



AN GARDA SIOCHANA HUMAN RIGHTS AUDIT

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A. LIST OF DOCUMENTS REVIEWED

Government and Parliamentary reports; legislation

An Garda Síochána Bill 2003

Interim report of the Joint Committee on justice, Equality, Defence and Women's Rights on the shooting of Mr John Carthy at Abbeylara on 20 April 2000 (November 2000)

Equal Status Act 2000

An introduction to the Equal Status Act 2000; the Equality Authority

First Report of the National Steering Committee on Violence against Women March 1999

Garda Síochána Complaints Board: annual reports 2000 and 2001; summary of complaints.

An Garda Síochána documents

Policing Plan 2003

Annual reports 2001 and 2002

Corporate Plan 2000-2004

Declaration of Professional Values and Ethical Standards 2003

Memorandum to all members about the Declaration, from Assistant Commissioner Murphy, 29 May 2003

Proposal from Human Rights Working Group on implementation of the Declaration of Professional Values and Ethical Standards

Proposal for the establishment of a Garda Human Rights Advisory Committee: Garda Human Rights Working Group July 2002

The Garda Human Rights Office 2001

Human rights and policing: promoting good practice conference 2000: conference papers from speakers (government, police and non-governmental organisations)

Human Rights Initiative 1999-200

Letter from Human Rights Working Group February 2001 to participants at the An Garda Siochana Consultation Seminar

Report of the consultation seminar held in October 2000.

Garda Charter for Victims of Crime

Garda Customer Charter

Your Police Service in Intercultural Ireland; Garda Racial and Intercultural Office

Intercultural Ireland: your changing community; Garda Racial and Intercultural Office

Garda Racial and Intercultural Newsletters 1 -3 (undated – 2000-2001?)

Memorandum on appointment of Garda Liaison Officers to Ethnic Minorities, 13 February 2002

Job Descriptions for juvenile liaison officers; Garda at the Garda Intercultural Office

Ireland's international human rights obligations as related to policing (List of relevant international instruments)

Community Relations Section leaflet on violence against women

An Garda Siochana Code:

- Chapter 6 Discipline and Appeals
- Chapter 16 Dress, Uniform and Equipment
- Chapter 24 Traffic Policing
- Chapter 25 Restraint and Force
- Chapter 26 Offences: recording
- Chapter 27 Crime Reporting and Recording
- Chapter 28 Crime investigation

- Chapter 30 Detectives
- Chapter 31 Children and juvenile offenders
- Chapter 32 Garda Community Relations
- Chapter 35 Passports and Aliens

Review of Community Liaison; Insight Statistical Consulting December 2000

A study of policing strategy in the City of Dublin with regard to public order maintenance and the influence of policing specialisation and prioritisation; John O'Brien 2001

Statistics on cases brought under disciplinary procedures 2000-2002

Garda Public Attitude Survey 2002: Garda Research unit June 2002

An Garda Síochána policy on equality, bullying, harassment, sexual harassment and grievance procedures

Review of Student Garda education/training programme; final report 1999

Student Garda Education/Training: Generic Professional Competency Model

Student Garda Education/Training: Phase 2: broad experiential learning phase

Sergeants Development Programme: Module 2 Human Rights

First steps towards an integrated approach to human rights development in An Garda Síochána: course guide and pre course training materials

Garda Review Magazine February 2003; opinion piece 'You are only a number'.

Reports and documents from non-governmental organisations

Human Rights on Duty: principles for better policing. International lessons for Northern Ireland. Mary O'Rawe and Dr Linda Moore. Committee on the Administration of Justice, Northern Ireland, 1997

Amnesty International: briefing to the UN Human Rights Committee on Human Rights Concerns in Ireland, July 2000

Amnesty International Irish Section: Audit of compliance with international human rights standards; 2000

Amnesty International report on human rights concerns in Ireland, 2001

Pavee Point Travellers Centre

- Policy statement on violence and crime
- Brief summary of Task Force report on Discrimination 1995
- Traveller Facts: traveller women
- Summary of Travellers in Ireland: an examination of discrimination and racism; John O'Connell 1998
- Intercultural Ireland: identifying the challenges for the police service; March 2000
- Submission on crime statistics, May 2003

National Traveller Women's Forum: submission to the Garda Human Rights Working Group on Garda policy on Domestic Violence intervention, January 2002

Racism in Ireland: views of black and ethnic minorities: FAQs Research for Amnesty International, September 2001

Irish Human Rights Commission: submission to the joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights on the European Convention on Human Rights Bill 2001

Irish Council for Civil Liberties: Submission to Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights on the Garda Investigation of the shooting of My John Carthy at Abbeylara on 20 April 2000. 30 November 2000.

Irish Council for Civil Liberties statement on new police powers November 1998

Irish Council for Civil Liberties AGM Director's Report 2003

Other external human rights reports and documents

United Nations Commission for Human Rights: status of ratification of the principal international human rights treaties, August 2001

Council of Europe Committee for the Prevention of Torture report on visit to Ireland May 2002

Council of Europe: European Committee for the Prevention of Torture and inhuman or degrading treatment or punishment (CPT). 'Substantive' sections of the CPT's General Reports October 2001

Council of Europe: the European Code of Police Ethics and Explanatory Memorandum 2001

Council of Europe: Case of Heaney and McGuinness v. Ireland, December 2000

Council of Europe Police and Human Rights Programme 1997-2000

The Human Rights Challenge in Police Practice: a reference brochure. Mark Taylor

Human Rights and the Police: a workbook for practice oriented teaching

Police and Human Rights – beyond 2000: launch conference 2000

A new beginning: policing in Northern Ireland. The report of the independent commission on policing for Northern Ireland. September 1999



An Garda Siochana Human Rights Audit Staff questionnaire

Ionann Management Consultants Ltd has been commissioned by An Garda Siochana to conduct an audit of the organisation in relation to policing and human rights. One aspect of the audit is to ask staff about their knowledge and views on human rights and the role of international human rights standards in their day-to-day work. One-third of An Garda Siochana's staff have been chosen at random to receive this questionnaire. We would be very grateful if you could spare some time to give us your views – they are crucial for the audit. We do not need your name and an envelope is provided so you can send the completed form directly back to us. Only Ionann will see completed forms so your reply is in confidence. We hope this will encourage you to be open and frank in your response.

1. How would you rate your knowledge and understanding of:

	Very strong	Strong	Fair or average	Weak	Very weak
An Garda's Declaration of Professional Values and Ethical Standards					
The service's Human Rights Initiative and Working Group					
International and European human rights standards and codes on policing					
The European Convention on Human Rights					
The Equal Status Act 2000					

2. How do you learn about these policies and standards?

- ☐ Training ☐ Staff circulars ☐ Team briefings ☐ Posters in police stations
☐ Intranet /Email ☐ Through line managers ☐ From operational policies
☐ An Garda Codes of Conduct ☐ Through own research
☐ Other sources (please say what these are) _____

3. Would you like more information on policing and human rights? ☐ Yes ☐ No ☐ Don't know

4. Human rights protection is a core value of An Garda Siochana's Mission Framework. How much can you reflect this core value in your day-to-day work?

- ☐ Most of the time ☐ Quite often ☐ Sometimes ☐ Occasionally ☐ Never

5. How would you assess senior leadership commitment to policing and human rights?

- ☐ Very strong ☐ Strong ☐ OK ☐ Weak ☐ Very weak

6. How is this commitment demonstrated by the senior management team?

Please write in:

7. How would you describe the role of police officers in relation to human rights? Please write in:

Contacts with the community

8. To what extent are human rights principles important in the following areas of your own day-to-day work?	Very important	A bit important	Not at all important	Not relevant in my job
Dealing with victims of crime				
Crime prevention				
Community liaison				
Policing local communities				
Stops of the public				
Searches of the public				
Public order situations				
Arrests				
Detention				
Use of force				
Interviewing suspects				
Dealing with complaints				

9. How would you assess An Garda Siochana's overall relationship with the following communities:	Good	OK	Poor	Don't know
Black and other minority ethnic groups				
People with disabilities				
Women				
Young people				
Travellers				
Faith groups				
Refugees and asylum seekers				
Gay and lesbian communities				

10. How would you assess <u>your own</u> relationship with these communities?	Good	OK	Poor	No contact
Black and other minority ethnic groups				
People with disabilities				
Women				
Young people				
Travellers				
Faith groups				
Refugees and asylum seekers				
Gay and lesbian communities				

11. Helping people from the groups above	Yes	No	To some extent
Do you feel confident that you could assist victims of racist or other hate crimes?			
Do you feel confident in helping all victims from the groups above (not necessarily race or hate crime)			
Do you feel confident when dealing with suspects from these different groups?			
Are you confident in helping victims of domestic violence?			
Are you confident in helping women and children who are victims of enforced prostitution?			

12. Please add any comments you have on your answers to this question

13. In your experience, does An Garda Siochana as a police service communicate with and consult local communities?

☐ Yes ☐ No ☐ Sometimes ☐ Don't know

14. How would you assess your own contact with the community in general?

☐ Very good ☐ Good ☐ OK ☐ Poor ☐ Very poor

15. How would you assess public cooperation with An Garda Siochana?

☐ Very good ☐ Good ☐ OK ☐ Poor ☐ Very poor

Any comments on this?

16. Do you agree with the following statements about the police complaints system?

- | | | |
|--|------------------------------|-----------------------------|
| It is a fair and effective process for the complainant | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| The public have confidence in the police complaints system | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Police officers get a fair hearing | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Petty complaints are taken too seriously | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Overall it works well for all concerned | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

17. Would you be in favour of an independent Police Ombudsman? ☐ Yes ☐ No ☐ Not sure

18. Could you challenge a colleague who you witnessed abusing someone's human rights?

- ☐ Yes ☐ No ☐ Not sure

Any comments on these questions?

An Garda Síochána as an employer

19. Does An Garda Síochána respect the human rights of its employees?

- ☐ All the time ☐ Mostly ☐ Sometimes ☐ Hardly ever ☐ Never

Could you comment on your answer?

20. Is the force representative of Ireland's diverse communities?

- ☐ Yes ☐ No ☐ To some extent ☐ Not sure

21. Is it important for An Garda to be representative of the communities it serves?

- ☐ Very important ☐ Quite important ☐ Not important ☐ Not sure

22. Have you received any policing and human rights training? ☐ Yes ☐ No

23. If YES, was it

- ☐ Very useful ☐ Useful ☐ OK ☐ Not very useful ☐ Not at all useful

24. Would you like training (or more training) in human rights and policing? ☐ Yes ☐ No

25. If yes, can you say in which areas you would like more training?

In general

26. What is needed to help An Garda Siochana to ensure that human rights is central to everything that it does?

27. What do YOU need in order to be able to protect and respect human rights?

28. **About you:** these personal details are confidential; they help us to compare the answers above with respondents' age, gender, ethnic origin, length of service and position held so that we can identify different views among different staff groups. They are not used for any other purpose or to identify individuals.

☐ Male ☐ Female

Age

How would you describe your ethnic origin?

☐ Asian ☐ Black ☐ Mixed Race ☐ White ☐ Other (please say what) _____

Length of service _____ years

Are you:

☐ Garda ☐ Sergeant ☐ Inspector ☐ Superintendent ☐ Detective
☐ Support staff ☐ Immigration

☐ Specialist Unit (please say what) _____ ☐ Other (please say what)

In which division are you based? _____

**THANK YOU FOR SPARING THE TIME TO COMPLETE THIS QUESTIONNAIRE.
IF YOU WANT TO ADD MORE COMMENTS THAN SPACE ALLOWS PLEASE WRITE ON
THE BACK OF THE PAGES**

**Please return to Ionann Research, Selous House, 5-12 Mandela Street, London NW1
0DU. An envelope is provided or you can fax to +44 20 7380 1181 or email to
AndrewCleary@ionann.co.uk**

APPENDIX C

QUESTIONS FOR INTERVIEWS WITH SENIOR OFFICERS/MANAGERS

LEADERSHIP ROLE

1. How well do you feel you yourself understand the implications of human rights standards for the work of An Garda as a whole, and for your own role at present? For example, the role of the police in PROTECTING human rights, and the role of the police in RESPECTING human rights?

2. You have the Declaration of Professional Values and Ethical Standards, and human rights protection is a core value in your mission framework. At a slightly lower policy level, do you think you have enough written policy and guidance in place to guide the work of the force? If not, what areas might be missing? (Prompt: could be training policy, recruitment, or operations such as arrest).

3. Has or should An Garda adopted a procedure to assess the impact of all its policies and operations in terms of human rights? (for example in the UK now the RRAA requires public authorities to conduct an impact assessment of all policies and practices to see if they have an adverse impact on any particular group, and if they do, to look into why this might be.)

4. When the government in the UK incorporated the European Convention of Human Rights into national legislation, it said it wanted to bring about a 'culture of human rights' across the board. To what extent is there a culture of human rights in An Garda so far?

What needs to be done to extend that culture – and what is your role in this?

5. As you know in the UK we have had the Stephen Lawrence Inquiry report and its finding of institutional racism in the police and also other public authorities. In your experience, is there any form of institutional discrimination – not just about race, but maybe about gender, disability or sexuality – in An Garda? If so, what forms does it take and who is affected?

6. Is there a link between discrimination and human rights?

7. Most people would agree that it is essential that police officers have some discretion, some freedom to make decisions based on the circumstances they are dealing with. How might the use of discretion affect human rights? What is your

role in increasing the understanding of your officers about how they use their discretionary powers?

8. In what ways is An Garda Síochána accountable to the wider public for its record and work on human rights? Should it be more accountable, either formally through legislation such as the UK's PACE, or statutory advisory committees, or through other less formal channels?

CONSULTATION AND COMMUNICATION

9. To what extent do you think your staff are aware of An Garda's policy on human rights?

10. How about the public – do you think they are aware of what you are doing?

11. Should either group be more aware, and if so, how can this be done? How can the human rights message be put across?

12. In terms of consultation, are all your policies and procedures open for comment from staff? From the public? Do you encourage participation in policy making from the staff, or the wider public? Should more be done in this area?

13. What is your perception of the quality of An Garda's community contacts? For example, with black and minority communities, with refugees, with travellers, with young people, gay and lesbian communities and others? Could or should more be done to encourage communication and consultation with these groups?

14. Do you think all sections of the community have confidence in An Garda in terms of protecting them from crime – eg racist attacks, or general crimes like burglary – or dealing with them fairly as suspects? If not, what could be done to promote more confidence among these groups?

15. How does An Garda set about discovering what people want from their police? How can you be sure you are getting the full picture?

OPERATIONS

16. Looking at a few key areas which could result in conflict with members of the public, how would you encourage your officers to ensure that human rights are both protected and respected?

For example:

- Arrest
- Detention in cells
- Use of force
- Public order situations

Or

- Dealing with race and other hate crimes?

17. Given the increased number of refugees in Ireland (as in the UK) and the potential for resentment and conflict, what is An Garda's role?

18. Do you think the principle of proportionality is always kept in mind when officers use their powers? I.e. 'public authorities should not use a sledge hammer to crack a nut.'

19. Do you think members of the public are willing to use the complaints system if they feel they have been mistreated or not received a good service? Should more be done to encourage this?

20. Are the numbers and types of complaints monitored to see if there are any patterns emerging? Eg by type of complainant, incident, station, or officer?

21. Similarly, is the use of the internal disciplinary system monitored for any patterns?

EMPLOYMENT

22. Should testing the understanding of and commitment to human rights be part of the recruitment process for new Gardai or civilian staff?

23. What about human rights training? Could or should there be more training? Should community groups be involved in it?

24. To what extent have senior staff and middle managers received human rights training?

25. If you do see a need for more training, what are the priorities?

26. How can human rights training be integrated with all other training – for example in use of firearms?
27. Do you think your staff would feel confident in reporting abuses of human rights which they were aware of? Would they be supported? (Eg corruption, or racist abuse, or excessive use of force) Should more be done to encourage this?
28. How important is the role of middle managers in promoting human rights? How are they helped to do this?
29. Do you think your staff feel that their own human rights are protected, as employees?
- For example are they trained and equipped to deal with all the risks they face? Health and safety?
- DO they have enough knowledge of different communities and cultures to be able to avoid unnecessary confrontations, or to recognise the impact of crime on different groups?
30. Are staff complaints monitored?
31. Could or should anything more be done to ensure that officers' and staff's human rights are also protected?
32. What about recruiting a more diverse force? Should you try to attract more potential recruits from different communities? If so, how can this be done?
33. How would you assess An Garda's success in mainstreaming human rights? What sort of force would it be, how would be the factors which could tell you you were succeeding?
34. Any other comments?

APPENDIX D

QUESTIONS FOR COMMUNITY CONSULTATION AN GARDA SIOCHANA HUMAN RIGHTS AUDIT

COMMUNITY FOCUS GROUPS

Introduction - background to the audit.

GROUND RULES

- Confidentiality – we do not need your names and we will not attribute any comments or views to any individual. When we write up our report we will ensure individuals cannot be identified. (Unless you ask us to identify you.)
- We hope this means you will speak OPENLY AND FRANKLY and feel secure in giving your views.
- We would ask all members of the group also to respect the confidentiality of their colleagues.

AIM of these groups is to get your views and perceptions about the state of play now in relation to Human Rights in An Garda Siochana.

Ask if there are any concerns about the process.

OHP of the Articles in Declaration of Professional Values and Ethical Standards

- Were you aware this existed?
- Any comments or views in general about the Declaration?
- If we look at these articles one by one, would you like to comment on how you think they are being put into practice?
- What is not working and what IS working – good practice
- Obstacles
- What would help to improve human rights and An Garda?

LEADERSHIP AND CORPORATE COMMITMENT TO HUMAN RIGHTS

1. Is the leadership of An Garda Síochána committed to mainstreaming human rights across the service?
2. If you think they are, how do they demonstrate this? E.g. in policies, procedures, briefings, instructions?
3. When the government in the UK incorporated the European Convention of Human Rights into national legislation, it said it wanted to bring about a 'culture of human rights' across the board. To what extent is there a culture of human rights in An Garda so far?
4. As you know in the UK we have had the Stephen Lawrence Inquiry report and its finding of institutional racism in the police and also other public authorities. In your experience, is there any form of institutional **discrimination** – not just about race, but maybe about gender, disability or sexuality – in An Garda? If so, what forms does it take and who is affected?
5. In what ways is An Garda Síochána accountable to the wider public? Should it be more accountable? If so, how – for example, an inspectorate, or an ombudsman, or through more legislation? If not, why not?

CONSULTATION AND COMMUNICATION

6. Do you feel the community is consulted about An Garda policies and practices? If not, how could this be improved?
7. What is your perception of the quality of An Garda's community contacts? For example, with black and minority communities, with refugees, with travellers, with young people, gay and lesbian communities and others? Could or should more be done to encourage communication and consultation with these groups?
8. Do you think all sections of the community have confidence in An Garda in terms of protecting them from crime – e.g. racist attacks, or general crimes like burglary – or dealing with them fairly as suspects? If not, what could be done to promote more confidence among these groups?

OPERATIONS

9. Most people would agree that it is essential that police officers have some discretion, some freedom to make decisions based on the circumstances they are dealing with. In your experience do the Gardai use this discretion fairly?

10. Looking at a few key areas which could result in conflict with members of the public, do you think human rights are both protected and respected?

For example:

- Arrest
- Detention in cells
- Use of force
- Public order situations

Or

- Dealing with race and other hate crimes?

10. What do you think about the present complaints system? Is it fair:

- To the public who might complain
- To the officers who might be subject to complaint

EMPLOYMENT

11. In your experience does An Garda provide enough training for its staff either in human rights, or community relations, or anything else? If not, what sort of training should be provided?

12. Is there a role for the community in this?

13. What about recruiting a more diverse force? Should An Garda try to attract more potential recruits from different communities? If so, how can this be done?

14. How would you assess An Garda's success in mainstreaming human rights? What sort of service would it be?

15 Any other comments?

APPENDIX E

POLICE FOCUS GROUPS

Introduction: background and ground rules.

- Confidentiality – we do not need your names and we will not attribute any comments or views to any individual. When we write up our report we will ensure individuals cannot be identified.
- We hope this means you will speak OPENLY AND FRANKLY and feel secure in giving your views.
- We would ask all members of the group also to respect the confidentiality of their colleagues.

We will be circulating an attendance sheet – we do not need names but if you could give us your job title, division or team or unit, length of service and age group as well as male or female that helps us to check that we have spoken to a good cross section of staff. Only ourselves will see these forms and it is purely for monitoring participation, not for identifying anyone.

AIM of these groups is to get your views and perceptions about the state of play now in relation to Human Rights in An Garda Siochana. This can be your own human rights as employees as well as the human rights of individuals you come into contact with and the wider public as a whole.

We have TWO HOURS MAXIMUM for this discussion.

Questions or concerns?

1. KNOWLEDGE OF HUMAN RIGHTS IN GENERAL

We mentioned the Council of Europe's guide, **Policing in a Democratic Society**, which is aimed at police officers themselves. How many of you are aware of this guide, or other guidance on human rights? (Ask for rough show of hands)

What about the European Convention on Human Rights – are you familiar with what it says?

Declaration of Professional Values and Ethical Standards

We understand that this new version has recently been sent to all staff although the declaration has existed for some time.

- Have you all received a copy?
- Before that, did you know about the Declaration?
- You are all asked to make a declaration of personal commitment and sign the statement on page 3. Have you / will you sign up?

If YES, why is this important?

If NO, what makes you reluctant to sign?

- Any comments or views in general about the Declaration?

2. HUMAN RIGHTS IN PRACTICE

We would like you to think a bit about what the 15 Articles in the declaration actually might mean in reality, for you and your colleagues in the daily working situation. We are looking for what YOU think, honestly, not so much what is set out in the guidance.

- What areas of your work are covered by the Declaration?
- How can the principles in the Articles be applied in practice?
- What would help you to apply them?
- What might stop you applying them?

(Split into 2 or 3 groups according to size. HANDOUT copy of 15 articles. Ask each group to consider, for example, 1-5, 6-10, 11-15 if there are 3 groups. Ask them to put their comments on flip chart paper and be ready to present their views back to the whole group.)

PLEASE TAKE 20 MINUTES IN SMALLER GROUPS TO DISCUSS THIS AND RECORD YOUR MAIN POINTS. YOU WILL HAVE ABOUT 5 MINUTES PER GROUP FOR REPORT BACK.

Each group to report back on their articles. Invite comments from colleagues after each report.

Has this discussion changed anyone's views or perceptions about human rights?

- Any other comments from this exercise?

FULL GROUP QUESTIONS – if a topic has already come up, omit the question.

3. LEADERSHIP AND CORPORATE COMMITMENT TO HUMAN RIGHTS

- 3.1 Is the leadership of An Garda Síochána committed to mainstreaming human rights across the service?
- 3.2 If you think they are, how do they demonstrate this? E.g. in policies, procedures, briefings, instructions?
- 3.3 When the government in the UK incorporated the European Convention of Human Rights into national legislation, it said it wanted to bring about a 'culture of human rights' across the board. To what extent is there a culture of human rights in An Garda so far?
- 3.4 As you know in the UK we have had the Stephen Lawrence Inquiry report and its finding of institutional racism in the police and also other public authorities. In your experience, is there any form of institutional **discrimination** – not just about race, but maybe about gender, disability or sexuality – in An Garda? If so, what forms does it take and who is affected?
- 3.5 In what ways is An Garda Síochána accountable to the wider public? Should it be more accountable? If so, how – for example, an inspectorate, or an ombudsman, or through more legislation? If not, why not?

4. CONSULTATION AND COMMUNICATION

- 4.1 To what extent do you think staff are aware of An Garda's policy on human rights?
- 4.2 How about the public – do you think they are aware of what you are doing?
- 4.3 Do you feel you have an opportunity as staff to contribute to policy? Are you consulted adequately?
- 4.4 What about the wider public – are they consulted about services and policies?

Should more be done - inside or outside An Garda – to consult and communicate?

4.5 What is your perception of the quality of An Garda's community contacts? For example, with black and minority communities, with refugees, with travellers, with young people, gay and lesbian communities and others? Could or should more be done to encourage communication and consultation with these groups?

4.6 Do you think all sections of the community have confidence in An Garda in terms of protecting them from crime – e.g. racist attacks, or general crimes like burglary – or dealing with them fairly as suspects? If not, what could be done to promote more confidence among these groups?

5. OPERATIONS

5.1 Most people would agree that it is essential that police officers have some discretion, some freedom to make decisions based on the circumstances they are dealing with. How might the use of discretion affect human rights? EG when making your decisions is the Declaration something you would keep in mind?

5.2. Looking at a few key areas which could result in conflict with members of the public, do you think human rights are both protected and respected?

For example:

- Arrest
- Detention in cells
- Use of force
- Public order situations

Or

- Dealing with race and other hate crimes?

5.3 What do you think about the present complaints system? Is it fair:

- To the public who might complain
- To the officers who might be subject to complaint

5.4 Do the public have confidence in An Garda as a whole? Do you think they are satisfied with the service they get?

6. EMPLOYMENT

6.1. What about human rights training? Have you had any? If not what sort of areas would you like training in?

6.2 Would it be useful to know more about different communities in Ireland? E.g. refugees, their cultures, religions etc?

6.3. Do you think your staff would feel confident in reporting abuses of human rights which they were aware of? (E.g. corruption, or racist abuse, or excessive use of force) Should more be done to encourage this? Would all of you feel OK to report these things if you witnessed them? If not, why not?

6.4 As employees, are your own human rights respected? If so, how and if not, why not?

For example are they trained and equipped to deal with all the risks they face? Health and safety?

DO they have enough knowledge of different communities and cultures to be able to avoid unnecessary confrontations, or to recognise the impact of crime on different groups?

6.5. What about recruiting a more diverse force? Should you try to attract more potential recruits from different communities? If so, how can this be done?

HOW DO YOU KNOW YOU ARE SUCCEEDING?

7. How would you assess An Garda's success in mainstreaming human rights? What sort of service would it be, how would be the factors which could tell you were succeeding?

8. Any other comments?

APPENDIX F

DETAILED RESULTS FROM QUESTIONNAIRE

This appendix contains extra results from the survey of Gardai which were not included in the main report. It needs to be read as a supplement to the main report and not a report in its own right.

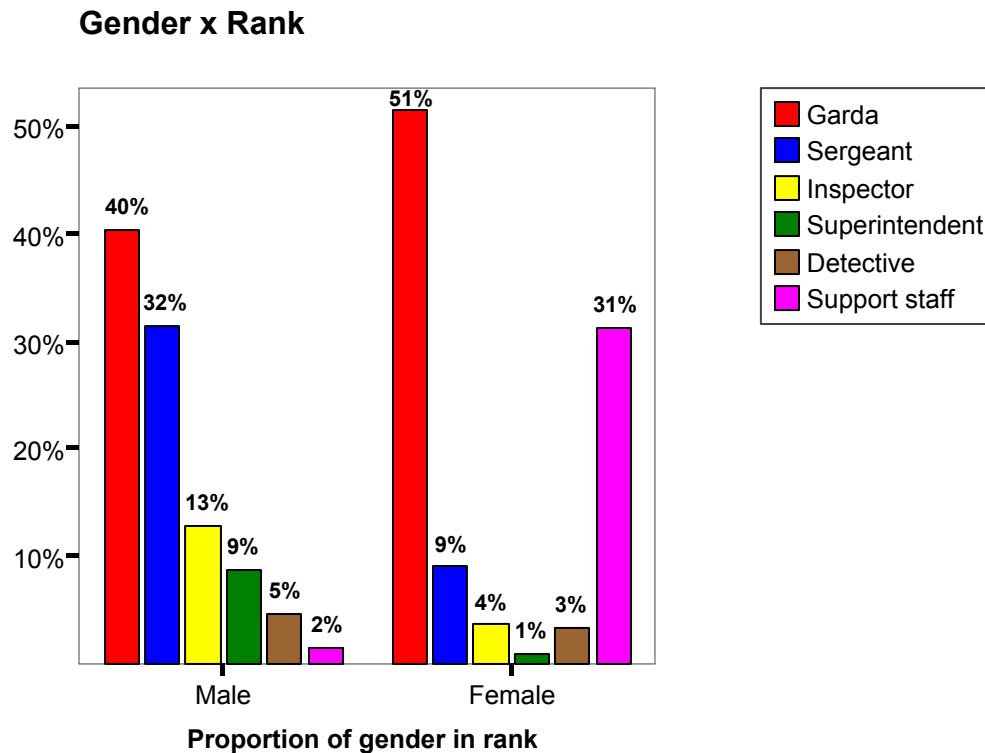
CHAPTER 3: METHOD

Respondents' divisions or specialist units are presented in the table below. Quite a high proportion, 12%, did not answer this question, perhaps out of concern about being identified.

Division	Frequency	Percent
No answer	153	12.3
Carlow / Kildare	33	2.7
Cavan / Monaghan	44	3.5
Civilian	1	.1
Clare	22	1.8
Cork City	64	5.2
Cork North	20	1.6
Cork West	20	1.6
DMR	51	4.1
DMR Central	3	.2
DMR East	46	3.7
DMR North	56	4.5
DMR North Central	38	3.1
DMR South	43	3.5
DMR South Central	60	4.8
DMR South East	2	.2
DMR West	43	3.5
DMR West Central	2	.2
Donegal	31	2.5
Dublin Regional Traffic Division	1	.1
Eastern Region	7	.6
Galway East	23	1.9
Galway West	26	2.1
Garda Bureau of Fraud Investigation	3	.2
Garda College	25	2.0
Garda HQ	83	6.7
Garda National Drugs Unit	4	.3
Garda National Immigration Bureau	5	.4
Harcourt Square	1	.1
Human Resource Management	6	.5
Internal Affairs	1	.1
Kerry	23	1.9
Laois / Offaly	30	2.4
Limerick	40	3.2
Longford / Westmeath	21	1.7
Louth / Meath	43	3.5
Mayo	25	2.0
National Bureau of Criminal Investigation	3	.2
National Support Services	11	.9
Organisational Development Unit	1	.1
Roscommon / Galway East	1	.1
Security and Intelligence Unit	1	.1
Sligo / Leitrim	23	1.9
South East Region	1	.1
Southern Region	3	.2
Special Detective Unit	1	.1
Strategic and Resource Management	1	.1
Tipperary	32	2.6
Waterford / Kilkenny	29	2.3
Western Region	2	.2
Wexford / Wicklow	32	2.6

Profiles of the respondents

The graph below shows the proportions of men and women in the different ranks.



Women respondents also had a younger and shorter length-of-service profile.

Gender x Age banded

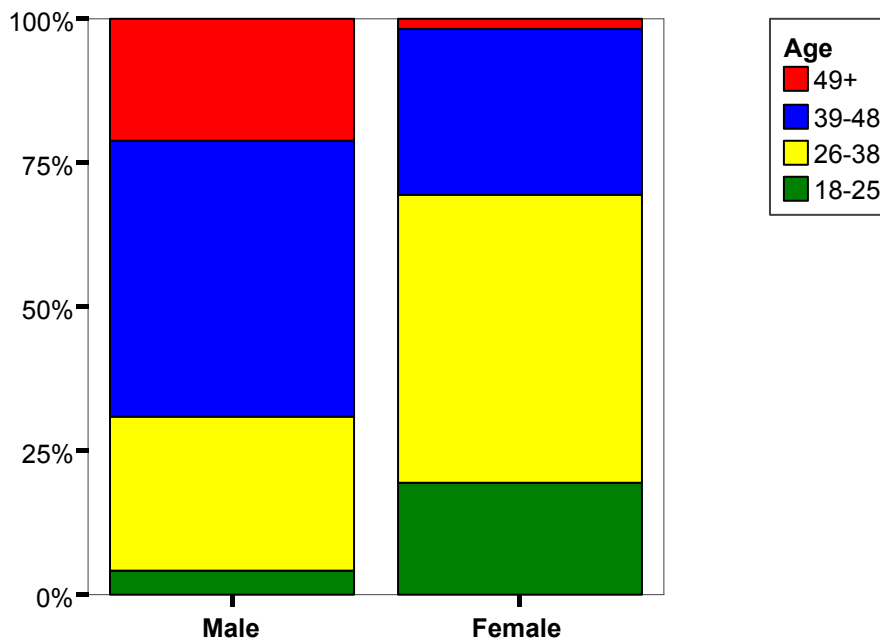
		Age banded			
		18-25	26-38	39-48	49+
Male	Count	46	256	454	196
	% within Gender	4.8%	26.9%	47.7%	20.6%
Female	Count	35	105	66	10
	% within Gender	16.2%	48.6%	30.6%	4.6%

Gender x Length of service banded

		Length of service banded						
		0-5 years	5-10	10-15	15-20	20-25	25-30	30+
Male	Count	123	103	76	172	215	173	113
	% within Gender	12.6%	10.6%	7.8%	17.6%	22.1%	17.7%	11.6%
Female	Count	81	42	30	34	23	9	4
	% within Gender	36.3%	18.8%	13.5%	15.2%	10.3%	4.0%	1.8%

This reflects the fact that women have joined the Garda in greater numbers in recent years. If the same data is analysed leaving out support staff, it gives a clear indication of the different profile of women in An Garda.

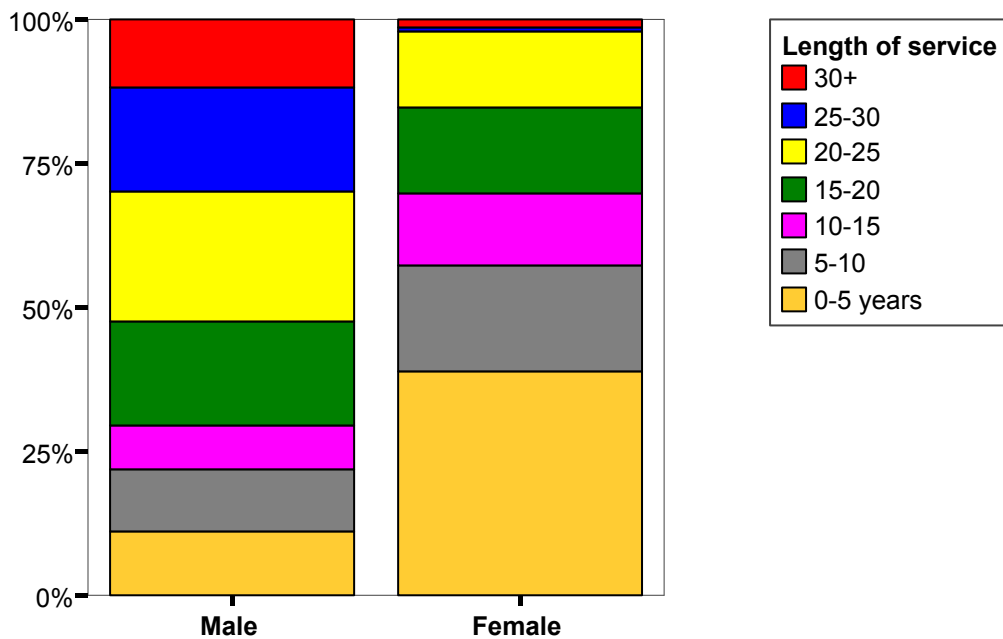
Gender x Age (excluding support staff)



Age x Gender (excluding support staff)

			Gender	
			Male	Female
Age	18-25	Count	41	27
		% within Gender	4.4%	19.6%
	26-38	Count	246	69
		% within Gender	26.5%	50.0%
	39-48	Count	447	40
		% within Gender	48.2%	29.0%
	49+	Count	194	2
		% within Gender	20.9%	1.4%

Gender x Length of service (excluding support staff)



Length of service x Gender (excluding support staff)

			Gender	
			Male	Female
Length of service	0-5 years	Count	105	55
		% within Gender	11.1%	38.7%
	5-10	Count	100	26
		% within Gender	10.5%	18.3%
	10-15	Count	75	18
		% within Gender	7.9%	12.7%
	15-20	Count	171	21
		% within Gender	18.0%	14.8%
	20-25	Count	212	19
		% within Gender	22.3%	13.4%
	25-30	Count	173	1
		% within Gender	18.2%	.7%
	30+	Count	113	2
		% within Gender	11.9%	1.4%

Composition of the focus groups

Rank	Dublin	Cork	Portlaoise	Galway
Gardai	62	10	8	13
Sergeants	27	13	8	9
Inspectors	n/a	1	0	0
Detectives	32	1	1	1
Civilian staff	17	n/a	n/a	n/a

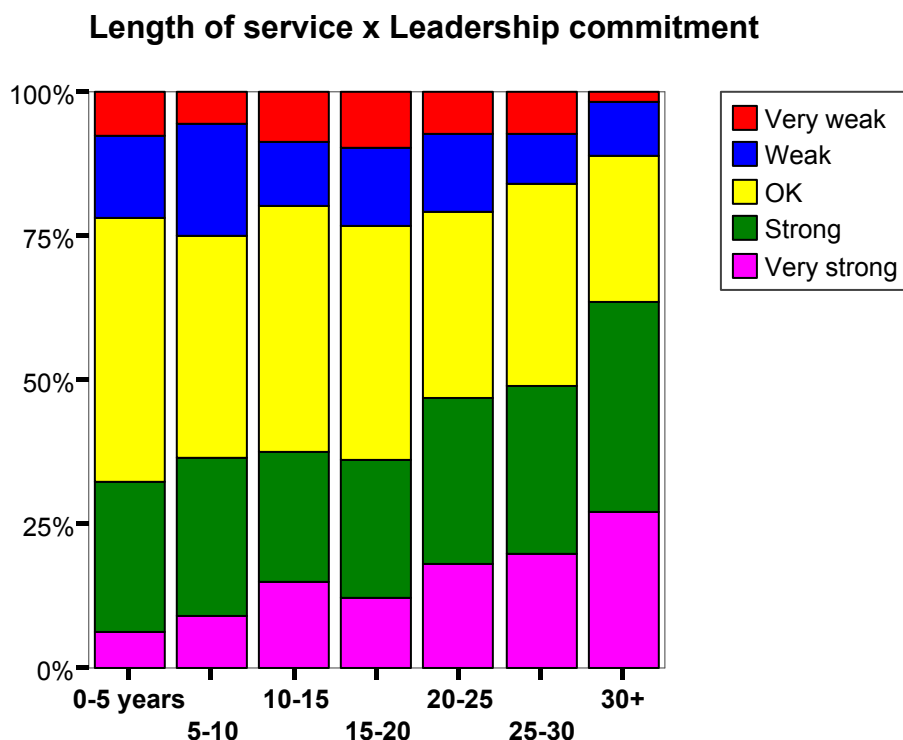
Age

Age	Number	Per cent
21-20	76	37.4
31-40	59	29.1
41-50	54	26.6
50+	13	6.4
Not given	1	.5
Total	203	100

Length of service	Number	Per cent
Under 12 months	9	4.4
1-3 years	36	17.8
4-5 years	25	12.3
5-9 years	27	13.3
10-14 years	27	13.3
15-20 years	21	10.3
21-30 years	44	21.7
30+	13	6.4
Not answered	1	.5
Total	203	100

CHAPTER 5: PERCEPTIONS OF AN GARDA SÍOCHÁNA AS A HUMAN RIGHTS ORGANISATION

Leadership commitment to human rights



Respondents were asked to write in how the senior management team demonstrated commitment to human rights.

789 people made written comments which have been grouped into the main types of reply.

- 260: Through circulars, briefings, directions, and advice (though this was often no more than providing information and 'handing down paper')
- 190: They don't show it, or it is not evident, or it is lip service or 'covering their backs'
- 59 By their example in their own work – 'in word and deed'
- 58 Shown through adherence to the Garda Code, regulations governing custody etc, and ensuring correct procedures are followed in using police powers

- 49 By providing training
- 46 In public policy documents, such as mission statement, policy plans, Declaration of Ethical Standards etc
- 28 By treating everyone equally and fairly, being non racist
- 27 Dealing firmly with abuses, investigating complaints and using disciplinary procedures
- 11 By setting up the Human Rights Office and Racial and Intercultural Office
- 11 Ads and posters
- 9 Community Liaison
- 8 Through the media
- 5 By commissioning this audit
- 3 Customer satisfaction/quality of service

Complaints system

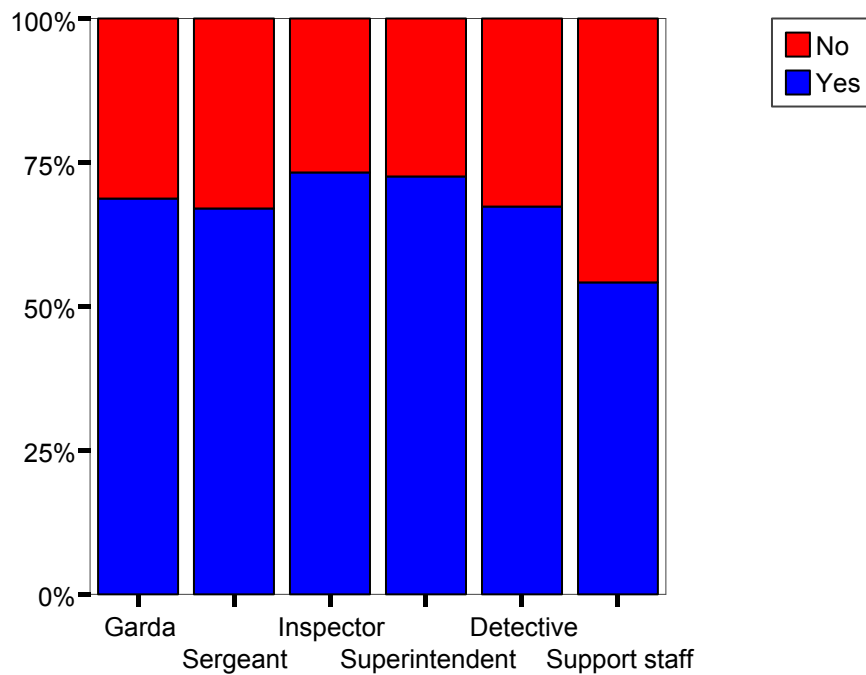
There was almost no difference at all between women and men respondents across all five areas questioned.

Older staff were more positive about the complaints system. Inspectors and superintendents were slightly more confident in the complaints system than the other ranks.

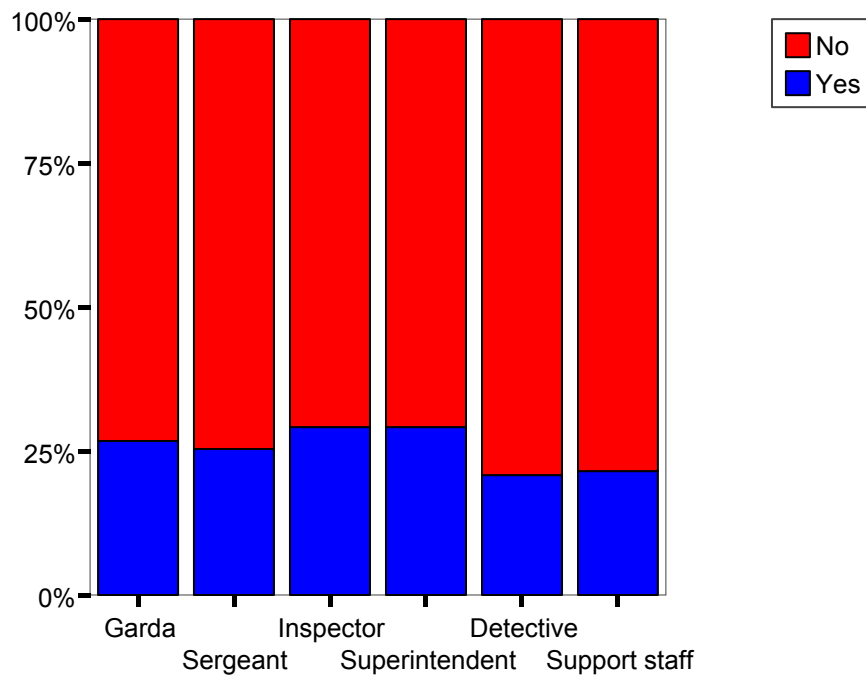
Support staff varied – they did not think it was a fair process for the complainant or that the public had confidence in the system, or that petty complaints were taken too seriously, but they did think that police members get a fair hearing (see graph).

The graphs below show the different responses from Gardai, sergeants, inspectors and superintendents, and civilian (support) staff to each of the questions about complaints.

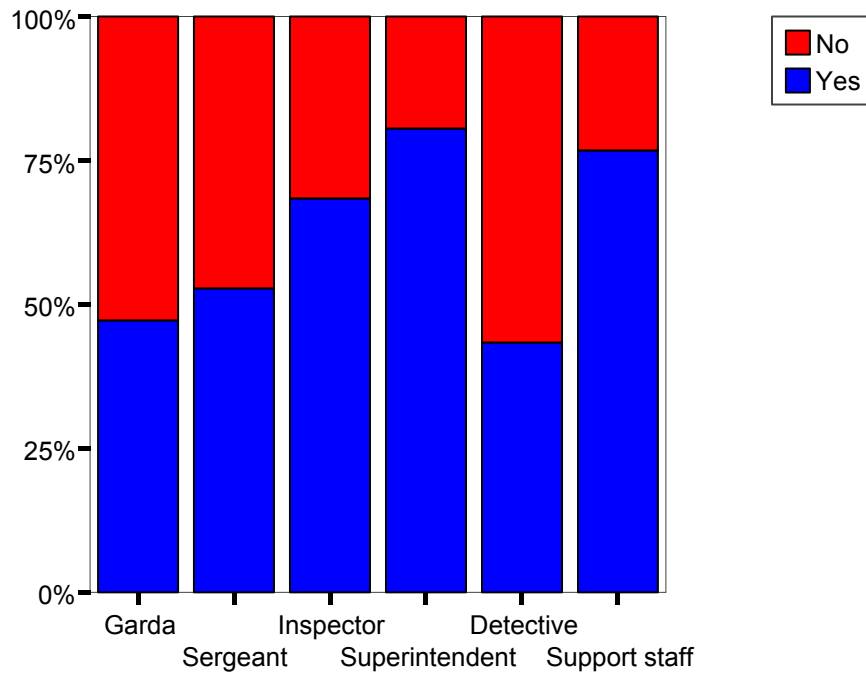
Fair process for the complainant x Rank



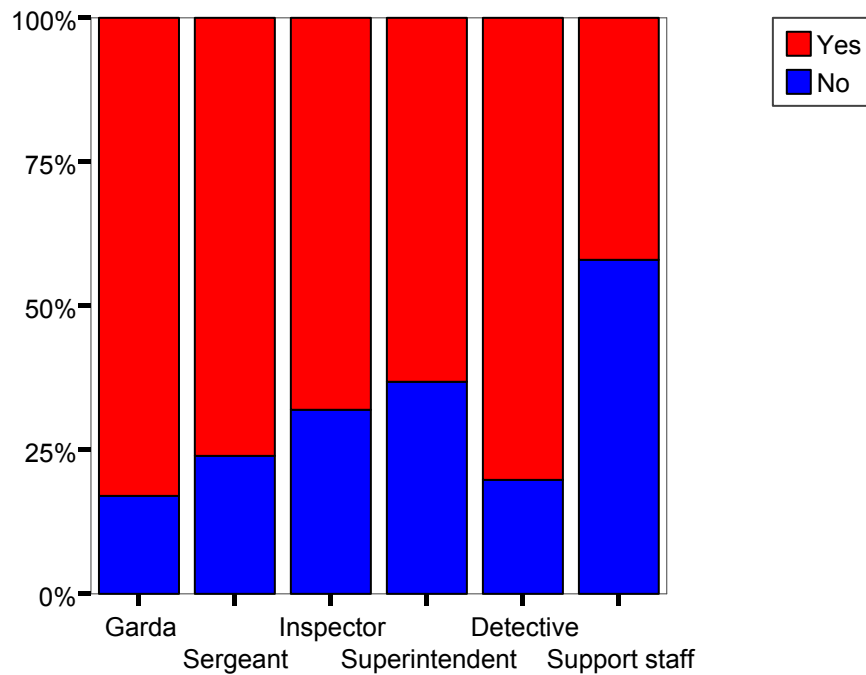
Public have confidence x Rank

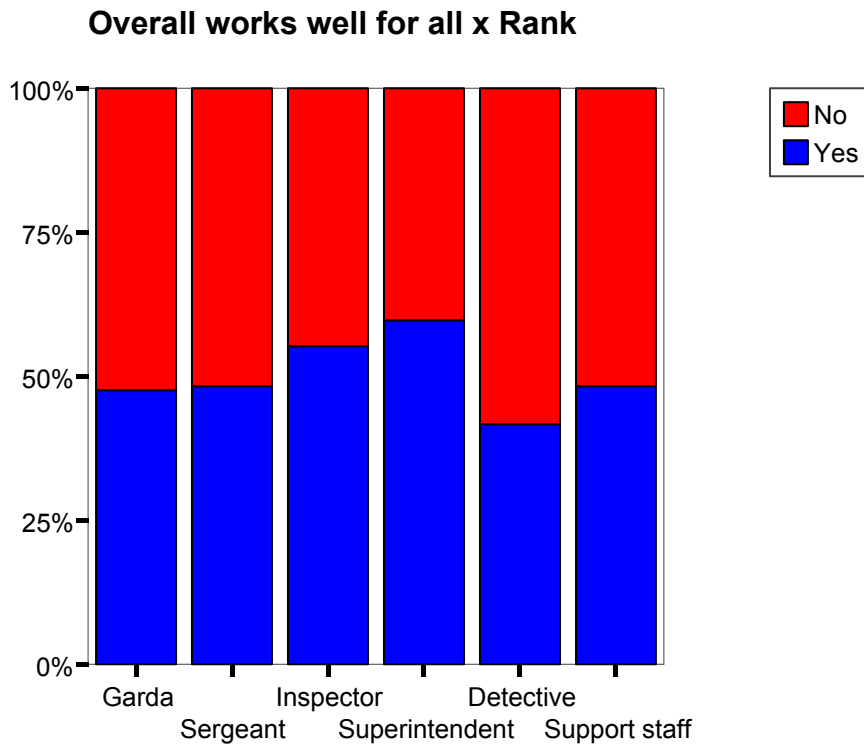


Officers get a fair hearing x Rank



Petty complaints taken too seriously x Rank





Write in comments included:

- 76 There needed to be a system of redress for members subject to vexatious complaints, along with stronger management support
- 49 A system of independent investigation would be welcomed and was needed.
- 28 There were too many complaints made to cause delay in prosecution
- 26 The present system was unfair to members and did not respect their own rights.
- 17 The system was slow and cumbersome
- 14 The present system was OK as it was.
- 11 Too many petty complaints were taken too seriously
- 9 It caused undue stress for the members and their families

Challenging human rights abuses

Gender x Could you challenge a colleague?

		Could you challenge a colleague?		
		Yes	No	Not sure
Gender	Male	82.2%	2.3%	14.1%
	Female	62.9%	4.5%	29.9%

Age x Could you challenge a colleague?

		Could you challenge a colleague?		
		Yes	No	Not sure
Age banded	18-25	54.3%	8.6%	34.6%
	26-38	71.9%	2.8%	24.0%
	39-48	84.5%	2.1%	12.0%
	49+	87.1%	1.9%	8.6%

Length of service banded x Could you challenge a colleague?

		Could you challenge a colleague?		
		Yes	No	Not sure
Length of service banded	0-5 years	63.2%	3.9%	30.9%
	5-10	63.7%	4.8%	29.5%
	10-15	78.5%	1.9%	18.7%
	15-20	80.6%	3.9%	15.5%
	20-25	89.2%	1.3%	8.8%
	25-30	85.4%	2.7%	8.6%
	30+	88.2%	.0%	8.4%

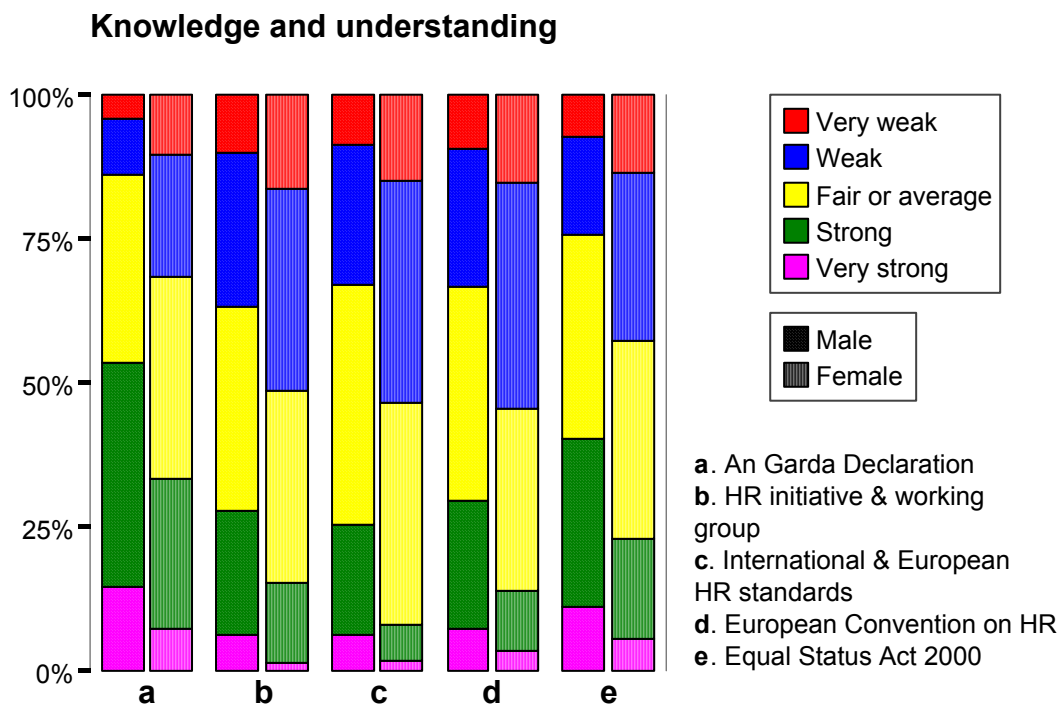
Rank banded x Could you challenge a colleague?

		Could you challenge a colleague?		
		Yes	No	Not sure
Rank banded	Garda	70.9%	4.2%	24.3%
	Rank staff	91.6%	.5%	6.2%
	Civillian	41.3%	8.8%	42.5%

6. CONSULTATION AND COMMUNICATION

Knowledge and understanding of human rights documents

Men indicated that they had significantly more knowledge and understanding than women did (see graph below).

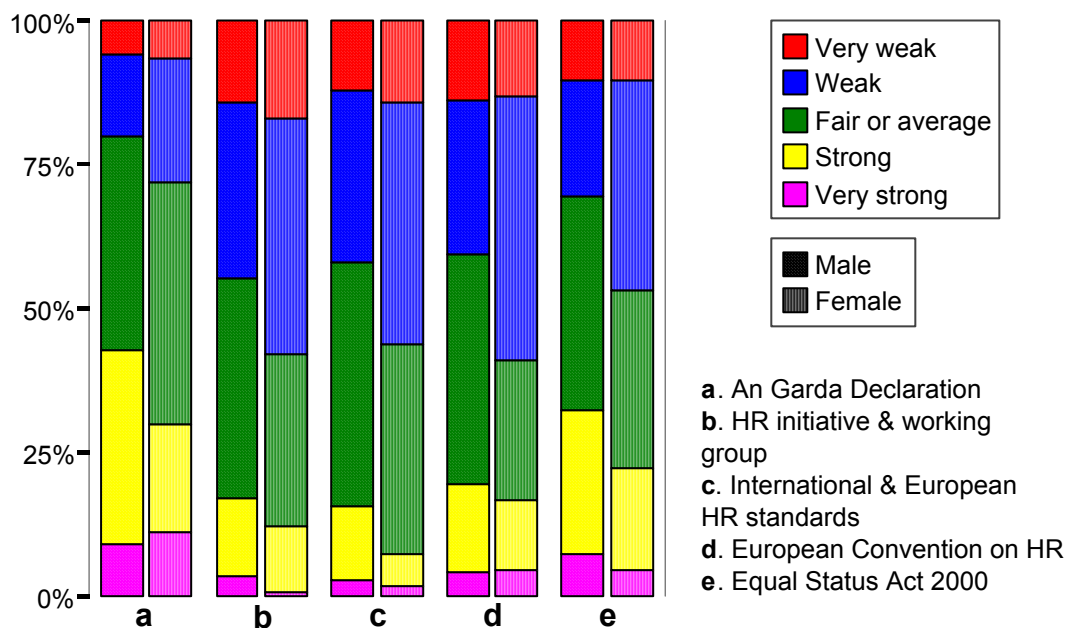


However, as more men were in the higher ranks, and higher ranked staff had more knowledge, these differences were looked at to try and explain the overall differences between women and men.

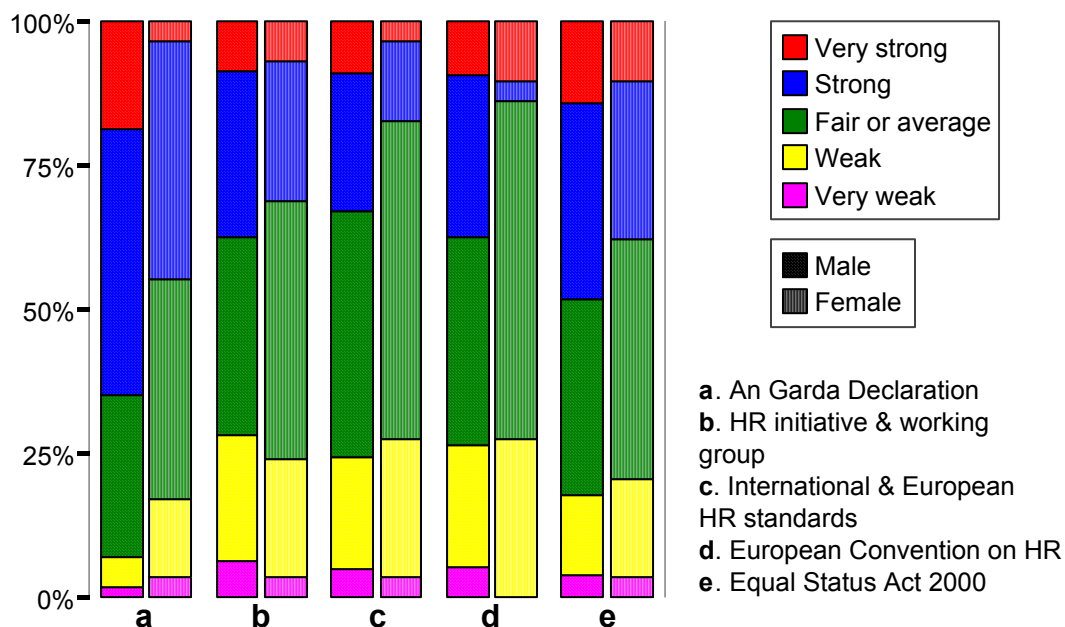
The profile of Gardai knowledge (392 men and 107 women) was fairly similar to the overall, with men tending to have more knowledge, although the differences were smaller. But with sergeants, inspectors and superintendents taken as a group, it was found that women indicated that they had slightly more knowledge and understanding than men did with the exception of the Human Rights Initiative and Working Group.

This group consisted of 29 women and 516 men. The graphs below illustrate the findings. All bars are out of 100% so that the proportions of men and women selecting each measure of understanding is comparable.

Knowledge and understanding: Gardai

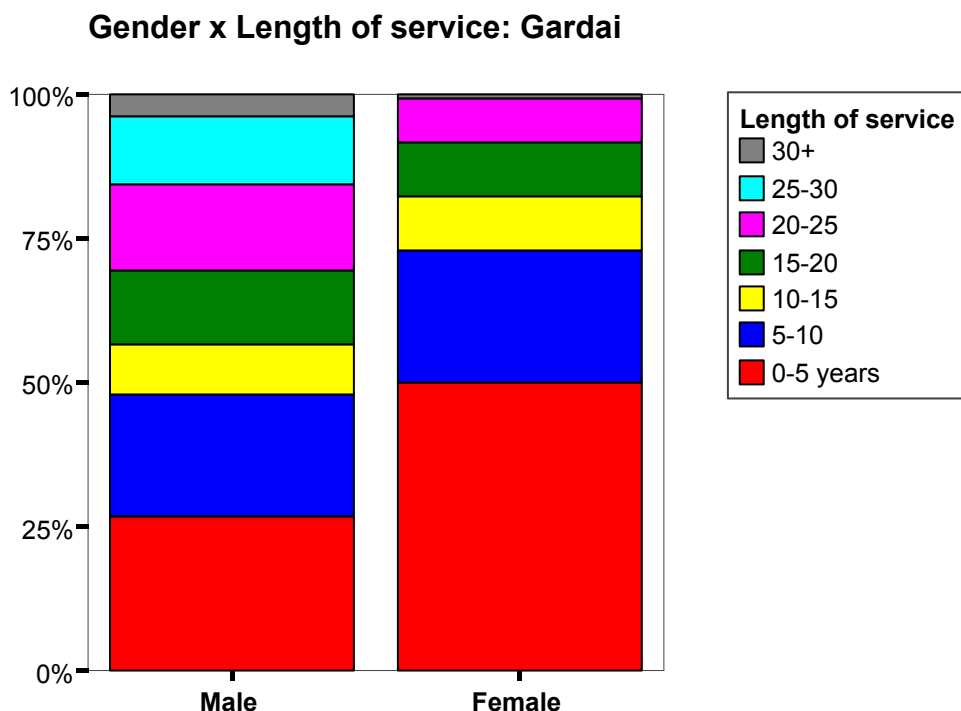


Knowledge and understanding: Sergeants, insp, supers



It is also possible that some of the differences between men and women Gardai can be explained by differences in length of service. Longer-serving Gardai had more policy knowledge than shorter, and as the graph below shows, far more

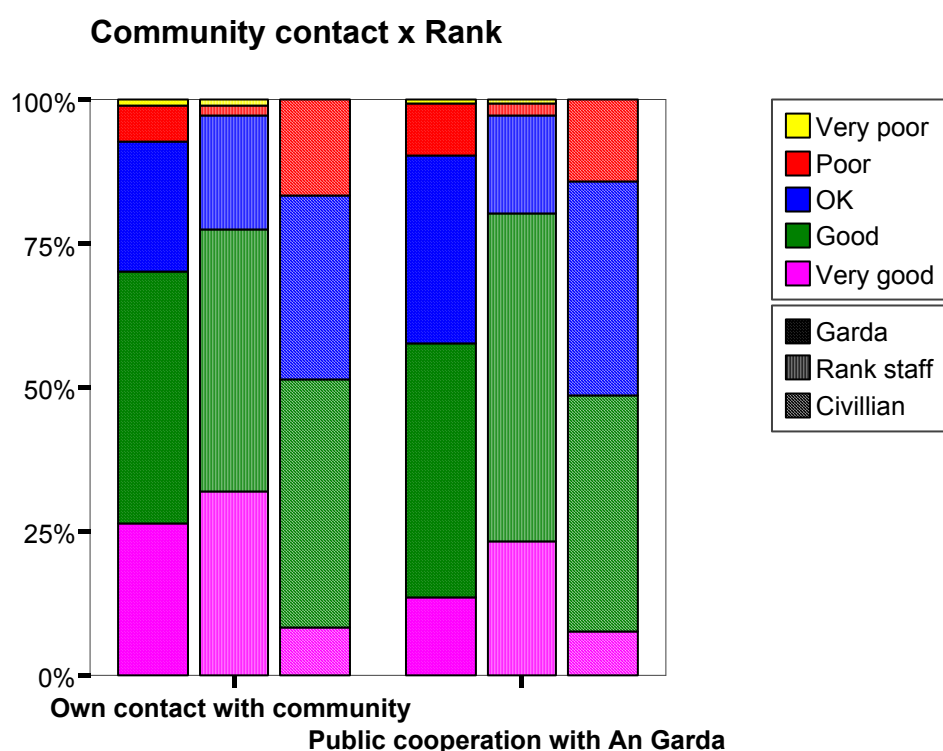
male Gardai had served longer (half of women Gardai had served less than five years).



Male sergeants, inspectors and superintendents also had a longer length of service profile, and yet the women that are in those positions still indicated a greater knowledge and understanding of the areas tested.

7. HUMAN RIGHTS AND OPERATIONAL POLICING

Gardai tended to say that their own contact with the public was better than the public's cooperation with the service. This was not true for higher ranking and civilian respondents.



Write in comments were made on this by 414 respondents. The main groups of comments were that

- 58 Community contacts and relations are very good
- 55 Community contact is very important and more is needed; there is room for improvement and more partnership work, foot patrols, community members and management support
- 44 It depends: on the size of area; location; and which people; people generally happy unless they are targets for example of on spot fines, traffic violations
- 38 Community contacts are poor and/or deteriorating, there is a lack of confidence in police; the police need to get back to the basics of service
- 26 There is not enough time or resources to do this properly, and there is too much management emphasis on results, PULSE and meeting targets
- 23 There is little respect for An Garda Síochána, lack of cooperation, trust and understanding on the part of the public
- 19 There is a rural urban divide – relations are much better in rural areas

- 14 Negative media portrayals damage community relations
- 11 It depends on individual Gardai and how they approach people to develop informal consultation and communication
- 11 More problems are developing as fewer members live in areas which they police, or are not actively involved in life of their own communities
- 9 Recent cases and events have damaged relations
- 8 Lack of community spirit, public apathy
- 8 Public fear of reprisal or intimidation if cooperate with police (2 mention border areas)
- 7 Distrust among minority communities
- 4 Consultation is reactive not proactive; only when we want something

Question 7 asked respondents to describe in their own words how they saw the role of Garda members in relation to human rights. 868 people wrote in comments. The main comment groups were as follows:

- 134 It is a basic, essential and fundamental part of police work. Police are at the forefront, the coal face, they are the first point of contact with the justice system
- 132 Upholding, protecting and enforcing human rights
- 114 To treat everyone equally, the same, with respect, and respecting their dignity, whether victims, offenders, colleagues, or public – applied to all citizens
- 76 To treat people with equality, respect and dignity with specific reference to different racial groups, cultures, foreign nationals and immigrants, and refugees; treating everyone same whatever 'colour or creed' ; and in many cases the difficulty of doing so with unfamiliar groups.
- 58 Respecting the rights of those subject to police powers, e.g. in custody

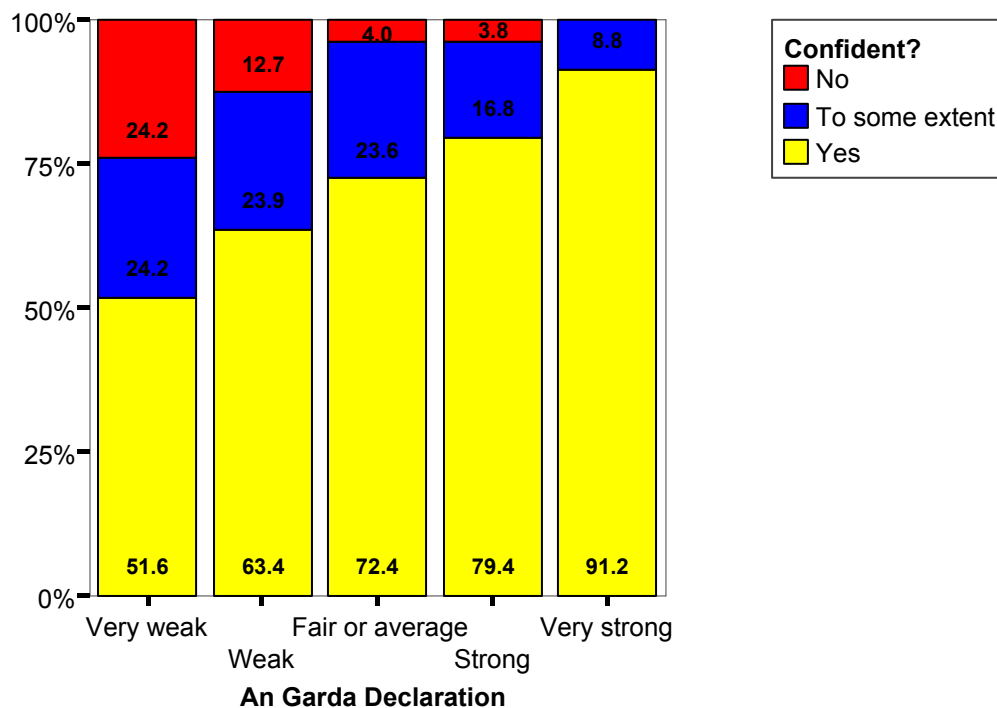
- 44 To set an example to others, internally and externally, and to take the lead, to promote good community relations and be at cutting edge in Irish society in relation to human rights
- 31 It is automatic because it is enshrined in the oath, constitution, regulations and procedures – and treating everyone ‘without fear, favour, malice or ill will’.
- 25 To mediate, and balance the application of law with individual rights
- 23 To take personal responsibility not to infringe any rights and to maintain high standards
- 22 To do as you would be done to : for example, police have rights too, people saying ‘you’re only doing this because I’m black’, dealing with thugs, and internally, two mentions of bullying
- 18 To balance the rights of victims and criminals
- 15 To keep aware, keep learning
- 5 Common sense
- 5 Not tolerating abuses
- 5 It’s difficult because also act as immigration officers, have to deal with violent people, sex offenders etc
- 3 Up to individual conscience
- 3 To act with compassion, humanity and sensitivity

There were several relationships between the answers for this question, and other areas of the questionnaire such as whether respondents had received training and how well they felt their own human rights had been respected. These are covered in the relevant sections (training, employee rights, etc.)

However the strongest linear relationship found between respondents’ confidence in assisting others was with their knowledge of relevant policy. For all of the areas of policy tested in question 1, a greater knowledge corresponded with greater confidence in all the areas of question 11.

The strongest of these was with knowledge of An Garda's Declaration of Professional Values and Ethical Standards, although all of the knowledge areas tested produced the same linear results. The graphs below show degrees of confidence in dealing with various groups compared to strength or weakness of the Declaration, from very weak at the left hand side to very strong at the right hand side.

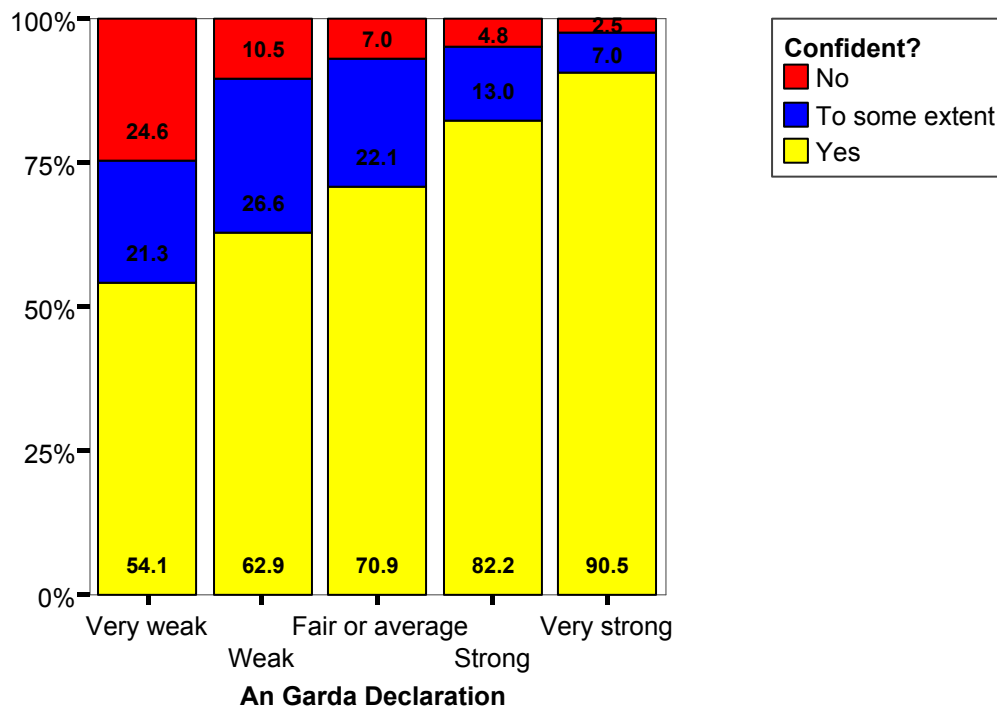
Confident to assist victims of hate crimes x An Garda Declaration



Confident to assist victims of hate crimes x An Garda Declaration

			An Garda Declaration				
			Very strong	Strong	Fair or average	Weak	Very weak
Confident to assist victims of hate crimes	Yes	Count	145	354	291	90	32
		%	91.2%	79.4%	72.4%	63.4%	51.6%
	No	Count	0	17	16	18	15
		%	.0%	3.8%	4.0%	12.7%	24.2%
	To some extent	Count	14	75	95	34	15
		%	8.8%	16.8%	23.6%	23.9%	24.2%

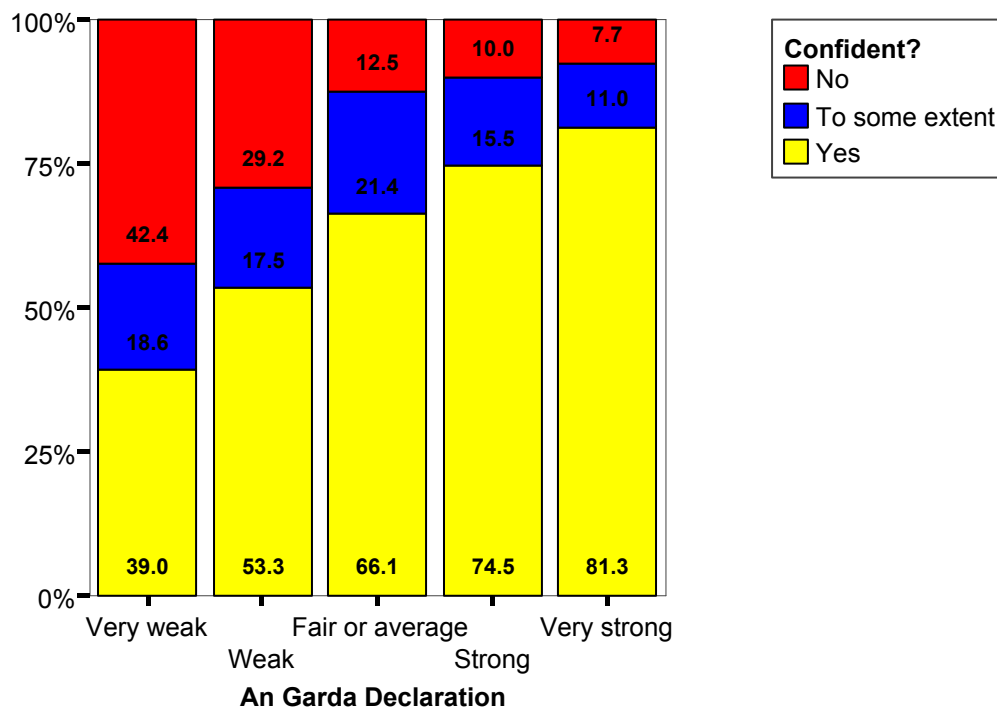
Confident to help diverse victims x An Garda Declaration



Confident to help diverse victims x An Garda Declaration

			An Garda Declaration				
			Very strong	Strong	Fair or average	Weak	Very weak
Confident to help diverse victims	Yes	Count	143	360	285	90	33
		%	90.5%	82.2%	70.9%	62.9%	54.1%
	No	Count	4	21	28	15	15
		%	2.5%	4.8%	7.0%	10.5%	24.6%
	To some extent	Count	11	57	89	38	13
		%	7.0%	13.0%	22.1%	26.6%	21.3%

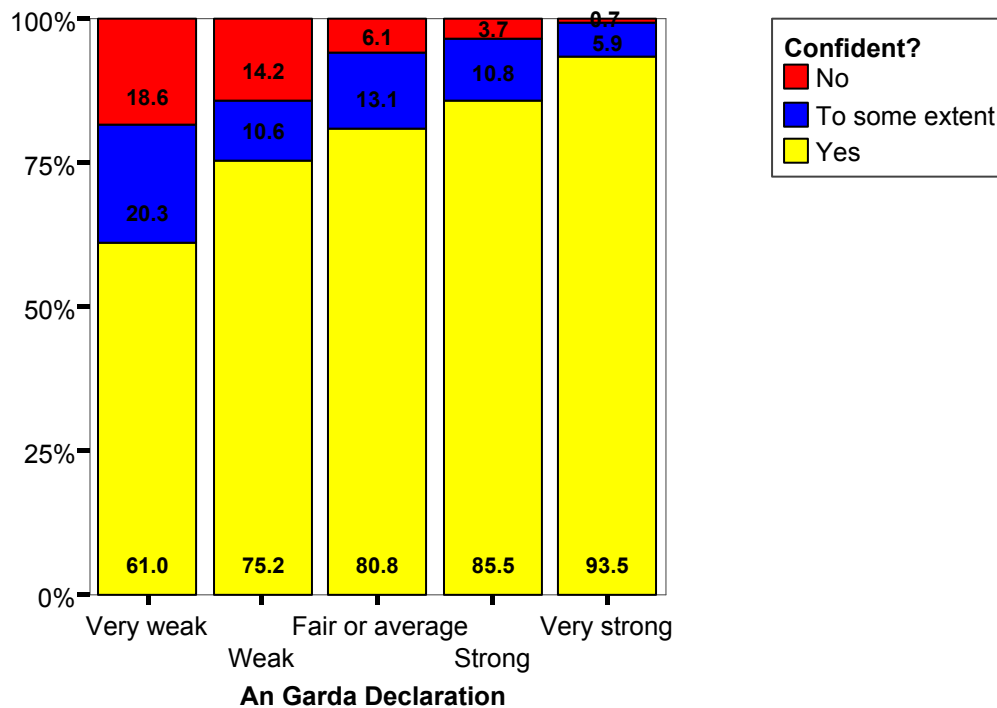
Confident to deal with diverse suspects x An Garda Declaration



Confident to deal with diverse suspects x An Garda Declaration

			An Garda Declaration				
			Very strong	Strong	Fair or average	Weak	Very weak
Confident to deal with diverse suspects	Yes	Count	126	322	259	73	23
		%	81.3%	74.5%	66.1%	53.3%	39.0%
	No	Count	12	43	49	40	25
		%	7.7%	10.0%	12.5%	29.2%	42.4%
	To some extent	Count	17	67	84	24	11
		%	11.0%	15.5%	21.4%	17.5%	18.6%

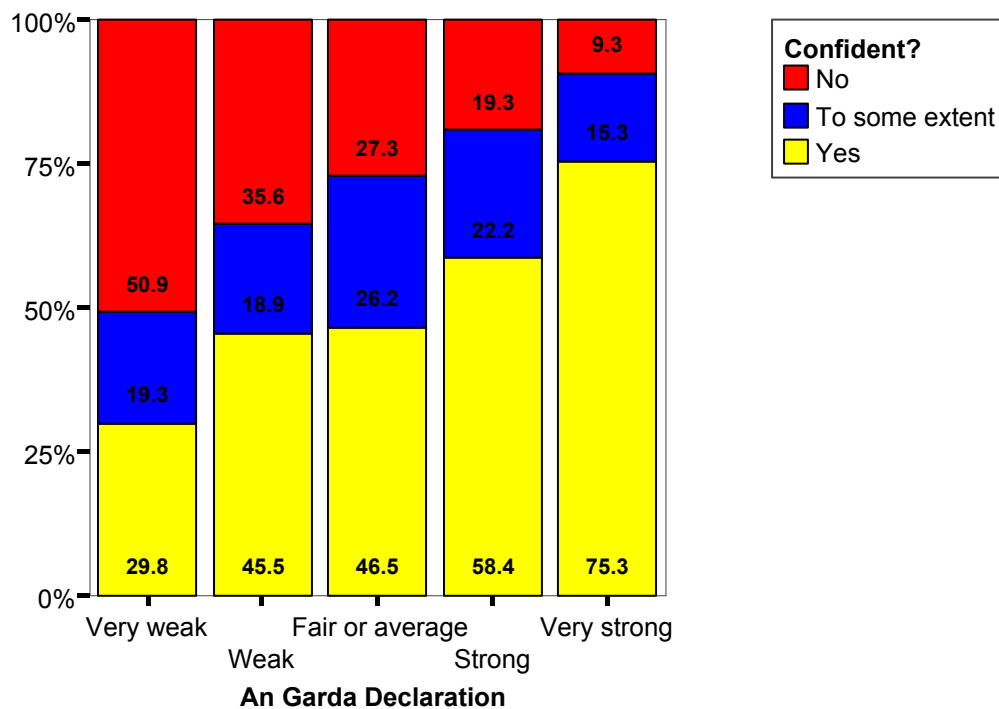
Confident to help victims of domestic violence x An Garda Declaration



Confident to help victims of domestic violence x An Garda Declaration

			An Garda Declaration				
			Very strong	Strong	Fair or average	Weak	Very weak
Confident to help victims of domestic violence	Yes	Count	143	372	320	106	36
		%	93.5%	85.5%	80.8%	75.2%	61.0%
	No	Count	1	16	24	20	11
		%	.7%	3.7%	6.1%	14.2%	18.6%
	To some extent	Count	9	47	52	15	12
		%	5.9%	10.8%	13.1%	10.6%	20.3%

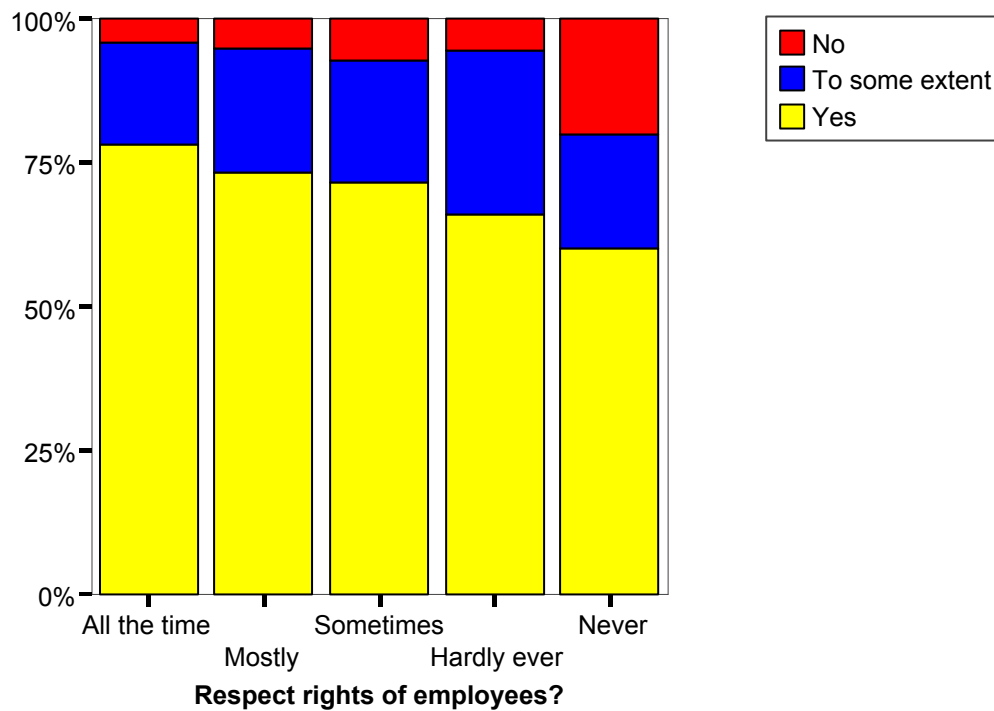
Confident to help victims of prostitution x An Garda Declaration



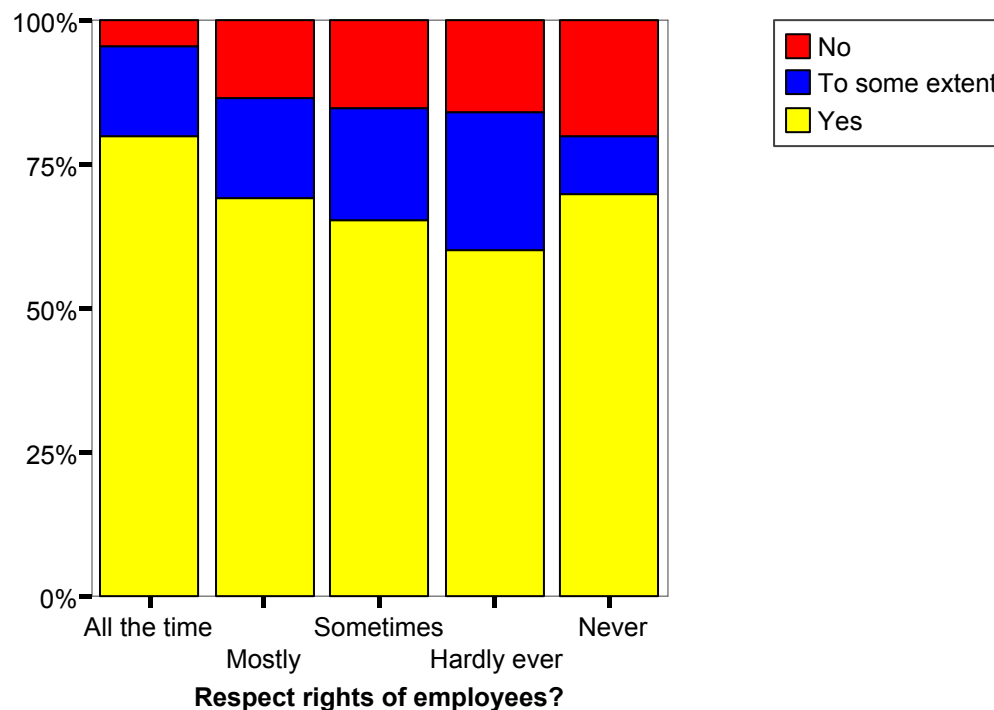
Confident to help victims of prostitution x An Garda Declaration

			An Garda Declaration				
			Very strong	Strong	Fair or average	Weak	Very weak
Confident to help victims of prostitution	Yes	Count	113	239	177	60	17
		%	75.3%	58.4%	46.5%	45.5%	29.8%
	No	Count	14	79	104	47	29
		%	9.3%	19.3%	27.3%	35.6%	50.9%
	To some extent	Count	23	91	100	25	11
		%	15.3%	22.2%	26.2%	18.9%	19.3%

Confident to help diverse victims x Own rights: Gardai



Confident to deal with diverse suspects x Own rights: Gardai



8. AN GARDA SÍOCHÁNA AS A HUMAN RIGHTS EMPLOYER

Do you feel your own human rights are respected?

Write in comments were made by 502 respondents to this question. They reveal an almost even split between those who felt their human rights were respected and those who felt they were not. There were also a worryingly high number of mentions of bullying conducted by senior staff and managers.

- 87 An Garda Síochána does respect employee's human rights; there are no problems; very positive comments
- 48 There are serious problems of bullying by managers and senior officers.
- 32 Rights not respected; the needs of the organisation come before individual needs: 'we are just a number'
- 32 Rights are not respected; Gardai are second class citizens
- 30 It depended on line managers and senior officers
- 26 Poor working conditions in stations, poor equipment, under-resourced, health and safety concerns
- 12 Problems with promotion system
- 12 Long hours, no meal breaks
- 10 No support for stress, ill health, support after trauma, poor morale
- 9 Civilians were '3rd class' citizens'
- 8 Rights of women not respected (with two respondents saying that the rights of men were not respected – the service was too 'pro-female')
- 7 Nepotism, cronyism
- 5 Elitism of higher ranks
- 4 Lack of family friendly policy/recognition of family needs
- 4 Lack of freedom to strike, join political parties

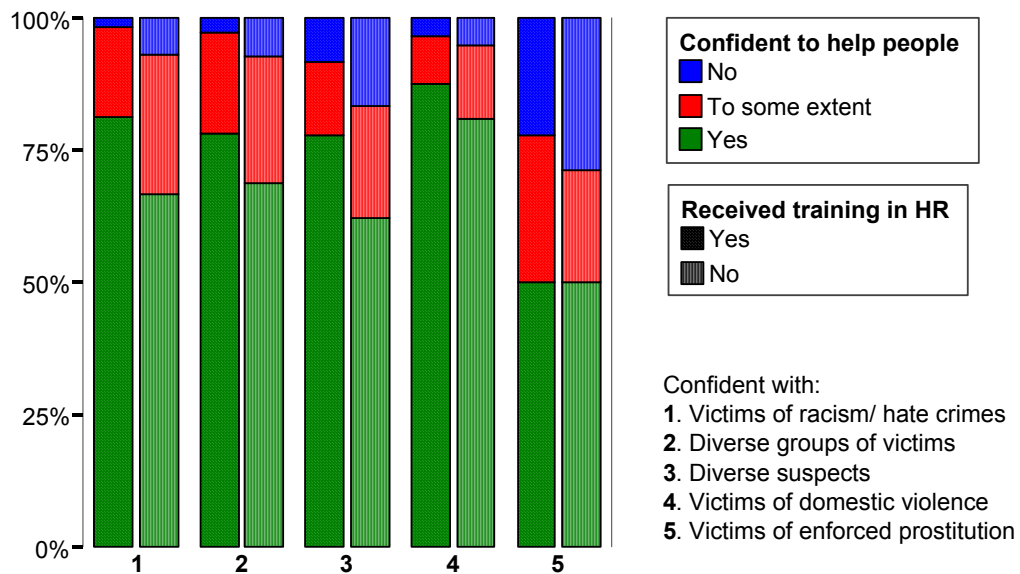
Recruiting a diverse police service: An Garda and diversity

Rank x Should it be representative?

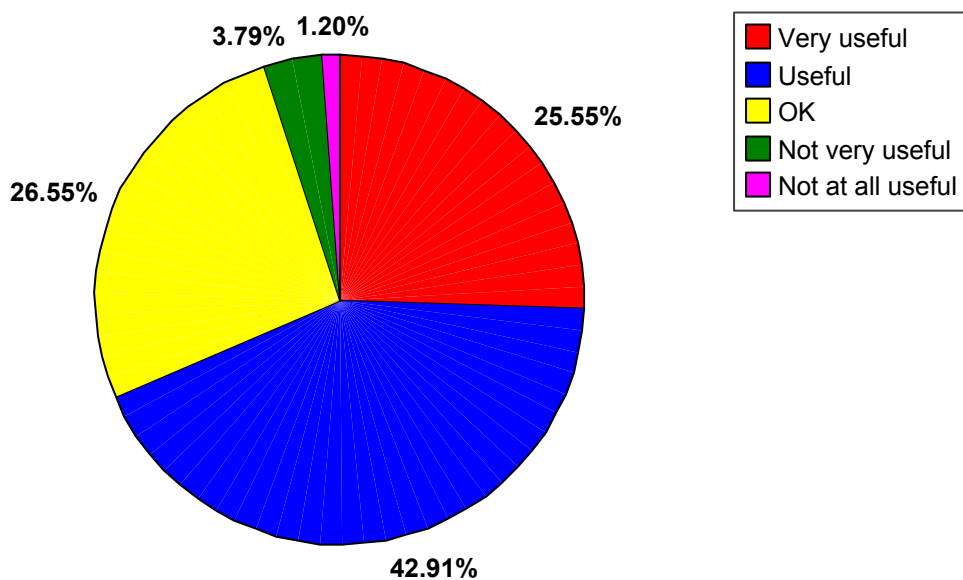
			Should it be representative?			
			Very important	Quite important	Not important	Not sure
Rank	Garda	Count	215	196	57	28
		% within Rank	43.3%	39.5%	11.5%	5.6%
	Sergeant	Count	185	116	19	7
		% within Rank	56.6%	35.5%	5.8%	2.1%
	Inspector	Count	87	39	6	2
		% within Rank	64.9%	29.1%	4.5%	1.5%
	Superintendent	Count	55	27	5	0
		% within Rank	63.2%	31.0%	5.7%	.0%
	Detective	Count	30	16	5	1
		% within Rank	57.7%	30.8%	9.6%	1.9%
	Support staff	Count	41	29	4	4
		% within Rank	52.6%	37.2%	5.1%	5.1%

IMPACT OF HUMAN RIGHTS TRAINING

Confidence with victims & suspects x Received training: Gardai



Was training in HR useful?



Requests for more human rights training

Human rights and

- 19 Dealing with refugees and asylum seekers
- 9 Anti racism, non discrimination and equality
- 8 How to integrate into operational day to day policing
- 6 Travellers
- 6 Conflict resolution
- 5 Young people
- 5 Arrest and custody
- 3 Domestic violence
- 3 Restraint and public order
- 2 Gay and lesbian communities
- 2 Victim support

9. CONCLUSIONS

Mainstreaming Human Rights

Those who took part in the audit were asked what would help An Garda Síochána to mainstream human rights, so that it was central to all that it did.

On the questionnaire, this was entirely a write-in question and 866 people made comments. The three key areas identified by questionnaire respondents were:

- Training, education and raising awareness of human rights.
- Top level commitment which is demonstrated by clear direction and guidance, constant reinforcement of message and strong management and supervision

- Improved contacts with and understanding of diverse groups including recruiting more minority Gardai

Measuring success

Focus group participants (and also some senior managers in interviews) were asked how success in mainstreaming could be measured. Some of the suggestions were:

- Decreasing number of complaints
- Continuous learning about different communities
- Fewer 'bigoted members' and the end of some of the old traditions
- Through feedback from different communities
- Improved staff morale
- Through comparison with other forces which are at a similar stage.
- Using comprehensive recording system to monitor implementation
- Good press reports
- No tribunals of inquiry
- Higher level of support coming from minority ethnic groups
- Continued high customer satisfaction rates
- More people from minority groups joining the service
- Continued benchmarking by outside bodies like Amnesty and the Committee for the Prevention of Torture
- Through listening to feedback from community liaison officers in terms of hate crimes
- Observable changes in attitude among members – for example less use of the term 'gouger'

- Better consultation with community groups particularly the 'hard to reach groups'
- More willingness to listen and take on board what people say

'Becoming a more multi-cultural society will help greatly in terms of human rights. The community policing section is very awake and ready for the challenge.'

Community participants suggested:

- The existence of a network of community members who positively wanted to do community liaison work.
- Through measuring implementation
- The establishment of lay visitors to police stations
- Greater connection between communities at national and local levels
- More openness and willingness to listen to outside views.
- Increased use of the complaints procedures

'If in five years time there is an increase in complaints from black people this is a clear sign that change is happening as it shows that people feel safe in making complaints and know there is a good chance it will be taken seriously.'

- A shift in the 'them and us' mentality
- Increased reporting and detection of racist attacks
- A stronger lead at Government level in the promotion of human rights throughout the justice system.
- A stronger lead from the Government in promoting good inter-community relations.