

Submission to the Commission on the Future of Policing in Ireland January 2018

Introduction

The Citizens Information Board (CIB) welcomes the opportunity to make a submission to the Commission on the Future of Policing in Ireland. The CIB, as a public body under the aegis of the Department of Employment Affairs and Social Protection, and carrying out a range of functions on its behalf, provides an important and necessary link between the citizen and the State. CIB delivery services¹ complement the role of other agencies by enabling people to access the information supports and services to which they are entitled and to assert their rights as citizens.

The Board supports the nationwide network of Citizens Information Services (CISs) and the Citizens Information Phone Service. It also supports the provision of money advice and budgeting services through MABS, the delivery of a confidential independent advocacy service for people with disabilities via the National Advocacy Service (NAS) and the provision of a national Sign Language Interpretive Service (SLIS).

Our various services are in direct contact with over three quarters of a million citizens annually. This involves responding to requests for information, advice/assistance and advocacy supports (CISs)², complex interventions on behalf of people with disabilities (NAS) or rescheduling personal debt with multiple lenders (MABS). Frequently this engagement occurs at critical junctures in people's lives.

Retaining a basic confidence in An Garda Síochána

The CIB fully acknowledges the significant challenges faced by An Garda Síochána in the Ireland of today where social structures and communication systems are ever changing. The new challenges for An Garda Síochána include dealing with recent types of crime, e.g., cyberbullying, hate crime, internet crime as well as the more traditional forms of drugs-related, organised crime and white-collar crime. Also relevant is a fragmentation of the traditional social infrastructure that served Ireland well and within which An Garda Síochána operated successfully since the foundation of the State and in so doing, for the most part, had excellent public support.

¹ The CIB delivery services are Citizens Information Services (CISs), the Citizens Information Phone Service (CIPS), Money Advice and Budgeting Services (MABS), the National Advocacy Service (NAS) and the Sign Language Interpreting Service (SLIS).

² Outreach services are provided by some CISs to prisons and Direct Provision Centres

For these reasons, the CIB strongly believes that it is important that we retain a basic confidence and trust in An Garda Síochána and proactively acknowledge their necessary and positive contribution to Irish society – notwithstanding the significant difficulties that have been highlighted in relation to the force in recent years.

Protecting people in vulnerable situations

This submission relates primarily to our role in reaching out to vulnerable and marginalised groups and on how the interface between these groups and An Garda Síochána can be enhanced.

Many of the people who use our services are in vulnerable situations – people on low income in deprived communities, people with disabilities, people experiencing over-indebtedness, people with mental health difficulties, Travellers and new communities/migrants (some of whom are subjected to racial abuse). Such people seek information, advice/assistance and advocacy support from our services in order to help them bridge the gap between their own situation and what the State offers and to assert their rights accordingly. Clearly, these citizens also require full and easy access to policing support in order to feel secure and protected and to get assistance in situations where they have been victims of violence, abuse or crime.

Addressing the Three Consultation Questions

Question 1: What we should value

There are a number of key aspects of policing in Ireland which we should value:

- 1) Historically, An Garda Síochána had strong connections with and accessibility for local communities and their role was to a great extent respected and appreciated by the public – while this may have been diluted somewhat in recent years, it remains a significant component of policing in Ireland which should be highly valued.
- 2) Despite some negative publicity in recent years, there continues to be a strong core of good practice and effective policing among Gardaí – this, despite a significant under-resourcing and the ever-expanding nature of criminal activities.
- 3) Broadly speaking, we have a dedicated and relatively good police force and there remains a relatively high level of public confidence in the force.
- 4) The fact that the Gardaí for the most part continue to be unarmed is an important consideration and something that should be fully acknowledged and appreciated by the Irish public.
- 5) There is a wealth of experience and policing knowledge within An Garda Síochána which should be acknowledged by Government and the public and which should be utilised to the full and built upon in a positive manner.
- 6) The end to the recruitment moratorium for An Garda Síochána is to be very much welcomed in that it has the potential to help build a more effective police force

through achieving an appropriate balance between the skills (e.g., IT skills, familiarity with social media, a better understanding of contemporary culture) which new recruits will bring to the force and the acquired knowledge and wisdom of long-serving members.

Question 2: What should we improve

- 1) Integrating individuals and groups who are marginalised and socially excluded is at the very core of social solidarity and the Gardaí must be an integral part of combatting such marginalisation and exclusion.
- 2) There are particular groups with whom the Gardaí need to develop alternative and innovative ways of engaging,
 - Those in deprived communities
 - Travellers and other ethnic minorities
 - People with a physical/sensory disability
 - People who communicate differently (e.g., Deaf people)
 - People with an intellectual disability
 - People experiencing mental health difficulties
 - Those with addiction problems
 - People with language and communication difficulties and
 - People deprived of liberty in residential settings
- 3) More work needs to be done in creating integrated communities where all citizens would have a sense of belonging and connectedness and, therefore, less likely to perpetrate crime. While this may not be a policing function primarily, there is clearly a policing dimension involved.

Question 3: What should be changed

There are four specific areas arising from our work which, we believe, require additional attention from An Garda Síochána.

- 1) Dealing with illegal money lenders
- 2) Access to policing by the Deaf Community
- 3) Engaging marginalised and new communities
- 4) Helping victims of abuse

Dealing with illegal money-lenders

The experience of MABS is that there is a particular problem for people in relation to money owed to illegal money lenders and, also, drugs-related debts. While MABS negotiates on clients' behalf with legal moneylenders who are registered with the Central Bank, MABS cannot deal with illegal money lenders. This issue has been highlighted over the years,

particularly by National Traveller MABS³. Anecdotal evidence highlighted in the media points to sizeable numbers of people living in a state of fear and intimidation because they are in the grip of illegal money lenders.

While reference is sometimes made in the media to a shortfall in the legislation relating to illegal moneylending, Gardaí do have considerable powers to act under the Consumer Credit Act 1995. For example, under the Act, Gardaí may search and inspect any premises connected to suspected illegal money lending, and seize and retain any documents, monies or other suspected evidence.

While the Central Bank has responsibility for the regulation of moneylending, in effect, only the Gardaí can take legal action against illegal moneylenders. Prosecutions, however, for illegal moneylending under the Consumer Credit Act are very infrequent.

The main difficulty is that there is considerable reluctance on the part of victims to make a complaint or to provide evidence against offenders to whom they owe money. The reality is that a person who makes a complaint against an illegal money lender is almost certainly likely to be threatened and intimidated. Such intimidation (including attacks on property and physical violence) is used by illegal money lenders to enforce repayment of loans and to ensure non-reporting of criminal activity. While Gardaí will obviously want all measures open to them to enforce the law in this area, this lack of evidence presents a major difficulty.

Local initiatives

Some initiatives have been established at local level involving MABS, Gardaí, social services, and community representatives to address together the issue of illegal money lending. Such initiatives provide a valuable platform for An Garda Síochána to engage with local communities in exploring ways of dealing with the law enforcement aspects of the problem. For example, Communities against Illegal Money Lending (CAILM) was a Sligo-based inter-agency group which should be replicated in disadvantaged communities nationwide.

National Traveller MABS (NTMABS) and South Dublin County Council put in place an information dissemination initiative aimed at service providers working with Travellers in the South Dublin County Council (SDCC) region (e.g., MABS, Credit Unions and Traveller Support Groups). The involvement of Gardaí in such initiatives would clearly have much merit.

Stronger law enforcement

There is a clear need for stronger law enforcement in respect of illegal money lending. While the problem of illegal money lending has to be dealt with in the wider policy context of addressing poverty, a proactive targeting and prosecution of illegal money lenders is essential in order to create a climate within which victims can come forward without fear.

³ Issues of Personal Finance within the Traveller Community (2012)

https://www.mabs.ie/downloads/reports_submissions/Travellers_and_Personal_Finance.pdf .

It is unlikely that people on their own will be able to deal with this aspect of illegal money lending and merely encouraging people to provide information to the Gardaí (even by means of Confidential Lines) will be insufficient.

Dealing with the area of illegal money lending is challenging and complex which will require an integrated local community response with An Garda Síochána playing a central role. There is a strong case for a national level policing initiative in which a local presence is combined with central direction and management related to policing illegal money lenders.

Meeting the needs of the Deaf Community

Under equality and disability legislation, all public services should be fully accessible to the public. The experience of the Deaf community is that this has not been the case to date. This issue is clearly highlighted in a forthcoming CIB research report on the information needs of the Deaf Community. The overall goal of the Sign Language Interpreting Service (supported and funded by the CIB) is to ensure that Deaf people can easily exercise their rights and entitlements under equality and disability legislation.

Legislation introduced at the end of 2017 acknowledges the right of people to use Irish Sign Language (ISL). Under the 2017 Act, public bodies will have to implement ISL action plans and make interpretation freely available to people using public services. The legislation has clear implications for An Garda Síochána and provision will have to be made for ISL through having available staff who can sign in ISL, ISL interpreters or access to the Irish Remote Interpreting Service (IRIS).⁴

Building structures to support people who have been victims of abuse

Many vulnerable adults experience abuse and exploitation at the hands of individuals, organisations and family members. Such abuse can be physical, financial, psychological or sexual. People in such situations need to have easy access to policing support and protection. A 2016 Red C Poll indicated a lack of knowledge among the public of what to do when someone becomes aware of the abuse of vulnerable adults.

There is potential for An Garda Síochána at national level to work more collaboratively with other agencies working with vulnerable groups, e.g., the National Safeguarding Committee for Adults who may be Vulnerable, the HSE Safeguarding and Protection Teams and the proposed National Adult Safeguarding Authority ((when established) in dealing with and preventing abuse which is very prevalent throughout society.

Institutional abuse

Dealing with institutional abuse, both current and historical, presents significant challenges for society as a whole. There is clearly a policing element to dealing with institutional abuse. While An Garda Síochána respond when cases of abuse are brought to their attention, there is scope for a much more proactive approach in respect of, for example, highlighting the potential criminal aspect of much of this abuse and publicising the fact that it is a policing issue and Gardaí are available to help bring the perpetrators to justice.

⁴ IRIS provides a live video-link to an Irish Sign Language interpreter, using a variety of programmes such as Skype, ooVoo or WebEx. The interpreter is based in the SLIS centre and interprets using a computer with internet access and a webcam.

The CIB is particularly concerned about people with intellectual disability living in long-stay residential facilities, a group specifically targeted by NAS. The experiences publicly reported in recent years, e.g., Leas Cross, Áras Attracta and the 'Grace' case, highlight the need for vigilance in this area. There is, we believe, a significant policing aspect to this matter and, therefore, scope for a more proactive involvement by An Garda Síochána in both highlighting the issue and developing surveillance methods.

The CIB would welcome an opportunity to discuss with An Garda Síochána how collaboration with NAS might be developed so as to ensure that institutional abuse is identified and addressed and that prevention strategies are put in place.

Engaging marginalised minorities in shaping the structure of local policing

Participation in decision-making is an essential dimension of social inclusion and, therefore, full and meaningful participation by marginalised groups is key to a socially inclusive model of policing.

The following aspects of policing need additional attention:

- 1) How to encourage easier access to the police by building a better connection between the police and local communities based on trust and transparency
- 2) Increasing representation from deprived communities and ethnic groups
- 3) Participation by deprived communities and ethnic groups in the process of deciding how best to implement policing within their communities and in the broader society
- 4) How to effectively involve people with mental health difficulties, people with addiction problems and people with intellectual disability in making policing accessible and relevant in their lives