



Association for Criminal Justice Research and Development (ACJRD)

Submission to the Garda Síochána Inspectorate on the inspection into the effectiveness and efficiency of An Garda Síochána's response to domestic abuse

ACJRD seeks to inform the collaborative development of effective
evidence-based policy and practice in criminal justice

CONTENTS

1. Introduction	2
2. Executive Summary	4
3. Preventing domestic abuse from occurring	5
4. Protecting victims of domestic abuse, including through the use of risk assessments and safety planning.....	9
5. Responding to and investigating reports of domestic abuse.....	13
6. Working in partnership to prevent domestic abuse from occurring, protecting victims and bringing offenders to justice.....	16
7. Summary of views and recommendations on the governance and accountability arrangements of An Garda Síochána.....	17
8. Conclusion.....	21
BIBLIOGRAPHY	24

1. Introduction

- 1.1 The Association for Criminal Justice Research and Development (ACJRD) is a nongovernmental, voluntary organisation which seeks to inform the collaborative development of effective evidence-based policy and practice in criminal justice. It does so mainly by providing a forum where experienced personnel can discuss ways of working in an informal setting, by promoting study and research in the field of criminal justice and by promoting the highest standards of practice by professionals associated with criminal justice.
- 1.2 The ACJRD's membership is varied but is largely comprised of organisations which, and individuals who, have experience working within the criminal justice system with a strong interest in criminological matters. These include legal practitioners, academics, Criminal Justice Agencies and NGOs.
- 1.3 The ACJRD's approach and expertise is therefore informed by the 'hands on' expertise of practitioners, academics and agencies who deal with various aspects of the criminal justice system enhanced by the contribution of people with diverse experiences, understandings and practices.
- 1.4 However, the views expressed in this submission are those of ACJRD in its independent capacity and are not those of individual ACJRD members or member organisations or agencies or their employees.
- 1.5 The ACJRD welcomes this opportunity to make a submission to the Garda Síochána Inspectorate (the '**Inspectorate**') in relation to the planned inspection into the effectiveness and efficiency of An Garda Síochána's response to domestic abuse. The purpose of this submission is to provide a summary of the ACJRD's views and recommendations on the efficiency and effectiveness of An Garda Síochána in the following areas:
- 1.5.1 Preventing domestic abuse from occurring;
 - 1.5.2 Protecting victims of domestic abuse, including through the use of risk assessments and safety planning;
 - 1.5.3 Responding to and investigating reports of domestic abuse; and
 - 1.5.4 Working in partnership to prevent domestic abuse from occurring, protecting victims and bringing offenders to justice.
- 1.6 The ACJRD will also provide a summary of views and recommendations on the governance and accountability arrangements that are in place within An Garda Síochána to ensure compliance with applicable policy and legislation and to consider the extent to which relevant recommendations in previous Inspectorate reports have been implemented.

1.7 The Inspectorate, in its Terms of Reference document, identified these five areas for examination in their investigation¹. This submission will begin with an executive summary of the ACJRD's recommendations. It will then examine each of the five areas in turn.

¹ Garda Síochána Inspectorate, 'Terms of Reference - An inspection into the effectiveness and efficiency of the Garda Síochána's response to domestic abuse' (Garda Síochána Inspectorate, December 2021) <<https://www.gsinsp.ie/wp-content/uploads/2021/11/Domestic-Abuse-Inspection-Terms-of-Reference.pdf>> accessed 16 December 2021.

2. Executive Summary

The ACJRD supports the planned inspection by the Inspectorate into the effectiveness and efficiency of An Garda Síochána's response to domestic abuse.

The ACJRD submits that consideration should be given to providing further training to first responders to domestic abuse incidents (including members of An Garda Síochána and emergency call-takers). The ACJRD suggests that when developing such training, that An Garda Síochána invite input from a wide range of stakeholders (both persons and organisations), including from victims of domestic abuse, persons / groups that can identify possible victims (such as medical personnel or teachers), victim support groups (such as Women's Aid or Childline), and members of the legal system (such as the Legal Aid Board or the Court Services). The ACJRD submits that effective and more refined training will lead to better outcomes for victims (or potential victims) of domestic abuse.

The ACJRD's recommendations are based on an awareness of the impact of COVID-19 on the rising rates of domestic abuse in Ireland and on the increased number of calls made to An Garda Síochána at this time.

With regard to each of the five areas identified by the Inspectorate, the ACJRD responds as follows:

- *Area 1 - Preventing domestic abuse from occurring*: whether An Garda Síochána has the appropriate training, financial, and technical supports to adequately respond to increased reports of domestic abuse.
- *Area 2 – Protecting victims of domestic abuse, including through the use of risk assessments and safety planning*: whether the data collected by An Garda Síochána is sufficient to create appropriate and practical risk assessment and safety plans.
- *Area 3 – Responding to and investigating reports of domestic abuse*: whether Gardaí and support staff have been given appropriate training to engage and support victims of domestic abuse from a wide range of cultural and socio-economic backgrounds.
- *Area 4 – Working in partnership to prevent domestic abuse from occurring, protecting victims and bringing offenders to justice*: what role An Garda Síochána has in preventing domestic abuse from occurring.
- *Area 5 – Provide a summary of views and recommendations on the governance and accountability arrangements that are in place within An Garda Síochána to ensure compliance with applicable policy and legislation and consider the extent to which relevant recommendations in previous Inspectorate reports have been implemented*: what accountability and governance structures are in place to respond to allegations of misconduct, and whether An Garda Síochána's policies and procedures are being carried out in a consistent manner.

3. Preventing domestic abuse from occurring

3.1 Rising rates of domestic abuse came into sharp focus during the COVID-19 pandemic, when the ‘horrifying global surge in domestic violence’ was recognised by the UN Secretary General Antonio Guterres.² The marked increase in domestic abuse has been attributed to individuals being forced to spend greater time at home with abusive partners.³

3.2 Domestic abuse has been dubbed ‘Shadow Pandemic’.⁴ In France, reports of domestic abuse have increased by 30%, in Cyprus and Singapore helplines have registered an increase in calls of 30% and 33% respectively and increased cases of domestic abuse have also been reported in Canada, Germany, Spain, the UK and the US.⁵ The ACJRD notes that while increased instances of domestic abuse indicate a growing problem, increased reporting of domestic abuse can be a positive outcome for An Garda Síochána, as it may mean that victims are more likely to come forward for various reasons, including perhaps more positive perceptions of how they will be treated by the police.

3.3 Women’s Aid has also expressed concern about the impact the pandemic is having in terms of domestic abuse. At the outset of the pandemic, the charity reported that some women under threat had to hide in their cars to call for help because their partner was in constant close proximity due to lockdowns.⁶ They reported a 43% increase in calls to the Women’s Aid helpline, and a 71% increase in visits to their website.⁷

3.4 Ireland ratified the Istanbul Convention in 2019 which defines domestic violence as:

“...all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”;

The definition of domestic abuse used by An Garda Síochána is consistent with the Istanbul convention and states that domestic abuse is,

‘.the physical, sexual, financial, emotional or psychological abuse of one person against another who is a family member or is or has been an intimate

² United Nations, ‘UN chief calls for domestic violence ‘ceasefire’ amid ‘horrifying global surge’ (April 2020) <<https://news.un.org/en/story/2020/04/1061052>> accessed 26 January 2022.

³ Bracken, Ali, ‘Domestic abuse incidents up again as reports rise 10pc’ (Irish Independent, 2 January 2022) <<https://www.independent.ie/irish-news/crime/domestic-abuse-incidents-up-again-as-reports-rise-10pc-41202283.html>> accessed 26 January 2022.

⁴ UN Women, ‘COVID-19 and ending violence against women and girls’ (2020) <<https://www.unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls>> accessed 26 January 2022.

⁵ UN Women, ‘COVID-19 and ending violence against women and girls’ (2020) <<https://www.unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls>> accessed 26 January 2022.

⁶ Women’s Aid, ‘When Home is Not Safe: COVID-19 Supplement’ (August 2020) <https://www.womensaid.ie/assets/files/pdf/womens_aid_when_home_is_not_safe_covid-19_supplement_-_embargoed_20820.pdf> accessed 26 January 2022.

⁷ Women’s Aid, ‘When Home is Not Safe: COVID-19 Supplement’ (August 2020) <https://www.womensaid.ie/assets/files/pdf/womens_aid_when_home_is_not_safe_covid-19_supplement_-_embargoed_20820.pdf> accessed 26 January 2022.

partner, regardless of gender or sexuality. Domestic abuse crosses class, gender, race and religious belief.⁸

3.5 The ACJRD notes that in April 2020, An Garda Síochána launched ‘Operation Faoiseamh’, which is an ongoing initiative designed to ‘ensure victims of domestic violence are supported and protected’.⁹ As part of the initiative, there is a continuing focus on arresting and bringing before the courts those offenders who have breached domestic abuse legislation, in particular Court Orders obtained under the provisions of the Domestic Violence Act 2018.

3.6 The ACJRD notes that following the publication of the O’Malley Report¹⁰ in July 2020, which was a review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences, the Department of Justice launched a plan to help victims and vulnerable witnesses in sexual abuse cases, including those which happen in a domestic setting. To date, a number of key actions have been delivered as part of implementing ‘*Supporting a Victim’s Journey*’ including:

3.6.1 legislating for the introduction of preliminary trial hearings;

3.6.2 the nationwide rollout of Divisional Protective Services Units (DPSU);

3.6.3 the first cohort of staff at a new sexual offences’ unit in the Director of Public Prosecutions office formally took up their roles in April;

3.6.4 work to advance the training for all personnel who come into contact with vulnerable victims is underway; and

3.6.5 a review of the Victims of Crime and Domestic, Sexual and Gender-Based Violence funding in order to ensure that the grants provided by the department are as effective as possible in supporting victims of crime within criminal justice processes.

3.7 Preliminary trial hearings will benefit victims of domestic abuse in cases being tried on indictment. However, further supports are required at District Court level to support victims whose cases are dealt with summarily particularly where charges relate to breaches of domestic violence orders. In this regard the ACJRD recommend that a whole of government approach should be adopted, so that An Garda Síochána may be supported in the work of policing and law enforcement by broader structural supports for victims and accused persons with complex needs such as addiction, mental health problems and homelessness which can exacerbate cycles of abuse and expose victims increased danger and revictimisation. In December 2021, the latest phase of Operation Faoiseamh was launched by An

⁸ An Garda Síochána, ‘Domestic Abuse’ (2022) <<https://www.garda.ie/en/crime/domestic-abuse/domestic-abuse.html>> accessed 26 January 2022.

⁹ Department of Justice, ‘Minister McEntee relaunches ad campaign assuring domestic abuse victims that help is ‘Still Here’ (24 December 2021) <<https://www.gov.ie/en/press-release/48272-minister-mcentee-relaunches-ad-campaign-assuring-domestic-abuse-victims-that-help-is-still-here/>> accessed 26 January 2022.

¹⁰ O’Malley, Tom, ‘Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences’ (Department of Justice, July 2020) <https://www.justice.ie/en/JELR/Review_of_Protections_for_Vulnerable_Witnesses_in%20the_Investigation_and_Prosecution_of_Sexual_Offences.pdf/Files/Review_of_Protections_for_Vulnerable_Witnesses_in%20the_Investigation_and_Prosecution_of_Sexual_Offences.pdf> accessed 26 January 2022.

Garda Síochána. There was a 'renewed focus on the enforcement of court orders and the prosecution of offenders'.¹¹ As part of the latest phase, An Garda Síochána will continue to reach out and make contact with previous victims to provide reassurance and support. The ACJRD respectfully suggest that the inspectorate should use learnings from Operation Faoiseamh to improve policing practices

3.8 Anecdotally Gardaí are worried about the continued increase in domestic abuse:

*'There has been a concentrated effort to tackle this massive surge in domestic abuse. It is largely women and children who are the victims...[b]ut the increase continues. We are heading into uncertain times, and with potential lockdowns still ahead, Gardaí are worried about victims of domestic abuse being effectively locked up with their abusers yet again.'*¹²

3.9 Separately, in December 2021, the Department of Justice relaunched 'Still Here', a national awareness campaign on domestic abuse, to inform and reassure people that help and support for victims of domestic abuse continues to be available to people over Christmas and into the new year.

3.10 In the 2021 Civil Society Submission on Human Trafficking, Domestic and Gender-Based Violence, and the Rights of Refugees and Asylum Seekers to the Universal Periodic Review of Ireland,¹³ it was noted that due to austerity measures and a 'lack of leadership on the issue of gender-based violence',¹⁴ that any substantial progress in the provision of support services for victims of domestic abuse has been slow.

3.11 They noted that progress was being made however, with the enactment of the Domestic Violence Act in 2018, and the ratification of the Istanbul Convention in 2019.¹⁵

3.12 In 2020, there was a 17% increase in the number of domestic abuse incident calls to An Garda Síochána.¹⁶ In 2021, there was a further 10% increase, when compared to 2020. In the Garda Annual Report for 2021, it was reported that on

¹¹ Bracken, Ali, 'Domestic abuse incidents up again as reports rise 10pc' (Irish Independent, 2 January 2022) <<https://www.independent.ie/irish-news/crime/domestic-abuse-incidents-up-again-as-reports-rise-10pc-41202283.html>> accessed 26 January 2022.

¹² Bracken, Ali, 'Domestic abuse incidents up again as reports rise 10pc' (Irish Independent, 2 January 2022) <<https://www.independent.ie/irish-news/crime/domestic-abuse-incidents-up-again-as-reports-rise-10pc-41202283.html>> accessed 26 January 2022.

¹³ 'Civil Society Submission on Human Trafficking, Domestic and Gender-Based Violence, and the Rights of Refugees and Asylum Seekers' (Missionary Sisters of Our Lady of Apostles, 2021) <<https://www.olaireland.ie/wp-content/uploads/2021/04/UPR-Submission-on-Human-Trafficking-Domestic-Gender-Based-Violence-and-Rights-of-Refugees-Asylum-Seekers-ERI-IPA-OLA-18-03-2021.pdf>> accessed 26 January 2022.

¹⁴ 'Civil Society Submission on Human Trafficking, Domestic and Gender-Based Violence, and the Rights of Refugees and Asylum Seekers' (Missionary Sisters of Our Lady of Apostles, 2021) <<https://www.olaireland.ie/wp-content/uploads/2021/04/UPR-Submission-on-Human-Trafficking-Domestic-Gender-Based-Violence-and-Rights-of-Refugees-Asylum-Seekers-ERI-IPA-OLA-18-03-2021.pdf>> p.11

¹⁵ 'Civil Society Submission on Human Trafficking, Domestic and Gender-Based Violence, and the Rights of Refugees and Asylum Seekers' (Missionary Sisters of Our Lady of Apostles, 2021) <<https://www.olaireland.ie/wp-content/uploads/2021/04/UPR-Submission-on-Human-Trafficking-Domestic-Gender-Based-Violence-and-Rights-of-Refugees-Asylum-Seekers-ERI-IPA-OLA-18-03-2021.pdf>> p.11

¹⁶ Bracken, Ali, 'Domestic abuse incidents up again as reports rise 10pc' (Irish Independent, 2 January 2022) <<https://www.independent.ie/irish-news/crime/domestic-abuse-incidents-up-again-as-reports-rise-10pc-41202283.html>> accessed 26 January 2022.

average, An Garda Síochána received 120 domestic calls every day in 2020.¹⁷ The ACJRD submits that the Inspectorate, as part of its inspection, could conduct a comprehensive statistical analysis of the number of reported domestic abuse incidents, the amount of convictions recorded or orders made, and the frequency of complainant withdrawal along with the reasons for withdrawal. It is submitted that such a statistical analysis should also record the number of cases which progressed beyond directions stage. It is submitted that any comprehensive study of domestic abuse attrition must combine quantitative with qualitative analysis to provide meaningful insights about how the system is operating from a practical perspective in order to ascertain the true scale of the issue.

3.13 In relation to intervention to prevent domestic abuse from occurring, or recurring, the ACJRD notes that in 2020, a report by Professor Ian O'Donnell for the Department of Justice and Equality highlighted that the 'results of interventions aimed at preventing repeat domestic violence through education and attitudinal change are disappointing'¹⁸, and a 2021 report highlighted that there was insufficient evidence to determine the effectiveness of court-mandated interventions for men convicted of domestic violence.¹⁹

3.14 In their most recent report (published 10 December 2021) on policing performance by An Garda Síochána during the COVID-19 Health Crisis,²⁰ the Policing Authority noted that organisations working with those victims of domestic abuse remained positive about An Garda Síochána's response to policing of this area of crime through the ongoing implementation of Operation Faoiseamh. They also noted that some issues remain, particularly with regard to inconsistencies in the policing service provided, although these appear to be less frequent than they were before and are more likely to occur outside the specialist units.²¹

3.15 The ACJRD notes that the focus of the initiatives launched by An Garda Síochána and the Department of Justice, along with associated stakeholders, seems to be on providing aid and protection to victims of domestic abuse, rather than launching preventative strategies or initiatives to prevent domestic abuse occurring in the first instance. An Garda Síochána has numerous community policing initiatives, however, none seem to be focussed on preventing domestic abuse.

3.16 The ACJRD submits that when conducting their investigation, in relation to preventing domestic abuse from occurring, the Inspectorate should consider the following:

¹⁷ O'Keefe, Cormac, 'Gardaí get 120 domestic abuse calls every day' (Irish Examiner, 19 October 2021) <<https://www.irishexaminer.com/news/arid-40724256.html>> accessed 26 January 2022.

¹⁸ O'Donnell, Ian, 'An Evidence Review of Recidivism and Policy Responses' (Department of Justice, 14 December 2021) <<https://www.gov.ie/en/publication/a9e4e-an-evidence-review-of-recidivism-and-policy-responses/>> p.11

¹⁹ Wilson, David et al, 'Court-mandated interventions for individuals convicted of domestic violence' (Campbell Collaboration, 15 March 2021) <<https://www.campbellcollaboration.org/better-evidence/domestic-violence-individuals-court-mandated-interventions.html>> accessed 26 January 2022.

²⁰ Policing Authority, 'Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis' (10 December 2021) <https://www.policingauthority.ie/assets/uploads/documents/Report_on_Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_during_Covid-19_Health_Crisis_-_10_December_2021.pdf>

²¹ Policing Authority, 'Policing Authority publishes 16th report on policing performance by the Garda Síochána during the COVID-19 crisis' (10 December 2021) <<https://www.policingauthority.ie/en/news/policing-authority-publishes-16th-report-on-policing-performance-by-the-garda-siochana-during-the-covid-19-crisis>>

- 3.16.1 whether the Inspectorate, as part of their inspection, should conduct a comprehensive statistical analysis of the number of reported domestic abuses incidents, the amount of convictions recorded or orders made, and the frequency of complainant withdrawal along with the reasons for withdrawal.
- 3.16.2 whether An Garda Síochána has the appropriate financial and technical supports required to adequately deal with rising reports of domestic abuse;
- 3.16.3 whether there are sufficient socio-structural supports for victims of domestic violence in the Criminal Justice System
- 3.16.4 whether Gardaí from first responder to senior management grades receive appropriate training to respond to and manage the high-volume of domestic abuse incident reports
- 3.16.5 whether the information provided on An Garda Síochána's website is sufficiently descriptive and accessible to all victims of domestic abuse. The information provided should be easy to read, include all relevant definitions of domestic abuse and available supports, and be accessible to individuals of all abilities (including providing additional infographics to increase accessibility).
- 3.16.6 whether the community policing strategy operated by An Garda Síochána should contain a greater focus on detecting and preventing domestic abuse.

4. Protecting victims of domestic abuse, including through the use of risk assessments and safety planning

4.1 The ACJRD notes that An Garda Síochána has developed a Domestic Abuse Intervention Policy.²² The aim of this policy is to outline to personnel the 'nature of intervention that personnel within An Garda Síochána are required to make when responding to Domestic Abuse related incidents'.²³ It also provides detailed procedures to be followed when responding to calls regarding domestic abuse, and when attending the scene of a domestic abuse incident.

4.2 Women's Aid, in its submission to the Commission on the Future of Policing, identified areas where the Intervention policy was not implemented. They noted:

'In short, in our experience the Gardaí do not always follow the relevant Garda policy, for example, do not always provide information on services and do not always arrest for breaches of an order under the Domestic Violence Act.'

²² An Garda Síochána, 'Domestic Abuse Intervention Policy 2017' (2017) <<https://www.garda.ie/en/crime/domestic-abuse/domestic-abuse-intervention-policy-2017.pdf>>

²³ An Garda Síochána, 'Domestic Abuse Intervention Policy 2017' (2017) <<https://www.garda.ie/en/crime/domestic-abuse/domestic-abuse-intervention-policy-2017.pdf>> p.3

*There needs to be monitoring mechanisms to make sure the Garda Domestic Abuse Intervention policy is adhered to consistently.*¹²⁴

- 4.3** It is respectfully suggested that the inspectorate should examine the reasons why the intervention policy is not followed or implemented in certain cases and identify what structural, resourcing and training supports are required to ensure that the Intervention policy is reflected in practice. Research into the lived experience of frontline Gardaí could help to bridge the gap between policy and practice. The ACJRD notes that as victims of domestic abuse are vulnerable individuals, there should be automatic referral from the family courts for the provision of free, independent, legal advice by the Legal Aid Board. That Board can then apply its usual financial assessment procedures, whilst taking independent means into consideration, in the context of coercive control factors that are present in the case.
- 4.4** Under the Domestic Violence Act 2018, victims of domestic abuse can apply for a series of protective orders, depending on the nature of their relationship with their abuser. Depending on the nature of the relationship, victims of domestic abuse can apply for barring, safety, or protection orders, on an interim, permanent, or emergency basis. Details on this process are provided on the website of An Garda Síochána, along with definitions of domestic abuse and coercive control.²⁵ Details can also be found on the Courts Service website.²⁶
- 4.5** In 2020, it was noted by Women's Aid that there was a 23% decrease in the number of court applications related to domestic abuse, and a 25% decrease in capacity in emergency refuge and accommodation.²⁷ Sarah Benson of Women's Aid stated that the reported figures were only the 'tip of the iceberg'.²⁸ She stated that the 'easing of restrictions had not led to a drop off in demand and that face-to-face services were seeing an increase in demand'.²⁹
- 4.6** The availability of refuge spaces provided via Airbnb during the first phase of restrictions in March 2020³⁰ is now no longer available during the latter phase of restrictions. Safe Ireland, in their 2021 report, recorded 1,351 requests for refuge which could not be met despite services working creatively to find alternative safe accommodation.³¹

²⁴ Women's Aid, 'Submission to the Commission on the Future of Policing in Ireland' (Police Reform, January 2018) <<http://policereform.ie/en/POLREF/Womens%20Aid.pdf/Files/Womens%20Aid.pdf>> p.10

²⁵ An Garda Síochána, 'Domestic Abuse' (2022) <<https://www.garda.ie/en/crime/domestic-abuse/domestic-abuse.html>> accessed 26 January 2022.

²⁶ Courts Service, 'Domestic Abuse' (2022) <<https://www.courts.ie/domestic-abuse/>>

²⁷ Women's Aid, 'When Home is Not Safe: COVID-19 Supplement' (August 2020) <https://www.womensaid.ie/assets/files/pdf/womens_aid_when_home_is_not_safe_covid-19_supplement_-_embargoed_20820.pdf> accessed 26 January 2022.

²⁸ O'Keefe, Cormac, 'Gardaí get 120 domestic abuse calls every day' (Irish Examiner, 19 October 2021) <<https://www.irishexaminer.com/news/arid-40724256.html>> accessed 26 January 2022.

²⁹ O'Keefe, Cormac, 'Gardaí get 120 domestic abuse calls every day' (Irish Examiner, 19 October 2021) <<https://www.irishexaminer.com/news/arid-40724256.html>> accessed 26 January 2022.

³⁰ Libreri, S., 'Airbnb partners with charities to provide free accommodation to victims of domestic violence', (RTÉ News, 25 June 2020) <<https://www.rte.ie/news/ireland/2020/0625/1149476-airbnb-emergency-accommodation/>>

³¹ Safe Ireland, 'Further increases in women and children contacting a domestic violence service during the second lockdown of 2020' (February 2021) <<https://www.safeireland.ie/further-increases-in-women-and-children-contacting-a-domestic-violence-service-during-the-second-lockdown-of-2020/>> accessed 26 January 2022.

4.7 Recent reports indicate that Ireland has less than a third of the number of domestic abuse refuge spaces needed to meet EU standards.³² The Istanbul Convention requires States to provide one refuge space for every 10,000 of the population.³³

4.8 In relation to court orders and charges brought, the ACJRD notes that in 2020, the number of criminal charges for breaches of Domestic Violence Act Orders increased by 24% on the 2019 figures, and similarly, the number of criminal charges involving domestic abuse also increased by 24% when compared to the 2019 figures.³⁴

4.9 Article 11 of the Istanbul convention states that:

For the purpose of the implementation of this Convention, Parties shall undertake to: a collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention; b support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention. 2 Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention. 3 Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking. 4 Parties shall ensure that the information collected pursuant to this article is available to the public.

4.10 Currently there is a lack of data in Ireland about domestic and gender-based violence. The ACJRD respectfully suggest that the Inspectorate should review and have monitoring metrics in place to evaluate the role of An Garda Síochána in collecting data for statistical analysis and the resources required to accurately record reports of domestic violence to An Garda Síochána and the ultimate outcomes of those reports. Consideration should also be given to the most efficient and reliable methods of interagency cooperation for the gathering and reporting of data on domestic and gender-based violence. This review and monitoring should be linked with The Department of Justice Action Plan 2019 commitment to resource the Criminal Justice Operational Hub.

4.11 Furthermore the data on domestic and gender-based violence in Ireland which is available lacks depth and richness. In order to identify emerging trends, prevent and better respond to incidents of domestic violence, it is respectfully suggested that An Garda Síochána require more information about the nature and extent of domestic violence in Ireland with in-depth analysis of factors including age, ethnicity, gender and sexual orientation. There is a need for disaggregated data and for data in critical

³² Social Justice Ireland 'Budget 2021 Must Address the Lack of Domestic Abuse Refuge Spaces' (19 August 2020) <<https://www.socialjustice.ie/content/policy-issues/budget-2021-must-address-lack-domestic-abuse-refuge-spaces>> accessed 26 January 2022.

³³ Coyne, E., 'Government criticized for lack of domestic abuse refuge spaces' in The (Irish Independent, 11 November 2020) <<https://www.independent.ie/news/governmentcriticised-for-lack-of-domestic-abuse-refuge-spaces-39729458.html>> accessed 26 January 2022.

³⁴ Bracken, Ali, 'Domestic abuse incidents up again as reports rise 10pc' (Irish Independent, 2 January 2022) <<https://www.independent.ie/irish-news/crime/domestic-abuse-incidents-up-again-as-reports-rise-10pc-41202283.html>> accessed 26 January 2022.

areas relating to gender equality. However, the Central Statistics Office (CSO) no longer publishes an annual Women and Men in Ireland report, which collected data on critical socioeconomic indicators relevant to domestic violence.³⁵ An Garda Síochána does not collect or currently have access to the appropriate data in order to develop appropriate and practical risk assessment strategies and safety plans.

4.12 The ACJRD notes that a pilot risk assessment tool, as recommended by the Second National Strategy on Domestic, Sexual, and Gender-Based Violence,³⁶ is currently being rolled out by the Garda National Protective Services Bureau, and submits that the Inspectorate should ensure that this tool is practical, effective and accords with international best practice.

4.13 The ACJRD submits that when conducting their investigation, and in considering the protection of victims of abuse, the Inspectorate should consider the following:

4.13.1 Whether An Garda Síochána has access to a sufficient volume and depth of data to draft appropriate, scalable and practical risk and safety assessment plans, and if not, how that data can be gathered and analysed to identify emerging trends and develop evidence-based improvements to practice and procedure. This data should be collected, gathered and analysed by An Garda Síochána, as first responders.

4.13.2 whether An Garda Síochána should develop a system of data collection which would allow for follow up calls / visits following reported incidences of domestic abuse to be automatically created.

4.13.3 how An Garda Síochána can further engage with domestic abuse support services, both Governmental and NGOs, on how all parties can better support victims of domestic abuse in the criminal justice system to access housing, addiction and mental health supports.

4.13.4 whether An Garda Síochána personnel, including emergency call-takers, have sufficient knowledge of the wide and varied nature of domestic abuse, and the supports available to protect victims. While domestic abuse is often gendered (women are more often victims of domestic abuse), domestic abuse can also occur in same-sex relationships, between cohabiting siblings, and by grown children against older parents. Domestic abuse can also be perpetrated by women against male partners. Sufficient training should be given to all relevant personnel in order to aid them in identifying victims of domestic abuse.

³⁵ National Women's Council of Ireland, 'Shadow Report in Advance Ireland's Combined Sixth and Seventh Periodic Reports under the UN Convention on the Elimination of All Forms of Discrimination Against Women' (NWCI, 2017), <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_NGO_IRL_26285_E.pdf> p.3.

³⁶ Department of Justice and Equality, 'Action Plan for Second National Strategy on Domestic Sexual and Gender-based Violence 2016-2021' (January 2016)

5. Responding to and investigating reports of domestic abuse

5.1 In their most recent report on policing performance by An Garda Síochána during the COVID-19 Health Crisis,³⁷ the Policing Authority noted that the 'Divisional Protective Services Units, now present in each Garda Division, are highly regarded as offering an experienced, expert and victim-centred service to those who come forward to report.'³⁸ Currently there are 245 Garda Members and Staff allocated to the Garda National Protective Services Bureau along with the Divisional Protective Services Units, dispersed nationally to investigate domestic abuse and wider issues.³⁹

5.2 Personnel assigned to Divisional Protective Services Units have been provided with a bespoke training course consisting of a number of modules addressing issues such as investigation of sexual crime, child protection, investigation of domestic abuse, online child exploitation and sex offender management.⁴⁰ This training course has been developed by the Garda National Protective Services Bureau, in conjunction with the Garda College.

5.3 The ACJRD notes that migrant women are disproportionately represented in the number of women presenting to frontline domestic and sexual abuse services.⁴¹ 19% of women accessing Women's Aid One to One Support Services for the first time were migrant women.⁴² Women and girls in Direct Provision face additional barriers to accessing support services, including language barriers, cultural norms and stigma, knowledge of services, immigration status dependency and lack of trained staff.

5.4 The ACJRD notes that there have recently been numerous reports of emergency calls being cancelled by emergency call takers.⁴³ The figure of cancelled calls which involved a reportable crime is still in dispute, however it is cited that 6,000 calls relating to sexual abuse or domestic abuse were cancelled in 2020, and of those, between 114 and 400 involved a crime.⁴⁴ From discussions between the Policing

³⁷Policing Authority, 'Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis' (10 December 2021) <https://www.policingauthority.ie/assets/uploads/documents/Report_on_Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_during_Covid-19_Health_Crisis_-_10_December_2021.pdf>

³⁸Policing Authority, 'Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis' (10 December 2021) <https://www.policingauthority.ie/assets/uploads/documents/Report_on_Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_during_Covid-19_Health_Crisis_-_10_December_2021.pdf> p.24.

³⁹ 'West Cork Women Against Violence Project, 'Support from An Garda Síochána on Domestic Abuse' (2022) <<https://www.westcorkwomensproject.ie/news/support-from-an-garda-siochana>> accessed 26 January 2022.

⁴⁰ An Garda Síochána, 'An Garda Síochána Divisional Protective Services Units now Operational Nationwide' (2020) <<https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2020/september/an-garda-siochana-divisional-protective-services-units-now-operational-nationwide-.html>> accessed 26 January 2022.

⁴¹ Civil Society Submission on Human Trafficking, Domestic and Gender-Based Violence, and the Rights of Refugees and Asylum Seekers' (Missionary Sisters of Our Lady of Apostles, 2021) <<https://www.olaireland.ie/wp-content/uploads/2021/04/UPR-Submission-on-Human-Trafficking-Domestic-Gender-Based-Violence-and-Rights-of-Refugees-Asylum-Seekers-ERI-IPA-OLA-18-03-2021.pdf>> accessed 26 January 2022.

⁴² AkiDwA, Submission to the Joint Committee on Justice and Equality: Direct Provision and the International Protection Application Process, (31 May 2019) <<https://www.akidwa.ie/wp-content/uploads/2019/06/190531-AkiDwA-Direct-Provision-submission-web-version.pdf>> p.3,

⁴³ Brennan, Cianan, "Shifting position' on why 999 calls were cancelled 'perplexing" (Irish Examiner, 28 October 2021) <<https://www.irishexaminer.com/news/arid-40732014.html>> accessed 26 January 2022.

⁴⁴ Brennan, Cianan, "Shifting position' on why 999 calls were cancelled 'perplexing" (Irish Examiner, 28 October 2021) <<https://www.irishexaminer.com/news/arid-40732014.html>> accessed 26 January 2022.

Authority and Garda Commissioner Drew Harris in Authority meetings it is clear that, while there are issues with the computer-aided dispatch (CAD) system used by the Garda Síochána, there were no technical reasons why those dealing with calls would not have been able to deal with the calls in accordance with policy and procedure. During a meeting on 24 June 2021, the Commissioner stated that while there are issues with CAD, ‘when some victims of domestic abuse called for our assistance they did not always receive the professional service we aim to deliver and victims are entitled to expect...[w]e are still working to determine the exact extent of this issue, but it is clear that at time[s] victims of domestic abuse were not provided with the full level of support as set out in An Garda Síochána policies’.⁴⁵

5.5 The Penman report states that it is ‘not legitimate to attribute the service failures from cancelled incidents on the technical limitations of the CAD System’.⁴⁶ The Penman Report recommends that An Garda Síochána ‘..should engage with members involved in call taking and dispatching within all regional control rooms and at a station level, to identify potential CAD vulnerabilities, workarounds, and the drivers for cancelling incidents. This should emphasise the positive behaviours expected from all members and reinforce the importance of providing a quality response to the public’.⁴⁷

5.6 The CSO has highlighted that PULSE reports have been incorrectly filled out in the past⁴⁸, and continues to note that absent data in PULSE reports skews CSO data.⁴⁹ Where data is missing, or incorrectly filled out, it is more difficult to create accurate and practical policies and procedures.

5.7 In January 2022, Emer Ní Chugáin, BL noted that of the domestic abuse offences reported in the Dublin Metropolitan District in 2019 and 2020, less than 20% of perpetrators were convicted.^{50,51} She also noted that there were also ‘significantly more applications to strike out or withdraw domestic violence proceedings before the Dublin courts those years than for other types of offences’.⁵²

⁴⁵ Brennan, Cianan, ‘Shifting position’ on why 999 calls were cancelled ‘perplexing’ (Irish Examiner, 28 October 2021) <<https://www.irishexaminer.com/news/arid-40732014.html>> accessed 26 January 2022.

⁴⁶ Penman, Derek, ‘Interim Update on the Preliminary Examination of the Garda Síochána CAD Review’ (Policing Authority, 2021) 18.

⁴⁷ Penman, Derek, ‘Interim Update on the Preliminary Examination of the Garda Síochána CAD Review’ (Policing Authority, 2021) 4.

⁴⁸ O’Keefe, Cormac, ‘CSO investigate quality of Pulse crime records’ (Irish Examiner, 13 January 2018) <<https://www.irishexaminer.com/news/arid-20465740.html>> accessed 26 January 2022.

⁴⁹ Law Society Gazette, ‘Absent data skews domestic abuse reporting – CSO’ (23 July 2021) <<https://www.lawsociety.ie/gazette/top-stories/2021/07-july/absent-data-skews-domestic-abuse-reporting—cso>> accessed 26 January 2022.

⁵⁰ Carolan, Mary, ‘Less than 20% conviction rate in domestic violence cases before Dublin courts’ (The Irish Times, 20 January 2022) <<https://www.irishtimes.com/news/crime-and-law/less-than-20-conviction-rate-in-domestic-violence-cases-before-dublin-courts-1.4780719#:~:text=Analysis%20of%20data%20on%20alleged,courts%20in%202019%20and%202020&text=Less%20than%20one%20in%20five,analysis%20of%20Courts%20Service%20data.>> accessed 26 January 2022.

⁵¹ Carolan, Mary, ‘Domestic violence charges double but few result in convictions’ (The Irish Times, 20 January 2022) <<https://www.irishtimes.com/news/crime-and-law/domestic-violence-charges-double-but-few-result-in-convictions-1.4780813>> accessed 26 January 2022.

⁵² Carolan, Mary, ‘Less than 20% conviction rate in domestic violence cases before Dublin courts’ (The Irish Times, 20 January 2022) <<https://www.irishtimes.com/news/crime-and-law/less-than-20-conviction-rate-in-domestic-violence-cases-before-dublin-courts-1.4780719#:~:text=Analysis%20of%20data%20on%20alleged,courts%20in%202019%20and%202020&text=Less%20than%20one%20in%20five,analysis%20of%20Courts%20Service%20data.>> accessed 26 January 2022.

- 5.8** The ACJRD notes that one of the biggest obstacles to prosecuting domestic abuse cases involving breach of an order under the Domestic Violence Act 2018, is proving service of the order. The decision in the case of *DPP v RK*⁵³ confirmed that prosecutors need to prove that the accused received a copy of the barring order. The ACJRD submits that the resourcing of improved systems to ensure that domestic abuse orders are served on accused persons, combined with improved processes to ensure that evidence to prove service is available at trial, would make a substantial difference to the prospect of securing convictions in domestic abuse cases involving breaches of orders.
- 5.9** There is also a discussion to be had about the Constitutional nuances of complainant withdrawal cases where a balance must be struck between respecting the autonomy and right to privacy of victims of domestic violence, while ensuring that they are protected and that the police provide an adequate response to reports of crimes of domestic violence. This can be difficult for Gardaí investigating cases of domestic violence where complainants are reluctant to provide evidence or don't make any complaint at all. Gardaí must be supported with a multi-agency response and structure to support victims of domestic abuse until they are ready to give evidence in Court. Policing and Criminal Justice is one piece of the puzzle.
- 5.10** The ACJRD submits that when conducting their investigation, specifically in relation to responding to reports of domestic abuse, the Inspectorate should consider the following:
- 5.10.1** whether An Garda Síochána personnel have received the appropriate training to support victims of abuse from a diverse range of cultures, genders, relationships, and socio-economic backgrounds, and whether they are trained in relation to the gender-sensitive asylum and reception procedures and support services for the most vulnerable within Direct Provision.
 - 5.10.2** whether An Garda Síochána has the relevant staff or financial resources to provide for language translators for victims of domestic abuse, as required.
 - 5.10.3** whether An Garda Síochána has received adequate training on the Domestic Violence Act 2018, and in particular, on the guidelines around bail for those accused of domestic abuse.
 - 5.10.4** whether the system used by emergency call-takers (CAD) is fit for purpose, and what alternative systems (such as CAD2) are available to An Garda Síochána.
 - 5.10.5** whether emergency call-takers have been given the appropriate training to respond to calls reporting domestic abuse, and whether they are receiving adequate supervision during the course of their duties.
 - 5.10.6** whether accessible guidelines, including useful definitions, on different forms of domestic abuse should be drafted and circulated to An Garda

⁵³ *DPP v RK* [2019] 1EHC 852..

Síochána in order to aid personnel in identifying various domestic abuse offences.

5.10.7 whether personnel from An Garda Síochána are completing PULSE forms accurately, to reflect the nature of the domestic abuse incident and the nature of the relationship between victim and perpetrator.

5.10.8 whether An Garda Síochána have adequate policies in place for recording and providing evidence of, the service of orders under the Domestic Violence Act 2018.

6. Working in partnership to prevent domestic abuse from occurring, protecting victims and bringing offenders to justice

6.1 In their most recent report on policing performance by An Garda Síochána during the COVID-19 Health Crisis, the Policing Authority noted that the strengthened relationships that have developed between An Garda Síochána and the groups and organisations working in this area, which had already existed at national level, have begun to solidify at local level.⁵⁴

6.2 They also noted that following engagement with stakeholders, it was found that there was a growing sense that the changes in understanding, culture and approach to the policing of domestic abuse are unlikely to regress.⁵⁵

6.3 The ACJRD notes that An Garda Síochána works in close partnership with external organisations like Women's Aid and Safe Ireland when protecting victims and bringing offenders to justice. The Dolphin House Family Law Court Support and Referral Service is a free and confidential drop-in service for individuals who are experiencing abuse in a relationship and wish to apply for legal protection. An Garda Síochána, in partnership with stakeholders, ensure that referrals are consistently made to this service.

6.4 On their website, An Garda Síochána provide information to victims of domestic abuse on the legal system and links to services which can provide on-going support and refuge.⁵⁶

6.5 In 2015, Safe Ireland published a Framework for Domestic Violence Service Provision to Women and Children in Ireland.⁵⁷ This Framework was developed to raise awareness of how to tackle domestic abuse in Ireland, including prevention

⁵⁴Policing Authority, 'Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis' (10 December 2021) <https://www.policingauthority.ie/assets/uploads/documents/Report_on_Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_during_Covid-19_Health_Crisis_-_10_December_2021.pdf> accessed 26 January 2022.

⁵⁵Policing Authority, 'Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis' (10 December 2021) <https://www.policingauthority.ie/assets/uploads/documents/Report_on_Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_during_Covid-19_Health_Crisis_-_10_December_2021.pdf> accessed 26 January 2022.p.24.

⁵⁶ An Garda Síochána, 'Domestic Abuse' (2022) <<https://www.garda.ie/en/crime/domestic-abuse/domestic-abuse.html>> accessed 26 January 2022.

⁵⁷ Safe Ireland, 'A Framework for Domestic Violence Service Provision to Women and Children in Ireland' (2015) <<https://www.safeireland.ie/wp-content/uploads/A-Framework-Domestic-Violence-Service-Provision-Women-Children-IRL.pdf>> accessed 26 January 2022.

and intervention. It is unclear whether An Garda Síochána has adopted this framework when developing its own response to tackling domestic abuse.

6.6 The ACJRD submits that when conducting its investigation, the Inspectorate should consider the following:

- 6.6.1** what role An Garda Síochána has in preventing domestic abuse occurring,
- 6.6.2** whether it would be appropriate for An Garda Síochána to work in partnership with external agencies to develop an education plan aiming to prevent domestic abuse.

7. Summary of views and recommendations on the governance and accountability arrangements of An Garda Síochána

7.1 The ACJRD notes that in 2014, the Inspectorate published a Crime Investigation Report.⁵⁸ In its report summary, it was noted that:

- *‘Limited evidence that An Garda Síochána’s Domestic Violence policy is audited or monitored to ensure that it is implemented at an operational level;*
- *No recorded evidence that divisional nominated inspectors are checking domestic violence calls or ensuring accurate recording and classification on PULSE;*
- *Follow-up visits do not always happen, contrary to the Domestic Violence Policy, which is to call back within one month;*
- *High number of calls to domestic incidents with low volume of arrests recorded on CAD;*
- *A difference in the service provided to victims where a court order was in place to protect the person and where no such court order existed;*
- *Absence of supervision of calls to domestic violence incidents by control rooms. Supervisors do not always check the actions of Gardaí dealing with domestic violence cases and are not asking why an offender was not arrested;*
- *Identified many cases of domestic violence where a crime had occurred, but it was wrongly recorded as an ‘Attention and Complaint’ or a case of ‘domestic dispute – no offence disclosed’;*
- *Inconsistent approach to dealing with victims of domestic violence who initially make a statement of complaint, but later decide that they do not want to go to court;*

⁵⁸ Garda Inspectorate, ‘Crime Investigation (October 2014) <<https://www.gsinsp.ie/wp-content/uploads/2019/07/Crime-Investigation-Full-Report.pdf>> accessed 26 January 2022.

- *Different Garda attitudes towards domestic violence. While some members demonstrated an understanding of domestic violence, others were unaware of the complex reasons why many domestic violence victims return to their abusive partners and the broader challenges faced by domestic violence victims;*
- *Some Gardaí are providing a very good level of service to victims and help them to obtain the relevant protection or barring orders at court. These Gardaí also visited victims after the initial call. However, some members displayed negative attitudes towards domestic violence by referring to calls as problematic, time consuming and a waste of resources. Examples provided where assaults were recorded in non-crime categories;*
- *An arrest of an offender at the time of dealing with a crime or breach of an order sends an important message to all parties that this crime will not be tolerated;*
- *An Garda Síochána needs to re-appraise both their strategic and operational response to domestic violence;*
- *Other police services have multi-agency groups that focus on repeat victims and violent offenders.*⁵⁹

7.2 It was also noted that domestic abuse cases are not always correctly recorded, and that no follow-up letters are currently sent to victims of domestic abuse or sexual assault or cases where the victim is vulnerable to avoid further risk to them.⁶⁰

7.3 The Inspectorate recommended that An Garda Síochána ‘working with Cosc and key strategic partners, implements victim-centred policy and good investigative practices in Domestic Violence’.⁶¹ In order to achieve this recommendation, the Inspectorate advised that the following key actions be taken:

- *The Domestic Violence and Sexual Assault Investigation Unit (DVSAIU) must perform a national monitoring function to ensure compliance with the Garda Síochána DV Policy;*
- *Assign secondary investigation responsibility for DV crimes to dedicated investigation teams;*
- *Conduct analysis of domestic related murders to inform garda policy on harm reduction;*

⁵⁹ Garda Inspectorate, ‘Crime Investigation (October 2014) <<https://www.gsinsp.ie/wp-content/uploads/2019/07/Crime-Investigation-Full-Report.pdf>> accessed 26 January 2022, p.17-18.

⁶⁰ Garda Inspectorate, ‘Crime Investigation (October 2014) <<https://www.gsinsp.ie/wp-content/uploads/2019/07/Crime-Investigation-Full-Report.pdf>> accessed 26 January 2022, p.17.

⁶¹ Garda Inspectorate, ‘Crime Investigation (October 2014) <<https://www.gsinsp.ie/wp-content/uploads/2019/07/Crime-Investigation-Full-Report.pdf>> accessed 26 January 2022, p.64.

- *Engage victims of DV and support agencies to improve garda awareness of the particular needs of DV victims. This should form part of a garda training and awareness programme;*
- *Ensure that all calls for DV are properly supervised from the receipt of the call to the recording of the crime or incident;*
- *Ensure that all crime of DV and incidents of domestic dispute are recorded on PULSE, irrespective of the willingness of a victim to make a statement of complaint;*
- *Ensure that positive action is taken where there are clear opportunities to arrest;*
- *Implement a risk assessment process that is completed at all DV incidents;*
- *Ensure that the corporate training package on DV is delivered to all front-line officers;*
- *Update the Garda Síochána website with information that is easy to find and provides clarity on the service that a victim of DV can expect;*
- *Ensure that the requirement for follow up visits is recorded and supervised;*
- *Ensure that all DV incidents are reviewed at Daily Accountability Meetings;*
- *Ensure that all victims of DV and parties involved in domestic disputes receive details of DV support organisations.⁶²*

7.4 As discussed in other sections of the report, the ACJRD notes that several of the advised actions have been taken in order to implement the Inspectorate's recommendation, however some have not been. It is unclear what the consequences of failing to implement the Inspectorate's recommendations will be.

7.5 In relation to accountability arrangements, the ACJRD notes that 21 members of An Garda Síochána had declared that barring or related orders had been granted against them since 2019.⁶³ Nine of those individuals were investigated for breaching those orders, and of those nine, five of those cases involved instances of coercive control.⁶⁴ It is unclear what the consequences have been for the individuals involved in these 21 cases.

⁶² Garda Inspectorate, 'Crime Investigation (October 2014)' <<https://www.gsinsp.ie/wp-content/uploads/2019/07/Crime-Investigation-Full-Report.pdf>> accessed 26 January 2022, p.64.

⁶³ Lally, Conor, 'Domestic violence victims urged to report any garda who attacked them' (The Irish Times, 19 October 2021) <<https://www.irishtimes.com/news/crime-and-law/domestic-violence-victims-urged-to-report-any-garda-who-attacked-them-1.4704091>> accessed 26 January 2022.

⁶⁴ Lally, Conor, 'Domestic violence victims urged to report any garda who attacked them' (The Irish Times, 19 October 2021) <<https://www.irishtimes.com/news/crime-and-law/domestic-violence-victims-urged-to-report-any-garda-who-attacked-them-1.4704091>> accessed 26 January 2022.

7.6 As noted above, there have been numerous allegations of emergency calls relating to domestic abuse being cancelled by emergency call-takers. One of the suggested reasons for this was that emergency call takers were being inadequately supervised.⁶⁵ It is unclear what the consequences have been for the individuals involved in these incidents.

7.7 The ACJRD also notes that in Safe Ireland's 2017 report, they found that the Irish legal system 'at every level – is failing women and children who are living with violence and abuse in their homes'.⁶⁶ They noted that there is 'complete inconsistency' in the responses domestic abuse victims receive from the legal system.⁶⁷ It was stated that good practice regarding implementation of policy and legislation was the exception rather than the norm.⁶⁸ Women's Aid has stated that while some victims received appropriate support from An Garda Síochána, others have not received any.⁶⁹

7.8 The ACJRD submits that when conducting its investigation, the Inspectorate should consider the following:

7.8.1 whether a clear governance structure is in place for responding to incidents of domestic abuse.

7.8.2 whether there are appropriate procedures in place to deal with allegations of misconduct when dealing with incidents of domestic abuse.

7.8.3 whether there is appropriate accountability by members of An Garda Síochána, including by the Commissioner's office, when recommendations by the Inspectorate are not implemented, or when allegations of misconduct occur.

7.8.4 whether the policies and procedures in place to address domestic abuse are consistently applied by all members of An Garda Síochána.

⁶⁵ Brennan, Cianan, "Shifting position' on why 999 calls were cancelled 'perplexing" (Irish Examiner, 28 October 2021) <<https://www.irishexaminer.com/news/arid-40732014.html>> accessed 26 January 2022.

⁶⁶ Safelreland, 'Transforming the Response to Gender Based Violence' (January 2017) <<https://www.safeireland.ie/wp-content/uploads/SAFE-Ireland-Submission-to-CEDAW-1.pdf>> p. 6.

⁶⁷ Safelreland, 'Transforming the Response to Gender Based Violence' (January 2017) <<https://www.safeireland.ie/wp-content/uploads/SAFE-Ireland-Submission-to-CEDAW-1.pdf>> p. 6.

⁶⁸ Safelreland, 'Transforming the Response to Gender Based Violence' (January 2017) <<https://www.safeireland.ie/wp-content/uploads/SAFE-Ireland-Submission-to-CEDAW-1.pdf>> p. 6.

⁶⁹ Women's Aid, 'When Home is Not Safe: COVID-19 Supplement' (August 2020) <https://www.womensaid.ie/assets/files/pdf/womens_aid_when_home_is_not_safe_covid-19_supplement_-_embargoed_20820.pdf> accessed 26 January 2022.

8. Conclusion

8.1 The ACJRD considers that the terms of reference provided by the Inspectorate for the planned inspection into the effectiveness and efficiency of An Garda Síochána's response to domestic abuse is sufficiently broad.

8.2 The ACJRD recognizes the importance of each of the four areas identified by the Inspectorate. The ACJRD recommendations are set out in-brief below:

Area 1

- The ACJRD recommends that the Inspectorate consider:
 - whether the Inspectorate, as part of their inspection, should conduct a comprehensive statistical analysis in relation to domestic abuse rates, orders, convictions, and withdrawals;
 - whether An Garda Síochána has the appropriate financial and technical supports required;
 - whether An Garda Síochána has received the appropriate training;
 - whether the information provided on An Garda Síochána's website is sufficiently descriptive and accessible to all victims of domestic abuse; and
 - whether the community policing strategy operated by An Garda Síochána should contain a greater focus on preventing domestic abuse from occurring.

Area 2

- The ACJRD recommends that the Inspectorate consider:
 - the nature of the information collected by An Garda Síochána when responding to incidents of domestic abuse;
 - whether An Garda Síochána should develop a system of data collection which would allow for follow up calls / visits following reported incidences of domestic abuse to be automatically created;
 - how An Garda Síochána can further engage with domestic abuse support services, both Governmental and NGOs; and
 - whether An Garda Síochána personnel, including emergency call-takers, have sufficient knowledge of the wide and varied nature of domestic abuse, and the supports available to protect victims.

Area 3

- The ACJRD recommends that the Inspectorate consider:
 - whether An Garda Síochána personnel have received the appropriate training to support victims of abuse from a diverse range of cultures, genders, relationships, and socio-economic backgrounds;
 - whether An Garda Síochána has the relevant staff or financial resources to provide for language translators for victims of domestic abuse;
 - whether An Garda Síochána has received adequate training on the Domestic Violence Act 2018 and bail guidelines;
 - whether the system used by emergency call-takers is fit for purpose;
 - whether emergency call-takers have been given the appropriate training and supervision to respond to calls reporting domestic abuse;
 - whether accessible guidelines, on different forms of domestic abuse should be drafted and circulated to An Garda Síochána;
 - whether personnel from An Garda Síochána are completing PULSE forms accurately; and
 - whether An Garda Síochána has adequate policies in place for recording and providing evidence of, the service of orders under the Domestic Violence Act 2018.

Area 4

- The ACJRD recommends that the Inspectorate consider:
 - what role An Garda Síochána has in preventing domestic abuse occurring; and
 - whether it would be appropriate for An Garda Síochána to work in partnership with external agencies to develop an education plan aiming to prevent domestic abuse.

Area 5

- The ACJRD recommends that the Inspectorate consider:
 - whether a clear governance structure is in place for responding to incidents of domestic abuse.
 - whether there are appropriate procedures in place to deal with allegations of misconduct;

- whether there is appropriate accountability by members of An Garda Síochána; and
- whether the policies and procedures in place to address domestic abuse are consistently applied by all members of An Garda Síochána.

8.3 The ACJRD considers the planned inspection by the Inspectorate to be an excellent step forward in addressing the response of An Garda Síochána to incidents of domestic abuse, and believes that following the inspection and implementation of the Inspectorate recommendations, real change can be effected.

BIBLIOGRAPHY

ACJRD Members

Legislation

Domestic Violence Act 2018

Caselaw

DPP v RK [2019] 1EHC 852

Publications

AkiDwA, Submission to the Joint Committee on Justice and Equality: Direct Provision and the International Protection Application Process, (31 May 2019) <<https://www.akidwa.ie/wp-content/uploads/2019/06/190531-AkiDwA-Direct-Provision-submission-web-version.pdf>>

An Garda Síochána, 'Domestic Abuse Intervention Policy 2017' (2017) <<https://www.garda.ie/en/crime/domestic-abuse/domestic-abuse-intervention-policy-2017.pdf>>

Bracken, Ali, 'Domestic abuse incidents up again as reports rise 10pc' (Irish Independent, 2 January 2022) <<https://www.independent.ie/irish-news/crime/domestic-abuse-incidents-up-again-as-reports-rise-10pc-41202283.html>>

Brennan, Cianan, "Shifting position' on why 999 calls were cancelled 'perplexing" (Irish Examiner, 28 October 2021) <<https://www.irishexaminer.com/news/arid-40732014.html>>

Carolan, Mary, 'Less than 20% conviction rate in domestic violence cases before Dublin courts' (The Irish Times, 20 January 2022) <<https://www.irishtimes.com/news/crime-and-law/less-than-20-conviction-rate-in-domestic-violence-cases-before-dublin-courts-1.4780719#:~:text=Analysis%20of%20data%20on%20alleged,courts%20in%202019%20and%202020&text=Less%20than%20one%20in%20five,analysis%20of%20Courts%20Service%20data.>>>

Carolan, Mary, Domestic violence charges double but few result in convictions' (The Irish Times, 20 January 2022) <<https://www.irishtimes.com/news/crime-and-law/domestic-violence-charges-double-but-few-result-in-convictions-1.4780813>>

'Civil Society Submission on Human Trafficking, Domestic and Gender-Based Violence, and the Rights of Refugees and Asylum Seekers' (Missionary Sisters of Our Lady of Apostles, 2021) <<https://www.olaireland.ie/wp-content/uploads/2021/04/UPR-Submission-on-Human-Trafficking-Domestic-Gender-Based-Violence-and-Rights-of-Refugees-Asylum-Seekers-ERI-IPA-OLA-18-03-2021.pdf>>

Coyne, E., 'Government criticized for lack of domestic abuse refuge spaces' in The (Irish Independent, 11 November 2020) <<https://www.independent.ie/news/governmentcriticised-for-lack-of-domestic-abuse-refuge-spaces-39729458.html>>

Department of Justice and Equality, 'Action Plan for Second National Strategy on Domestic Sexual and Gender-based Violence 2016-2021' (January 2016)

Garda Síochána Inspectorate, 'Terms of Reference - An inspection into the effectiveness and efficiency of the Garda Síochána's response to domestic abuse' (Garda Síochána Inspectorate, December 2021) <<https://www.gsinsp.ie/wp-content/uploads/2021/11/Domestic-Abuse-Inspection-Terms-of-Reference.pdf>>

Garda Síochána Inspectorate, 'Crime Investigation (October 2014) <<https://www.gsinsp.ie/wp-content/uploads/2019/07/Crime-Investigation-Full-Report.pdf>>

Libreri, S., 'Airbnb partners with charities to provide free accommodation to victims of domestic violence', (RTÉ News, 25 June 2020) <<https://www.rte.ie/news/ireland/2020/0625/1149476-airbnb-emergency-accommodation/>>

Lally, Conor, 'Domestic violence victims urged to report any garda who attacked them' (The Irish Times, 19 October 2021) <<https://www.irishtimes.com/news/crime-and-law/domestic-violence-victims-urged-to-report-any-garda-who-attacked-them-1.4704091>>

Law Society Gazette, 'Absent data skews domestic abuse reporting – CSO' (23 July 2021) <<https://www.lawsociety.ie/gazette/top-stories/2021/07-july/absent-data-skews-domestic-abuse-reporting—cso>>

National Women's Council of Ireland, 'Shadow Report in Advance Ireland's Combined Sixth and Seventh Periodic Reports under the UN Convention on the Elimination of All Forms of Discrimination Against Women' (NWCI, 2017), <https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_NGO_IRL_26285_E.pdf>

O'Donnell, Ian, 'An Evidence Review of Recidivism and Policy Responses' (Department of Justice, 14 December 2021) <<https://www.gov.ie/en/publication/a9e4e-an-evidence-review-of-recidivism-and-policy-responses/>>

O'Keefe, Cormac, 'Gardaí get 120 domestic abuse calls every day' (Irish Examiner, 19 October 2021) <<https://www.irishexaminer.com/news/arid-40724256.html>>

O'Keefe, Cormac, 'CSO investigate quality of Pulse crime records' (Irish Examiner, 13 January 2018) <<https://www.irishexaminer.com/news/arid-20465740.html>>

O'Malley, Tom, 'Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences' (Department of Justice, July 2020) <https://www.justice.ie/en/JELR/Review_of_Protections_for_Vulnerable_Witnesses_in%20the_Investigation_and_Prosecution_of_Sexual_Offences.pdf/Files/R>

review_of_Protections_for_Vulnerable_Witnesses_in%20the_Investigation_and_Prosecution_of_Sexual_Offences.pdf>

Penman, Derek, 'Interim Update on the Preliminary Examination of the Garda Síochána CAD Review' (Policing Authority, 2021)

Policing Authority, 'Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis' (10 December 2021)
<https://www.policingauthority.ie/assets/uploads/documents/Report_on_Policing_Performance_by_the_Garda_S%C3%ADoch%C3%A1na_during_Covid-19_Health_Crisis_-_10_December_2021.pdf>

Policing Authority, 'Policing Authority meeting with the Garda Commissioner in public - 24 Jun 2021' (YouTube, 24 June 2021)
<<https://www.youtube.com/watch?v=ce8thD6mnrU>>

Policing Authority, 'Minutes of Meeting of the Policing Authority – 24 June 2021' (Policing Authority, 24 June 2021)
<https://www.policingauthority.ie/assets/uploads/documents/2021_93_24June2021_1.pdf>

SafeIreland, 'Transforming the Response to Gender Based Violence' (January 2017)
<<https://www.safeireland.ie/wp-content/uploads/SAFE-Ireland-Submission-to-CEDAW-1.pdf>>

Safe Ireland, 'A Framework for Domestic Violence Service Provision to Women and Children in Ireland' (2015) <<https://www.safeireland.ie/wp-content/uploads/A-Framework-Domestic-Violence-Service-Provision-Women-Children-IRL.pdf>>

Wilson, David et al, 'Court-mandated interventions for individuals convicted of domestic violence' (Campbell Collaboration, 15 March 2021)
<<https://www.campbellcollaboration.org/better-evidence/domestic-violence-individuals-court-mandated-interventions.html>>

Women's Aid, 'When Home is Not Safe: COVID-19 Supplement' (August 2020)
<https://www.womensaid.ie/assets/files/pdf/womens_aid_when_home_is_not_safe_covid-19_supplement_-_embargoed_20820.pdf>

Women's Aid, 'Submission to the Commission on the Future of Policing in Ireland' (Police Reform, January 2018)
<<http://policereform.ie/en/POLREF/Womens%20Aid.pdf/Files/Womens%20Aid.pdf>>

Websites

An Garda Síochána, 'Domestic Abuse' (2022) <<https://www.garda.ie/en/crime/domestic-abuse/domestic-abuse.html>>

An Garda Síochána, 'An Garda Síochána Divisional Protective Services Units now Operational Nationwide' (2020) <<https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press->

releases/2020/september/an-garda-siochana-divisional-protective-services-units-now-operational-nationwide-.html>

Courts Service, 'Domestic Abuse' (2022) <<https://www.courts.ie/domestic-abuse>>

Department of Justice, 'Minister McEntee relaunches ad campaign assuring domestic abuse victims that help is 'Still Here'' (24 December 2021) <<https://www.gov.ie/en/press-release/48272-minister-mcentee-relaunches-ad-campaign-assuring-domestic-abuse-victims-that-help-is-still-here/>>

Policing Authority, 'Policing Authority publishes 16th report on policing performance by the Garda Síochána during the COVID-19 crisis' (10 December 2021) <<https://www.policingauthority.ie/en/news/policing-authority-publishes-16th-report-on-policing-performance-by-the-garda-siochana-during-the-covid-19-crisis>>

Safe Ireland, 'Further increases in women and children contacting a domestic violence service during the second lockdown of 2020' (February 2021) <<https://www.safeireland.ie/further-increases-in-women-and-children-contacting-a-domestic-violence-service-during-the-second-lockdown-of-2020/>>

Social Justice Ireland 'Budget 2021 Must Address the Lack of Domestic Abuse Refuge Spaces' (19 August 2020) <<https://www.socialjustice.ie/content/policy-issues/budget-2021-must-address-lack-domestic-abuse-refuge-spaces>>

United Nations, 'UN chief calls for domestic violence 'ceasefire' amid 'horrifying global surge'. (2021) <<https://news.un.org/en/story/2020/04/1061052>>

UN Women, 'COVID-19 and ending violence against women and girls' (2020) <<https://www.unwomen.org/en/digital-library/publications/2020/04/issue-brief-covid-19-and-ending-violence-against-women-and-girls>>

West Cork Women Against Violence Project, 'Support from An Garda Síochána on Domestic Abuse' (2022) <<https://www.westcorkwomensproject.ie/news/support-from-an-garda-siochana>>