are less likely to be reported (2020). From an Irish perspective, Cusack outlined that victims with *'intellectual disabilities continue to fall through the cracks in Ireland's trial apparatus due to the inadequacy of [the][...] existing support framework'* (2017, pg. 444). The challenges encountered by victims of disabilities in Ireland is further highlighted by Edwards et al. (2012) who, as noted above, carried out 13 semi-structured interviews with stakeholders. The resulting study suggested that the support received by victims of disabilities in Ireland is hampered by a lack of understanding of who is responsible for supporting them as well as *'negative preconceptions held by police personnel regarding people with disabilities and particularly people with intellectual disabilities [...] and a lack of disability awareness of police personnel'* (Edwards et al., 2012, pg. 70).

Concerning victims of human trafficking, the US State Department annual Trafficking in Persons ('TIP') report of 2019 contains information between 1 April 2018 and 31 March 2019, drawing on, among others, information from US embassies, NGOs, International Organisations, published reports, academic studies and research trips (pg. 34). In regard to the GS and Ireland the report states that *'NGOs and lawyers asserted the national police lacked consistent standards when assessing victims'* and that only the GS has the authority to formally identify victims (United States Department of State, 2019). The TIP report highlighted this exclusive role of the GS in formally identifying victims of trafficking as a

potential conflict between victim assistance and other law enforcement duties (citing GRETA 2017 in: United States Department of State, 2019). To access the national referral mechanism for victims of human trafficking, it was further reported that *‘a formal victim statement to police and law enforcement referral [is] required’* and that victims who do not report, could still *‘access emergency accommodation, counselling, medical care, and legal services from two NGOs that received government funding but not through the referral mechanism’* (United States Department of State, 2019).

A more recent visit to Ireland by the OSCE Special Representative for Combating Trafficking in Human Beings (February 2020) also highlighted some shortcomings within the GS’s response, namely, identification of and assistance to trafficked victims as well as a lack of prosecutions (OSCE, 2020). Concerning the lack of prosecutions, the 2019 TIP report, further states that:

The government has not obtained a trafficking conviction since the law was amended in 2013. Authorities failed to initiate any prosecutions in 2018 and had chronic deficiencies in victim identification, referral, and assistance.

The TIP report cites 64 GS investigations in 2018, which was *‘equal to the number of identified victims’* but that no prosecutions were initiated during the 2019 reporting time frame, in contrast to three in the 2017 report and nine in the 2016 report timeframes respectively. The GS did however execute two European arrest warrants and cooperated with various foreign governments (United States Department of State, 2019).

Older vulnerable victims are also an important group which have been outlined as hard to identify, due to their reluctance to ask for support or to self-identify as vulnerable (Brown and Gordon, 2019, pg. 6, a Northern Ireland focused study). Regrettably, no studies were found on older victims of crime specific to Ireland and this perhaps is an area worthy of further research.

McCullagh, in his analysis of the literature, notes the further challenges faced in Ireland and around the world, of individuals who fall between the ‘victim’ and ‘offender’ concepts, such as victims of crime at the hands of their own associates or victims who themselves may be known to commit other crimes (2017, pgs. 543-544). Please note this is also common in cases of human trafficking, where victims go onto commit crimes either against their exploiters or due to the coercion placed by their exploiters. McCullagh quotes secondary sources describing how the Gardaí’s treatment of young people can be negative (2017, pg. 545-546). This was understood to be a result of their youth and the view that such people are more likely to be stopped and searched without good reason (McCullagh, 2017, pg. 545).

Finally, in a study which focuses on North American siblings of victims of homicide, Tasker (2020), argues that siblings of homicide victims are often bypassed and feel overlooked because attention is more often focused on the parents (pg. 2). It will be recalled that siblings of a homicide victim may also be considered a victim under the EU Victim’s Directive, article 2(1)(a) (see section 3 above).

SUPPORT PROVISION

As noted above, there is no overarching support system for victims of crime. Support is given rather, by various NGOs across Ireland. At the national level, support is mainly provided by helplines with suggestions that this ‘fragmented’ approach has left gaps and inadequacies in the support system (Puckhaber, 2019, pg. 27). This was further asserted by an academic interviewed for this study, who also described the system as *‘fragmented’*, noting that the lack of centralisation leads to *‘people and agencies work[ing] in silos’* (Interview 01, 2020). Although not specific to the GS, the wider context of support organisation in-fighting was perceived to be an issue for victims, with the interviewee stating:

There seems to be an element of in-fighting and competition among the organisations. They need to understand that they may be only engaging with the system at particular points, whereas the victim has to go through it completely, they need to be conscious of that and integrate better, to ensure the victim journey is as comfortable as possible and there are no gaps. They need to consider the victim's journey and the choices they have at each point. From the moment the crime occurred, what happened next, what support we have in place and how do we ensure that the relevant information is passed on to the next stage. (Interview 01, 2020).

The lack of a national level victim support service was also identified by the same academic as something that could be improved upon, but in the event that this may be difficult, implementation of a Victim Ombudsman was proposed to bring some harmony to the sector:

'I wonder whether it was better to have a stronger central victim support service and then have specialist organisation thereafter. It is difficult to do that now because of the way victim support emerged in this country. Perhaps we could have a Victim Ombudsman, to act as a reference contact point and as a point of solidarity where key issues could be raised, challenges could be made, and they could engage with key stakeholders including victim support agencies (Interview 01, 2020).

The ICCL are also interestingly advocating for a Victims' Rights Ombudsman.⁴⁴

In terms of the GS, it was considered that their role is to make *'the support link much more obvious'* (Interview 02, 2020). Including the Crime Victim's Helpline at the end of a Leaflet or a letter was not considered to go far enough. The desire for a more *'conscious effort'* on behalf of GS to let the victim know what groups exist that may be relevant to them and may support them. The following example was provided to illustrate the point: *'If you have an elderly victim of burglary you can refer them to the Crime Victim's Helpline, but maybe also a group that supports the elderly. It is important [for the GS] to have that joined-up thinking about what relevant support for the victim there may be.'* (Interview 02, 2020).

According to the CoFPI's 2018 report, the GS have formed partnerships with other governmental agencies to enhance the protection of vulnerable children and victims of domestic abuse, but no specific statutory obligations for these partnerships exist. These partnerships therefore depend on the individuals who have formed them and the relationships they have with one another, rather than a specific obligation for public authorities to cooperate and work together (pg. 14). More generally, the report calls on the GS to develop *'better external communications, with communities, victims, complainants and others'* (pg. 85).

In the context of COVID 19, the GS has been praised for mobilising rapidly to fill the gap left by the movement restrictions, a strategy which has resulted in an anticipated increase in *'community trust'* in the GS (Policing Authority, 2020b, pg. 10). This *'huge effort'* being made by the GS however, *may be undermined by an identified lack of multi-agency infrastructure* by which GS members can refer people to appropriate support services through systemic working relationships (ibid, pg. 11).

It is also important to note that not all victims of crime have access to specialist support services (Puckhaber, 2019, pg. 5, pg. 65) with some victims facing *'a geographic lottery'* (Healy, 2019, pg. 57). Indeed, those in rural areas experience *'significant barriers to help seeking'* and are less likely to have access to adequate and specialist services (ibid). On this, the Irish Examiner, a newspaper, stated in 2017 that *'nine counties in Ireland do not have a domestic violence refuge, while 10 counties lack a specialist sexual violence service'* (Irish Examiner, 2017). Also, according to Puckhaber, *'face-to-face*

⁴⁴ <https://www.iccl.ie/justice/victims-rights/>

support for victims of general crime is available in only 11 counties. Dublin is home to 30% of the Irish population and it lacks face-to-face support for victims of general crime' (2019, pg. 27).

Kilcommins et al. (2018) and Leahy and Spain (2017) also outline how the delivery of support to victims was hindered in Ireland by a lack of information provision, understanding of victims' needs, resources and political will. Indeed, a survey conducted by the VOCIARE project indicated that, *'18 out of 19 respondents indicated that more funding was needed to improve victim support services'* (Puckhaber, 2019, pg. 27). An academic expert also agreed stating that although the general population know about the large support groups that support victims of sexual violence, there may be a lack of *'awareness [among victims] about groups such as the crime victim's helpline and smaller, more localised victim support groups'* that might help them (Interview 02, 2020).

The provision of support has been criticised in particular with regard to victims of human trafficking. In addition to criticisms of GRETA, the OSCE and the US State Department, highlighted in the section above concerning the identification of trafficking victims, the literature points out that there is no specialist assistance for victims of human trafficking, such as adequate psychological assistance and dedicated gender sensitive and culturally appropriate shelters (GRETA, 2017). This criticism was echoed in June 2019, by Crowley, Service Manager from Ruhama⁴⁵, who stated: *'it is crucial that the Irish government takes action to provide gender specific accommodation for victims of sex trafficking'* (Crowley in: Ruhama, 2019, pg.1). The 2019 TIP report, further states that *'[t]he government lacked specialized accommodation and adequate services for victims'* (United States Department of State, 2019). More positively concerning the GS, the TIP report noted that the GS provided partial funding *'for a 'research project on trafficking in Ireland, and ran an advertisement in a migrant-focused newspaper to raise awareness of trafficking'* (United States Department of State, 2019). Presumably referring to the Crime Victim's Helpline, the TIP report also noted that:

[The N]ational police trafficking unit promoted a general crime hotline for anonymously notifying police about various crime incidents; police officers, six of whom received anti-trafficking training, staffed the hotline, which was available for 12 hours daily. The national police had a dedicated email address for reports of trafficking; the police took action stemming from 30 emails, compared with 31 in 2017 (United States Department of State, 2019).

The quality of translation services is another important issue raised within the literature. The VOCIARE project, also found that the majority of the survey respondents, perceived that the current practice of recognising individual communication needs is insufficient (Puckhaber, 2019, pg. 15). Indeed, Puckhaber (2019, pg. 24) points out that to be a translator in Ireland, you do not need to have a qualification in translation or to have done any formal training, you simply need a qualification in the language you want to translate into or in English, if English is not the native language.

According to surveys undertaken by the VOCIARE project, support providers were also concerned about the overall low number of interpreters (ibid) and the lack of sufficient quality control among them (ibid). Additionally, the same translator is often used for both the victim and the accused (ibid) and there seems to be no procedures or guidelines set out for them (ibid). These issues are problematic, as they could lead to interpreter bias, misunderstandings, false assumptions that victims understand the language as well as victim revictimization (Puckhaber, 2019, pg. 25). A report is being written by the EU Fundamental Rights Agency in which they will most likely discuss the quality of interpreters and translators, but it is unclear when this report will be released (ibid).

⁴⁵ According to their website: Ruhama is an Irish NGO and registered charity that offers nationwide support to women affected by prostitution, sex trafficking and other forms of commercial sexual exploitation, see, <https://www.ruhama.ie/about-ruhama/>

Generally, reports and studies highlighted the need for additional funds and mechanisms to support victims in Ireland (Puckhaber, 2019, pg. 65; Kilcommins et al, 2018, pg. 3587).

TRAINING

Another theme which is prominent within the literature is the lack of training of GS members. Indeed, according to Puckhaber (2019, pg. 14) *'there is no Garda-wide training regarding how to identify special communication needs and how to tailor communication with victims based upon their individual needs.'* This is further evidenced in the One in Four Report (whose small scale has been previously referenced) where participants described the GS as lacking experience and training (Brown et al., 2019, pg. 47). However, according to the GS there are a number of initiatives in motion to address this issue which will be discussed in later sections. This includes the forthcoming victim-focused policy and procedure document, which GS members expect will precede and facilitate the roll-out of training and e-learning courses (GS Validation Meeting, 2020).

The need for training, especially in terms of the continuing professional development (CPD) of experienced members, was further suggested by two academic experts. One stated: *'in terms of improvement, that's the thing [training] everyone keeps coming back to.'* The interviewee further stated that although the GS has made a *'good effort'* in terms of their initial Garda training, *'the CPD development, post garda initial training when police officers are five to six years in the job'* is where they are lacking. Indeed, the interviewee expressed the need for *'more bespoke training around victim's experiences and concerns and best practices, so the level of expertise, is passed on to officers.'* Researchers were told that embedding the needs and concerns of victims of crime, through increased training, *'will speak to the culture of the organisation, and police officers will also see it as a career trajectory... if I had a wish list, it would be on there'* (Interview 01, 2020).

The second academic praised the new initiatives of the GS but also stated the importance of training across the organisation:

The risk with specialisation is that a focus on training across the board could be lost. I know [the Gardaí] get training in the Garda college but that one sharp shot of training on victim's rights and special needs, and characteristics of certain categories of victim, that can quickly get lost (Interview 02, 2019).

Indeed, the interviewee expressed **a need for CPD for all members of the Gardaí in relation to victims' rights because any GS member could meet a victim**. For this reason, training to ensure consistency across Ireland and irrespective of the GS member that interacts with the victim was perceived as essential to ensure the equal treatment of all victims:

Everybody [in terms of the GS] has to be good at dealing with victims, everybody has to have a basic level of knowledge of how to respond to victims effectively, how and where to refer them, the right information to give them about support services and to make sure they are updated on their case (Interview 02, 2020)

Indeed, according to the interviewee, *'the trick to this is getting it right for all victims no matter what type of crime you're a victim of, you get the same level of service and that service is consistent across the jurisdiction'*. The same academic suggested that the training itself should be continuously reviewed in line with changing best practices, the law and increased knowledge about victims' rights and needs (Interview 02, 2020).

Specifically on the issue of trafficking in persons, the TIP report 2019 identifies that during 1 April 2018 and 31 March 2019, 127 police officers participated in a three-day training course on trafficking (140 in 2017), with an additional 77 senior investigating officers (40 in 2017) and 81 detective sergeants receiving trafficking training (40 in 2017) (United States Department of State, 2019).

An academic expert also discussed the challenges of investigating the new offense of coercive control and the need for additional training around this area, not least because instances of coercive control, *'are far less obvious than physical assault'*, and so investigating this offence, it was suggested, may require a higher level of investigation (Interview 02, 2020).

At a general level, the Policing Authority Assessment of Policing Performance published in March 2020 identifies that although some training initiatives were achieved during the reporting period, there are concerns over the GS's ability to prioritise and deliver all the training required by its extensive change programme (pg. 8) in the form of the new operating model. Indeed, in the report, the Authority, expresses a concern over the GS's capacity to provide all the training needed in the organisation, and it is a potential barrier to the timely roll-out of initiatives in 2020 (pg. 40).

In terms of recommendations within the literature, the need for **greater training** amongst GS members, particularly in relation to vulnerability and **how to support and identify vulnerable victims** was identified. Brown et al. (2019) highlighted that of the 10 participants in the study, many felt that some Gardaí that they dealt with were *'inexperienced and lacked training'* (pg. 47). In light of this, *'participants made strong and recurring recommendations that Gardaí be specially selected and trained to work with victims of sexual abuse'* (ibid). The CoFPI also evidenced the need for greater training in its 2018 Report. Indeed, the Report recommends that training on victims' needs, and rights *'should be extended to all members of the police service as soon as possible'* (2018, pg. 21). One key objective of training is to ensure **standardised** professional and sensitive interactions with victims of crime and their support networks. It does of course require standardised policies to train on.

MONITORING AND EVALUATION

The GS has also come under criticism for the lack of a process to monitor the quality of the services provided to victims (Garda Inspectorate in: Leahy and Spain, 2017, pg. 535). Leahy and Spain argue for the adoption of a system of quality control for victim services, with benchmarks and KPIs to allow for transparent assessment and remedial action, in essence ensuring victims access to rights in practice (ibid, pg. 535-536). A lack of tracking capabilities within the system arguably hampers the provision of data and statistics which is required by Article 28 of the EU Victim's Directive and section 36 of the 2017 Act (pg. 536). In a related and more specific comment, Puckhaber (2019) suggested that the GS's PULSE system does *'not currently track the number of people who request the reasons for a decision not to prosecute a case'* (Puckhaber, 2019, pg. 36).

The GS Public Attitudes Survey mentioned above (section 3 of the report) is one source for data on victims but given the low response rate for victims, it is not ideal. The 2019 Policing Plan does have KPIs on victim engagement (also mentioned above in section 3).

More broadly, Healy's literature review found that there are *'currently no state-of-the-art Irish or international reviews of victims' interactions with the criminal justice system'* (2019, pg. 8).

PHYSICAL ENVIRONMENT

The small-scale One in Four study previously referenced highlighted significant issues with the physical environment of GS stations stating that the environment had a significant effect on the experiences of victims of sexual abuse from the outset (pg. 44). Many participants *felt distressed by their surroundings* particularly those that were interviewed in rooms designed for interviewing suspects (Brown et al., 2019, pg. 44) with one participant in the study being concerned about her privacy (Brown et al., 2019, pg. 47). This was further evidenced by the Garda Inspectorate 2018 Report, which stated that many stations did not have suitable private rooms to take victims to and that in some instances' victims were interviewed in rooms used for suspects (pg. 200). However, according to an expert academic which was interviewed for this report, there have been some improvements in this respect with resourcing serving as the main barrier. The academic stated that GS stations *'have been reorganised and restructured and so complainants, including particularly vulnerable complainants, can undertake their interviews in a much more accommodating environment. A challenge, however, is whether those resources continue to be available in future years'* (Interview 01, 2019).

ORGANISATIONAL CULTURE

In May 2018, PwC undertook an independent cultural audit of the GS using a mixed methodology including a survey, quantitative analysis of these results, followed by a qualitative phase which included a mix of focus group and senior management interviews (PwC, 2018, pg. 4). For the presentation of survey results, PwC used a scale of 1-10, with scores of between 8-10 considered to demonstrate a strong alignment to the behaviour being measured. In turn, a score of 6-7 was typically regarded as showing some alignment, and a score of 1-5 considered a poor score and an area where the behaviour being measured needs improvement (pg. 6 and 43).

The audit identified many positives including *'vocational ethos and role the GS plays in communities, teamwork and camaraderie'* (PwC, 2018, pg. 8). However, the report states that reforms are required for certain elements and overall, the culture is not fit for purpose (ibid). The survey's consideration of cultural reinforcer categories resulted in the *'vision and values'* of the GS scoring 6.5/10 followed in second place by *'leadership and management'* at 5.9/10, while the lowest category assessed was *'performance management'* at 4.0/10 followed by *'reward and recognition'* at 4.1/10 (pg. 25). The cultural audit refers to victims of crime in the context of the *'sense of pride'* GS members expressed over their *'ability to do their job with "limited resources/support"'* – a result of a perceived *'can do attitude'* (pg. 40). The Authority has expressed the intention to use the various findings of the cultural audit as one of the benchmarks against which it will assess GS's progress on cultural initiatives in 2020 (Policing Authority, 2020, pg. 46).

The two academic experts interviewed for this report presented the view that the GS has come a long way over recent years. Indeed, according to one, *'a big problem in 2010, was [that] the Gardaí viewed themselves as [a] crime fighting organisation, focused on crime detection and crime prevention and the victim played a subsidiary role'*. This, the interviewee explained, was very much the culture of the organisation in 2010, but since then, the GS has *'embraced the idea that they are not just about crime prevention and detection, they are also a service and that victims are almost service users and important stakeholders'* (Interview 01, 2019). In fact, the interviewee noted the increasing transparency of the GS and their commitment to improving practices, evident in their willingness to *'talk about crime statistics'*. It was also expressed that the GS has become less defensive and more open to research, such as in the academic's own research context:

[A]ny work that I do on these issues, [the GS] are willing to engage with [it] and are willing to change their practices to make them[selves] better. They are increasingly seeing research, not as an attempt to highlight their flaws but as a way to improve their practices' (Interview 01, 2020).

In a comment that resonates with the reduction in scope of the DPSUs noted in section 4 of the report, one academic expressed concern around the DPSUs workload as well as the emotional burden the DPSU work entails. According to this expert:

There is a lot of emotional labour involved in investigating those [DPSU] types of crimes - you would worry about burn out for those units - also because a lot of them are relatively small and unfortunately, the level of sexual crime is quite high. There is only so long people can work in a unit like that, [if a member leaves] maybe a lot of institutional knowledge will be lost (Interview 02, 2020).

Finally, the CoFPI identified the need to place a **greater focus on prevention of harm** as a key objective of policing, in its 2018 Report (pg. 13). In doing so, the Commission believes the GS will be able to 'reduce crime, fear and victimisation' and therefore, help to uphold the human rights of all and make the community a safer place (pg. 13).

5.3 INTERNATIONAL GOOD PRACTICE

The 2014 report published by the Fundamental Reports Agency (FRA) on 'Victims of crime in the EU: the extent and nature of support for victims' outlines a variety of international good practice. This section summarises some of the most innovative and interesting practices which the GS is not currently implementing and which may help towards some of the gaps outlined above.

The good practices identified include the development of new technologies and ICT solutions which ensure victims are provided with information. One such innovation is an app, which has been developed in Sweden and is called Brottsofferappen (FRA, 2014, pg. 50). The app uses the location of the user and the type of crime to help the victim locate the closest police station and support services (ibid). The app also provides the victim with a checklist which instructs them on how to report a crime and claim damages (ibid).

With regards to offering support and engaging with the victim in an appropriate manner there are various examples of good practice. According to FRA's report, some EU Member States such as Belgium, Estonia, Finland, France, the Netherlands and Sweden, have victim support organisations which operate within or close to police stations which make referrals and the provision and access of support much easier for the police, the organisations and the victim (2014, pg. 52). In Austria, police officers volunteer in victim support organisations as part of their training. This work, according to the FRA report, allows them to gain a better understanding of the rights and needs of victims of crime (2014, pg. 67). More recently, Humberside Police, the police force responsible for policing Hull, Goole, Grimsby and Scunthorpe in the UK, launched a new system to enable victims of crime or witnesses to an incident to be interviewed by police officers through a secure video link to provide information on ongoing investigations and appeals (Humberside Police, 2020). A welcome addition, following the COVID-19 pandemic.

Other international research conducted in 2014 by the Northern Ireland Human Rights Commission and the Police Service of Northern Ireland, into the practices of the New South Wales Police Force (Australia) and the Kosovo Police including interviews with both police services and NGOs and International Organisations in these contexts, identified a number of potential best practices for policing hate crime (NIHRC, 2014). The 'study note' of the research reported a number of interesting practices, such as training police officers on 'perceptual sets/unconscious bias', active listening skills, a 'day in the life of' apps, and including NGOs for training on topics such as gender pronouns and how to communicate with persons with intellectual disability (pgs. 12-14 and 23). The report suggests that

police may wish to consider having victims draft their own statements, rather than the police officer, to minimise unconscious bias (pg. 23). In terms of communication, other practices included using culture specific social media challenges, such as Weibo, to communicate information to the international Chinese students and community (pg. 17) and introducing an accessibility rating to the police website (pg. 24). Other practices included liaison with universities to develop training programmes aimed at encouraging minority communities to reach the admissions criteria necessary to apply to the police service (pg. 11). One interesting concern in this study was the feeling that having a dedicated officer for a particular group, e.g. Disability Liaison Officer, Gay & Lesbian Liaison Officer etc. risked reducing the sense of responsibility of other police officers in this area, especially of concern where the Liaison Officer was on leave or otherwise absent (pg. 23). Notably, the Police Service of Northern Ireland committed to endeavour to implement the various recommendations emanating from this report (see Appendix 1).

More generally, beyond and including the police context, with regard to monitoring and evaluation, the FRA has noted that Victim Support Netherlands has a dedicated quality manager for monitoring key performance indicators for victim support services. The main victim support entities in Germany and Portugal have also made significant steps towards monitoring and Portugal has been identified as particularly advanced because of its monitoring framework in place, which looks at indicators related to the adequacy and quality of support (FRA, 2014, pg. 92). Indeed, in Portugal following 2006/1 decree, an assessment commission was set up to evaluate the quality of domestic violence shelters to ensure their organisation is standardised and validated (UNECE). In the UK, *'both qualitative (for instance satisfaction with service) and quantitative (number of victims assisted) indicators are published annually and monitored quarterly in meetings between the Ministry of Justice and Victim Support'* (FRA, 2014, pg. 92). The Victim Support services in Sweden is also of note, as it *'has a quality management system that defines professional standards regarding responsiveness, confidentiality, quality of services and relations to other actors'* (ibid). France, Croatia, Finland, the Netherlands, Portugal and the United Kingdom also have surveys and questionnaires for victims to monitor their satisfaction, a feature noted above as currently absent in Ireland (FRA, 2014, pg. 93).

Many countries across Europe have mandatory training for staff and volunteers who come into contact with victims and provide them support, however, this training varies from country to country with some countries (e.g. Spain and Portugal) having dedicated training for gender violence, or domestic violence (Austria) (FRA, 2014, pg. 52). Another important initiative considered to be best practice is the training of healthcare professionals on how to spot the signs of potential victims or how to refer victims to the relevant services and support (FRA, 2014, pg. 81). This could be one aspect of the multi-agency and 'external customer' engagement recommended by the CoFPI mentioned above (Commission on the Future of Policing in Ireland, 2018, pg. 13-14, pg. 85).

6. ACTIONS FOR PHASE 2

As mentioned in section 2 of the report (above), the project also intends to conduct focus groups with NGOs and civil society representatives with first-hand experience of the interactions of victims of crime with the GS, as well as an online survey and interviews with victims themselves. This phase of the research has been delayed due to the COVID-19 health pandemic and is now intended to commence in January 2021. The current report provides an important platform to direct the information sought from research participants in Phase 2. These actions sit alongside the research objectives set out in the Authority's RFT and agreed in the research contract and should not be considered finite. Therefore, based on the research that has informed the Interim Report, the researchers intend that Phase 2 of the project is cognisant of, among others, the following Phase 1 findings:

There is a lack of information, understanding or reporting concerning at least the following specific categories of victims:

- Victims with disabilities, especially intellectual disabilities;
- Victims of domestic violence, especially male victims;
- Older victims of crime;
- Victims from Traveller and Roma communities; and,
- Siblings of homicide victims.

Phase 2 of the research will take specific actions to encourage the inclusion of victims and representatives of victims from the identified categories in the research sample. This will include analysis of the research data for the existence of GS interactions unique to these groups.

The first interaction with GS is crucial in terms of the victim's satisfaction and willingness to interact on further occasions.

Phase 2 of the research will ask victims to distinguish the first interaction and subsequent interactions when describing their experience of the GS.

The GS does not appear to be adequately identifying repeat victims of crime, such as would allow for appropriate measures and adjustments to be put in place.

Phase 2 of the research will ask whether the victim is a repeat victim of crime. If yes, it will follow up on how the victim felt this impacted on their experience of the GS.

It was suggested that the GS needs to undertake an assessment of victims, including their communication needs in a more consistent manner.

Phase 2 of the research will enquire of victims of crime concerning how the GS gathered data relating to their personhood and their crime category, as well as their communication needs. (Importantly, the research will seek to minimise questions on the crime itself, focusing instead on interactions with the GS.)

COVID-19 has made the role of the GS in identifying vulnerable victims, especially victims of domestic abuse even more important. The GS has been praised for their proactivity during this time.

Phase 2 of the research will distinguish the research data gathered during the timeframe of the health pandemic and the associated restrictions.

The duration of the GS interview process may be an important influencer in terms of the victim's experience, specifically the length of time and the gender of interviewer.

Phase 2 of the research will gather information on the victim's experience of the GS interview process, including the suitability of the physical environment at the GS station, where applicable.

There is a view that a centralised victim's support service would be beneficial, or a Victim Ombudsperson. This infrastructure is outside the remit of the GS. In terms of the GS's role with victim support organisations, a core contribution of GS is the provision of information to victims around available organisations, as well as ensuring a multi-agency approach where appropriate. The GS have produced a Victim Information Booklet.

Phase 2 of the research will seek to understand whether the GS was involved in directing the victim to other organisations, both statutory and non-statutory, as well as how this communication took place.

There appears to be a need for greater training, especially CPD training for GS members around victims. A core objective of training is to ensure a professional and consistent approach across an organisation, in line with organisational policy.

Phase 2 of the research will analyse the research data gathered from victims for sensitivity, clarity, and consistency of the GS interactions with victims of crime, such as would suggest clear, consistent and professional organisational procedures and training.

1. Request Summary of Reasons for a DPP Decision not to Prosecute

DPP Case No:

**Request for a Summary of Reasons
(when the DPP decides not to prosecute)**

1. You can request a summary of the DPP's reasons not to prosecute if you are:

- ☐ a victim of crime;
☐ a family member of a victim in a fatal case;
☐ a solicitor acting on behalf of either of the above.

2. To request a summary of reasons please complete the form below and send it to:

Victims Liaison Unit
Office of the Director of Public Prosecutions
Infirmary Road
Dublin 7.

3. You must send us this form **within 28 days** of the date you are told of the decision not to prosecute.

For more information about requesting reasons, you can see our leaflet **How to Request Reasons and Reviews** which is available on our website, www.dppireland.ie.

Victim information:		Please tick box if you are under 18 years old <input type="checkbox"/>
First name:		
Last name / family name:		
Date of birth:		
If you are <u>NOT</u> the victim please give your details:		
First name:		
Last name / family name:		
Your relationship to victim:		
Contact:		
Current Address:	Address at time of reporting the crime (if different):	
Your telephone number:		
Investigation information:		
Name of suspect (if known):		
Garda Station where the crime was reported:		
Name of investigating Garda (if known):		
Garda Pulse number (if known):		
Decision not to prosecute:		
Date you were informed of decision not to prosecute:		

Signature:

Date:

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