



Submission to An Garda Síochána Inspectorate on An Garda Síochána's Response to Domestic Abuse

January, 2022

Women's  Aid



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Recommendations

1. Training should be prioritised both in the Garda College and as CDP for serving Gardaí in order to ensure a consistent response in line with the Garda Domestic Violence Policy. The training should include an understanding of the dynamics of domestic violence and abuse, especially coercive control, and; should be delivered in conjunction with relevant specialist support services. Training should be provided to all members of An Garda Síochána that may respond to and/or investigate a domestic abuse calls. CAD dispatchers should also be trained.
2. Monitoring of the consistent implementation of the Domestic Violence Policy and domestic abuse case supervision should be strengthened.
3. Women's Aid recommends that Garda policy should include a commitment to serving orders, particularly in relation to emergency barring orders, interim barring orders and barring orders under the Domestic Violence Act 2018, to perpetrators.
4. Clear guidelines on how Gardaí would deal with domestic violence cases when the perpetrator is a member of (or a friend of) a Garda or Garda informant should be developed and made available to the public.
5. Findings of Assistant Commissioner Clevin's review on domestic, sexual, gender-based violence and coercive control related crimes involving Gardaí should be published. Any recommendations should be enacted to mitigate risk and ensure transparency and public confidence.
6. Effective measures should be put in place to ensure that the requirement that Members of An Garda Síochána to report the existence of an order, for which they are a respondent, under the Domestic Violence Act 2018 in accordance with An Garda Síochána's Domestic Abuse Intervention Policy, to the Internal Affairs Unit is abided by in all cases.
7. Suitable risk mitigation measures should also be implemented to protect victims/survivors and ensure confidence in the Institution if the perpetrator is a Member of An Garda Síochána.
8. The proactive approach of Operation Faoiseamh should continue and should be included in the 2022 Policing Plan.
9. Women's Aid is seeking more clarity and specifics on how divisional Garda units can seek assistance from DPSUs in relation to domestic abuse cases. We are particularly keen to what is currently/what will be the criteria used and the protocol/s engaged for escalation of a case to a DPSU?

10. An Garda Síochána should continue to collaborate with Women's Aid on the delivery of the High-risk Support Project and progress expansion across regions on a scaled basis.
11. Women's Aid would like An Garda Síochána to publish annual figures regarding the number of times Gardaí have requested these special sittings for an out-of-hours application for an emergency order. An assessment should be made as to whether there have been any barriers in utilising this provision. This assessment should be furthered to examine the level of training/awareness done and confidence among Members regarding this provision as an option to support victims/survivors in particularly acute situations. Gaps in training and awareness should be overcome through appropriate training for all divisional units.

Introduction

Women's Aid is a national, feminist organisation working to prevent and address the impact of domestic violence and abuse including coercive control, in Ireland since 1974. We do this by advocating, influencing, training, and campaigning for effective responses to reduce the scale and impacts of domestic abuse on women and children in Ireland and providing high quality, specialised, integrated, support services. More information on Women's Aid is available on our [website](#). Women's Aid is pleased to provide a submission to the An Garda Síochána Inspectorate on An Garda Síochána's response to domestic abuse.

Statistical Content

The Fundamental Rights Agency European Union survey¹ on violence against women found that in Ireland:

- 14% of women have experienced physical violence by a partner (current or ex)
- 6% of women have experienced sexual violence by a partner (current or ex)

¹ [Violence Against Women: An EU-wide survey, Main Results](#), 2014

- 31% of women have experienced psychological violence by a partner (current or ex)
- 21% of women who experienced physical or sexual violence by a partner, indicated that they contacted the police as a consequence of the most serious incident of physical or sexual violence since age 15
- 28% of women indicated that the most serious incident of violence by a partner came to the attention of the Police (this includes both by women reporting themselves and third party reporting)

Women's Aid data

- 244 women have died violently in the Republic of Ireland between 1996-2022 (as of January 18th 2022), in 57% of the resolved cases, the women were killed by a partner or ex-partner²
- In 2020³ there were 29,717 contacts with Women's Aid support services, in which women made 30,841 disclosures of abuse including:
 - 24,893 disclosures of emotional, physical, economic and sexual abuse against themselves
 - 5,948 disclosures of abuse against their children

Domestic Violence and Abuse as a Crime

In 2020, the 24hr National Freephone Helpline team heard 22,685 disclosures of abuse against women including:

- 16,278 disclosures of emotional abuse
- 4,071 disclosures of physical abuse

² [Femicide Factsheet](#), 2021

³ [Annual Impact Report](#), 2020

⁴ Ibid

- 1,559 disclosures of economic abuse
- 777 disclosures of sexual abuse (including 340 disclosures of rape⁴)

Many of these acts would correspond to offences under various Acts, including the Non-Fatal Offences Against the Person Act 1997, sexual offences legislation and the more recent offences of coercive control (Domestic Violence Act 2018) and image-based sexual abuse (Harassment, Harmful Communications and Related Offences Act 2020). In the worst case scenario, domestic violence and abuse ends in murder. In many of the femicides reported above, domestic abuse was present before the woman was murdered.

The Garda Response

Many of the women we work with have to call on An Garda Síochána for protection from their abuser. These women have often been subjected to a number of crimes, including:

- attempted murder
- assaults of varying degrees with or without weapons
- rape
- Stalking
- Theft
- fraud
- Arson
- threats (to kill, burn down the house, to harm the woman, the children or her family)
- coercive control
- image-based sexual abuse
- breaches of orders under the Domestic Violence Act 2018

Children are also often the target of these crimes. Domestic violence has a very high rate of repeat victimisation, and many women tell us that the crimes against them take many forms and are repeated many times.

The Gardaí play a unique and vital role in protecting victims of domestic violence (while they are in the abusive relationship and after they leave), as well as in holding the perpetrators to account. On 830 occasions in 2020, callers to the 24hr National Freephone Helpline disclosed that they had rang the Gardaí and 68 women were noted as having rang the Gardaí more than once. When women called the Gardaí, 64% found their response was helpful and 36% found them unhelpful⁵. We have reported similar levels of satisfaction form victim/survivors in their interactions with the Gardaí for the last four years as noted below in Table 1.

Year	Percentage of women that found the AGS response helpful	Percentage of women that found the AGS unhelpful
2017	65	35
2018	61	39
2019	62	38
2020	64	36

Table 1 Women's satisfaction with the response from the Gardaí in relation to domestic Violence and abuse as recorded in calls to the Women's Aid 24hr National Freephone Helpline

While this data cannot be considered a systematic survey of women's satisfaction with the Gardaí's response, our contacts with women can provide some insight into what works and what does not work in the Gardaí's response to victims of domestic violence and abuse, discussed in more detail below⁶.

⁵Please note that the information noted here relates to details and facts disclosed by women in the process of their contact with Women's Aid. As the primary aim of this service is to provide support and information to women, Women's Aid does not solicit any information for statistical purposes. This is not therefore a statistical survey on satisfaction with Garda responses in relation to domestic violence and abuse.

⁶For more examples and case studies see: [Women's Aid, Unheard and Uncounted: Women, Domestic Abuse and the Irish Criminal Justice System, 2019](#)

In our experience, there continues to be a **concerning lack of consistency** in the response provided by Gardaí to women experiencing domestic violence and abuse. Responses range from very poor to excellent depending on the Garda station or even on the individual Garda that the woman speaks to within that same station.

When Gardaí follow their own Domestic Abuse Intervention Policy, feedback from victims/survivors is very positive. Negative feedback is largely linked to responses that either:

1. Fail to follow the Policy
2. Do not pursue a pro-arrest policy for breaches
3. Fail to affirm that (per law) domestic abuse is not only physical abuse

Examples of negative responses from An Garda Síochána that victims/survivors disclosed include:

- failing to enforcing orders under the Domestic Violence Act 2018, including failure to arrest respondents even after a number of breaches and not being clear as to what constitute as a breach
- telling women that nothing can be done without an order when an assault or another offence has been committed
- saying that nothing can be done without evidence of **physical** abuse, even after the coercive control offence has commenced (January 2019)
- being dismissive including dealing informally with the abuser by 'having a word with him', siding with the abuser, telling the woman she is wasting their time and minimising abuse
- not turning up for a long time after an emergency call **or not turning up at all**
- not taking statements
- providing incorrect information about orders under the Domestic Violence Act 2018
- not attending court to give evidence in domestic violence orders applications
- knowing the abuser in a personal capacity and therefore failing to take action

- compromising confidentiality
- failing to answer or return phone calls from victims/survivors
- failing to update women on the status of an investigation or perpetrator arrest, especially when there is a shift change
- engaging in domestic violence and abuse towards a partner or ex-partner

In many of the above cases, the Gardaí did not follow An Garda Síochána's Domestic Violence Policy. This is of great concerns to Women's Aid and points to a need for ongoing training and stronger monitoring and supervision of policy awareness and implementation. We have also noted a clear gap in knowledge of coercive control among some members.

On the contrary, when Gardaí follow policy, women report positive responses from members, such as:

- responding rapidly to emergency calls
- coming back and checking on women's wellbeing after the first call out
- taking domestic violence and abuse seriously
- offering correct information on orders
- referrals to support services
- enforcing orders under the Domestic Violence Act 2018
- locating and arresting the perpetrator for breaches and/or other offences
- opposing bail perpetrators
- assisting women in getting to refuges or other safe locations
- keeping women informed and checking up on them
- improving safety for women and children (providing advice on security, regular patrols etc.)
- attending hearings for orders
- serving the order to the respondent so the woman would not have to do it herself

Having a dedicated **Gárda acting as a point of contact**, managing the case and keeping the woman informed of any developments is very important, particularly in the cases with high-risk/serious offenders. Victims/survivors are very appreciative of the Gardaí proactively engaging with them and offering updates, especially in high-risk and criminal cases. When this does not happen, it creates stress, uncertainty and fear (not least when an offender is up for release or released and the woman is not informed).

Issues Relating to Arrests and Investigations

In certain cases, arrests have not been made following a breach of an order, with the attending Garda choosing to deal with the breach informally, contrary to Garda policy. When offenders are arrested for a breach, that is often the only charge that is pressed by the Garda, even when other and possibly more severe offences have been committed for example, threats, assault or coercive control. This can affect sentencing. It also minimises and diminishes the victim/survivors experiences.

In other cases, perpetrators are not arrested when there is no order under the Domestic Violence Act. In these cases, Gardaí may say that there is nothing they can do without an order, even in cases where a number of other offences (such as assault, threats, damage to property etc.) have been committed and could be investigated. We very often hear that when a victim/survivor calls the Gardaí for the first time, the only response they get is that they need to apply for an order in the district court. This is despite the fact that an offence may have already been committed. Moreover, the case often relies mostly or only on the victim's statement as evidence This places an undue burden on the victim, who may be, with good reason, terrified of retaliation.

Cancelled CAD Calls

Women's Aid was very concerned by the failure of Gardaí to respond to calls from domestic violence victims, which came to light recently. We appreciate the investigation into how these failures occurred and measures taken to mitigate against any repeat incidents of calls not being followed up on or logged correctly. However, we note that that the issue has not been completely resolved. We call on An Garda Síochána to take on board the recommendations from the Policing Authority on this matter, in relation to effective supervision and quality assurance for CAD dispatch.

We also recommend that training is provided to CAD dispatchers to ensure they are aware of their responsibilities under the Garda Domestic Violence Policy and to change the culture that led to some dispatchers considering incidents of domestic violence and abuse to be unimportant and cancellable. Women's Aid is available to support such training.

The Garda response is critical for women and children experiencing domestic violence and abuse, both in terms of immediate safety and in future engagement with the Criminal Justice System.

Women who receive a negative response are less likely to call on the Gardaí again should they need to, or to stay engaged with the Criminal Justice System. It is therefore imperative that the response is consistent across individual members and stations, and that it follows the Garda Domestic Violence Policy. Initial and ongoing training as well as case supervision and monitoring of adherence to the Policy should be strengthened to achieve this aim.

We appreciate and support the roll out of the risk assessment tool and related training developed by the Garda National Protective Services Bureau. However, in order to engage with victims/survivors and minimise harm, domestic violence and abuse training should include an understanding of the dynamics of domestic violence and abuse, especially coercive control (which does not have to include physical abuse). Training should also include an examination of the victim's/survivor's ability to engage with the Criminal justice system. Specialist domestic and sexual

violence organisations should be involved in the training to bring in the perspectives of victims/survivors.

Recommendations

1. Training should be prioritised both in the Garda College and as CDP for serving Gardaí in order to ensure a consistent response in line with the Garda Domestic Violence Policy. The training should include an understanding of the dynamics of domestic violence and abuse, especially coercive control, and; should be delivered in conjunction with relevant specialist support services. Training should be provided to all members of An Garda Síochána that may respond to and/or investigate a domestic abuse calls. CAD dispatchers should also be trained.
2. Monitoring of the consistent implementation of the Domestic Violence Policy and domestic abuse case supervision should be strengthened.

Serving of Orders under the Domestic Violence Act 2018

In our experience, most women have to notify an abusive partner that an order has been granted against him, which may put her at risk of violence or retaliation. This happens frequently in the case of barring orders and interim barring orders, where the respondent may be extremely angry that they have to leave the home and may resist doing so. We also find that defendants of breaches regularly put forward the defense that they have not been served the order and it may be impossible for the woman to prove she did serve it.

In certain cases, Gardaí notify the respondent about an order, and this is much appreciated by the women as it increases their level of safety. However, we are aware of cases where the Gardaí, after undertaking to serve orders, don't do so immediately – in some cases waiting for long periods to

do so. This is a very serious issue as victims remain unprotected by law and they may not always be aware that the order has not been served.

Women's Aid is aware that this is an issue that may have resource implications and where cooperation with the courts is necessary. However, we believe that An Garda Síochána should have a defined role in serving protective orders due to safety issues and to ensure proper recording of the order having been served.

Recommendations

3. Women's Aid recommends that Garda policy should include a commitment to serving orders, particularly in relation to emergency barring orders, interim barring orders and barring orders under the Domestic Violence Act 2018, to perpetrators.

Gardaí as Offenders or Friends of Offenders

Over the years, Women's Aid has heard of a small but important number of cases where the perpetrator was either a Garda, a Garda informant or a relative/close friend of a Garda. A number of such cases have recently been reported in the press⁷. Some of the victims/survivors in this situation told us that they felt they could not call the Gardaí or, having called, received an unhelpful response.

It is very important for women experiencing domestic violence and abuse, where the perpetrator is a Garda, to feel they can safely and confidently reach out to the Gardaí for help. There needs to be clear guidelines on how the Gardaí deal with this situation, **and these guidelines need to be easily accessible to the public**, (for example in the domestic abuse section of the Garda website) so that victims/survivors in these cases can be reassured and are not prevented from coming forward. We

⁷ [At least 21 barring orders issued against gardaí since start of 2019, figures show](#), 2021

are also concerned that a Garda perpetrator of domestic violence may have access to PULSE records about his partner and any incidents recorded therein and may also be able to modify such records. We would like clarifications on whether there are measures to prevent this from happening.

Women's Aid welcomes the appointment by the Garda Commissioner, in November 2021, of Pat Clavin, an assistant commissioner for governance and accountability, to examine all 'sexual, gender-based domestic violence and coercive control related crimes involving members of An Garda Síochána'⁸ over the past five years. We call on the Garda Commissioner to make the findings and recommendations that Assistant Commissioner Clavin arrives at public.

Women's Aid also calls on the Commissioner to ensure that effective measures are in place to ensure that the requirement that Members of An Garda Síochána to report the existence of an order, for which they are a respondent, under the Domestic Violence Act 2018 in accordance with An Garda Síochána's Domestic Violence Policy, to the Internal Affairs Unit are correctly abided by in all cases. Where orders are in place, mitigation measures to protect victims should be put in place (e.g. checks on a member's access to/use of the pulse system to ensure this access is not abused; a designated senior member as liaison to victims/survivors to ensure confidence in the institution).

⁸ [Domestic violence cases perpetrated by Gardaí to be examined](#), 2021

Recommendations

4. Clear guidelines on how Gardaí would deal with domestic violence cases when the perpetrator is a member of (or a friend of) a Garda or Garda informant should be developed and made available to the public.
5. Findings of Assistant Commissioner Clevin's review on domestic, sexual, gender-based violence and coercive control related crimes involving Gardaí should be published. Any recommendations should be enacted to mitigate risk and ensure transparency and public confidence.
6. Effective measures should be put in place to ensure that the requirement that Members of An Garda Síochána to report the existence of an order, for which they are a respondent, under the Domestic Violence Act 2018 in accordance with An Garda Síochána's Domestic Abuse Intervention Policy, to the Internal Affairs Unit is abided by in all cases.
7. Suitable risk mitigation measures should also be implemented to protect victims/survivors and ensure confidence in the Institution if the perpetrator is a Member of An Garda Síochána.

Positive Developments

Women's Aid has noted a number of positive developments in the Garda's approach to domestic violence and abuse, which should be retained and built upon.

Operation Faoiseamh

Operation Faoiseamh is an excellent example of a positive approach which prioritises domestic abuse victims/survivors, and proactively operationalises the Garda Domestic Violence Policy. Women's Aid appreciate the explicit pro-arrest and pro-charge stance for breaches of orders, and the focus on call-backs to victims/survivors within a short and specified period. The Policing Plan

2021 includes continuation of Operation Faoiseamh and pro-active contact with victims within 7 days. This should be continued in 2022.

Recommendations

8. The proactive approach of Operation Faoiseamh should continue and should be included in the 2022 Policing Plan.

Divisional Protective Services Units (DPSUs)

Women's Aid welcomes the establishment of DPSUs in all divisions and note that they will support regular units on high-risk domestic abuse cases. We look forward to more clarity and specific information on how this will be done effectively. We are particularly interested in what currently is/what will be the criteria used and the protocol engaged for the escalation of a case to a DPSU. This should not be limited to number of call outs or physical risks present, it should also include the presence and severity of coercive control when reported, even if not as a result of emergency dispatch (e.g. a victim may approach a Garda and disclose being subjected to abuse that would constitute as coercive control).

Women's Aid is aware of a small pilot initiative in Limerick DPSU which we think merits consideration as a potentially effective model for how DPSUs can play a role in more high-risk domestic violence and abuse cases.

Recommendations

9. Women's Aid is seeking more clarity and specifics on how divisional Garda units can seek assistance from DPSUs in relation to domestic abuse cases. We are particularly keen to what is currently/what will be the criteria used and the protocol/s engaged for escalation of a case to a DPSU?

High-Risk Support Project

The High-Risk Support Project is a successful partnership between Women's Aid, An Garda Síochána and local domestic violence services. It provides a coordinated, rapid response to women at a high-risk of ongoing violence, abuse and homicide from their ex-partners and ex-spouses. This project has proven to be a very positive collaboration which is of great value to survivors and it has been positively evaluated. Women's Aid hopes to continue this collaboration with An Garda Síochána, so that the High-Risk Support Project can be rolled out nationally.

Recommendations

10. An Garda Síochána should continue to collaborate with Women's Aid on the delivery of the High-risk Support Project and progress expansion across regions on a scaled basis.

Information on usage of S24 of the Domestic Violence Act 2018

Section 24 of the Domestic Violence Act 2018 provides for a mechanism to address the issue of domestic abuse victims/survivors in an emergency situation needing orders when the court is not sitting. Under this provision, a Garda not below the rank of sergeant may request that the court service arrange a special sitting of the District Court for the purposes of an out-of-hours application for an interim barring order, protection order or emergency barring order.

Women's Aid strongly lobbied for this measure so as to provide an option for women and children who may otherwise have to flee the home and wait until the Courts are open to apply for an order, with the possibility of having no safe place to go in the meantime.

Recommendations

11. Women's Aid would like An Garda Síochána to publish annual figures regarding the number of times Gardaí have requested these special sittings for an out-of-hours application for an emergency order. An assessment should be made as to whether there have been any barriers in utilising this provision. This assessment should be furthered to examine the level of training/awareness done and confidence among Members regarding this provision as an option to support victims/survivors in particularly acute situations. Gaps in training and awareness should be overcome through appropriate training, particularly for all divisional units.

Women's Aid are grateful for the opportunity to make this submission and we would be very pleased to arrange to meet and further discuss any aspect of what we have outlined above.

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