



**GARDA
INSPECTORATE**

PROMOTING EXCELLENCE & ACCOUNTABILITY

Report of the Garda
Síochána Inspectorate

Responding to Child Sexual Abuse

**A follow up Review from the Garda
Inspectorate**

December 2017

The objective of the Garda Síochána Inspectorate is:

‘To ensure that the resources available to the Garda Síochána are used so as to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services.’

(s. 117 of the Garda Síochána Act 2005)

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Foreword

Child sexual abuse is one of the most serious types of crime for the Garda Síochána to deal with. It can be life changing for a child and many survivors continue to suffer from severe trauma throughout their adult life. Child sexual abuse has no boundaries and can occur within a family setting or in an institutional environment. These are places where a child should be safe but may not be. In many instances, a child may know the abuser who may indeed be another child. Some children may be more vulnerable to abuse than others, such as children in care or those with a disability.

The Inspectorate published a previous report on the investigation of child sexual abuse by the Garda Síochána, entitled *Responding to Child Sexual Abuse*, in 2012. The recommendations contained in the report prompted the Minister for Justice and Equality to request a follow-up review. The aim of this review is to look at the progress of the recommendations made in the previous report, examine joint-working arrangements under Children First National Guidance and determine the new threats and challenges facing the investigation of child sexual abuse by the Garda Síochána.

For the first time, the Inspectorate has re-examined an area previously inspected and more specifically has been able to conduct a forensic examination of the progress in implementing the report recommendations. Out of the 29 recommendations made, the Inspectorate assessed that 13 were implemented, six were not implemented and six were partially implemented. The review also found that four of the recommendations have not been satisfactorily addressed, despite actions taken to implement them.

The Inspectorate welcomes the measures already taken to address the recommendations made in 2012. While accepting that not all recommendations are the sole responsibility of the Garda Síochána, the Inspectorate is nevertheless disappointed that recommendations are still not implemented. It is more than five years since the publication of the report and the Inspectorate believe that the pace of implementation needs to increase as less

than half of the recommendations are considered implemented.

The decision by the Garda Síochána to create a Garda National Protective Services Bureau and to start a roll-out of divisionally based Protective Services Units is a very positive step. Protective Services Units represent a major change in policy / approach and have the potential to address many of the outstanding recommendations from the 2012 report as well as areas of concern found during this review.

In Ireland, there are two agencies involved in the day-to-day protection of children, the Garda Síochána and Tusla, the Child and Family Agency. These agencies need to work together to achieve the best possible outcomes for children. In other jurisdictions, the Inspectorate found more structured and dynamic processes in place for agencies to make joint decisions about the management of child protection cases. This review found that despite some progress made in joint-agency working since the 2012 report barriers remain. To address these, the Inspectorate has made new recommendations to develop more effective child protection arrangements and to create a joint approach for assessing and managing child protection notifications. Any new process for managing notifications must be accompanied by an information sharing protocol.

Deciding to report child sexual abuse is a difficult step for a victim and it is crucial that only specially trained officers are available for this first contact. Despite recommendations in the 2012 report, this review has found that inexperienced gardaí are still involved in all aspects of a criminal investigation. This is not an approach used in other police services visited and is not good practice. To address this the Inspectorate has recommended that only specially trained gardaí attached to Protective Services Units should be involved in the investigation of child sexual abuse.

While the use of specially trained child interviewers is embedded as standard practice this review found that the process of joint interviewing of children by gardaí and social workers had ceased.

This needs to be reintroduced as it is in the best interests of the child to have only one interview. Greater numbers of interviewers must be trained to allow joint interviewing to take place and the Inspectorate has advocated this in the review.

This review examined the Sex Offender Risk Assessment and Management system in place to manage those convicted of sexual offences. The Inspectorate would like to acknowledge the good work of local multi-agency committees in operation across Ireland that play an important role in protecting communities. Recommendations are made in this review to further strengthen this process and protect communities from harm.

Since the report in 2012 there has been a considerable increase in the risk to child safety posed by the internet and social media. This review highlights that the Garda Síochána needs to have a more pro-active online presence to target those grooming children and those accessing sites that contain child abuse material. The Inspectorate welcomes a recent decision to increase the number of online garda investigators.

Delays in the forensic examination of computers continues to present significant organisational risks and despite increased resources, there are still long delays. This review recommends a new approach that will reduce the backlog in examinations.

Child sexual exploitation presents unique challenges to child safety for police services worldwide. This includes the emerging threat from the use of technology to the phenomenon of 'sexting' and children who do not report exploitation or abuse. This review recommends that the Garda Síochána, in consultation with key partner agencies, conduct an annual joint strategic assessment process to better understand the scale and severity of CSE and develop preventative and investigative strategies to address the risks to children.

It is clear that no one agency has the solution to tackle child sexual abuse. Some of the recommendations in the 2012 report required a multi-agency response but despite the existence of a number of multi-agency strategic groups, many of these recommendations are not yet implemented.

This review includes additional recommendations, which also require agencies to work together in the best interests of children. As a result, the Inspectorate believes that a national child sexual abuse strategy is needed to enhance child protection practices and make Ireland a safer place for children. This process needs to bring together all of the relevant government departments and agencies necessary to drive change.

An important part of this review was the engagement with two adult survivors of child sexual abuse who shared their experience of the criminal justice system with the Inspectorate. Their testimonies give an insight into the difficulties victims sometimes endure once they have reported abuse. Initial contact by a victim when reporting abuse is of great significance and these accounts show the importance of only using specially trained gardaí to deal with victims of child sexual abuse. Both described traumatic experiences within the criminal justice system including delays in court trial dates and the manner in which they were treated while giving their evidence. The Inspectorate would like to thank them for their contribution to the review and hope that the changes recommended in this report will improve the experience for all victims.

Finally, it is important to acknowledge the many committed and hardworking staff in the Garda Síochána, Tusla and all the agencies/victim support groups that the Inspectorate met during this review. The Inspectorate wishes to thank everyone who assisted us during this review for their openness, insightful comments and suggestions for improving child protection practices.



Mark Toland

Chief Inspector

Acknowledgements

The Chief Inspector and staff of the Garda Inspectorate would like to express their appreciation to the Acting Garda Commissioner and his staff who shared their time, knowledge, expertise and ideas during this review. The Inspectorate appreciates the practical assistance provided and facilities offered during all field visits.

The Inspectorate would like to thank the following garda representative bodies and staff unions who participated in meetings throughout this review, some of who provided written submissions.

- › Garda Representative Association.
- › Association of Garda Sergeants and Inspectors.
- › Association of Garda Superintendents.
- › Association of Garda Chief Superintendents.
- › Civil Public and Services Union.
- › Public Service Executive Union.
- › Association of Higher Civil and Public Servants.
- › IMPACT Trade Union.

In addition, the Inspectorate is grateful for the input of the following key stakeholders that contributed to the content and recommendations contained in this review:

- › The members and staff of the Office of Assistant Commissioner Executive Support and Corporate Services of the Garda Síochána for assisting with information requests, queries and providing liaison support.
- › The members and staff of the Garda Síochána who participated in focus groups and individual meetings particularly those in the districts and national units visited by the Inspectorate.
- › The members and staff of the Garda National Protective Services Bureau and the Garda Cyber Crime Bureau for sharing their expertise and insight.

- › The National SORAM Office and SORAM committees visited by the Inspectorate.
- › The social workers and staff of Tusla, the Child and Family Agency.
- › The Department of Justice and Equality.
- › The Department of Children and Youth Affairs.
- › The Office for Internet Safety.
- › The Probation Service.
- › The Irish Prison Service.
- › The Office of Director of Public Prosecutions.
- › The Health Information and Quality Authority.
- › The Ombudsman for Children.
- › CARI (Children at Risk in Ireland).
- › One in Four.
- › Dublin Rape Crisis Centre.
- › The Police Service of Northern Ireland.
- › West Midlands Police.
- › Police Scotland.
- › The Norwegian Police Service.
- › The National Police of the Netherlands.
- › Criminal Justice Inspection of Northern Ireland.
- › Interpol.
- › The staff of Birmingham City Council Multi Agency Safeguarding Hub.
- › The Rowan Centre, the Regional Sexual Assault Referral Centre for Northern Ireland.
- › The Oslo Children's House, Norway.

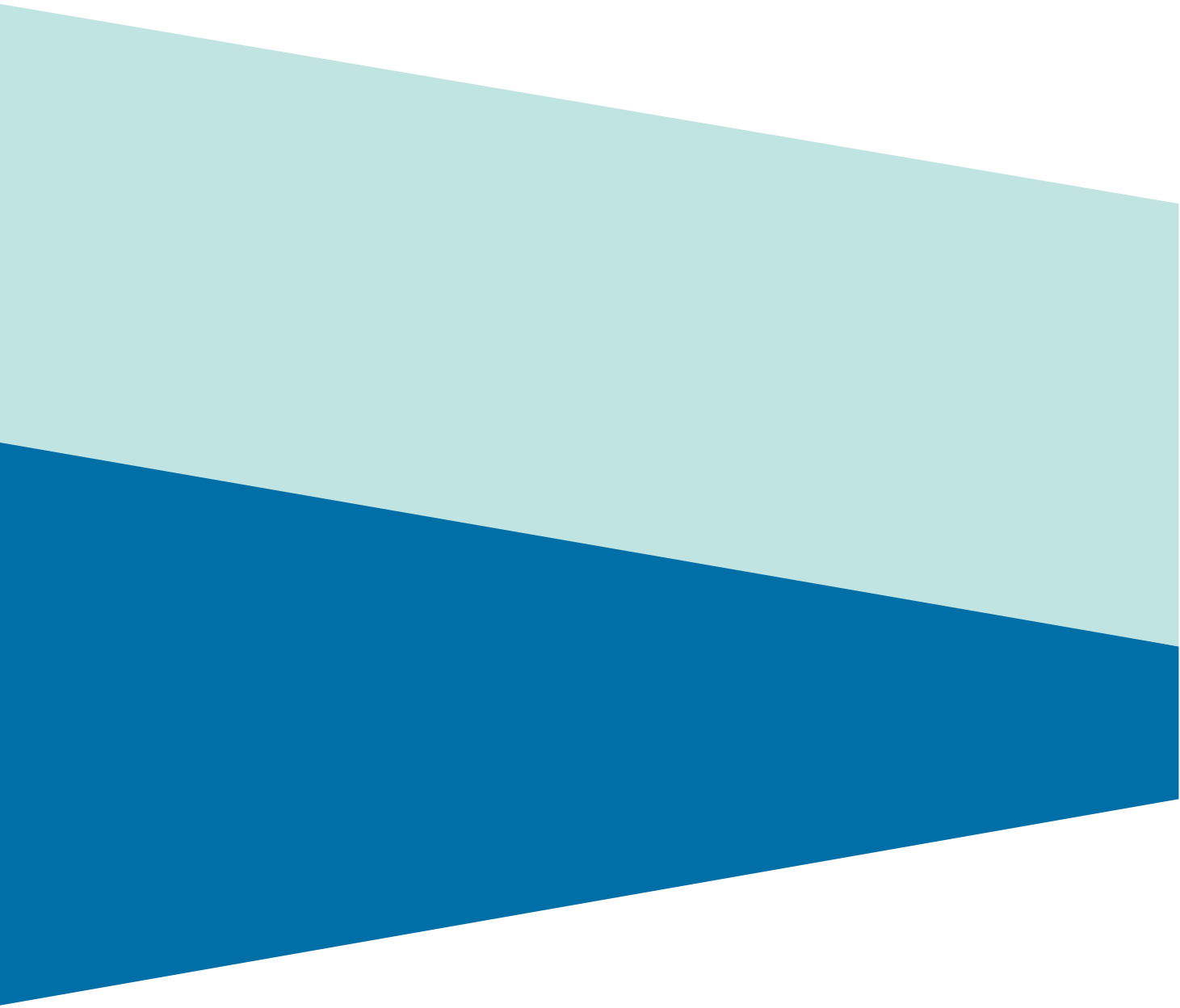
- > The Sexual Assault Referral Centre (SARC) – St Mary’s Hospital in Manchester.
- > Ms Maggie Brennan – lecturer in Criminology at University College Cork.
- > Dr Rosaleen McElvaney – Clinical Psychologist DCU.
- > Dr Geoffrey Shannon – Special Rapporteur on Child Protection.
- > Stephanie O Brien BL.
- > Caroline Biggs SC.

The Inspectorate also wishes to particularly acknowledge the contributions of two adult survivors of child sexual abuse who shared their experiences of the criminal justice system with the Inspectorate.

Glossary

BBL	Building Better Lives	EIS	Europol Information System
CAID	Child Abuse Image Database	GCCB	Garda Cyber Crime Bureau
CAM	Child Abuse Material	GISC	Garda Information Services Centre
CARI	Children at Risk in Ireland	GNPSB	Garda National Protective Services Bureau
CCIU	Computer Crime Investigation Unit	GPSU	Garda Síochána Professional Standards Unit
CEOP	Child Exploitation and Online Protection	GSOC	Garda Síochána Ombudsman Commission
CFIDG	Children First Inter-Departmental Implementation Group	GYDO	Garda Youth Diversion Office
CHIS	Covert Human Intelligence Sources	HOLMES	Home Office Large Major Enquiry System
CPCs	Child Protection Committees	HSE	Health Services Executive
CPNS	Child Protection Notification System	ICSE	International Child Sexual Exploitation images database
CPS	Crown Prosecution Service (Chapter 3)	IRD	Inter-agency Referral Discussion
CPS	Child Protection System (Chapter 4)	J-ARC	Joint Agency Response to Crime
CPU	Child Protection Unit	JLOs	Juvenile Liaison Officers
CRI Alert	Child Rescue Ireland Alert	KIRAT	Kent Internet Risk Assessment Tool
CRU	Central Referral Unit	KPIs	Key Performance Indicators
CSA	Child Sexual Abuse	LSCBs	Local Safeguarding Children's Boards
CSCs	Children's Services Committees	MAPPA	Multi-Agency Public Protection Arrangements
CSE	Child Sexual Exploitation	MASH	Multi-Agency Safeguarding Hub
CSEA	Child Sexual Exploitation and Abuse	MBL	Maintaining Better Lives
CSO	Central Statistics Office	MLATs	Mutual Legal Assistance Treaties
CYPSCs	Children and Young Peoples Services Committees	NCMEC	National Centre for Missing and Exploited Children
DCYA	Department of Children and Youth Affairs	NGOs	Non-Governmental Organisations
DMR	Dublin Metropolitan Region	NSPCC	National Society for the Prevention of Cruelty to Children
DPP	Director of Public Prosecutions	ODPP	Officer of the Director of Public Prosecutions
DRCC	Dublin Rape Crisis Centre		
EBL	Exploring Better Lives		

OnCE	Online Child Exploitation Unit
P2P	Peer to Peer
PAF	Performance Accountability Framework
PBL	Practising Better Lives
PULSE	Police Using Leading Systems Effectively
PPANI	Public Protection Arrangements for Northern Ireland
PPU	Public Protection Unit
PSNI	Police Service of Northern Ireland
PSU	Protective Services Unit
RAG	Red, Amber, Green
RAMPs	Risk Assessment and Management Plans
RASSOs	Rape and Serious Sexual Offences Units
SCMU	Sexual Crime Management Unit
SOMIU	Sex Offenders Management and Intelligence Unit
SORAM	Sex Offender Risk Assessment and Management
UCC	University College Cork
ViCLAS	Violent Crime Linkage Analysis System
ViSOR	Violent and Sex Offender Register



Introduction

Background to the Review

Following the publication of the report of the Dublin Archdiocese Commission of Investigation (the Murphy Report) in November 2009, the Minister for Justice and Law Reform requested the Garda Inspectorate to conduct a review of the practices and procedures of the Garda Síochána in relation to the investigation of child sexual abuse (CSA).

Following the Ferns and Ryan reports, the Murphy Report was the third in a series of clerical child abuse reports that examined garda practices for dealing with clerical CSA.¹ In line with the terms of reference from the Minister, the Inspectorate undertook a detailed analysis of the findings in the Murphy Report in relation to the Garda Síochána response to complaints of CSA. For completeness, the Inspectorate also reviewed the Ryan and Ferns reports. While the Inspectorate focused on the issue of clerical abuse, it also considered other non-clerical CSA offences.

The Garda Inspectorate published its report, entitled *Responding to Child Sexual Abuse*, in 2012 and the contents prompted the Minister for Justice and Equality to request a follow-up review to be completed.

The terms of reference for this follow-up review, as requested by the Minister for Justice and Equality in August 2013, were as follows:

‘In accordance with section 117 of the Garda Síochána Act, 2005, as amended, the Minister for Justice and Equality hereby requests the Garda Síochána Inspectorate, as part of its work programme, to carry out a follow-up review of their seventh report “Responding to Child Sexual Abuse” which reported on Garda arrangements for dealing with allegations of sexual abuse of children and report to the Minister. The follow-up review should include:

- › Progress in implementing the recommendations of the report,
- › Initiatives undertaken by the Garda Síochána since the original inspection,
- › The operational and strategic impact of the new Garda policy on the investigation of CSA,
- › The impact of the revised Children First Guidance as it relates to joint working arrangements.’

Context of the Review

The inspection activity for the original report took place primarily in 2010 and some two years before the final publication of the report. Since 2010, the environment and challenges in child protection and CSA investigation have changed significantly.

While the catalyst for the original inspection followed the publication of several high profile reports into clerical and institutional child abuse, this review looks at the issue of CSA through a new and much broader lens. In doing so, the review seeks to achieve a greater understanding of the breadth and depth of child protection issues now facing the Garda Síochána, and it critically examines how it interacts with other agencies to address these challenges.

Developments in Child Protection Since 2010

This review considered a number of emerging issues and changes that have taken place since the original inspection was completed. The following are some of the developments that are relevant in the context of this review.

¹ *The Ferns Report, presented by the Ferns Inquiry to the Minister for Health and Children* (Ferns Report), 2005; *Commission of Inquiry into Child Abuse Report – May 2009* (Ryan Report); *Commission of Investigation Report into Catholic Archdiocese of Dublin – November 2009* (Murphy Report)

Changing Environment

The introduction of a formal process for multi-agency management of convicted sex offenders was in its infancy at the time of the original inspection. This process is called Sex Offender Risk Assessment and Management (SORAM) and since its roll-out in 2010, 28 multi-agency committees have been put in place to monitor sex offenders nationally. This review examines how this process is operating.

An aspect that has changed significantly since the original report is the increase in the risk to child safety posed by the internet and social media. This review looks at how the rapid development of technology, social media sites and broadband coverage brings a number of child safety challenges for policing. One major development is the exponential increase in the availability of indecent images of children and the creation of internet networks where abusers can communicate with each other and share images.

Emerging Threats

While it is not a new term, 'Child Sexual Exploitation' (CSE) is a developing form of criminal behaviour and it presents unique challenges to child safety. There are varying interpretations of what precisely the term covers. While CSE is a form of child sexual abuse, it is not a specifically recognised crime category in Ireland and it is difficult to ascertain the number of incidents.² Children First National Guidance defines CSE as 'inciting, encouraging, propositioning, requiring or permitting a child to solicit for or to engage in prostitution or other sexual acts. It also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording'. CSE presents some unique child protection challenges to police services and prevention relies heavily on identifying those children who are at most risk and targeting those who seek to abuse children. This review found that other police services visited by the Inspectorate have developed a more advanced response to the threat of CSE than the Garda Síochána has.

Another emerging threat to child protection is the use of technology in the phenomenon of 'sexting'. Sexting is the sending, receiving, or forwarding of sexually explicit messages, photographs or images, primarily between mobile phones. The Garda Síochána and Tusla, the Child and Family Agency (hereafter referred to as Tusla), have identified this as a serious and growing problem.

Changes to Organisational Structures

In the first four years following the publication of the original 2012 inspection report, the Garda Síochána made very little structural change to the way that CSA was investigated and/or how child protection issues were managed. A major change to the structure of the Garda Síochána in relation to the response to CSA occurred in 2016 with the announcement of a new national garda bureau called the Garda National Protective Services Bureau (GNPSB) with child protection responsibilities. The Garda Síochána has also committed to develop Protective Services Units (PSUs), modelled on the national unit, in all garda divisions. To date three such divisional operational units have been established.

A number of other garda units with CSA and child protection responsibilities were examined during the course of this review. They are the new Garda Cyber Crime Bureau (GCCB), the Garda Professional Standards Unit (GPSU) and the National Vetting Unit. All of these units have experienced changes in structure and/or working practices since the publication of the 2012 Inspectorate report.

A significant structural change in child protection in Ireland occurred with the establishment in January 2014 of Tusla, which is now the dedicated State agency responsible for child protection/welfare and improving wellbeing and outcomes for children. It took over responsibilities in this area that were previously located within the Health Services Executive (HSE), the Family Support Agency and the National Education Welfare Board.

² Children First National Guidance defines child sexual abuse as 'when a child is used by another person for his or her gratification or sexual arousal, or for that of others'.

A considerable number of inter-agency committees, steering and working groups have been established since the Inspectorate's original report. This review examined these committees in the context of the governance structure and of the oversight of Children First: National Guidance for Protection and Welfare of Children (hereafter referred to as Children First National Guidance).

Policy Developments

There have been a number of significant policy developments since the original inspection. The Government's policy on child protection is set out in Children First National Guidance. This national guidance sets out the particular statutory responsibilities of Tusla and the Garda Síochána when they are alerted to concerns about the welfare and safety of a child. It was first published in 1999 and revised in 2011, after the fieldwork section for the original report was conducted. A review of the current guidance co-ordinated by the Department of Children and Youth Affairs was recently completed and new Children First National Guidance was issued in October 2017.

In 2010, the Garda Síochána introduced a Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare. This policy was subsequently revised and an amended version was released in 2013. As the policy was not fully implemented at the time of the original inspection, the impact of the policy was not assessed. Because of its importance in child abuse investigation and child protection, the impact of the policy is fully considered and referenced throughout this review.

A further development in the multi-agency management of sex offenders saw the launch of the 2016–2018 Joint Strategy on the Management of Offenders in September 2016. The Department of Justice and Equality, the Irish Prison Service, the Probation Service and the Garda Síochána created this strategy to encourage the development of multi-agency problem solving in connection with offender management.

Legislative Change

A number of legislative changes have taken place since the publication of the 2012 report that affect child protection. Signed into law in November 2015, the Children First Act places a number of statutory obligations on specific groups of

professionals and on particular organisations providing services to children. While some parts of the Act have already come into operation, it is due to be fully commenced before the end of 2017.

The Criminal Justice (Victims of Crime) Act was passed into law in November 2017 with most of the sections commenced at that time. This is important legislation for victims of crime and for child victims that provide a number of important changes such as the provision of special measures.

The Criminal Law (Sexual Offences) Act 2017 provides very important legalisation that strengthens the powers of the Garda Síochána to target and investigate those perpetrators seeking to groom children for sexual purposes, to tackle child pornography and to protect children from online predators. This Act has passed into law and most of the sections were commenced in March 2017.

Terminology

The acronym CSA is used throughout this report as an abbreviation for 'child sexual abuse'. This is to assist the reader and should not be interpreted as a dilution of the gravity of this offence. The term 'child sexual exploitation' is, in places, abbreviated to CSE.

There are a number of different terms used internationally to describe child pornography and indecent images of children. For the purposes of this review, the Inspectorate has used the term 'child abuse material' (CAM).

Methodology

The GNPSB is the organisational lead for CSA issues on behalf of the Garda Síochána and as a result, the Inspectorate met with senior gardaí from the bureau at several stages throughout the review.

Material to inform the review was gathered through the following methods:

- › Formal information and data requests to the Garda Síochána;

- › Statistical workload and incident information from the PULSE system;³
- › An up-to-date implementation report on all recommendations contained in the *Responding to Child Sexual Abuse* (2012) report;
- › Field visits to seven garda districts and relevant national garda units;
- › Structured interviews and focus groups;
- › Meetings with key stakeholders, including representatives from Tusla and other agencies;
- › Visits to, and contact with, other policing jurisdictions and agencies; and
- › Desk-based research.

In addition, a number of findings and relevant issues identified in the Inspectorate's *Crime Investigation (2014)* report are further explored in this review.

Data Analysis

As part of this review, the Inspectorate requested and received a large quantity of data from the Garda Síochána in relation to CSA incidents. While the data received spanned a number of different years, the Inspectorate mainly focused its analysis on data relating to incidents reported and recorded in 2014. This data was obtained from the PULSE system and related to child protection notifications, CSA incidents, and child pornography cases. Analysis of this data is referenced throughout the review.

To establish the quality and timeliness of CSA investigations, the Inspectorate critically examined over 200 garda case files, which mainly focused on CSA incidents reported in 2014. The findings from this examination are contained in Chapter 3.

The Inspectorate also conducted a case tracking exercise to monitor the progress of over 2,000 child protection notifications received by the Garda Síochána between January 2014 and June 2016 in connection with online CAM. The findings from this examination are contained in Chapter 4.

Field Visits and Meetings

Operational field visits for this review were made to seven garda districts as well as to a number of relevant garda national units and specialist units.

In advance of the fieldwork, the Inspectorate asked the districts to complete a self-assessment template with background information on the specific areas under review.

Local management facilitated these field visits, which involved the release of staff to meet with the Inspectorate. In addition, individual members and garda staff made contact with the Inspectorate to give their views on matters relevant to the review. Meetings were also held with a number of garda national units relevant to this review.

As well as structured interviews and focus groups with staff of the Garda Síochána, all field visits involved meetings with Tusla representatives and other relevant stakeholders. The Inspectorate also engaged with the garda representative associations as well a number of State bodies and agencies.

Victims of Crime

In an effort to gain an understanding of the experiences of child abuse victims and their families, the Inspectorate met with representatives from a number of Non-Governmental Organisations. Facilitated by one of these organisations, the Inspectorate met with two adult survivors of child sexual abuse. This provided invaluable insight into the survivor's experience of the investigation process and the wider criminal justice system. The Inspectorate is very grateful for their participation and insight.

The Inspectorate also met experts in online CSA and senior counsel with experience in prosecuting cases of CSA.

International Research

In order to identify international practices in relation to CSA investigations and to gain a better understanding of the threat posed by the internet to the safety of children, the Inspectorate conducted research visits to a number of other jurisdictions.

3 PULSE is an acronym for Police Using Leading Systems Effectively. PULSE is an IT-enabled Service Delivery Project. PULSE comprises 17 operational and integrated system areas, e.g. Crime Recording, Processing of Prisoners and Traffic Management.

The Inspectorate also made contact with an online child abuse expert from Interpol.

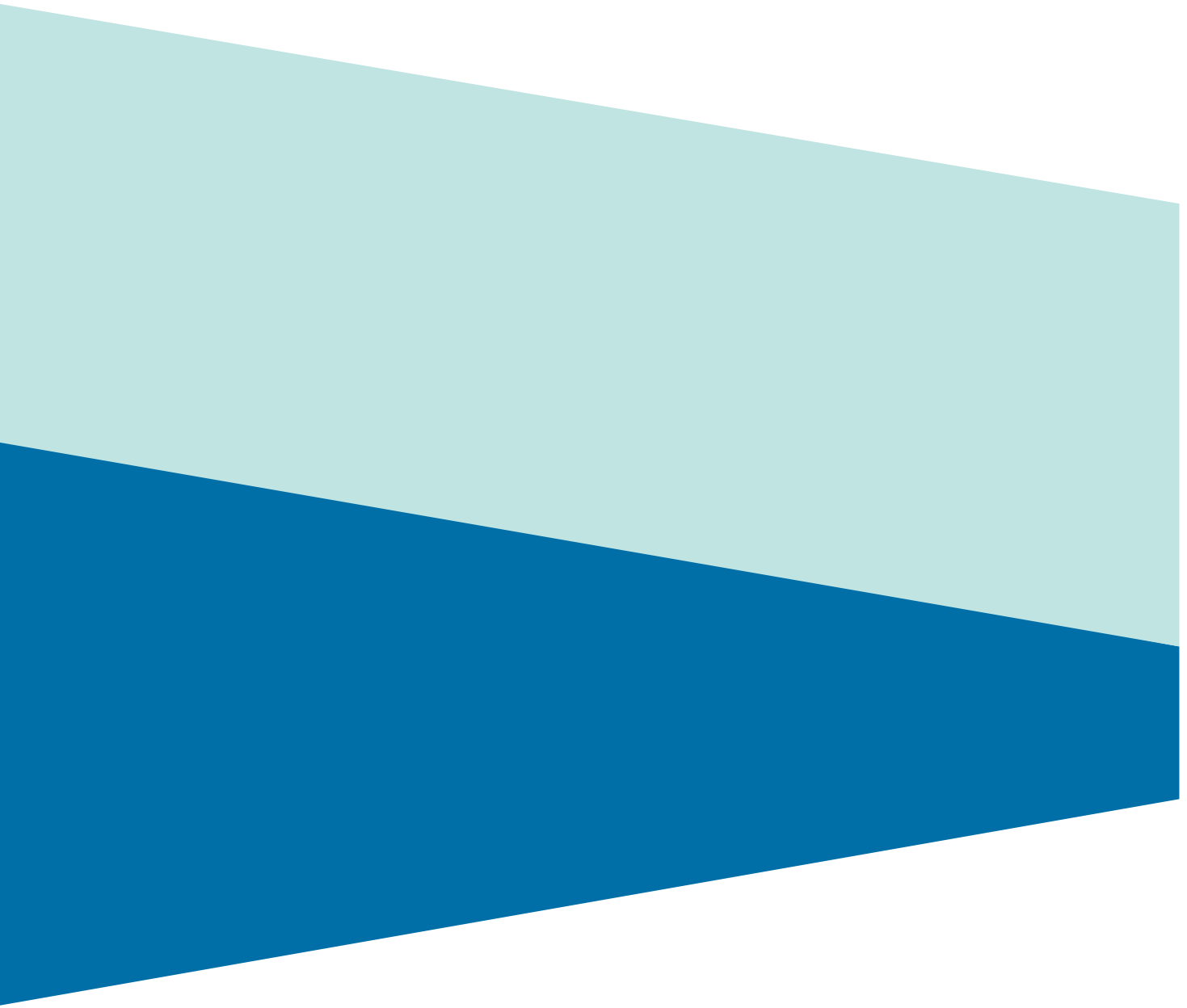
Contact was made with other jurisdictions to establish how they manage interviews, medical examinations and support services for victims of CSA.

A list of the parties who met with the Inspectorate is provided in the Acknowledgements.

Review Recommendations

When making recommendations for change in this review, the Inspectorate has set targets for their implementation. Each recommendation has a timeline of either a short (zero to 12 months), medium (12 to 24 months) or long (more than 24 months) term basis.

While a number of recommendations are directed solely at the Garda Síochána, there are a significant number that require a joint or multi-agency response to ensure that the desired outcome for children is attained. The relevant stakeholder identified to work in conjunction with the Garda Síochána is included in the recommendation where appropriate. There are 24 recommendations for change contained in this report.



Executive Summary:

Chapter 1

Progress on the Implementation of Recommendations Made in the 2012 Report

Introduction

The Inspectorate published its original report on arrangements for investigating child sexual abuse by the Garda Síochána in 2012 and its findings raised a number of concerns about child protection practices. These included a lack of effective inter-agency collaboration as well as ineffective investigation and prosecution practices. The Inspectorate made a number of recommendations to address these concerns.

Chapter 1 examines the progress made to date on the implementation of each of the recommendations. A summary of the implementation progress provided by the Garda Síochána is set out together with an assessment of this progress by the Inspectorate. The report contained 29 recommendations made to address gaps in the practices and procedures identified in the report.

It should be noted that the Health Services Executive (HSE) was the competent body dealing with children at the time of the original inspection. Recommendations that refer to that body are now the responsibility of Tusla, the Child and Family Agency (Tusla) which was established on 1 January 2014.

Review Findings

Monitoring Progress

In co-operation with the Garda Síochána, the Inspectorate developed a process to monitor progress on the implementation of

recommendations contained in all Inspectorate reports. This process provided the Inspectorate with regular updates on progress. However, this was a desk-based process and did not provide for a comprehensive assessment of the progress of actions taken by the Garda Síochána in response to specific recommendations.

Assessment of Implementation of Recommendations

Using updates provided by the Garda Síochána, together with information obtained from meetings, other data requests and field visits, the Inspectorate has assessed the level of implementation for each of the recommendations made in the 2012 report.

The results of this assessment process have been categorised into four groups as follows:

1. Implemented;
2. Not implemented;
3. Partially implemented – the Inspectorate considers that some aspects of the recommendation have been addressed; and
4. Not satisfactorily addressed – actions taken to address the recommendation have not, in the view of the Inspectorate, had the intended impact.

Of the 29 recommendations, the Inspectorate considers that:

- > Thirteen are implemented;
- > Six are not implemented;
- > Six are partially implemented; and
- > Four are not satisfactorily addressed.

Summary of Progress

In the five years since the publication of the 2012 report and despite numerous working groups established, meetings arranged and actions agreed by the Garda Síochána and other partner agencies, only 45% of the recommendations are considered as implemented. A further 21% of the recommendations are determined as partially implemented.

Overall, the Inspectorate is concerned about the limited progress made in the implementation of some of the recommendations since 2012. One of the features of concern is the time taken to progress

recommendations, such as the introduction of a victims helpline, which was only introduced in March 2017.

Ultimately, many of the recommendations in the original inspection report were aimed at improving the services provided to victims of child sexual abuse. The limited progress in implementing many of the recommendations means that the intended benefits have not yet been realised. This is disappointing and, in the Inspectorate's opinion, has had a negative impact on the services currently delivered to victims.

While accepting that not all recommendations are the sole responsibility of the Garda Síochána, the Inspectorate is concerned that six of the recommendations remain not implemented. This has resulted in less effective services for victims and their families and falls short of best international practice. For example, while the Inspectorate was informed that an alternative model to the recommended Child Advocacy Centres (Recommendation 7.6) has been identified, no actual centres are in place. The fact that there has been limited progression of the recommendation means that the development of holistic inter-agency services for victims of child sexual abuse is still at a discussion stage. This was a very important recommendation in the 2012 report and it is disappointing to see that limited progress has been made.

It was also a continuing cause for concern to find that inexperienced and untrained gardaí are still involved in all stages of child sexual abuse investigations, in taking initial accounts from victims, obtaining victim and witness statements and dealing with suspects. This approach is not used in any of the other police services visited during this review and is not regarded as good practice.

In some cases, the Garda Síochána reported that a recommendation was implemented by virtue of the publication of a policy or a directive. However, this step alone is insufficient to bring about the necessary change.

There are a number of instances where the Garda Síochána has taken some action in an effort to address a recommendation but this action has not fully dealt with the issue. For example, the introduction of Key Performance Indicator (KPI)

reports on sexual incidents and child welfare cases was designed to improve data gathering and monitoring of the timeliness of a child sexual abuse investigation. However, this review has found that KPIs are having no discernible impact on performance in this area.

The decision to introduce divisionally based Protective Services Units (PSUs), is a major shift in garda policy and deals with some important recommendations that were made in the 2014 Crime Investigation report. The Inspectorate welcomes this development and believes that they also have the potential to address many of the outstanding recommendations from the original report as well as areas of concern found during this review.

Executive Summary:

Chapter 2

Child Protection and Multi-Agency Working Arrangements

Introduction

In Ireland, there are two key agencies involved in the day-to-day protection of children, the Garda Síochána and Tusla, the Child and Family Agency (Tusla). *Children First: National Guidance for the Protection and Welfare of Children* outlines the role of the Garda Síochána and Tusla in child protection cases. Not all notifications of concern about children require a joint-agency response but, in cases that are more serious, agencies need to work together to achieve the best possible outcome for the child. Chapter 2 specifically looks at:

- Multi-agency working at strategic and operational levels;
- Progress made since the original report in 2012;
- The notification process for referring child protection and welfare concerns; and

- › How agencies manage convicted sex offenders who pose a risk to child safety.

To establish how other policing jurisdictions manage child protection notifications, the Inspectorate visited Northern Ireland, Scotland and West Midlands in England.

Review Findings

Organisational Structures, Policies and Practices

Tusla was established in January 2014 and is now the dedicated State agency responsible for improving wellbeing and outcomes for children. The agency should always be informed when a person has reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected. Tusla is obliged to co-ordinate information from all relevant sources about a child who may not be receiving adequate care and protection. Tusla has responsibility for assessing child welfare and child protection concerns and for supporting families who have difficulties in managing their children. The Garda Síochána, on the other hand, are primarily responsible for preventing and investigating crime and bringing offenders to justice.

A major change to the structure of the Garda Síochána occurred in 2016 with the creation of the Garda National Protective Services Bureau (GNPSB). The GNPSB provides the Garda Síochána response to child protection matters and has responsibility for developing policies in this area. It also provides representation on many of the multi-agency child protection groups in operation. While a roll-out of divisionally based Protective Services Units (PSUs) to support the work of the GNPSB has commenced, this is still at an early stage and most divisions do not have a specialist unit in place.

During this review, the majority of senior managers from Tusla and the Garda Síochána described the general absence of co-terminosity of organisational boundaries as a major obstacle to effective partnership working. This view was also expressed in the original report in 2012. Tusla

is organised into 17 service areas, whereas the Garda Síochána is structured into 28 divisions. In practical terms, senior managers in both agencies may have to deal with two different counterparts regarding child protection issues. This in itself may not always be an obstacle to effective joint-agency working but this review shows that there are often variations in the way that Tusla areas and garda divisions operate. Co-location of staff is limited to the National SORAM Office, which brings together agencies to assist in the management of sex offenders.⁴ The National Child Protection Office established in November 2017 has a senior representative from Tusla co-located within the offices of the GNPSB with Garda Síochána staff.

Legislative Changes

Since 2012, there have been a number of significant legislative changes. The principal change is the enactment of the Children First Act 2015, placing some of the key elements of Children First National Guidance on a statutory basis. This act is part of a suite of legislation to protect children, which includes the Criminal Justice (Victims of Crime) Act 2017; and the Criminal Law (Sexual Offences) Act 2017.

Multi-Agency Working Arrangements at a National Level

A number of strategic multi-agency committees are in place to deal with child protection. One of these committees is the National Child Safeguarding Strategic Liaison Committee that facilitates high-level multi-agency liaison between Tusla, the Garda Síochána and the HSE. This committee has a key role in developing more effective working arrangements. However, this review found that progress in developing practices, policies and procedures has been slow and in some areas there has been limited progress in moving policy into practice at operational levels.

National Strategy for Child Sexual Abuse, Child Sexual Exploitation and Online Risks to Child Safety

Despite the existence of several multi-agency strategic groups, this review identified a number of recommendations from its 2012 report that

4 SORAM stands for Sex Offenders Risk Assessment and Management

have not been satisfactorily implemented. This follow up review also makes recommendations that require multi-agency action. The Inspectorate believes that a national strategy for child sexual abuse, child sexual exploitation and online risks to child safety is required to drive through recommendations and deliver the changes that are necessary to enhance child protection practices. It should bring together all the relevant government departments and agencies necessary to drive change.

Tusla/Garda Síochána Working Arrangements at Divisional and District Level

While there is contact between Tusla and the Garda Síochána at county and regional levels, most joint-agency working takes place at divisional/district levels. For this review, the Inspectorate visited seven garda divisions/districts and found many different structures and systems in place for joint-agency working with Tusla. In most places, Tusla had a similar organisational structure in terms of its liaison with the Garda Síochána but often Tusla managers dealt with more than one garda division. This review identified an absence of formal meeting arrangements between senior gardaí and Tusla counterparts to discuss child protection issues and some senior gardaí did not know the identity of their equivalent manager in Tusla. While some did meet, it tended to be on an ad hoc basis. This review found barriers impacting on joint-agency working, which should have been elevated to a divisional level forum for resolution. During visits, the governance and accountability lines from the National Child Safeguarding Strategic Liaison Committee to local Tusla areas and garda divisions were unclear to the Inspectorate.

Multi-Agency Working in Other Jurisdictions

In England and Wales, the structure for multi-agency working is the Local Safeguarding Children Boards. This model is underpinned by legislation and brings together relevant statutory and voluntary agencies to examine systems for safeguarding children. Scotland has a network of Child Protection Committees that operate in a similar way. The Inspectorate sees merit in the principles of these two systems that

focus on multi-agency work at the highest level. There are no plans to move to such models in Ireland due to a number of factors including; agencies are not co-terminous, multi-agency working is not on a statutory basis and policy is created nationally rather than on a local basis. Partnerships can sometimes flourish without the need for legislation. Given that organisations have different priorities, particularly in important areas such as child protection, placing partnerships on a statutory footing can ensure that agencies have to come together to agree and deliver on joint actions.

Proposed Tusla and Garda Síochána Liaison

A draft Joint Working Protocol between Tusla and the Garda Síochána contains proposals for district liaison forums. The Inspectorate welcomes the introduction of new forums but the model needs to be elevated to a divisional level to take into account the move to a divisional model of policing, and to coincide with the roll-out of PSUs. This would assist the National Child Safeguarding Strategic Liaison Committee to achieve more consistency in the delivery of Children First National Guidance.

Child Protection and Welfare Notifications

Notifications of Child Abuse

The main area of joint-agency work between the Garda Síochána and Tusla is the issuing of child protection and welfare notifications. This review examined all categories of notifications and not just those concerning sexual abuse. For CSA notifications to be managed effectively, the whole system has to work efficiently.

On a day-to-day basis, contact takes place between social workers, who are dealing with a child protection concern and gardaí who are investigating an incident relating to a child. Many logistical difficulties were raised about this day-to-day contact. E-mail is not available and generally contact is made by telephone or letter. Many of the telephone calls made result from the need to clarify information in a notification. In some cases, practices for sending notifications to Tusla are not adhered to. This includes historical

cases of CSA where the victim is now an adult, but the sending of a notification is still required. With regard to Tusla, there are sometimes delays in sending physical abuse notifications. In cases where injuries are less serious, gardaí only have six months to summons or charge an individual with the offence. Notification forms are sent by post and given the serious nature of these types of notifications, it is not the most effective or efficient way of providing this information. Although there are plans for electronic transfer of notifications to be introduced in 2019, this should be addressed much sooner.

Initial Assessment of Notifications

The purpose of an initial assessment of a notification by a Tusla social worker is to decide if a single agency or a joint-agency response is required. In the Tusla Annual Report 2016, it was highlighted that at the end of December 2016, 5,413 notifications were not yet allocated to a social worker, of which 801 were considered a high priority. Delays in the assessment process could impact on the commencement of a criminal investigation.

From 11 December 2017, the Children First Act 2015 was fully commenced, placing a statutory obligation on certain categories of professional ‘mandated persons’ to report child protection concerns. The experience of other jurisdictions is that mandatory reporting could lead to a significant increase in notifications. Any increase will affect Tusla, who has responsibility for assessing all notifications, and on the Garda Síochána who will receive notifications that require investigation.

Strategy Meetings, Joint Action Plans and Child Protection Conferences

If there are concerns of significant harm, a social worker may decide to hold a strategy meeting. The purpose of the meeting is to facilitate the sharing and evaluation of information between professionals. Sometimes it can be challenging to bring agency representatives together for meetings, particularly at short notice. It is important to secure Garda Síochána attendance to agree and co-ordinate how the enquiry will be managed. While telephone calls are sometimes made, this is not the best model for information sharing and evaluation. There is very little data

on garda attendance rates at strategy meetings. Following a meeting, a joint action plan should be created by a social worker and shared with the gardaí. During examinations of case files, very few copies of action plans were found. A child protection conference is convened by Tusla with the purpose of sharing information and formulating a child protection plan. Some garda investigators raised concerns about sharing confidential information about an investigation at conferences. Attendance is not recorded on PULSE and the Inspectorate was unable to establish the number of conferences attended by gardaí.

Information Sharing

Concerns about sharing data with other agencies featured in most interviews conducted in this review. This issue also featured strongly in the last two Inspectorate reports and was the subject of a recommendation in the Changing Policing in Ireland (2015) report. The Inspectorate found an absence of protocols between Tusla and the Garda Síochána for information sharing. Most people stated that they would share information adhering to the principle of ‘in the best interests of the child’. The requirements of freedom of information and data protection appear to have contributed to a very cautious approach to the sharing of information. In relation to child protection, it should be possible to share information on a secure and confidential basis, without the risk of one agency disclosing information without the consent of the owner of that data.

Managing Child Protection and Welfare Notifications

Tusla has primary responsibility for child protection/welfare and the Garda Síochána has responsibility for crime investigation. While both agencies can and do pursue these aims separately, it is important that they work together and consult with each other in connection with notifications. This involves a further level of joint working that is vital to the process. This is carried out by organising formal and informal meetings, which take place between garda liaison sergeants/inspectors and Tusla managers. This review found that the frequency of meetings varied greatly in the areas visited. Database/register systems for recording notifications are maintained separately and there is no electronic shared folder system to

facilitate joint tracking. This review did not find any reconciliation activity to check if the data on PULSE matched Tusla records. Notifications should only be closed when there are no longer concerns about a child's protection or welfare. Representatives from Tusla and the Garda Síochána believe that the closure process could be improved to ensure that the other agency is informed when all of the investigation stages in a case have been concluded.

Notification Data

This review has found that the number of notifications sent between the Garda Síochána and Tusla has significantly increased. Between 2007 and 2009, 16,073 notifications were sent while 16,010 were sent in 2014 alone. In particular, there was a large increase in the number of notifications sent by the Garda Síochána to Tusla, increasing from 11,472 for the period 2007 to 2009 to 13,324 in 2014. In comparing Tusla data with Garda Síochána data there were considerable differences in the numbers of notifications recorded. One possible explanation for this anomaly is the Tusla practice of removing some notifications sent by the Garda Síochána from the data that it holds.

Children First Joint Training

The initial Children First National Guidance training commenced over ten years ago. Initially large numbers of gardaí were trained and some joint training took place with Tusla staff. The feedback on joint training was positive and helped to create a shared understanding of child protection. As there has been little training since then the Garda Síochána and Tusla need to develop joint training for all front-line staff dealing with child protection issues.

Notification Systems and Multi-Agency Response in Other Jurisdictions

All other jurisdictions visited by the Inspectorate have more formal processes in place for multi-agency working than are found in Ireland. Police services in England and Wales are a key partner in the operation of Multi-Agency Safeguarding Hubs, which are established in all local authority areas. The co-terminosity of relevant agencies is a major advantage. Police Scotland operate an Interim Vulnerable Persons Database that records all concerns about vulnerable children and adults

coming to police notice. These systems provide two different models of multi-agency working. Both have a strong focus on early assessment of notifications, fast-time sharing of information with partner agencies and a more efficient system of agencies working together to make important executive decisions on how a case will be progressed. A new process for managing notifications and conducting investigations in Ireland should be accompanied by a new information sharing protocol.

The Voice of the Child

There is a concern in other police services visited by the Inspectorate that the voice of the child is not always being heard. Traditionally, police services dealt with incidents where children were present, but were not spoken to. This review established that children who are victims of abuse in Ireland are not always asked the right questions to establish if abuse has taken place. A victim of CSA, now an adult, described seeing many specialists throughout their younger years and not one identified that they were a victim of sexual abuse. Children First National Guidance includes the right of children to be heard, listened to and taken seriously. The Inspectorate believes that this approach should be embedded in all Garda Síochána child protection practices.

Out of Office Hours Services

Two concerns frequently raised by senior and front-line gardaí were late requests from Tusla for action outside of Tusla office hours and difficulties in obtaining out of hours responses by Tusla to child protection issues, particularly at weekends. Tusla has now developed a national out of office hours service. The Inspectorate welcomes this move and believes an evaluation of its service provision would determine if the service is meeting the needs of children and other partner agencies.

Missing Children

Tusla and the Garda Síochána have developed a joint protocol, for dealing with children who go missing from care. The protocol states that every child who goes missing should be treated as high risk and that the local district superintendent should be informed without delay. On receipt of a

report, the Garda Síochána has primacy in respect of conducting a missing child investigation. An investigating garda with responsibility to keep a full record of all actions taken should be assigned. Where there are multiple incidents of a child going missing, responsibility for managing the incident moves to a more senior rank. As each time period in which the child is missing extends, a more senior garda chairs a joint-agency meeting. The investigating garda is required to conduct a risk assessment, based on professional judgement, rather than a formal risk assessment process. Many police services have units that are assigned responsibility for missing person investigations after the initial investigation stage is complete. It is likely that the Garda Síochána will place this responsibility on the divisional PSUs and this change would be welcomed by the Inspectorate. When a child is found and returned to a care home, the protocol stipulates that it is the responsibility of Tusla to ensure that an effective interview is conducted and the Garda Síochána is only involved if it appears that a crime has occurred. Many children who go missing are vulnerable to exploitation and the return interview provides an opportunity to establish if they have been exposed to any form of abuse or danger. The absence of garda involvement in the return interview process could be a gap in both intelligence and in determining if a child has been the victim of a serious crime. Although the joint protocol on missing children is in place, the Inspectorate believes that the approach taken to missing children should be reviewed to ensure that it is fully addressing the risks posed to children.

Sex Offender Management

In 2001, legislation was introduced to provide for a notification requirement system for convicted sex offenders. In common with other policing jurisdictions, the management of convicted sex offenders who pose a risk to child protection and general community safety is a challenge that requires relevant agencies to work together to manage any risks associated with those offenders. It is important to note there is no administrative difference in the management of sex offenders who pose a risk to children and those who pose a risk to adults. There is a requirement for

a convicted sex offender to notify the Garda Síochána of certain information, such as any change in circumstances. The duration of the notification requirement varies, depending on the sentence received.

SORAM Model

The introduction of a Sex Offender Risk Assessment and Management (SORAM) model in 2010 brought together key agencies with responsibility for the monitoring and management of all convicted sex offenders subject to notification requirements. A National SORAM Steering Group is in operation to deal with issues relating to the management of sex offenders. In addition, a National SORAM Office was established as the operational arm for implementing actions arising from steering group decisions. This office has co-located staff from Tusla, the Probation Service, the Garda Síochána and most recently a part-time housing representative from Dublin City Council. While offender management is administered at a divisional level, the GNPSB develops policy at a national level. In addition, a number of units within the GNPSB have responsibilities for monitoring convicted sex offenders. Local SORAM committees have been established in every division. SORAM committees are limited in scope to managing offenders over 18 years of age who are subject to notification requirements and who have an attached Probation Service supervision order. Because of the legislative restrictions, the majority of convicted sex offenders in Ireland are not managed by SORAMs. At the heart of the SORAM model is the risk assessment process that enables plans to be made to manage offenders who pose the highest risk of reoffending. There are three stages in this process, but not all garda members involved in the various risk assessment processes are trained. This gap needs to be addressed.

Holding pre-release meetings for sex offenders due to be released from prison is an important process in their long-term rehabilitation and management. This review established that meetings do not always take place and when they do, not all agencies attend. This was explained as a resourcing issue.

Violent Crime Linkage Analysis System

The Garda Síochána operate a Violent Crime Linkage Analysis System. This is used to identify links between individuals and incidents and to help to identify repeat offenders. It should be used in all serious cases such as homicides, sexual offences, and suspicious approaches to children. The system requires the investigating garda to complete an information booklet on the incident. This review found that out of 10,000 incidents on PULSE, 4,888 did not have an entry on the system. Additional staff have now been deployed to address the backlog.

Pre-Sanction Reports

When the facts of a case are proven to a court, a judge may ask the Probation Service for a pre-sanction report. This report provides background information about an offender to assist sentencing and allows input from an investigating garda. Of approximately 250 convicted sexual offences cases a year, reports are completed in 160 cases. Many professionals believe that reports should be completed in all cases and a recommendation to that effect is included in this review.

Post-Release Supervision Orders

Post-release supervision orders are important for the SORAM process. When a person is convicted of a sexual offence, the court has a duty to consider imposing a sentence, which includes post-release supervision. An order commences on the date of release. Conditions can be attached to the order including prohibiting certain actions or ensuring participation in treatment. This review identified that some sex offenders who received significant prison sentences are not subject to orders and that some orders are not sufficiently prescriptive enough. Approximately half of all sex offenders do not have supervision orders. Without an order in place, a SORAM is unable to monitor a sex offender and share information. Supervision orders are time bound and can run from a two-year period up to ten years. At the conclusion of the time period, the order stops and SORAM monitoring ceases, irrespective of the threat posed by the offender.

Prison Treatment Programmes

Preventing reoffending is an important aspect of crime prevention and it is important for the

SORAM process. There are treatment programmes available for those sentenced to a term of imprisonment. There is very little incentive for sex offenders to participate and only 50% of those in prison are engaged in a programme. While there have been numerous studies and reports on recidivism rates, there is an absence of meaningful research on reoffending rates for sex offenders and the impact of treatment programmes.

Sex Offenders Subject to Notification Requirements

The number of sex offenders subject to notification requirements has risen from 1,117 in 2010 to 1,505 in August 2016. Police services where notification/registration requirements were introduced earlier than in Ireland are now managing much larger numbers. The rate of growth in other jurisdictions visited is also significantly higher, with annual increases of approximately 500 compared to 50 in Ireland. At the end of June 2016, 220 sex offenders were being managed by the 28 SORAMs. As of 9 November 2016, 77 convicted sex offenders had not complied with the notification requirement. This includes those still in the seven-day notification period, those who did notify but failed to give an address and those who may have left the jurisdiction. Action needs to be taken to locate non-compliant offenders.

Local SORAM Committees and Monitoring Arrangements

The responsibility for the management of a sex offender once released from prison or a person convicted but not given a custodial sentence, passes onto a single agency or is managed by a local SORAM committee. Only sex offenders assessed as medium to very high risk, and subject to a supervision order, are included in the SORAM process. It is important to note that even if a person is assessed as a low risk that does not mean there is no risk involved.

Nationally About 15% of all sex offenders are subject to monitoring by SORAM. While many convicted sex offenders pose a low risk of reoffending and generally comply with all requirements, other offenders at a higher risk can be non-compliant, manipulative and difficult to manage. Risk Assessment and Management Plans are an important part of the SORAM process and

are used for all sex offenders with notification requirements. These plans were described as living documents and are updated following every SORAM meeting. The National SORAM Office provided a guide to the completion of forms and delivered training workshops. Despite this, some forms are still poor in quality and are generally lacking in detail. All SORAMs visited have difficulties in finding appropriate housing for convicted sex offenders. This presents a significant challenge for agencies and solutions have included the use of private housing and short-term bed and breakfast accommodation. The use of this type of accommodation may present additional risks and good child protection practice would encourage the identification of more suitable longer-term placements.

The Inspectorate visited three SORAM committees to see how they operate. The lack of attendance by local authority housing officers and mental health professionals at meetings was identified as an issue. At the time of the visits, one of the areas had 80 sex offenders subject to notification requirements, of which eight were included in SORAM. Another had 43 sex offenders subject to notification requirements, with seven on SORAM and the last had 54 with three on SORAM. Most SORAMs had received little feedback on their performance from the National SORAM Office. Information on offenders was not shared in advance of meetings and there is a need for an electronic information sharing system.

With 28 individual SORAMs in operation, there is always likely to be inconsistencies in the way in which they operate. In developing the multi-agency Joint Agency Response to Crime initiative in 2015, a group of senior managers from the key criminal justice agencies came together to drive the implementation of the initiative and to address issues, such as information sharing. SORAM should operate with a similar executive group to address some of the key issues, particularly stronger governance. The National SORAM Office should also be empowered and tasked to intrusively supervise SORAMs.

Day-to-day management of sex offenders rests with garda divisions. Those gardaí designated to monitor sex offenders are responsible for conducting home visits. The frequency of the visits depends on the risk. Most offenders are compliant and participate in a risk assessment process, however, a smaller number are non-compliant and difficult to engage. Gardai have little power to deal with those unwilling to participate. In some cases, people will not open the door and, in the absence of legislative powers, there is some ambiguity as to the authority of visits by gardaí. Some other jurisdictions have a power of entry that can be used in these circumstances.

Other Policing Jurisdictions

The Inspectorate visited a number of other jurisdictions with similar systems and legislation in place for dealing with sex offenders. In three police services visited, a database called the Violent and Sex Offender Register is used. This contains details of all persons who are required to register with the police. The National SORAM Office has considered adopting this system, but encountered technical problems that prevented its introduction. A similar system should be available to SORAMs. These jurisdictions also extended the categories of offenders that are monitored beyond sex offenders to include other violent offenders and this provides a fail-safe for those offenders whose registration period has expired. SORAM provides an excellent platform for considering whether to widen the responsibility to include offenders who have committed other serious crimes.

Key Recommendations

Strategic and Operational Governance

- › To develop a National Strategy for Child Sexual Abuse, Child Sexual Exploitation and Online Risks to Child Safety; and
- › To elevate the proposed Local Child Safeguarding Committees to a divisional level to reflect the move to a divisional model of policing.

Notification Process

- › To develop a new joint approach for assessing and managing child protection/welfare notifications that adopts best international practices found in Multi-Agency Safeguarding Hubs and Concern Hubs;
- › To ensure that only trained professionals and personnel make key decisions on the management of notifications; and
- › To develop a national protocol for the sharing of information.

Missing Children

- › To review the approach and the protocol for dealing with missing children, particularly those in various forms of care and those at highest risk of exploitation.

Sex Offender Management

- › To develop a national high-level executive group to manage SORAM and to review the joint approach to managing sex offenders and particularly those at risk of causing most harm; and
- › To convene a multi-agency group to review legislative issues in connection with managing sex offenders, particularly those at risk of causing most harm.

The Inspectorate has also indicated that where a recommendation has a multi-agency aspect, consideration should be given to including it as part of the national strategy in Recommendation 2.1.

Implementation Outcomes

The main aim of the recommendations in this chapter is to develop more effective multi-agency working arrangements at both strategic and operational levels. A national strategy for child sexual abuse will bring agencies together to drive change that is necessary to enhance child protection practices.

Implementation of the recommendations contained in this report will:

- › Create a National Strategy to bring together all the relevant government departments and agencies that are necessary to drive change;

- › Ensure more effective child protection arrangements are in place;
- › Develop improved strategic multi-agency working arrangements;
- › Improve the decision making process in child protection notifications;
- › Create an information sharing protocol to enable more effective decision making;
- › Deliver a more dynamic and structured joint-agency approach to managing notifications;
- › Enhance the investigation and management of children who are reported as missing; and
- › Improve the management of sex offenders who pose a risk to the safety to children.

Executive Summary:

Chapter 3

Investigation of Child Sexual Abuse

Introduction

Where it is suspected that a crime has been committed, the Garda Síochána has overall responsibility for the direction of a criminal investigation and for bringing an offender to justice. Chapter 3 looks at what happens when a victim reports a crime of child sexual abuse (CSA) to the Garda Síochána and specifically examines:

- › Identification of CSA and child sexual exploitation (CSE) offences;
- › Crime reporting and recording practices;
- › Investigation of child sexual abuse cases;
- › Gathering of evidence with a focus on child victim interviewing and medical examinations;
- › The experiences of victims and support organisations;
- › Dealing with suspects; and
- › Criminal justice processes and outcomes.

As part of this review, the Inspectorate forensically examined 211 CSA investigations, tracking the

progress of cases from the date of the first report to the Garda Síochána through various investigative stages, to the outcome of each case.

Review Findings

Child Sexual Abuse and Child Sexual Exploitation

CSA is defined in Children First National Guidance as when a child is used by another person for his or her sexual gratification or sexual arousal. While this is a broad explanation, there is no specific crime of CSA and incidents of this nature are recorded as a sexual offence on PULSE. CSE has emerged as a significant and growing threat to the safety of children. It is not a crime type per se, but is an aspect of CSA. CSE includes inciting, encouraging, propositioning, requiring or permitting a child to solicit for or to engage in prostitution or other sexual acts. It may also include showing sexually explicit material to children, which is often a feature of the “grooming” process by perpetrators of abuse. Increasingly, children are exploited through the internet and social media, which may or may not lead to face-to-face contact, or through the sharing of indecent images of the child, which can become the focus of bullying and or blackmail. CSE affects males and females, but males are less likely to disclose an offence.

Identifying Child Sexual Abuse and Child Sexual Exploitation Crimes

Understanding the scale and severity of CSA and CSE, and developing preventative and investigative strategies poses significant challenges to agencies with responsibility for child protection. Some of the challenges are victim related, as many children do not realise that they are victims, or do not see themselves as victims, and some are willing participants in sexual activity. This review found very little available data to identify how many children in Ireland are victims of CSE or are at risk of exploitation.

Crimes against children involving CSA or CSE are not recorded on PULSE in a format that makes it easily identifiable. PULSE is not always able to capture features of an offence, such as crimes committed via the internet. This makes it difficult to determine how many such cases are reported

each year. With CSE, it is important to identify children at greater risk of exploitation, such as children in care who are frequently reported missing and those children engaging with strangers on the internet. There are a number of other incident types relating to children that are not recorded on PULSE as sexual offences or offences against the person. These include crimes such as female genital mutilation, honour based violence, forced marriage and child trafficking. While the current level of reported offences is low in Ireland, the experience of other countries suggests that they will become more prevalent. Accurately recording a crime and any special features of the offences reported to the Garda Síochána, such as the presence of CSE or the use of the internet is important.

Crime Recording Practices

Victims do not always report CSA at the time of the abuse, although they often come forward at a later date and report their abuse. Correctly recording the number and type of sexual offences on PULSE is essential to determine the scale of CSA. In comparing PULSE and Central Statistics Office (CSO) data, the Inspectorate found the CSO figures to be much lower. This is in part due to differences in categorisation of CSA as well as the interpretation of crime counting rules. The categories of sexual offences used by both organisations should be the same.

While CSA should be recorded on PULSE immediately, this review found long delays in recording crimes. One third of offences reported in 2014 took more than a week to record on PULSE, with some taking up to a year. This review also found cases where the reported date shown on PULSE was incorrect, which could mean that the position with regards to recording practices is even worse than the analysis found. The Inspectorate found a practice of gardaí creating PULSE records rather than using the Garda Information Services Centre. Analysis found that recording practices varied greatly across divisions from 98% compliance to only 46%. Concerns were raised with the Inspectorate about not recording the details of a suspect on PULSE until it was certain that the person would be prosecuted. The failure to record a suspect on PULSE is not good practice and was identified in previous Inspectorate reports. The Inspectorate was pleased

to find that there has been a reduction in the use of the miscellaneous category of Attention and Complaints on PULSE to record CSA incidents.

Victims of Child Sexual Abuse

Analysis of PULSE incidents found that 66% of all sexual offences committed involved a child. In addition, the analysis shows that the age profile of victims ranged from three years of age to 17 with a noticeable peak aged five and an increase from age 11 to the highest point at age 15. In a sample of cases examined, a high proportion of suspects were known to the victim or their family with 44% described as familial and 25% as neighbours or family acquaintances. Only 14% of suspects were described as strangers.

The review confirms that although clerical or institutional abuse cases are still reported and investigated each year, they form a small proportion of the overall number of cases that are investigated. In a sample of 170 cases, the Inspectorate found three cases involving clerical abuse. For the purposes of this review, historical cases were deemed to be those where a victim waited more than a year before they reported the crime to the Garda Síochána. Of the 170 cases in the sample, 59% were historical cases, highlighting the significant level of non-reporting at the time of the abuse.

An important part of this review was the engagement with two adult survivors of child sexual abuse who shared their experiences of the criminal justice system. For these two people, the experience of reporting their crimes were very different, with one having a positive experience and the other a negative one. This shows the importance of only using trained gardaí to deal with CSA. Both had traumatic experiences with delays in court dates and the manner in which they were treated during the trials. As one described, “the experience of the criminal justice system has left its scars”.

The Garda Síochána Ombudsman Commission regularly receives complaints from victims and families regarding poor recording practices and inadequate investigations of sexual offences, including cases of CSA. Common themes identified in complaints include failures to record criminal complaints on PULSE, failures to conduct

criminal investigations and poor follow-up with victims. The absence of intrusive supervision of investigations is a recurring issue through many investigations.

Since the original inspection, efforts by criminal justice agencies to improve services to victims can be seen in a range of new legislation, policies and procedures. The new Criminal Justice (Victims of Crime) Act 2017, establishes minimum standards on the rights, supports, protection of and information for victims of crime. Victim support organisations are of the view that the relationship between the Garda Síochána and victims of CSA has improved over the last ten years and particularly so in the last few years.

Within the GNPSB, there are a number of units with responsibilities for CSA including the Sexual Crime Management Unit. This unit conducts a small number of sensitive investigations as well as co-ordinating and providing assistance in complex investigations. This unit is the contact point for clerical abuse cases. It is not Garda policy to approach a victim in a case where a clerical notification is received and the victim is unwilling to make a complaint. As a result, crimes are not recorded and investigations are not conducted.

The Garda Síochána also receives a number of other third party referrals identifying victims of CSA. In most of these cases, a direct approach is not made. There is a need to ensure in all of these cases that the suspect is not left in a position to pose a threat to children. The Inspectorate understands that an approach to a survivor of CSA could have an impact; therefore this requires a well-planned, sensitive and co-ordinated approach by the relevant agencies. If there is no approach, then no crime is recorded, there is no investigation and the offender is not brought to justice.

Investigation of Child Sexual Abuse

In 2010, the Garda Síochána published a comprehensive policy entitled ‘Investigation of Sexual Crime, Crimes Against Children and Child Welfare’. This policy was revised in 2013. This review found that many aspects of the policy are not in place or are not consistently applied in the investigation of offences. In particular, untrained or partially trained members are used to take

statements from adult victims of sexual abuse and to conduct interviews with suspects.

This review included an examination of CSA cases, the majority of which were investigations that commenced in 2014. As in the *Crime Investigation (2014)* inspection, the Inspectorate found that the first garda to deal with a victim would often be the person assigned to investigate it. The majority of investigations are conducted at district level by generalist gardaí attached to regular units. Child Protection Units were established in some garda districts at the time of the original 2012 inspection. Nationally, 14 units are in place with responsibility for investigating some, but not all cases of CSA. There is no training course and most members in units had not received any specialist CSA or child protection training. Most Child Protection Unit staff who met the Inspectorate did not feel valued by senior managers and felt that their work is not recognised.

Once a crime is assigned to an investigator, they have a responsibility to conduct an expeditious and diligent investigation and regularly update victims and/or their family. Dealing with a victim of CSA is not comparable to dealing with victims of other offences. An investigation into CSA requires an investigation strategy/plan to ensure a prompt and thorough investigation, however, there was an absence of such plans in case files examined or on PULSE. In the *Crime Investigation (2014)* report, the Inspectorate reported that in order to conduct an effective investigation of sexual offences, an investigator must provide the highest standards of care to gain the trust of the victim. When the victim of a rape or sexual abuse is a child, the levels of care and expertise are even more critical. In most other policing jurisdictions visited, a trained detective usually performed this role. The 2014 report recommended the development of a victim-centred policy and good investigative practices in rape and other sexual offences. This included allocating cases for investigation only to trained detectives. From the information gathered during the course of this review it is clear that this recommendation has not been implemented.

Employees of the Garda Síochána often deal with incidents that are stressful in nature, and can have an adverse effect on health and well-being. While an independent counselling service is now

available, the Inspectorate believes that there are some CSA investigative roles where staff should receive mandatory support sessions.

Medical Examinations

An important consideration in a CSA case is whether a child needs to be medically examined and if necessary, where this will take place and who will conduct it. The original inspection report recommended a one-stop-shop approach for victims of CSA and envisaged a child centre catering for medical examination, victim interviewing, therapy and support. This is an area where little progress has been made and there is no central point for these services. Many gardaí explained that there are difficulties with arranging examinations, particularly outside of office hours and they provided examples of children having to travel long distances for examination. The Inspectorate visited the Rowan Centre in Northern Ireland and a Children's House in Norway and found both to be excellent facilities. For a victim, the co-location of medical and interview services is a better system for co-ordinating the needs of each victim. While there is a commitment to this approach at the highest levels of the Garda Síochána and Tusla, child centres are still at discussion stage and little progress has been made in the last five years.

Most gardaí and Tusla social workers stated that if parents or guardians do not consent to a medical examination, then it is unlikely to proceed. The rights of parents/guardians are important and there may be occasions where it is not in the child's best interests. However, there are cases where parents/guardians may be suspected of abuse or aware of the abuse and may try to prevent an examination. In other jurisdictions visited, the police services described taking more robust action when consent is refused.

Child Interviews

The Criminal Evidence Act, 1992 provides for the submission of video recorded evidence from child victims for sexual and violent offences. Video interviewing as opposed to a written statement does not require a child to take the oath to enable the account to be submitted in evidence at court. The intention of the Garda Síochána and Tusla at the outset of embarking on child specialist

interviewing was to have a single joint-agency interview conducted by a trained social worker and a garda member. This is widely recognised as the most effective way to conduct child interviews. While the use of child interviewers is embedded as standard practice in obtaining accounts from child victims, it was disappointing to find that joint interviewing had ceased and child interviews are conducted by two garda interviewers. Where Tusla consider it necessary to interview the same child, they conduct a separate, second interview, potentially causing unnecessary trauma for the child. At present, 16 social workers are trained and available to conduct child specialist interviews. This is not enough to provide a nationwide joint interviewing service. Without a significant increase in the numbers of trained social workers, joint interviews will not become a standard practice.

Prior to a video interview with a child, it is policy to arrange a clarification interview with the interviewee and their families to explain the process and obtain consent. A concern identified by the Inspectorate is the significant attrition rate between a clarification interview and a video interview. There is currently no quality assurance of the clarification interview process. Garda child interviewers are not always assigned on a full time basis and this can impact on their availability. The timeliness of interviews varied from one day to several months. For a child any delay can affect the quality of evidence obtained. The practice of quality assuring video interviews had stopped, but has recently recommenced.

Obtaining Best Evidence from Victims and Witnesses

Often victims come forward many years later as adults to report their abuse. Unless assessed as vulnerable, they are not interviewed by child specialist interviewers and the investigating member usually takes statements. The Garda policy on taking statements in sexual offence cases highlights that more experienced interviewers should be considered. The Inspectorate found that there are very few members trained to an appropriate level and most investigators were unaware of this consideration.

There is an organisational risk in using members who are not appropriately trained and in some cases victims are providing multiple statements. The quality and timeliness of statements taken from victims and witnesses varied greatly from case to case and from district to district. In one case a witness statement consisted of only four lines of narrative. The current approach of using inexperienced members to take important statements does not facilitate the gathering of best evidence from victims and witnesses. In all other jurisdictions visited, experienced officers take statements.

Dealing with Suspects

Across the districts visited, there was a consistent view that powers of arrest for CSA offences are not always used when they should be. This was confirmed by analysis of a sample of cases where the identity of a suspect was mostly known. In this sample, an arrest was made in 29% of cases. When an arrest was made it was often delayed and in half of the cases, it took between three months and a year. An alternative option is to invite a person to voluntarily attend at a garda station for interview. In this same sample, a further 21% of suspects were interviewed. There were also significant and often unexplained delays in conducting interviews. In one case it took 15 months to interview a teacher. The quality of the interview records presented to the Inspectorate for examination were generally poor. As also identified in the *Crime Investigation (2014)* report, this review found cases shown as detected on PULSE, but there was no associated proceedings, such as a charge or a summons attached. This included cases with detections claimed on the day that the crime was first reported and before any investigative action. Many detections do not comply with the crime counting rules and are considered to be unsafe.

Timeliness and Quality of Investigations

Some cases examined by the Inspectorate were investigated with pace and to a high standard. This included a crime reported in May 2014 where the offender was convicted in July of the same year. However, many investigations drifted, with significant delays in taking victim statements, arresting or interviewing suspects, and sending cases to the Office of the Director of Public

Prosecutions. The level of supervision during an investigation was difficult to determine from a case file or from a PULSE record and it appeared to take place at the end of an investigation when a file was submitted to a supervisor. In 2015, a new supervisory process for investigations was introduced, which should provide a more effective process. While Garda policy states that investigations should be conducted within three months, district superintendents informed the Inspectorate that cases take six to nine months to complete. Analysis of case files showed that before any court date is arranged, cases are routinely more than 12 months old and in some cases over two years. Delays in criminal justice processes raise issues of fairness to all parties in an investigation.

Protective Services Units

This review identified some significant areas of concern regarding the investigation of CSA cases. These issues were also found in the original 2012 report, particularly the investigation of CSA by gardaí who are not detectives and who may be inexperienced. The decision to create divisionally based Protective Services Units is welcomed by the Inspectorate. These units represent a major change in Garda policy/approach and have the potential to address many of the outstanding recommendations from the 2012 report as well as areas of concern found during this review. However, Protective Services Units need to have the right number of staff to ensure they have the capacity to respond to and investigate all serious incidents, including CSA. The Garda Síochána intend to deliver bespoke training to those assigned to the new units and are examining training modules already in use in another policing jurisdiction.

Referral of Cases for Decisions

When an investigation is complete, the investigator should send a case file to a supervisor for checking and submission to the district superintendent for a decision on the disposal of the case. District superintendents have a pivotal role in determining the disposal of a case either by a referral to the Garda Youth Diversion Office or

to the Office of the Director of Public Prosecutions.

Where a case of CSA involves a suspect under the age of 18 it should be referred to the Garda Youth Diversion Office, which is the authorised body for making disposal decisions. This includes even the most serious offences such as homicide and sexual assault. In the *Crime Investigation (2014)* report, the Inspectorate raised concerns about the office making case disposal decisions in serious cases and recommended that the Department of Justice and Equality examine decision-making in serious crimes such as rape.

In a sample of 170 cases examined by the Inspectorate, 17% of the cases referred to Garda Youth Diversion Office resulted in an informal or a formal caution for the young offender. While each case and the needs of each young offender require individual consideration, a large proportion of suspects received cautions for serious offences, which included 11 cases of rape. The Inspectorate is again highlighting the need to examine the role of the Garda Youth Diversion Office in the pre-charge decision-making process in serious cases. In this sample, a large number of cases were deemed to be unsuitable for the diversion programme and were returned to the original investigator to progress the case. In the *Crime Investigation (2014)* report, the Inspectorate found examples where cases returned to the original investigator were not progressed. In cases of CSA further action must be taken. A recommendation was included in that report to ensure that cases deemed as unsuitable for the diversion scheme be progressed towards prosecution.⁵

The Office of the Director of Public Prosecutions has the authority to make decisions on the prosecution of cases in the State. However, the Office also has the power to delegate that authority to members of the Garda Síochána to make prosecution decisions in certain circumstances. This is conducted under an instruction entitled General Direction No.3. The direction includes a list of alleged offences, such as those of a sexual nature, which must be referred to the Office of the Director of Public Prosecutions for decision. In CSA cases, where a victim provides a statement of complaint and an adult offender is identified,

5 *Crime Investigation (2014)*: Recommendation 10.2

cases should be referred. The Office of the Director of Public Prosecutions is independent and has no power to direct investigations.

Unlike other similar jurisdictions, the Office of the Director of Public Prosecutions does not have a specialist sexual assault section, although this is under consideration. Access to pre-charge advice for garda investigators is not as developed as in other jurisdictions and there should be a process in place to provide more access for advice. This was the subject of a recommendation in the *Crime Investigation (2014)* report⁶. During the examination of cases that were referred, the Inspectorate found long delays in conducting some investigations and subsequently long delays in sending files to the Office of the Director of Public Prosecutions. The examination also found some cases that did not need to be sent to the Director of Public Prosecutions. This includes cases where the suspect was deceased, where no suspect was identified and where there was insufficient evidence to support a prosecution.

Criminal Justice Processes

As part of this review, the Inspectorate was unable to find any joint criminal justice data on CSA case progression. Useful data would include metrics in respect of timescales in moving cases through criminal justice processes, particularly data on why cases do not go ahead on the day of a trial.

In CSA cases, a successful outcome for victims and their families is often to bring the offender to justice and to ensure that no harm is caused to another child. Like other similar jurisdictions, criminal justice convictions/outcomes in CSA cases are low and long delays in investigations do not help this process. There are significant attrition rates from the initial reporting of a crime through an investigation to a court case. In a sample of CSA cases examined in this review, less than 13% were referred to the Office of the Director of Public Prosecutions for a decision. Of those that were referred, the average prosecution rate was 32%.

During the examination of cases, the Inspectorate found examples where court cases were adjourned, and in some cases this was for extended periods. Many jurisdictions operate pre-trial hearings in advance of trial dates to bring parties together to discuss specific aspects of cases. In Ireland, special measures are considered once a jury is in charge. At this point, the prosecution needs to apply, in the absence of the jury, for special measures, such as requesting that the recording of the video interview with a child is used in evidence. The Inspectorate believes that these type of special measures should be agreed as part of a pre-trial hearing process and conducted much earlier so that all parties, including victims and witnesses, know well in advance what measures will be applied. In *Crime Investigation (2014)*, the Inspectorate made a recommendation in connection with pre-trial hearings.⁷

In England and Wales, vulnerable victims and witnesses will be spared the trauma of physically appearing in court under plans to roll-out private pre-trial evidence sessions across the country in 2017. In Ireland, the Criminal Law (Sexual Offences) Act 2017 provides for the giving of evidence from behind a screen or similar device and prohibiting personal cross-examination of a child complainant or child witness in a trial for a sexual offence. The Inspectorate believes that consideration should also be given to developing pre-trial evidence on a statutory basis.

Cases that fail at any point in the criminal justice process often leave a victim feeling that they were not believed. To improve services to victims, the Inspectorate recommends a number of changes to the way that investigations are conducted as well as improvements to criminal justice processes, such as allowing children to provide their evidence in a different way and at a much earlier stage.

6 *Crime Investigation (2014)*: Recommendation 11.18

7 *Crime Investigation (2014)*: Recommendation 11.21

Key Recommendations

PULSE Recording Practices

- › To develop PULSE recording practices that ensure the clear identification of crimes involving CSA, CSE and other crimes against children.

Victim Approaches arising from Third Party Referrals

- › To review the policy of not approaching child sexual abuse victims who are identified through third party referrals (including clerical cases) and who are initially unwilling to make a complaint.

Garda Interview Training

- › To ensure sufficient members are trained to take comprehensive statements from adult victims of child sexual abuse and conduct interviews with suspects.

Joint Interviewing

- › In conjunction with Tusla, to move to a standard operating procedure for conducting joint interviewing of child victims; and
- › Ensure that sufficient numbers of social workers are trained as child specialist interviewers to allow joint interviews to take place.

Case Referrals to the Office of the Director of Public Prosecutions

- › In conjunction with the Office of the Director of Public Prosecutions, to review the processes and develop joint protocols and approaches for the management of child sexual abuse cases.

Support, Counselling and Tenure for Investigators

- › To develop a mandatory welfare referral process for gardaí and garda staff in child sexual abuse investigative or examination roles.

Divisional Protective Services Units

- › To complete the national roll-out of Divisional Protective Services Units by the end of 2018;
- › To assign the Divisional Protective Services Units with responsibility for all aspects of investigating child sexual abuse, including taking the initial report, interviewing victims and suspects, and
- › To ensure that all investigators assigned to the Protective Services Units are fully trained in the investigation of sexual offences and child protection.

Delivering more Victim Centric Criminal Justice Services

- › The Department of Justice and Equality to convene a criminal justice multi-agency working group to deliver a more victim-centred service to child sexual abuse victims.

Where a recommendation has a multi-agency aspect, consideration should be given to including it as part of the national strategy in Recommendation 2.1

Implementation Outcomes

The main aim of the recommendations in this chapter is to professionalise garda investigative practices and to deliver more victim-centred services to child abuse victims. A number of the recommendations require resources and commitments from other organisations in order to deliver better services to victims. This includes conducting joint interviews of children and improving the victim's experience of the criminal justice system.

Implementation of the recommendations will result in:

- › Improved PULSE recording practices and more accurate identification of CSA and CSE offences;
- › Increased numbers of Garda and Tusla interviewers with joint interviewing of child victims as a standard practice;
- › Development of specialist centres for child sexual abuse victims;
- › The roll-out of Protective Services Units to all divisions by the end of 2018;

- › Mandatory welfare referral process for gardaí and garda staff in child sexual abuse investigation or examination roles;
- › Delivery of more victim-centred services to child sexual abuse victims.

Executive Summary:

Chapter 4

Online Child Sexual Abuse and Child Sexual Exploitation

Introduction

Chapter 4 explores the growing phenomena of online child sexual abuse (CSA) and child sexual exploitation (CSE) as well as the potential dangers which the internet poses to children. A major challenge for police services is the growing number of indecent images and videos of children that are now available on the internet. Chapter 4 specifically looks at:

- › Abusers who use internet networks for the purpose of managing and sharing child abuse material (CAM);
- › The structure and approach of the Garda Síochána to deal with online threats;
- › How the Garda Síochána could respond more effectively to the increasing use of the internet to circulate CAM and sexually exploit children;
- › How the Garda Síochána deals with referrals of CAM; and
- › What happens when a referral is made involving a computer or other technical device that has accessed CAM.

To establish how other policing jurisdictions manage online CSA and CSE, the Inspectorate visited Norway, the Netherlands, Northern Ireland, Scotland and the West Midlands in England.

Key Findings

Threats and Challenges posed by the Internet

CSE is not new but has emerged as a growing and significant threat to the safety of children. With the expansion of access to the internet and particularly social media sites, this has added an extra dimension to the risks posed to child safety. Irish children tend to use the internet more than the European Union average and 28% of Irish children have made contact online with someone they did not know.⁸ The expansion of access to the internet, particularly social media sites, has created an international space for sexual abusers to target and potentially sexually exploit children. CAM is often exchanged on networks known as Peer to Peer (P2P). There has also been an increase in the volume of exchanges carried out on platforms that allow anonymised access to Darknet networks. Many countries have reported that self-generated CAM accounts for a growing volume of the images in circulation and such images are often circulated further by a third party. This includes 'sexting', which is often used in the grooming process by an offender to threaten or blackmail a child.

The types of platforms used for grooming are often social networks, online gaming sites and forums, all of which are extensively utilised by children. Grooming is carried out through these platforms by online coercion or extortion of children. Live streaming of CSA is another growing threat. This involves a perpetrator observing or directing the live abuse of children. Identifying a child in an abuse image is very important for child protection purposes but it poses a major challenge for law enforcement agencies, as it requires specialist skills and technology. Strong encryption is highly important to e-commerce and other cyberspace activity, but this security measure significantly affects the ability of agencies to investigate

8 Seventh Report of the Special Rapporteur on Child Protection 2014.

criminal activity. The growing misuse of legitimate anonymity and encryption services as well as tools for illegal purposes poses a serious obstacle to detection, investigation and prosecution of online offences. Most law enforcement agencies conduct strategic assessments to understand the scale and severity of the online threat in their policing jurisdiction. This involves gathering and assessing all available intelligence and other relevant data in order to identify priorities.

Legislation

While the main legislation that deals with CSA and CSE offences is contained in the Child Trafficking and Pornography Act, 1998 there has been recent legislative measures introduced which provide greater powers to deal with online offences. The Criminal Law (Sexual Offences) Act, 2017 provides measures to protect children from harm. It includes provisions designed to further protect the most vulnerable and will enable law enforcement interventions to take place at an earlier stage in the grooming and sexual exploitation process. However, this review identified a gap in Garda powers to compel the lawful owner of a computer or other device to provide a password to facilitate access. The Inspectorate is recommending the provision of new powers to address this issue.

Garda Síochána Response to Online Abuse

The Online Child Exploitation (OnCE) unit, which is part of the Garda National Protective Services Bureau (GNPSB), is the single point of contact for referrals in connection with online CAM. At the time of a visit, the staffing levels were preventing the unit from conducting more proactive operations.

Referrals

A referral is an intelligence report that indicates that a person is accessing CAM. The unit receives, assesses and determines what action needs to be taken in relation to these referrals. Referrals to the unit come from a number of groups including organisations such as the National Centre for Missing and Exploited Children (NCMEC). NCMEC is the major referrer that receives reports

of CAM from a variety of sources, including social media sites. The number of NCMEC referrals to the Garda Síochána increased from 50 in 2014 to 1,241 in 2015. However, until late 2017, there was no corresponding increase in the staffing levels in the OnCE unit. The vast majority of referrals that are assessed by the unit as having evidence of CAM are sent to garda divisions to conduct an investigation and, where appropriate, to obtain a warrant to search an address. If any computer media is seized during the course of a criminal investigation, it is sent to the Garda Cyber Crime Bureau (GCCB), which has responsibility for the forensic examination of that device. Most other police services visited by the Inspectorate operate with a similar service-wide structure in place, however, they have significantly higher levels of resources deployed to online child abuse investigations.

Assessment and Categorisation of Referrals

An image or a video is assessed in the first instance to decide if the material appears to involve a child under 17 years of age. It is then assessed as to whether the content or nature of it amounts to an offence under Irish law. If neither is the case, the referral is closed and no further investigation will take place. This review found that the vast majority of referrals received by the OnCE unit are closed at this assessment stage. Estimating a child's age is not an exact science and it calls for professional judgement. A referral may contain a single image or many thousands of images or videos. Where this occurs each image must be viewed and assessed. The OnCE unit has one main encrypted computer used for storing all images from referrals and anyone wishing to view these materials must attend the unit to do so. Poor broadband speed impacts on the work of the unit and the downloading of material that should take 30 minutes can take up to 12 hours.

Categorisation is an important process as it provides an indication of the volume and seriousness of CAM. Only material assessed as Categories 1 or 2 is considered an offence under Irish law. Staff in the OnCE unit explained that courts are increasingly asking for CAM to be further categorised to show the seriousness of the material, but the current categorisation system used is not designed for this purpose. Internationally, different categorisation systems

are used. In the UK, a three-point scale is used to help with issues such as presenting evidence to courts. The OnCE unit would like to see this system used in Ireland. A significant benefit of a common categorisation system concerns the viewing of the same CAM by different police services and an agreement on the most appropriate categorisation. Many of the countries visited use the Child Abuse Image Database that holds worldwide images with a unique identifier. Removing the need to view images already recognised can reduce viewing by 20% to 40%. Currently, investigators in the OnCE unit are not using this system and are viewing and categorising previously assessed CAM.

Victim Identification

Victim identification is a key priority for all police services that met with the Inspectorate. Some of the OnCE unit investigators are trained in victim identification, but are not assigned to this important role on a full-time basis thereby reducing their effectiveness. Identifying a child from an image is time consuming but it may lead to the identification of a child in need of immediate intervention and protection. Every image is a potential crime scene and detailed examination may help with identification. Interpol describes the analysis of the virtual world as a crucial part of the investigation that can take place in the physical world. During a meeting with senior gardaí from the GNPSB, the Inspectorate was initially informed that victim identification was not an activity in which the Garda Síochána intended to invest in, but this position has now changed.

Risk Assessment and Prioritisation

Managing the risk posed by online child sexual abusers and the growing volume of CAM on the internet presents major challenges for police services. Many of the police services visited by the Inspectorate use the Kent Internet Risk Assessment Tool, which provides criteria to assess the risk posed by individual offenders. The use of a risk-based model for decision-making allows a police service to prioritise intelligence and operational activity. During this review, the Inspectorate met with a lecturer in Criminology at University College Cork who identified some of the key issues in relation to CSE and online

offending, including the need for risk-based decision-making. This review has established that the Garda Síochána does not conduct a formal strategic assessment for online CSA and CSE, nor do they use a risk assessment process to identify and target those abusers who pose the greatest risk to children.

Investigations and Intelligence Packages

Following categorisation, a decision is made by the OnCE unit on the next stage in the investigation process. The unit retains a small number of investigations and these are allocated to investigators in addition to their other roles. Many administrative functions are completed by gardaí in the unit but garda support staff could perform these tasks. When a CAM case is referred to a division, a file containing relevant information is created by the OnCE unit to assist a divisional investigator. This is referred to as a 'package' and is regarded as providing intelligence only and not material that can be used as evidence. The unit does not risk assess cases and therefore, in most cases, no priority is attached to a case sent to a division. The unit also receives referrals that appear to involve self-generated CAM, such as 'sexting'. In the absence of intelligence that suggests that there is any intimidation or abuse involved, the referral at this point is not treated as a potential crime. A package is sent to the local garda division and Tusla with the intention that a joint-agency approach will be made to the family and the child to discuss the image.

Processing Intelligence Packages

As the majority of intelligence packages are sent to divisions, garda members are assigned by those divisions to conduct investigations. Divisions have responsibility for obtaining a search warrant and conducting a search for evidence. District superintendents who met with the Inspectorate explained that in the absence of specialist investigation units, packages might be allocated to inexperienced gardaí for investigation. In the majority of police services visited intelligence packages are allocated to specially trained investigators. Currently, an investigator wishing to view the CAM in a package has to travel to the OnCE unit in Dublin as the technology at a divisional level does not provide for remote viewing. This should be addressed and remote

access should be available to investigators. One of the key issues raised during district visits was the lack of training for investigators who are dealing with such cases.

On assignment of a package, it is important for an investigator to obtain a search warrant and to conduct a search of an address at the earliest opportunity. Often, until a search is conducted, an investigator will not be able to establish if a person at the address is a contact abuser. It is therefore important to deal with packages expeditiously, as any delay in obtaining and executing a search warrant could result in the continued abuse of a child. In order to obtain a search warrant, a garda sergeant has to be satisfied that there are reasonable grounds to suspect that there is evidence of a crime at a specified address. As the original intelligence is kept in the OnCE unit, the sergeant may also have to travel to view the material. There is a time and cost implication with this current process for those divisions outside Dublin.

Conducting Searches

On most occasions, searches are conducted by the investigating member, assisted by local colleagues and, on occasions, accompanied by a supervisor. In the majority of cases, members have not received any specialist training in conducting this type of a search and do not always have the technical skills to effectively deal with the initial assessment and seizure of devices. To reduce the backlog in forensic examinations, non-GCCB members are trained to conduct mobile telephone and tablet examinations. While this training has provided investigators with good knowledge of mobile telephone examination, it does not provide the required expertise to examine computers. The Inspectorate views the absence of trained GCCB examiners at these types of searches as a lost opportunity to ensure that devices are correctly handled and that only necessary devices are seized. The GCCB informed the Inspectorate that approximately 60% of devices seized and later examined by their unit contain no CAM.

Triage technology is currently available to the Garda Síochána however, at the time of inspection visits this equipment was not in use. Many other police services visited use triage technology, including the Netherlands, where the triage

system used can identify known and previously categorised CAM contained in a device. In the majority of police services visited, intelligence packages are allocated to trained investigators and risk assessed to prioritise high-risk cases. In Scotland, one specialist police officer and one forensic expert attend each search. Many police services have at some point also experienced long delays in the forensic examination of computers but those who have made significant progress have all adopted some key principles such as sending forensic experts along with investigators to conduct searches. The Garda Síochána needs to take urgent action to reduce the volume of devices seized and reduce the current backlog of examinations.

Following the search of an address, devices believed to contain CAM are usually seized, but the Inspectorate has found that it is unlikely that an arrest of a suspect will be made and engagement with a suspect is limited to brief questioning. The GNPSB explained that they propose to start using a triage device that will facilitate immediate arrest. Once devices are seized they are sent for examination, and the arrest or interviews of suspects will await the outcome of the examination. Long delays in the examination process extends the time taken to arrest or interview a suspect. In other jurisdictions, the option of immediate arrest at the time of a search is used far more often and the Inspectorate would support this approach.

OnCE Intelligence Packages - Tracking of Referrals

In order to examine the efficiency and effectiveness of the Garda Síochána processes for managing referrals of CAM, the Inspectorate submitted an information request to establish the actions taken and the outcomes for all referrals received by the OnCE unit between January 2014 and June 2016 and subsequently any devices that were sent to the GCCB for forensic examination. This request identified the fact that the Garda Síochána did not have an effective tracking system in place. The GNPSB experienced significant difficulties in obtaining the required information, primarily from garda divisions that had received packages. Five months after the request was sent the Inspectorate made a decision to take the available information although it was still incomplete.

Despite repeated requests, 12 divisions had not provided updates in some 105 cases.

Analysis was conducted on 2,184 referrals and the findings included:

- › NCMEC accounted for the majority of referrals;
- › The majority of referrals were assessed as not containing CAM;
- › 540 packages were sent to divisions for investigation;
- › The majority of packages where action was taken identified offences, including 363 combined cases of child pornography, two cases of sexual exploitation and a case of sexual assault;
- › In 19% of cases no response was provided to the information request; and
- › 25% of searches were completed after the information request was submitted.

Further examination on the length of time taken at various stages found significant time delays in sending packages to divisions. While almost half of the cases took between one and three months to send, another third took up to six months and some took over a year. The time taken to search an address also showed considerable delays with only a small proportion of searches conducted within a week of receiving a package. In other cases, it took longer than a month to search an address and in some cases more than a year.

If a computer or other similar device is seized it is examined by the GCCB. Due to the volume and backlog in examinations and a lack of storage space, investigators are unable to immediately forward the device to GCCB. The process requires that a request form be sent and the GCCB considers whether the examination should be expedited. If prioritised, the GCCB will request the device to be forwarded for examination. In a six-year period, only a small number of CAM cases were treated as urgent. The analysis of data shows that a high proportion of the examination request forms were sent within a week of conducting a search, but in some cases there were delays between three months and a year. Of the cases that took longer than a year, 14 were submitted after the information request from the Inspectorate.

Waiting for referrals from organisations, such as NCMEC, is a slow, reactive process. To become more pro-active, other police services are using many different covert policing tactics including the use of online undercover officers. Another pro-active approach is to use available technology, which identifies IP addresses accessing CAM in real time. The FBI has trained gardaí in the use of a pro-active system, but it is not yet in use. In order to conduct these types of operations, specialist resources need to be in place. At the time of the visit to OnCE there were insufficient resources in place to conduct these types of operations.

Garda Síochána Update on OnCE Resources and Activity

In November 2017, the Inspectorate met with a senior representative of the GNPSB who explained that additional resources were in place to address concerns raised by the Inspectorate. Changes include a dedicated victim identification unit and a P2P investigation team. The investment of additional resources is welcomed, but as they were only recently assigned, the Inspectorate has not been able to determine if the staffing levels are sufficient to provide an effective online garda presence. The Inspectorate intends to revisit this area in the future to assess the impact of the additional resources.

Forensic Examination of Seized Equipment

Following an information request from the Inspectorate, the GCCB provided data in connection with forensic examinations. This showed that child protection examinations accounted for 41% of all requests made to the GCCB, 8% of which were assessed as urgent. Over the six years of this analysis, 25% of all child protection cases were still awaiting examination and there are four cases from 2011. Concerns about extended delays in forensic examinations of devices across all crime types were included in the *Crime Investigation (2014)* report with a recommendation to conduct an urgent review. Three years on from that report, there are still unacceptable delays in conducting examinations, particularly in connection with offences that may involve a child who is being sexually abused. The Inspectorate noted several practices used by other police services to reduce delays including regional examination units, triaging and forensic

examiners attending searches. Adopting such practices would dramatically reduce the current time taken to conduct examinations.

Child Sexual Exploitation

This review has identified that there is very little available data to identify how many children in Ireland are victims of CSE or how many are at risk of sexual exploitation. It has also established that there are limited numbers of garda members and garda staff currently assigned to this area.

Pro-active Approaches to CSE in other Jurisdictions

Many other police services visited have assigned significant numbers of additional resources to address the threat of CSE. In the strategic assessment process used by other police services, CSE problem profiles are generated to provide detail on crime trends, emerging issues or hot spots that require greater analysis, and assist with identification of victims, offenders and locations. They are also used to identify opportunities for prevention, intelligence, enforcement and reassurance, and prioritisation of resources and actions. Early identification of CSE is very important in child protection. As a result, police services visited by the Inspectorate are taking a pro-active approach to early identification of CSE and are ensuring that front-line staff from all agencies are aware of hidden crimes such as CSE. All of the police services visited have programmes in place to raise front-line staff awareness of the threat of CSE and other hidden crimes. There is also far more multi-agency activity to identify and tackle CSE. Undertaking a joint-agency strategic assessment is viewed by the Inspectorate as a good first step to identifying the scale and severity of CSE. This process would assist in the development of preventative, enforcement and reassurance priorities.

Many of the police services visited identified a number of major challenges in relation to children who are sexually exploited, for example, not all victims are aware that they are being exploited, not all children see themselves as victims, and some children are willingly participating in sexual activity. During visits to other police services, the Inspectorate found some innovative policing

methods in use to deal with both victims and suspects. Police services have also looked at many of the tactics traditionally used to target other crime types and have adapted those methods to target CSE. To protect some of the tactics used, the Inspectorate has not included all of the information received.

Preventing Access to Child Abuse Materials

Preventing access to CAM is very important and the experience of other jurisdictions is that gaining the voluntary agreement of service providers to filter, block and take down CAM provides a far quicker and less complex option than developing legislation. Providers have corporate social responsibilities and preventing access to CAM should be a minimum and standard operating practice. The strategy of blocking access to CAM has been operating in several countries for many years, with very good results. In Norway, the Inspectorate found that there is an agreement with the main internet providers to block access to certain sites. When someone attempts to access sites deemed to contain CAM, a mid-screen warning box appears on their device from the Norwegian Police. The Internet Service Providers Association of Ireland can request the removal from the internet of any material hosted by an internet provider that is found to constitute an offence associated with CSA or other offences such as incitement to hatred or financial fraud. The Inspectorate believes that the online threat to child safety needs a multi-agency approach to prevent access to CAM.

The Garda Síochána is working with the Irish Society for the Prevention of Cruelty to Children and with Tusla on an awareness campaign in schools relating to self-taken images and the implications for children who distribute CAM.

Key Recommendations

Review Information Request Results

- › To conduct a review of the findings that resulted from the Inspectorate analysis of the information provided on the management of referrals of child abuse material.

Managing Referrals of Child Abuse Material and Tackling Online Child Sexual Abuse

- › To implement a standard operating procedure for assessing, managing and investigating child abuse material referrals; and
- › To develop dedicated units to deal with pro-active investigations and victim identification.

Procedures for Conducting Searches

- › To implement a standard operating procedure for conducting searches of addresses in child abuse material.

Joint Strategic Assessment

- › To conduct an annual joint-strategic assessment, in consultation with key partner agencies, on the threats posed by the internet to the safety of children.

- › A standard operating procedure for conducting searches of addresses and seizing computers which will lead to the better collection of evidence in online abuse prosecution cases;
- › The use of forensic examiners during searches which will reduce the number of devices sent for examination and the backlog in examinations; and
- › A strategic assessment that will assist in the development of preventative, enforcement and reassurance measures to address the threat posed by the internet.

Implementation Outcomes

The main aim of the recommendations in this chapter is to enhance the response to the threats and challenges of online child sexual abuse and child sexual exploitation.

Implementation of the recommendations will result in:

- › The creation of a standard procedure to assess, manage and investigate referrals of child abuse materials which will ensure a more effective and efficient system with less delays;
- › The development of dedicated units to deal with pro-active investigations and victim identification which will achieve a more targeted approach to online child sexual abuse and child sexual exploitation;

Report Recommendations

Chapter 2

Recommendation 2.1

The Inspectorate recommends that the Department of Justice and Equality convene an inter-departmental and multi-agency representative group to develop a National Strategy for Child Sexual Abuse, Child Sexual Exploitation and Online Risks to Child Safety. (Short term)

- › Ensure senior management representation at the Children and Young People's Services Committees (CYPSCs) and at local committee meetings.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 2.2

The Inspectorate recommends that the Garda Síochána, in conjunction with Tusla, establish Local Child Safeguarding Committees at a divisional level to ensure more effective child protection arrangements in all local areas. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Ensure the remit of the local safeguarding committees includes:
 - Assessing whether the agencies are fulfilling their statutory and non-statutory obligations;
 - Assessing the delivery of the Children First National Guidance;
 - Introducing quality assurance practices, including joint auditing of cases and identifying lessons learnt;
 - Monitoring and evaluating the effectiveness of training, including multi-agency training; and
 - Functions identified in the Garda Síochána/Tusla Joint Working Protocol for the Senior Local Management Liaison Forum;
- › Consider whether the national and local committees should operate on a statutory footing; and

Recommendation 2.3

The Inspectorate recommends that the Garda Síochána, in conjunction with Tusla, develop a new joint approach for assessing and managing child protection/welfare notifications that adopts best practices found in Multi-Agency Safeguarding Hubs and Concern Hubs. (Medium term)

To achieve the above recommendation the following key actions need to be taken:

- › Develop a joint single electronic notification and tracking system;
- › Develop a unique reference number for each case;
- › Develop a standard operating procedure for the creation and quality of notifications to ensure that sufficient information is provided to allow for immediate assessment of risk and case management. This standard operating procedure should include the sending of notifications in the case of historical child abuse, missing children and domestic incidents;
- › Develop a clear framework for strategy meetings and Child Protection Conferences to record decisions and attendance;
- › Ensure that only specially trained personnel and professionals make key decisions on the management of notifications;
- › Develop a standard process for closing cases;
- › Develop a national protocol for the sharing of information;

- › Deliver joint-agency training to improve the quality of notifications;
- › Develop joint-agency data/metrics on notifications and actions such as attendance rates at meetings; and
- › Ensure that there is a full evaluation of the out of office hours service provided in child protection matters.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 2.4

The Inspectorate recommends that the Garda Síochána review the Sexual Incident and Child Welfare Key Performance Indicator (KPI) report to assess whether it is necessary in its current format. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Review the use of the metrics on prosecution of sexual incidents in light of PULSE 6.8;
- › If the KPI report is retained, PULSE should be updated to record additional data such as attendance rates at Child Protection Conferences;
- › Ensure that strategy meetings held and joint action plans arising out of meetings are accurately recorded on PULSE for production in the KPI reports; and
- › Provide full access to Sexual Incident and Child Welfare KPI reports and training for those sergeants and inspectors designated to monitor and update KPIs.

Recommendation 2.5

The Inspectorate recommends that the Garda Síochána, in conjunction with Tusla, review the approach and the protocol for dealing with missing children, particularly those who are in various forms of care and those who are at high risk of exploitation. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Appoint missing person officers in all divisional Protective Services Units;
- › Ensure that all high-risk cases are reviewed by a detective supervisor and investigation strategies are completed;
- › Ensure that the Garda Missing Persons Bureau has a more intrusive supervisory role in checking the quality of investigations conducted;
- › Ensure that return interviews are always conducted;
- › Review the approach for conducting interviews with children missing from care, particularly those children who are at high risk of exploitation;
- › Identify those children who go missing that are at high risk of sexual exploitation and develop early preventative interventions;
- › Ensure that all missing person investigation reports on PULSE contain full details of the case, including descriptions, actions taken to find persons and the locations where they are found; and
- › Develop a mobile phone application similar to the Australian system that allows parents and guardians to collect information that is vital for any future investigation.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 2.6

The Inspectorate recommends that the Garda Síochána, in conjunction with other Sex Offenders Risk Assessment and Management (SORAM) partners, develop a national high-level executive group to take overall responsibility for SORAM and to review the joint approach to managing sex offenders and particularly those at risk of causing most harm. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Ensure that the high-level executive group is made up of senior managers similar to the group that drove the implementation of the

J-ARC initiative;

- › Develop Violent and Sex Offenders Register (ViSOR) or a similar e-type information sharing system;
- › Ensure that all SORAM personnel charged with managing sex offenders are risk assessment trained;
- › Develop a standard operating procedure for managing prison pre-release meetings and to consider assignment of gardaí and probation officers to manage the release of sex offenders;
- › Ensure that the National SORAM Office performs an oversight and governance role;
- › Ensure full representation at SORAM meetings from relevant agencies including local authority housing and mental health services;
- › Conduct research/evaluation of offender treatment programmes and develop metrics on reoffending rates; and
- › Provide ongoing SORAM refresher training as well as training for those criminal justice representatives involved in cases at court.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 2.7

The Inspectorate recommends that the Garda Síochána review the procedures for managing sex offenders contained in the Policy on the Investigation of Sexual Crimes, Crimes Against Children and Child Welfare. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Ensure that gardaí deployed to sex offender management are part of the new Protective Services Units;
- › Promote the updating and use of Violent Crime Linkage Analysis System (ViCLAS) as an important source of offender information;
- › Ensure that all outstanding booklets are entered on the ViCLAS system;

- › Conduct a review of the use of Sex Offenders Orders; and
- › Provide training for those gardaí conducting risk assessments.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 2.8

The Inspectorate recommends that the Department of Justice convene a multi-agency group to review legislative issues in connection with managing sex offenders and particularly those at risk of causing most harm. (Medium term)

To achieve the above recommendation the following key actions need to be taken:

- › Consider extending the Sex Offenders Risk Assessment and Management (SORAM) model to include other categories of offenders who pose a significant threat to public safety;
- › Review the process for the monitoring of young offenders who are under 18 years of age;
- › Review those sexual offences that are currently excluded from the schedule of offences;
- › Address gaps in the powers to deal with those who refuse to engage with monitoring gardaí;
- › Consider legislation to remove the need for a supervision order for SORAM monitoring; and
- › Consider an obligation to request a pre-sanction report for all adult persons convicted of a sexual offence.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Chapter 3

Recommendation 3.1

The Inspectorate recommends that the Garda Síochána develop PULSE recording practices that clearly identify child sexual abuse/child sexual exploitation incidents and other incidents involving children at risk, such as human trafficking, female genital mutilation, forced marriage and honour based violence. (Short term)

Recommendation 3.2

The Inspectorate recommends that the Garda Síochána conduct a review of PULSE incident categories to ensure that all offences of a sexual nature are recorded in a single sexual offence category and issue clear national directions on the correct recording of sexual offences. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Revise the descriptions in the *PULSE Incident Recording Manual* to ensure that all offences of a sexual nature, including child pornography offences, are recorded in the sexual offences category;
- › The Central Statistics Office and the Garda Síochána to agree a single categorisation system for all sexual offences; and
- › Address the recurring theme of over-counting of sexual offences.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 3.3

The Inspectorate recommends that the Garda Síochána review the policy of not approaching child abuse victims as part of a third party referral (including clerical notification cases) who are initially unwilling to make a complaint. (Short term)

Recommendation 3.4

The Inspectorate recommends that the Garda Síochána take immediate action to increase the numbers of members trained to Level 3 and Level 4 interview standard and to ensure there is sufficient suitably trained members to conduct interviews with suspects and take statements from adult victims of child sexual abuse. (Medium term)

Recommendation 3.5

The Inspectorate recommends that the Garda Síochána specifically include interviewing of suspects and the taking of statements from witnesses in child sexual abuse cases in the detective training programme. (Short term)

Recommendation 3.6

The Inspectorate recommends that the Garda Síochána, in conjunction with Tusla, move to a standard operating procedure for conducting joint interviewing of child victims. (Medium term)

To achieve the above recommendation, the following key actions need to be taken:

- › Ensure that sufficient numbers of social workers are trained as child specialist interviewers to allow joint interviews to take place;
- › Both agencies to be involved in the development and delivery of a joint interview training course that caters for the child interview requirements of social workers and garda members;
- › Review the use and conduct of clarification interviews;
- › Develop metrics and quality assurance processes for interviews;
- › Ensure that all specialist interviewers are attached full-time to investigation units or are released on a rotational basis for immediate deployment;
- › Encourage more male gardaí to become specialist interviewers;

- › Ensure that investigating officers view the victim interviews;
- › Develop a programme of refresher training for specialist interviewers;
- › Remove the need for specialist interviewers to create transcripts of interviews;
- › Review the issue of parents/guardians who refuse to allow a child to be interviewed or medically examined; and
- › Review the referral process to units such as St Clare's and St Louise's and in particular resolve the use of credibility assessments.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 3.7

The Inspectorate recommends that the Garda Síochána, in conjunction with the Director of Public Prosecutions, review the processes and develop joint protocols and approaches for the management of child sexual abuse cases. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Clarify the types of cases that should be referred to the Director of Public Prosecutions;
- › Consider the findings and recommendations of the 2015 independent review of the investigation and prosecution of rape cases by the Metropolitan Police Service and the Crown Prosecution Service; and
- › Develop a best practice model for providing early investigative advice.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 3.8

The Inspectorate recommends that the Garda Síochána develop a mandatory welfare referral process for gardaí and garda staff carrying out child sexual abuse investigative or examination roles. (Short term)

Recommendation 3.9

The Inspectorate recommends that the Garda Síochána complete the roll-out of all Divisional Protective Services Units by the end of 2018. (Short term)

Recommendation 3.10

The Inspectorate recommends that the Garda Síochána assign the Divisional Protective Services Units with responsibility for all aspects of investigating child sexual abuse including taking the initial report, interviewing victims and suspects, inter-agency notifications and the implementation of the revised Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Following the introduction of the functional model of policing outlined in the *Crime Investigation (2014)* report, ensure that the superintendent in charge of crime has overall divisional responsibility for investigating child sexual abuse;
- › Ensure that each divisional unit has a dedicated detective inspector in charge;
- › Ensure that all investigators assigned to the unit are fully trained and complete specific training in the investigation of sexual offences and child protection;
- › When using gardaí who are not assigned to the divisional PSU to gather evidence, ensure that they have received specialist training in the investigation of sexual offences and child protection;
- › Identify opportunities for the assignment of garda support staff;

- › Revise the Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare in the light of the recommendations in this report and deliver bespoke training on the new policy to those who have core responsibilities;
- › Consider attachments for probationary gardaí to divisional units; and
- › Develop a process for sharing learning and good practice between units.

Recommendation 3.11

The Inspectorate recommends that the Department of Justice and Equality convene a criminal justice multi-agency working group to deliver a more victim-centred service to child sexual abuse victims. (Medium term)

To achieve the above recommendation the following key actions need to be taken:

- › Consider the extension of pre-trial hearings;
- › Reduce unnecessary and repeated court appearances by witnesses;
- › Develop joint-agency monitoring of data on case timeliness and factors affecting the outcome of criminal cases;
- › Develop pre-trial evidence for children, vulnerable victims and witnesses; and
- › Include the provision of special measures as part of a pre-trial hearing process.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Chapter 4

Recommendation 4.1

The Inspectorate recommends that the Garda Síochána conduct a review of the findings emanating from the response to the Garda Inspectorate's request for information on the management of referrals of child abuse material. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Examine why divisions did not respond to the request for information;
- › Review the packages sent to divisions from 2014 and 2015 that were still outstanding at 31 December 2016;
- › Analyse the reasons for the time taken to conduct searches by the divisions;
- › Review the searches that took place after the request date of 2 August 2016; and
- › Examine the delays in sending requests for examination of devices from divisions.

Recommendation 4.2

The Inspectorate recommends that the Garda Síochána implement a standard operating procedure for assessing, managing and investigating child abuse material referrals and for tackling online child sexual abuse. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Review the resourcing needs for pro-active operations and re-active investigations;
- › Develop a new image categorisation system in line with international best practice;
- › Develop a risk-based assessment process using a model such as the Kent Internet Risk Assessment Tool for use at all stages of investigations into CAM;
- › Activate a pro-active system such as Child Protection Systems or Round-Up that generates real time intelligence on offenders accessing CAM;
- › Ensure that Child Abuse Image Database or a derivative of this system is developed for use in CAM assessment;
- › Develop a dedicated pro-active investigation unit to tackle online abusers operating in P2P networks and those seeking to have contact abuse with children;
- › Develop a dedicated victim identification unit; and
- › Develop an information pack for suspects that includes information on suicide prevention support.

Recommendation 4.3

The Inspectorate recommends that the Garda Síochána implement a standard operating procedure for conducting searches of addresses in child abuse material cases and other cases where devices are likely to be seized. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Implement triage technology to assist with initial assessments;
- › Utilise the skills of forensic examiners at searches;
- › Provide accreditation for forensic examiners;
- › Acquire encryption technology and develop the specialist skills of examiners; and
- › Consider the assignment of forensic examiners to the Garda National Protective Services Bureau.

Recommendation 4.4

The Inspectorate recommends that the Garda Síochána, in consultation with key partner agencies, conduct an annual joint strategic assessment process on the threats posed by the internet to the safety of children. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Develop problem profiles and plans for CSE and internet-related CSA crimes;
- › Develop crime prevention plans including opportunities to promote the use of blocking, take down and filtering;
- › Develop pro-active policing approaches to tackle online CSE;
- › Combat the live streaming of on-demand abuse;
- › Target groups that produce CAM on the Darknet; and
- › Tackle the misuse of legitimate online platforms for CSE-related crimes such as the dissemination of child abuse material, grooming and child sexual exploitation.

Consider whether this recommendation and associated actions should be included as part of recommendation 2.1 to develop a national strategy.

Recommendation 4.5

The Inspectorate recommends that the Department of Justice and Equality consider introducing legislation in child sexual abuse related cases to provide power to compel any person who appears to have lawful access to a computer or other device to provide a password and any encryption key or code in order to operate that computer. Failure to comply with this requirement should be an offence. (Medium term)

To achieve the above recommendation the following key action needs to be taken:

- › To consider whether these powers should be provided with or without the authority of a warrant.



1

Chapter 1

Progress of the Implementation of Recommendations made in the 2012 Report

'In the five years since the publication of the original report in 2012 only 45% of the recommendations can be considered as implemented.'

Introduction

The Inspectorate published its original report on investigating child sexual abuse in 2012 and its findings included a number of concerns about child protection practices. These included a lack of effective inter-agency collaboration as well as ineffective investigation and prosecution practices. The Inspectorate made a number of recommendations to address these concerns.

This chapter examines the progress made to date on the implementation of these recommendations. The report contained 29 recommendations made to address gaps in the practices and procedures identified in the report. A number of the recommendations were intended to improve inter-agency working and develop more effective partnerships between the Garda Síochána and the Health Service Executive (HSE), as well as closer working relationships with relevant non-statutory agencies. A key recommendation was to establish multi-agency centres of excellence for victims of CSA. Additional recommendations related to training, investigative specialisation and the provision of a victim helpline.

It should be noted that the HSE was the competent body dealing with children at the time of the inspection. Recommendations that refer to that body are now the responsibility of Tusla, which was established on 1 January 2014.

Monitoring Progress in Implementing Recommendations

In co-operation with the Garda Síochána, the Inspectorate developed a process to monitor progress in the implementation of recommendations contained in all Inspectorate reports. In this way, the Inspectorate was able to receive regular updates on progress. However, this was a desk-based process and did not provide for a comprehensive assessment of the progress of actions taken by the Garda Síochána in response to specific recommendations.

For the purposes of this review, an up-to-date report was requested from the Garda Síochána to enable the Inspectorate to assess progress in the implementation of the report recommendations.

A detailed response, received from the Garda Síochána in November 2016, is used as the primary source of information about implementation progress, although information received after that date is also included. In November 2017, the Inspectorate met with a senior representative of the Garda National Protective Services Bureau (GNPSB) to do a final check on the information provided to ensure it was still relevant and up to date.

Using the updates, together with information provided from meetings, other data requests and field visits, the Inspectorate has assessed the level of implementation for each of the recommendations made in the 2012 report.

The results of this assessment process have been categorised into four groups as follows:

1. Implemented;
2. Not implemented;
3. Partially implemented – the Inspectorate considers that some aspects of the recommendation have been addressed;
4. Not satisfactorily addressed – actions taken to address the recommendation have not, in the view of the Inspectorate, had the intended impact.

Recommendations – Progress and Assessment

The following section examines each recommendation and includes a summary of the progress provided by the Garda Síochána and an assessment by the Inspectorate.

Recommendation 7.1

The Garda Inspectorate recommends that the Garda Síochána take every opportunity to stress that there is no place for deferential treatment in modern Irish policing.

Summary of Garda Síochána Response

The Garda Síochána advised that a third edition of the *Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare*, is currently under review by the GNPSB. In this edition, the policy will explicitly state, ‘there is no place for deferential treatment in modern

Irish policing'. The Garda Síochána has also taken the opportunity at press conferences, and in press releases, to stress that there is no place for deferential treatment in modern Irish policing. Most recently this was reiterated at the announcement of the rollout of the divisional Protective Services Units (PSUs) on 2 June 2017.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.2

The Inspectorate recommends that the Garda Síochána assign responsibility for all aspects of development of child protection arrangements to a member of assistant commissioner rank. The assistant commissioner should provide visible leadership and direction in the development of new organisational policies and structures, and in monitoring and evaluating the Garda contribution to the operation of national child protection guidelines.

Summary of Garda Síochána Response

The Garda Síochána advised that the Assistant Commissioner, Special Crime Operations was assigned overall responsibility for all aspects of child protection arrangements. The Assistant Commissioner is joint chair of a National Child Safeguarding Strategic Liaison Committee with the Chief Executive of Tusla.

On 9 March 2015, the Garda Commissioner established the new GNPSB within Special Crime Operations, which has responsibility for a number of key areas including CSA, sexual offences and domestic abuse. This bureau replaces the former Domestic Violence and Sexual Assault Investigation Unit that had responsibility for these areas. The GNPSB also now encompasses the Human Trafficking Investigation and Coordination Unit. On behalf of Assistant Commissioner Special Crime Operations, the GNPSB monitors the response to child protection arrangements throughout the State.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.3

The Inspectorate recommends that the Garda Síochána include the promotion of inter-agency working with the HSE and the development of child protection policies, practices and procedures as a priority in the organisation's business plans. The Garda Síochána should track and publish progress made in implementing change.

Summary of Garda Síochána Response

The Garda Síochána advised that its *Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare*, which includes the *Children First: National Guidance for Protection and Welfare of Children* (Children First National Guidance) document, promotes inter-agency working with Tusla. The Garda Síochána is at an advanced stage in providing Children First training to gardaí, including some inter-agency training with Tusla personnel. A detective superintendent and a detective inspector at the GNPSB represent the Garda Síochána on the Tusla National Children First Implementation Group. The Garda Síochána also advised that the 2012 Policing Plan specifically mentions pro-active co-operation with other agencies to promote child safety.

Inspectorate Assessment

The Garda Síochána 2014 Policing Plan highlighted the intention to continue to implement the Children First National Guidance and the Inspectorate recommendations contained in the 2012 report. In addition, the 2014 and 2015 Garda Síochána annual reports provide brief information on progress. The Inspectorate found limited evidence of the Garda Síochána tracking and publishing progress made in implementing change.

The Inspectorate considers this recommendation as partially implemented.

Recommendation 7.4

The Inspectorate recommends that the Garda Síochána, in co-operation with the assistant national director with responsibility for child protection in the HSE, prioritise and provide supports for inter-agency working between Gardaí, social workers and staff in child assessment units.

Summary of Garda Síochána Response

The Garda Síochána advised that as part of the National Child Safeguarding Strategic Liaison Committee a Children First Implementation Sub-Committee meets regularly to resolve issues that arise around inter-agency working. A lack of co-terminus boundaries is an issue identified as impacting on more effective joint working. Both a detective superintendent and a detective inspector from the GNPSB represent the Garda Síochána on this sub-committee. The sub-committee is currently involved in the development of an interactive digital map that will allow a user to click on any part of the country and receive contact information for the local garda superintendent and the principal social worker. In addition, the sub-committee is currently considering whether the issue of welfare referrals could be addressed by introducing a new referral form or letter, instead of a notification letter. All stakeholders agreed on revised forms for inclusion in Children First National Guidance. These forms will be included as part of Children First: Joint Working Protocol for the Garda Síochána/Tusla due to be published in December 2017.

Inspectorate Assessment

The National Child Safeguarding Strategic Liaison Committee is a useful forum to facilitate and agree actions to improve inter-agency working. Sub-committees were established to consider inter-agency issues such as missing children, the implementation of Children First National Guidance and specialist interviewing. While these issues continue to require attention and actions for improvement, there has been some progress on this recommendation.

The Inspectorate considers this recommendation as partially implemented.

Recommendation 7.5

The Inspectorate recommends that the Garda Síochána work with the HSE in addressing the barriers to joint working identified in reviews of the Children First guidelines and ensure, as far as possible, the use of shared systems and agreed records.

Summary of Garda Síochána Response

The Garda Síochána advised that a strategic committee, and a number of sub-groups, are in place to address barriers to joint working. Although technology systems are not yet linked, the Garda Síochána has supplied information to Tusla to assist in gathering data regarding child protection and welfare.

Inspectorate Assessment

Action is still required to ensure the use of shared electronic systems, agreed records and data. There are technological challenges to be overcome internally in both Tusla and the Garda Síochána to facilitate full implementation of this recommendation. Electronic sharing of child protection notifications is not yet in place and there is no reconciliation of each agency's data. Incompatible technology systems result in the continuing transfer of paper communications. The Garda Síochána is working with Tusla to address barriers to joint working but there are still many issues to be resolved, such as the electronic exchange of information.

The Inspectorate considers this recommendation as partially implemented.

Recommendation 7.6

The Inspectorate recommends the establishment, on a pilot basis, of at least two child advocacy centres in Dublin involving participation by the Garda Síochána, the HSE, and St Louise's and St Clare's assessment and therapy units. The centres should work closely with the Director of Public Prosecutions. The pilots should be monitored on an ongoing basis and evaluated within a defined time period.

Summary of Garda Síochána Response

The Garda Síochána advised that an implementation group was established with the specific purpose of developing multi-agency protocols for the operation of specialist child and adult sexual abuse centres. Currently, the intention is to develop three centres (based on the Rowan Centre model in Northern Ireland) as co-located hubs in Dublin, the southern and the northern/western regions of the country. It is proposed that each hub will have satellite locations throughout the region to provide therapeutic support. The intention is to obtain agreement to use the facilities of the Rowan Centre for victims who live in the more northern counties of Ireland. It is suggested that the first hub will be established in Galway where there is already a Child and Adolescent Sexual Assault Treatment Service in place.

A number of exploratory meetings have taken place to consider the scope, scale and design of the service. The proposed model will build on the already well-structured procedures and practices set out within Children First National Guidance and as legislated for by the Children First Act 2015. A newly developed service in London, based on the Scandinavian *Barnahus* model, is also being considered by the implementation group. A target date for establishment of the service is not yet available and is dependent upon the HSE and Tusla reaching agreement on a suitable site, as well as securing capital funding.

Inspectorate Assessment

While the proposed model is not the same as the one recommended in the original 2012 Inspectorate report, it does provide for the specialist medical, therapeutic and interviewing facilities that the Inspectorate views as critical for providing centres of excellence for child abuse victims. Even though there appear to be commitments at very high levels in the Garda Síochána and Tusla to develop child centres, there are still no centres of any type or model in operation and there has been very little progress made in the last five years.

The Inspectorate considers this recommendation as not implemented.

Recommendation 7.7

The Inspectorate recommends that Gardaí assigned to the proposed child advocacy centres should be detectives. They should be trained specialist victim interviewers and have specialist training for child sexual abuse investigations, including training for inter-agency working. They should be engaged full-time on child protection cases.

Summary of Garda Síochána Response

The Garda Síochána advised that with the regionalisation of the specialist centres as proposed by Tusla, it would not be practical to assign gardaí on a full-time basis to the centres. As outlined in the 2016 Policing Plan, the Garda Síochána is currently in the process of developing PSUs in each garda division, whose duties will include investigation of all sexual assaults. Whether the members attached to those units will be detectives is still under consideration. The PSUs will also include specialist interviewers, although not all members in the units will be trained to that level of interviewing.

A bespoke training course is under development for members who will be engaged in sexual assault investigations. It is envisaged that these new units will be the contact point for the specialist CSA centres. Phase 1 of the divisional PSU model commenced in three garda divisions, namely DMR West, Cork City and Louth, in June 2017. It is anticipated that the model will be fully rolled out to all garda divisions by the end of 2018.

Inspectorate Assessment

Following interviews with international police services and specialist child centres, the Inspectorate has reconsidered the position taken in the original report on this recommendation. There are clear advantages and disadvantages with the assignment of gardaí on a full-time basis to the proposed centres. However, in many of the policing jurisdictions visited, police officers are not co-located at the centres. The Inspectorate accepts that it is not critical for the effective functioning of the centres to have investigators co-located with other agency staff and assigned permanently to the centres.

Child specialist interviewers in other police services are not always trained detectives. However, in such circumstances, these specialist interviewers only conduct interviews with children and are not routinely assigned cases for investigation. The Inspectorate accepts that not all interviewers need to be trained detectives.

Even in the absence of the establishment of specialist child centres, it is not clear whether the Garda Síochána intends to train all investigators in the proposed divisional PSUs as detectives. The importance of specialisation in the area of interviewing and investigation of CSA cannot be underestimated and Chapter 3 fully explores this issue.

Some five years after the recommendation, gardaí who have had no specialist sexual assault training continue to investigate CSA cases. While the Inspectorate welcomes the concept of a dedicated PSU in all garda divisions, they are not yet in place.

The Inspectorate considers this recommendation as not implemented.

Recommendation 7.8

The Inspectorate recommends that counselling support be provided for (i) all Gardai working full-time in the area of sexual offences and (ii) Gardai who investigate particularly difficult cases involving grievous sexual offences.

Summary of Garda Síochána Response

The Garda Síochána advised that the Commissioner has established an independent counselling service for members of the Garda Síochána, including civilian employees and reserve members. The service, with a 24/7 helpline, was launched in June 2016. This service complements the existing critical garda support already provided by the Chief Medical Officer, the Employee Assistance Service and the Peer Support network. The independent counselling service, delivered by EAP Consultant/Carecall, is designed to support garda members, garda staff and garda reserves in resolving work and personal difficulties.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.9

The Inspectorate recommends that the Garda Síochána publish information for complainants on how, where and when they can make a complaint about child sexual abuse. This should reassure victims that it is right to report child sexual abuse, confirm that child protection is a top priority for the Garda Síochána and outline how complainants will be treated in their dealings with the Garda Síochána. It is a daunting prospect for a victim of child sexual abuse to approach the counter in a public office at a Garda station to report an offence of this kind. The Garda Síochána should devise victim-friendly options to encourage reporting of child sexual abuse. Most importantly, the information should emphasise that complainants will be believed and that their complaints will be acted upon.

Summary of Garda Síochána Response

The Garda Síochána advised that the public are already aware that complaints can be made at any garda station. The Garda Síochána Victims Charter, which is available on the garda website, provides information to victims of all types of crime and explains what a victim of crime should expect from the Garda Síochána. On 2 March 2017, the Garda Síochána launched a new 24/7 telephone helpline for victims of CSA. In conjunction with this launch, an information leaflet on the options available to people wishing to report CSA was also published. This guide is also available on the Garda Síochána website.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.10

The Inspectorate recommends that the Garda Síochána specially train a cadre of front-line Gardaí in each Garda district to take reports alleging child sexual abuse.

Summary of Garda Síochána Response

The Garda Síochána advised initially that it was not proposing to provide any specific additional training to front-line gardaí in taking the initial report of CSA, as all gardaí are already trained to take reports. In addition, each district already has a cadre of specialist interviewers and all gardaí are aware of their existence. The Garda Síochána does not consider the taking of an initial report from a victim as taking the complaint (i.e. a written statement or a child specialist interview). Garda policy is that once a report is taken, an experienced member is appointed to investigate the offence and a child specialist interviewer is assigned, where appropriate, to interview the child. It is envisaged that Level 3 (Advanced) Interviewers will be deployed to conduct all victim (in historical abuse cases) and suspect interviews in relation to all sexual assault investigations that require the submission of a file to the Director of Public Prosecutions (DPP).

In relation to the current Foundation Training Phase I programme, student gardaí receive comprehensive instruction in relation to the taking of a complaint and recording an incident from a member of the public. In addition, Phase II training for student gardaí includes training on dealing with complex assaults including sexual assaults. As highlighted earlier, the Garda Síochána is also currently in the process of creating and rolling out the new divisional PSUs and additional specialist training will be provided to investigators in those units.

Inspectorate Assessment

The essence of the recommendation was to ensure that only specially trained gardaí take any account from a victim of sexual assault. Once a member moves beyond a few basic questions about the crime reported to them, they are in effect taking on an investigative role. It was not the intention of this recommendation to include statement taking as this is covered in Recommendation 7.11. While the initial response of the Garda Síochána was to reject this recommendation, the publication

of the Modernisation and Renewal Programme 2016-2021 has indicated a greater emphasis on specialisation in the investigation of CSA. The decision to create new divisional PSUs provides an opportunity to train members in those units to enable them to take reports from victims and witnesses in sexual assault cases.

The Inspectorate considers this recommendation as not implemented.

Recommendation 7.11

The Inspectorate recommends that only specially trained Gardaí take statements from child and adult victims of child sexual abuse.

Summary of Garda Síochána Response

The Garda Síochána advised that its *Investigative Interviewing Policy and Manual of Guidance for Investigative Interviewing* was issued on 31 March 2014. This policy directs that only specialist interviewers will interview child victims and vulnerable adults in sexual abuse cases. The policy also directs that specialist interviewers should interview adult victims, but that child victims must take priority. The Garda Síochána is in the process of training Level 3 (Advanced) Interviewers with the skills necessary to take good statements from adult victims and witnesses and to provide enhanced skills to conduct effective interviews with suspects.

Training for Level 3 interviewing, and garda policy, makes it clear that all sexual crimes are serious. Indeed, a considerable part of the interview training is dedicated to interviewing people for sexual crime offences. Level 4 interview co-ordinators/advisers are also being trained to co-ordinate the interview process in more complex cases. The training of members in respect of this recommendation is ongoing. This matter is being further refined with the introduction of divisional PSUs.

Inspectorate Assessment

The Inspectorate acknowledges that specialist interviewers are taking statements from child victims up to the age of 14 and on some occasions from older children. It is, however, much rarer for child specialist interviewers to take statements from vulnerable adults. This review has found that in most cases, adults coming forward to report

historical abuse had statements taken by gardaí who are not specialist interviewers and who have not had any specialist sexual assault training. The Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare highlights that Level 3 Interviewers should be considered when taking a statement from an adult victim of CSA. This review found an absence of this type of action and indeed, there is a dearth of Level 3 trained members. Most investigators interviewed by the Inspectorate stated that they had not read the policy, had received no training on it and were unaware of the need to consider the use of Level 3 trained Interviewers.

The Inspectorate considers this recommendation as not implemented.

Recommendation 7.12

The Inspectorate recommends that Garda help lines for reporting of allegations of child sexual abuse be staffed on a 24/7 basis and that use of automated answer lines be discontinued.

Summary of Garda Síochána Response

The Garda Síochána advised that the Garda Commissioner launched a new 24/7 telephone line for victims of CSA on 2 March 2017.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.13

The Inspectorate recommends that the Garda Síochána continue to develop and maintain close working relationships with non-statutory organisations that provide support and services for victims of child sexual abuse. Informal relationships with non-statutory organisations should be underpinned by formal protocols on matters such as sharing of information and referral processes.

Summary of Garda Síochána Response

The Garda Síochána advised that the Sexual Crime Management Unit (SCMU) at the GNPSB is the single point of contact for engagement with non-statutory groups. Current legislation does not allow for the sharing of information with

organisations other than Tusla, except where there is an imminent serious risk of harm to a person or persons. Even then, the non-statutory organisation will only be told in order to prevent that harm.

The proposed co-location of a Sex Offenders Risk Assessment and Management (SORAM) office would also be of assistance in this regard. In accordance with the Garda Síochána *Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare*, a member of inspector rank is appointed in each division to liaise with local Non-Governmental Organisations (NGOs).

It also stipulates that a sergeant or member of garda rank be appointed in each district or station to fill the liaison role and make available information regarding the various services available. Gardaí are instructed to offer to contact/make referrals to NGOs on behalf of victims, with their consent. The Garda Síochána has developed calling cards with the details of certain NGOs on the reverse side.

A Garda Victim Services Office was established in each division, which includes as part of its remit:

- Relevant support information for the victim and their circumstances;
- Information about external services which are provided by other State agencies in the criminal justice system; and
- Any other information that the Garda Síochána deems appropriate in the circumstances.

Inspectorate Assessment

There are examples of increased engagement between the Garda Síochána and non-statutory organisations that support victims of CSA. However, some of the actions have yet to come to fruition, such as the calling cards that are not yet in use. In addition, the reference to the Victim Services Offices is confusing, as they do not currently provide services in sexual abuse cases. It is also unclear how the co-located SORAM office will assist with providing services to victims of crime.

The Inspectorate considers this recommendation as partially implemented.

Recommendation 7.14

The Inspectorate recommends that the Garda Síochána continue to deter the small minority of people who make false complaints of child sexual abuse by gathering sufficient evidence in such cases to prosecute them.

Summary of Garda Síochána Response

The Garda Síochána advised that it is already policy to gather evidence and prosecute the small minority who make false complaints of CSA. The *Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare* states: 'False allegations of sexual crime are not common. Where members are concerned as to the veracity of any complaint, or any element of the complaint, the complaint will still be fully investigated and any concerns will form part of the investigation and outlined in the investigation file submitted to the DPP. Members must not display any concerns regarding veracity to the victim unless evidence is available which shows that the complaint is false. Where evidence is available that a complaint is false, members will consider forwarding a file to the Director of Public Prosecutions regarding any disclosed breach of Section 12 of the Criminal Law Act 1976.'

Section 5 of the Protections for Persons Reporting Child Abuse Act, 1998 also applies in respect of false reports of child abuse. Gardaí are again reminded that it 'may be necessary to submit a file to the Law Officers where breaches of Section 12 of the Criminal Law Act 1976 or Section 5 of the Protections for Persons Reporting Child Abuse Act 1998 are disclosed' in the context of persons withdrawing complaints of sexual crime.

Inspectorate Assessment

The Inspectorate notes that investigations into false complaints of CSA sometimes take place, however, identified cases and prosecutions are very rare.

The Inspectorate considers this recommendation as implemented.

Recommendation 7.15

The Inspectorate recommends that the Garda Síochána develop further specialisation in the area of child sexual abuse and, in particular, move away from the current practice whereby the Garda who takes the initial report is the investigating Garda.

Summary of Garda Síochána Response

The Garda Síochána advised that all gardaí are competent to take the initial report of CSA. Garda policy directs that only the more experienced members should investigate such crimes and that the district officer must ensure that adequate resources are assigned to such investigations. When there is a large-scale CSA investigation and there are no specialist units in an area, the GNPSB provides specialist support and either assists in co-ordinating the investigation or takes direct control of the investigation. Ms. Emily Logan's special enquiry under Section 42 of the Garda Síochána Act 2005, published in March 2014, contained a recommendation (at 4.7) concerning the development of a 'national model for child protection'. The GNPSB is tasked with developing such a model.

As outlined in the 2016 Policing Plan, the Garda Síochána is currently in the process of developing PSUs in each division whose duties will reflect those of the GNPSB. While the assignment of detectives to those units is still under consideration, specialist interviewers will be included, although not all members in the units will be trained to that level. There is also a commitment in the Garda Síochána Modernisation and Renewal Programme 2016-2021 to put more of an emphasis on specialisation in the investigation of CSA.

Inspectorate Assessment

This review has found that it is still common practice for the garda member who takes the initial incident report from a victim of CSA to become the investigator of the case, irrespective of their skills and experience. In all of the visits made to other police services during this review, the Inspectorate found that only police officers who have received specialist sexual assault training are assigned to investigate CSA. It is only recently that the Garda Síochána has announced the roll-out of divisional PSUs and a commitment to use specially trained

investigators in sexual assault cases. It is also still the case that there is no specialist sexual crime training course in existence.

The Inspectorate considers this recommendation as not implemented.

Recommendation 7.16

The Inspectorate recommends that every reported case of child abuse be the subject of a formal risk assessment.

Summary of Garda Síochána Response

The Garda Síochána advised that it recognises its responsibilities and its extremely important role in child protection and child welfare. Every reported case of child abuse is notified to Tusla, along with all relevant information (including child interviews) to conduct a child protection risk assessment.

In accordance with the revised Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare and Children First National Guidance, members of the Garda Síochána attend strategy meetings and Child Protection Conferences when requested. This is necessary to provide all relevant information to Tusla in order that an appropriate child protection risk assessment may be carried out. For example, garda policy outlines to members the matters to be considered when deciding whether to remove a child to safety, pursuant to section 12 of the Child Care Act, 1991. It is anticipated that the sexual abuse centres outlined in Recommendation 7.6 will assist in achieving that aim. The co-located SORAM office at GNPSB would also be of assistance in this regard, as it involves the risk assessment and management of convicted sexual offenders.

Inspectorate Assessment

The Inspectorate acknowledges the contribution made by the Garda Síochána to assist Tusla social workers to be in a position to conduct formal risk assessments. However, this recommendation was aimed towards risk assessment conducted by gardaí at the time of dealing with an incident. Action would include gathering information and assessing the identified risks. This approach was found to be a positive feature in other policing jurisdictions. At present, there is no such formal

risk assessment used by the Garda Síochána, although the Inspectorate was informed that there are plans to introduce a formal risk assessment model on PULSE for sexual abuse and domestic abuse cases.

The Inspectorate considers this recommendation as not implemented.

Recommendation 7.17

The Inspectorate recommends that the Office of the Minister for Children¹ be asked to consider revision of the child protection notification forms used by the Garda Síochána and the HSE to provide for recording of the date of the initial report of child abuse.

Summary of Garda Síochána Response

The Garda Síochána advised that the Department of Children and Youth Affairs has reviewed the Children First National Guidance that includes the child protection notification forms used by the Garda Síochána and Tusla. Revised forms are now included in a separate Joint Working Protocol between Tusla and the Garda Síochána. This will allow future changes to the joint protocols to take place without the need to amend the Children First National Guidance.

Inspectorate Assessment

The Inspectorate was provided with a copy of the new notification form and the date of the initial report is now included in the information that is required.

The Inspectorate considers this recommendation as implemented.

Recommendation 7.18

The Inspectorate recommends that the Office of the Minister for Children and Youth Affairs be asked to consider a revision to Children First such that the guidelines state explicitly that prosecution of a sexual offence against a child will be considered within the wider objective of child welfare/protection.

Summary of Garda Síochána Response

The Garda Síochána advised that a letter was sent by Assistant Commissioner Special Crime Operations to the Chief Executive of Tusla

requesting that the Minister for Children and Youth Affairs consider this recommendation. A reply was received from the Chief Executive of Tusla indicating that this will be considered.

Inspectorate Assessment

It was decided, following consideration of the Inspectorate's recommendation, that it was not possible to explicitly state in Children First National Guidance that a prosecution would be considered within the wider objective of child welfare. However, on the basis that the recommendation was considered, the Inspectorate assesses this recommendation as implemented.

Recommendation 7.19

The Inspectorate recommends that the Garda Síochána review the timeliness of child sexual abuse investigations with a view to having all but complex and difficult investigations completed within three months.

Summary of Garda Síochána Response

The Garda Síochána advised that a HQ Directive issued in 1998 directs that all but the most complex or time-consuming investigations should be submitted to the DPP within three months. However, the experience of the Garda Síochána is that sexual crime investigations tend to be among those that are complex and time consuming. The SCMU has the task of monitoring the progress of selected reports of sexual crime, including child abuse, for quality assurance purposes, and to ensure the investigations are conducted professionally and expeditiously. In addition, a 2012 HQ Directive introduced sexual and child welfare incident Key Performance Indicators (KPIs) on the PULSE system to inform local and national garda management on a weekly basis about the progress of investigations. The SCMU in the GNPSB utilises these KPIs in its quality assurance assessments.

Inspectorate Assessment

The essence of this recommendation is to reduce the length of time taken to conduct an investigation into CSA. In responding to this recommendation, the Garda Síochána advised that it has introduced a KPI tracking system that informs local and national management of the progress of such investigations. However, the issue in relation to dealing with cases within three months or identifying whether a case

is complex and time consuming does not appear to feature in this tracking system.

The timeliness of investigating CSA is explored in Chapter 3 and the findings of an examination of over 200 investigation case files shows that the time taken to complete most investigations well exceeds three months.

The Inspectorate considers this recommendation as not satisfactorily addressed.

Recommendation 7.20

The Inspectorate recommends that, from the outset, Garda investigative strategies take account of the likelihood that a victim of child sexual abuse may refuse to make a formal statement or, having made one, may withdraw it at a later date. Investigative strategies should aim to:

- Achieve corroborating evidence without delay.
- Take the victim statement as soon as possible after the initial report is made so as to minimise the time available for the victim to be influenced to withdraw cooperation.
- Adopt any and all safeguarding options open to the Gardaí and social workers if there is any continuing risk, high or low, to the well-being of the victim or other person.
- Review cold cases periodically taking account of any changed circumstances that may prompt new criminal justice options.

Summary of Garda Síochána Response

The Garda Síochána advised that it is already its policy to investigate all complaints of CSA, even when the complaint is withdrawn. Furthermore, the KPIs previously mentioned allow district officers to follow the progress of all investigations and ensure that they are completed. It has always been garda policy to take the complainant's statement as soon as possible. It is also policy to notify Tusla of all such investigations, whether or not a formal complaint has been made.

Gardaí are also instructed to use the appropriate powers in relation to the protection of children. Specialist interviewers are available throughout the country to interview children under the age of 14 years and persons with intellectual disabilities. Level 3 (Advanced) interviewers are currently being trained throughout the country and are competent to interview all other vulnerable witnesses.

The SCMU is tasked with evaluating and monitoring selected investigations of clerical child abuse, child neglect and certain sexual offences. This is to ensure that investigations are receiving the appropriate attention and being brought to a prompt conclusion in accordance with best practice in investigation methodology.

Inspectorate Assessment

This recommendation specifically focuses on the creation of an investigative strategy to ensure that victims and witnesses assist with garda investigations, in a timely and comprehensive manner. Chapter 3 includes the Inspectorate findings from a critical analysis of over 200 garda investigation files and the associated PULSE incident records. During the examination of these cases, the Inspectorate did not find a single recorded investigative strategy on which to test the implementation of the recommendation.

This recommendation intended to cater for situations where a victim refused to make a formal statement of CSA or where a previously made formal statement was later withdrawn. As both of these situations are common in cases of CSA, investigation strategies need to take account of them and ensure efforts are made to minimise their impact on an investigation. One of the most important aspects of any investigation strategy should be the speed with which statements are taken and safeguarding is put in place. During this review, the Inspectorate found limited evidence of urgency to obtain victim and witness statements and often there were significant and unexplained delays in doing so. There was also very little recorded evidence to show what efforts were made to persuade a victim not to withdraw their original statements of complaint.

The Inspectorate considers that this recommendation is not satisfactorily addressed.

Recommendation 7.21

The Inspectorate recommends that the Garda Síochána consider the option of seeking a search warrant in any case where difficulties are encountered, or are likely to be encountered, in obtaining, by voluntary means, church or other documentation that is believed to contain evidence for the purpose of a prosecution.

Summary of Garda Síochána Response

The Garda Síochána advised that its policy is to consider applications for search warrants in all cases where difficulties are expected or encountered in obtaining evidence of any crime. Indeed, it would often be garda practice to make an application for a warrant to search premises even where no difficulties are expected. This action is taken to reduce any legal challenges regarding the issue of consent.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.22

The Inspectorate recommends two categories of positive outcomes of Garda investigations into child sexual abuse as follows:

- Number and proportion of cases in which prosecutions were directed by the Director of Public Prosecutions.
- Number and proportion of cases not prosecuted in the interest of the welfare of the child victim and where concerns for the welfare of other children were met.

Summary of Garda Síochána Response

The Garda Síochána advised that it has agreed to take into account the Inspectorate's recommendation of two categories of positive outcomes of garda investigations into CSA, in addition to any other factors encountered that might impact on successful outcomes in the detection, investigation and prosecution of CSA cases. This requirement will be communicated to all superintendents.

A briefing document is being prepared outlining the requirements of the recommendation for the Information Technology Section, in order that the appropriate additions can be considered for the PULSE system. The Garda Síochána has also consulted with the DPP on cases not prosecuted in the interest of the welfare of the child victim. It has advised that unfortunately it would not be possible to provide this information.

Inspectorate Assessment

The Inspectorate notes the position of the DPP that it is not possible to provide information on the number and proportion of cases not prosecuted in the interests of the welfare of a child victim. It is also noted that the Garda Síochána has agreed to record the number and proportion of cases where prosecutions were directed by the DPP, however, the process to put this in place has not been completed.

The Inspectorate considers this recommendation as partially implemented.

Recommendation 7.23

The Inspectorate recommends that when it is established that a complaint of child sexual abuse is false, the Garda Síochána should immediately inform the person against whom the complaint was made.

Summary of Garda Síochána Response

The Garda Síochána advised that this is already the standard practice.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.24

The Garda Inspectorate recommends that the Garda Síochána put arrangements in place to ensure that a person who is the subject of an allegation of child sexual abuse is informed without delay of a decision by the Director of Public Prosecutions not to prosecute.

Summary of Garda Síochána Response

The Garda Síochána advised that this is already the practice.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.25

The Garda Síochána should, as required by policy, “immediately” create an offence record on PULSE of each complaint of child sexual abuse. Ideally, the policy should set a specific time limit.

Summary of Garda Síochána Response

The Garda Síochána advised that a HQ Directive published in 2014 stated that all CSA crimes should be recorded on PULSE immediately upon a member becoming satisfied that there are reasonable grounds for believing that an offence has occurred and there is no credible evidence to the contrary. Gardaí are required to create an offence record on PULSE immediately after taking a report of CSA. There is no time limit applied, as the incident should be recorded on PULSE immediately after the garda takes the report of the incident. All operational superintendents are required as a matter of policy to examine and monitor the timeliness of incident recording. To assist this process, weekly KPI reports are available to local garda management. Any issues of delay in recording crimes should be addressed as a matter of urgency.

Inspectorate Assessment

This recommendation was made to address the non-recording of CSA crimes and the timeliness of recording crimes on PULSE. While the Inspectorate notes the contents of the garda policy, the introduction of a KPI report and the issuing of a HQ Directive, this review has found that many of the same poor recording practices identified in the original inspection still exist.

The Inspectorate considers this recommendation as not satisfactorily addressed.

Recommendation 7.26

The Inspectorate recommends that the Garda Síochána Professional Standards Unit have a role in ensuring adherence to crime counting rules and other Garda directives on crime recording. The Unit should be in a position to provide quality assurance on PULSE records to the Central Statistics Office, the body with responsibility for publication of crime statistics.

Summary of Garda Síochána Response

The Garda Síochána advised that the GPSU conducts audits of garda districts, divisions, regions and other sections to identify gaps between policy and practice (per 2007 HQ Directive). Part of these audits now includes ensuring adherence to crime counting rules and other garda directives on crime recording. Therefore, the GPSU has an important role in quality assuring crime data that is supplied to the Central Statistics Office. The GPSU pays particular attention, in the course of its audits, to CSA and welfare of children reports. It should also be noted that district and divisional officers utilise the Sexual Incident and Child Welfare KPI reports introduced by a 2012 HQ Directive to ensure that all allegations of CSA are dealt with appropriately and in a timely manner so that the best possible service is provided to victims and their families.

Inspectorate Assessment

Recommendations 7.25 and 7.26 are linked as they both address concerns regarding the adherence to the crime counting rules and recording practices relating to allegations of CSA. Recommending that the GPSU provide quality assurance to the records provided to the Central Statistics Office was considered important to ensure confidence in the national crime recording system. While it is acknowledged that the GPSU now examines PULSE incident records as part of its normal audits, the results are not an endorsement of adherence to the crime counting rules. There is no service-wide examination or assessment of the level of compliance. Indeed, in some of the GPSU divisional examination reports provided to the Inspectorate and following this review, the Inspectorate has found many cases of non-compliance with the crime counting rules.

The Inspectorate does not consider that the current role performed by the GPSU provides sufficient quality assurance that crimes and detections are accurately recorded in accordance with the crime counting rules.

The Inspectorate considers this recommendation as not satisfactorily addressed.

Recommendation 7.27

The Inspectorate recommends that, in the interest of quality assurance, the services of the Garda Síochána Information Centre (GSIC) at Castlebar be used to enter records of sexual offences on PULSE.

Summary of Garda Síochána Response

The Garda Síochána advised that a Garda HQ Directive published in 2011 provides for the utilisation of the Garda Information Services Centre (GISC) in entering records of all sexual offences on the Garda PULSE system. GISC is also tasked with reviewing all sexual incidents recorded on PULSE.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.28

The Inspectorate recommends that Garda efforts in tracing unaccompanied minors who go missing from State care be at least sustained, and if possible increased, in the interest of the young people concerned, and as a demonstration of the State's commitment to countering any possible means of human trafficking. The Garda Síochána should collate information on the circumstances in which those who go missing are traced.

Summary of Garda Síochána Response

The Garda Síochána advised that it is always seeking to improve its methods of investigation, including the tracing of all minors who go missing from State care. The Child Rescue Ireland Alert system, introduced in May 2012, is one such example. With a view to improving the garda response to the issue of unaccompanied minors, the missing children sub-committee of the National Child Safeguarding Strategic Liaison

Committee works to resolve issues relating to the recording of missing children. The sub-committee also assists in policy development relating to actions to be taken by the Garda Síochána and Tusla regarding children missing from care and/or unaccompanied minors. In addition, the Garda National Immigration Bureau is actively addressing this issue in conjunction with other State agencies. At the behest of the Garda Síochána, a sub-group under the National Child Safeguarding Strategic Liaison Committee was established in March 2016 to review procedures and issues concerning alleged exploitation of children in care.

Inspectorate Assessment

The Inspectorate considers this recommendation as implemented.

Recommendation 7.29

The Inspectorate recommends further investments of staff and resources in the countering of child sexual abuse offences on the internet. Law enforcement efforts should be complemented by preventive measures, including education of children about safe surfing on the internet.

Summary of Garda Síochána Response

The Garda Síochána has advised that it takes all opportunities to educate children about safe surfing on the internet. This takes the form of articles about the GNPSB in newspapers and magazines, as well as presentations to many children's organisations in relation to child abuse and the use of technology. The organisations involved include the Irish Sports Council and the National Youth Council of Ireland (and their affiliate organisations), along with child and adolescent mental health services, such as St Patrick's Hospital. Members from the GNPSB helped in the development of the 'Get With IT!' series of booklets developed by the Office for Internet Safety. Members of the GNPSB also provided training to crime prevention officers in Community Relations Section to enable them to disseminate crime prevention advice on internet safety to local communities. Frequently Asked Questions on the garda website explain where to go for information on internet safety. The position in relation to further investments in staff and resources is that a selection process for

additional resources has taken place and some of those resources are in post to augment the current staffing levels in the GNPSB.

Inspectorate Assessment

The Inspectorate acknowledges that there are crime prevention initiatives in place to ensure that children are aware of the dangers that the internet poses. However, there are significant and growing challenges in investigating internet related child sexual abuse and child sexual exploitation. The Inspectorate welcomes the increase in resources for the GNPSB, but those resources are newly in place and at the early stages of development. The Inspectorate believes that there is a need for the Garda Síochána to provide sufficient resources in the GNPSB to ensure that there is a more proactive garda presence on the internet.

The Inspectorate considers this recommendation as partially implemented.

Summary

The Inspectorate completed its work for the original inspection in 2010, although the final report was not published until 2012.

This chapter has examined the 29 recommendations contained in the 2012 report and following an assessment of the progress on implementation, the Inspectorate considers that:

- > Thirteen are implemented;
- > Six are not implemented;
- > Six are partially implemented; and
- > Four are not satisfactorily addressed.

In the five years since the publication of the report and despite numerous working groups, meetings and actions agreed by the Garda Síochána and other partner agencies, only 45% of the recommendations can be considered as implemented. A further 21% of the recommendations are determined as partially implemented. Overall, the Inspectorate is concerned about the limited progress made in the implementation of the recommendations.

One of the features of concern is the time taken to progress some of the recommendations such as the introduction of a victims helpline, which was finally introduced in March 2017.

While accepting that not all recommendations are the sole responsibility of the Garda Síochána, the Inspectorate is disappointed that six of the recommendations remain not implemented. This has resulted in less effective services to victims and their families that fall short of best international practice. For example, while the Inspectorate was informed that an alternative model to the recommended Child Advocacy Centres (Recommendation 7.6) has been identified, no actual centres are in place. The fact that the recommendation has seen little progress means that the development of holistic services to victims of child sexual abuse is still at a discussion stage. This was a very important recommendation in the report and it is disappointing to see that limited progress has been made.

It was also very disappointing for the Inspectorate to find that inexperienced and untrained gardaí are still involved in all stages of child sexual abuse investigations, in taking initial accounts from victims, obtaining victim and witness statements and dealing with suspects. This approach is not used in any of the other police services visited during this review and is not regarded as good practice.

Ultimately, many of the recommendations made in the original inspection report were aimed at improving the services provided to victims of child sexual abuse. The limited progress in implementing many of the recommendations means that the intended benefits have not yet been realised. This is disappointing and, in the Inspectorate's opinion, this has had a negative impact on the services currently delivered to victims.

In some cases, the Garda Síochána reported that a recommendation was implemented by virtue of the publication of a policy or a directive. However, this step alone is insufficient to bring about the necessary change.

There are a number of instances where the Garda Síochána has taken some action in an effort to address a recommendation but this action has not fully dealt with the issue. For example, the introduction of KPI reports on sexual incidents and child welfare cases was designed to improve data gathering and monitoring of the timeliness of a child sexual abuse investigation. However,

this review has found that KPIs are having no discernible impact on performance in this area.

The decision to introduce divisionally based PSUs is a major shift in garda policy and deals with some important recommendations that were made in the *Crime Investigation (2014)* report. The Inspectorate welcomes this development and believes that they also have the potential to address many of the outstanding recommendations from the original report as well as areas of concern found during this review.





2

Chapter 2

Child Protection and Multi-Agency Working Arrangements

'A national strategy for child sexual abuse, child sexual exploitation and online risks to child safety is required to make Ireland a safer place for children.'

Introduction

In Ireland, there are two key agencies involved in the day-to-day protection of children, the Garda Síochána and Tusla, the Child and Family Agency.

The latest version of *Children First: National Guidance for the Protection and Welfare of Children* (Children First National Guidance), published in October 2017, outlines the role of the Garda Síochána in cases of child sexual abuse (CSA) and neglect. The role of the Garda Síochána stems from its responsibility to protect the community and to bring offenders to justice. Where it is suspected that a crime has been committed, the Garda Síochána has overall responsibility for the direction of any criminal investigation. The specific role of Tusla is to take appropriate action to promote the welfare of children who are at risk of not receiving adequate care and protection.

At both national and local levels, the Garda Síochána and Tusla have responsibility for ensuring that the Children First National Guidance is implemented and, where necessary, that they intervene to keep children safe. For child protection purposes, social workers in Tusla operate under the Child and Family Agency Act 2013 and the Child Care Act, 1991. Garda functions and responsibilities, such as protecting life and vindicating the rights of each individual, are contained in Section 7(1) of the Garda Síochána Act, 2005. The Garda Síochána is also conferred with certain powers under the Child Care Act, 1991 to promote the protection of and welfare of children, including the removal of children to safety without warrant.

Child abuse and child neglect have no social boundaries and can occur within the family setting, in a local community or in an institutional setting. In many cases, the child may know the abuser and an abuser can also be another child. Some children may be more vulnerable than others to abuse and, within a family, risk factors include drug or alcohol misuse, domestic abuse and mental health. Children in care or those with a disability may be more vulnerable to exploitation or abuse.

Not all notifications of concern about children require a joint-agency response, but in cases that are more serious agencies need to work together to achieve the best possible outcome for the child.

This chapter examines the national and local multi-agency working arrangements in operation, assesses the progress made since 2012 and highlights areas where the Inspectorate believes that further work is required. In particular, it examines in detail the notification process between Tusla and the Garda Síochána for referring child protection and child welfare cases. The chapter also looks at the arrangements in place in other jurisdictions to establish international best practice.

Finally, this chapter examines how agencies assess and manage child abuse cases and convicted sex offenders who pose a risk to child safety.

Primary Agencies in Child Protection

The Garda Síochána and Tusla are the primary agencies responsible for the operation of child protection and the implementation of the Children First National Guidance arrangements. Both organisations have undergone changes in recent years and this affects both the national and local working arrangements.

Tusla

The establishment of Tusla in January 2014 was a significant change in child protection in Ireland. Tusla is responsible for family support, protection and welfare of children and ‘children in care’ under the Child Care Act, 1991. The Department of Children and Youth Affairs (DCYA) has oversight of Tusla regarding the implementation of policy and the effective delivery of child welfare and protection services.

Tusla has the primary responsibility to support and promote the development, welfare and protection of children and the effective functioning of families. This may include the provision of alternative care or family and community support programmes in relation to children.

Tusla should always be informed when a person has reasonable grounds for concern that a child may have been, is being or is at risk of being abused or neglected. Tusla is obliged to co-ordinate information from all relevant sources about a child who may not be receiving adequate care and protection.

The guiding principles concerning reporting child abuse or neglect may be summarised as follows:

- The safety and wellbeing of the child must take priority; and
- Reports should be made to Tusla without delay.

All statutory, voluntary and community organisations working with and in direct contact with children are required to have procedures and guidelines aligned with Children First National Guidance. Tusla provides support to such organisation through Children First Information and Advice Officers.

Tusla social workers have responsibility for assessing child welfare and child protection concerns and for supporting families who have difficulties in managing their children. On some occasions, this may include referring cases to other services and finding alternative care if the child cannot remain at home. Tusla social workers notify and work with the Garda Síochána where, following a social worker’s assessment, there is concern that a child has been wilfully neglected or physically or sexually abused.

The Garda Síochána

A major change to the structure of the Garda Síochána occurred in 2016 with the creation of a new national unit called the Garda National Protective Services Bureau (GNPSB). The Inspectorate welcomes the expansion of the role of the former Domestic Violence and Sexual Assault Investigation Unit into the newly established GNPSB.

The responsibilities of the GNPSB very much reflect those of the specialist Public Protection Units (PPUs) in place in other similar jurisdictions.

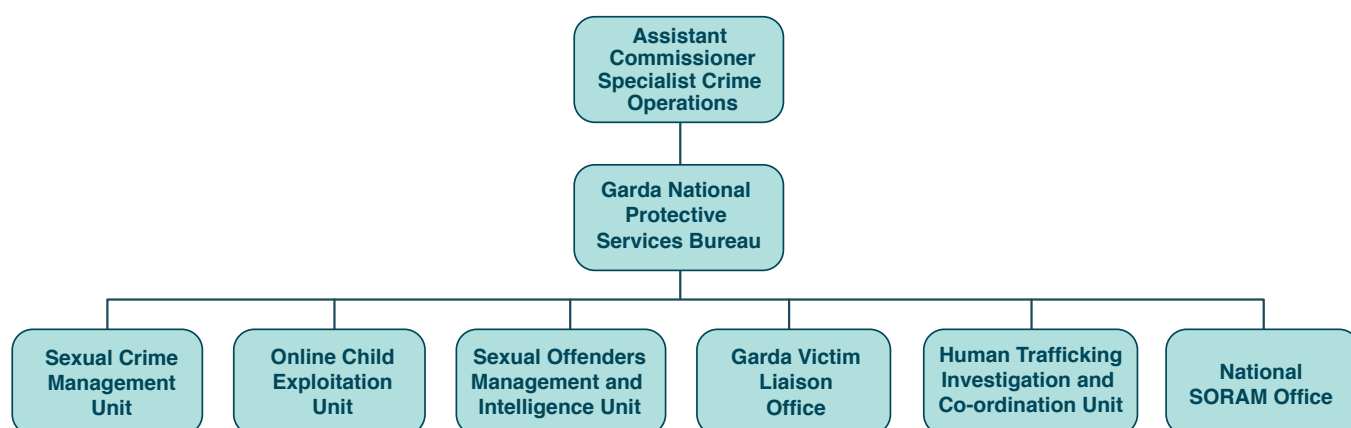
The GNPSB provides the garda response to CSA and child protection matters and has responsibility for developing garda policies in this area. It also provides garda representation on many of the multi-agency groups that consider the national position in relation to child protection and child welfare practices. However, while a roll-out of divisionally based garda Protective Services Units (PSUs) to support the work of the GNPSB has commenced, this is still at a very early stage and most divisions have no specialist unit in place.

Figure 2.1 shows the structure of the GNPSB and the different units that operate within it. Further detail on the operating practices of these units is provided in the following chapters.

Tusla and the Garda Síochána Children First Joint Working Protocol

As part of Children First National Guidance a revised protocol between Tusla and the Garda Síochána (Children First Joint Working Protocol) is in draft stage and at the time of finalising this review it was due to be formally agreed. This articulates how the two agencies will co-operate and interact to deal with child welfare and child protection concerns. This protocol covers the formal communication that is required in connection with notifications of child welfare or protection concerns as well as the need for record keeping about joint working and decisions made.

Figure 2.1 Garda National Protective Services Bureau – Structure and Responsibilities



Source: Data supplied by the Garda Síochána; Figure created by the Garda Inspectorate

Organisational Structures and Co-location of Staff

During the course of this review, the majority of senior managers from agencies, including Tusla and the Garda Síochána, described the general absence of co-terminosity of organisations as a major obstacle to more effective partnership working. This view was also expressed during the original inspection in 2012.

Tusla is organised into 17 service areas supervised by area managers. These areas are grouped into four regions led by a service director who reports to the Chief Operating Officer who is part of the national management team. This structure is very different to the operational structure of the Garda Síochána that has 28 divisions, mostly aligned to county boundaries, led by chief superintendents. These divisions are grouped into six regions led by assistant commissioners who are part of the Garda Síochána senior management team. In practical terms, this means that senior managers in Tusla and the Garda Síochána may have to deal with two different counterparts regarding child protection issues in their designated areas. This in itself may not always be an obstacle to effective joint-agency working but this review will show that there are often variations in the way that individual Tusla areas and garda divisions operate.

Added to this are other organisational structures of relevant stakeholders, such as local government functions that are exercised by 31 local authorities termed as county, city, or city and county councils.

While the reorganisation of local authority boundaries resulted in more divisions becoming co-terminus with a single local authority, some garda divisions deal with more than one local authority.

For child protection purposes, the co-location of agency staff is very much limited to the National SORAM Office, which brings together a number of agencies to assist in the management of sex offenders.¹ In November 2017, a senior representative of the GNPSB informed the Inspectorate that a National Child Protection Office was recently established with a senior

representative from Tusla co-located within the offices of the GNPSB. The intention is for the post holder to perform a liaison role in order to address some of the barriers to more effective joint working.

At a local level, the Inspectorate did not find any examples of the co-location of Tusla and Garda Síochána staff. While there are proposals to co-locate some Tusla and Garda Síochána resources at a divisional level, the Inspectorate had expected to see this area developed further following the original inspection in 2012.

Legislative Changes

Since the original inspection in 2012, there have been a number of significant legislative changes. The principal change in legislation is the enactment of the Children First Act 2015. This places some of the key elements of Children First National Guidance on a statutory basis.

This provides for:

- › Mandatory reporting of suspected child abuse by key professionals;
- › An obligation on mandated persons to provide assistance in order to aid Tusla to assess the risk to a child;² and
- › Comprehensive risk assessment and preparation of Child Safeguarding Statements by agencies.

The 2015 Act is part of a suite of legislation to protect children, which also includes:

- › Criminal Justice Act 2006;
- › Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012;
- › National Vetting Bureau (Children and Vulnerable Persons) Acts, 2012–2016;
- › Criminal Justice (Victims of Crime) Act 2017; and
- › Criminal Law (Sexual Offences) Act 2017.

All outstanding sections of the Children First Act 2015 are due to be commenced in December 2017.

1 SORAM stands for Sex Offender Risk Assessment and Management

2 As defined in Children First National Guidance, mandated persons are people who have contact with children and/or families and who, because of their qualifications, training and/or employment role, are in a key position to help protect children from harm.

Changes to National Multi-Agency Working Arrangements

Since the original inspection in 2012, there have been a number of significant changes in multi-agency arrangements. This section looks at some of the drivers for changes in the national working arrangements between the Garda Síochána and other agencies and also looks at some of the multi-agency forums now in operation.

Mott MacDonald National Review of Sexual Abuse Services for Children and Young People

An important review of multi-agency working arrangements was published in 2011 around the time that the original Inspectorate report was completed. The National Review of Sexual Abuse Services for Children and Young People, commissioned by the Health Services Executive (HSE) and carried out by Mott MacDonald consultancy group, was intended to establish a baseline review of the existing services for children and to identify actions to improve those areas.

The review highlighted a number of good practices including:

- Availability of seven specialist child interview suites across the country;
- Provision of 24-hour access to emergency residential care and multi-disciplinary teams in Dublin, Cork and Waterford;
- Availability of 24/7 Sexual Assault Treatment Units in Dublin, Cork, Letterkenny, Galway, Mullingar and Waterford; and
- Provision of trained community and acute paediatricians across the country.

The review also identified a number of concerns in relation to CSA and child protection including:

- A lack of consistency and a standardised model;
- Little inter-agency work;
- Inconsistent adherence to the national policy for joint interviewing;
- Absence of standards for forensic examination; and
- No out of hours social work service.

Overall, the review pointed to the need for all services to be underpinned by the same standards and principles of care, such as child centred, agency collaboration and working to common standards. The review recommended that most child interviews should be jointly conducted by social workers and gardaí, but noted they were not being performed in this way.

The review made eight recommendations in relation to service provision outside of normal working hours, service consistency, training standards, agency interaction and information sharing. Some of these issues were included in the Inspectorate's Responding to Child Sexual Abuse (2012) report and this review will show that many of the same matters remain unresolved today.

Children First Inter-Departmental Implementation Group

The Children First Inter-Departmental Implementation Group (CFIDIG) was established in May 2016 following a provision in the Children First Act 2015. It was preceded for a number of years by a non-statutory inter-departmental implementation group, the main function of which was to monitor implementation of the existing Children First National Guidance, address any cross-departmental issues arising, and assist in the development of the Children First legislation.

The CFIDIG is chaired by the DCYA and has membership from each government department, plus a representative from Tusla, the Garda Síochána and the HSE. It provides a forum for representatives from organisations with significant child protection responsibilities to raise child welfare and protection issues of general concern, or issues with a cross-departmental or cross-sectoral dimension.

The functions of the CFIDIG are to:

- Promote compliance by government departments with their obligations under the Act;
- Monitor the implementation by government departments of the guidelines issued by the Minister;
- Provide support to government departments in respect of the preparation and publication of sectoral implementation plans;

- Report to the Minister, when requested, on the implementation of the Children First Act 2015 and the guidelines issued by the Minister; and
- Provide information or advice, or make proposals to the Minister on any of the above matters.

The CFIDIG is required to submit an annual report on the performance of its functions and activities to the Minister for Children and Youth Affairs.

National Child Safeguarding Strategic Liaison Committee

Tusla and the Garda Síochána established a strategic liaison committee in 2012 that was recently renamed as the National Child Safeguarding Strategic Liaison Committee.

This national committee facilitates high-level multi-agency liaison between Tusla, the Garda Síochána and the HSE. It meets quarterly and is co-chaired by the Assistant Commissioner, Specialist Crime Operations from the Garda Síochána and Tusla's Chief Executive Officer. Membership includes other senior managers from Tusla, the Garda Síochána and the HSE. The aim of the national committee is to ensure a co-ordinated response between agencies to deal with challenges within the child protection and child welfare systems and to enhance partnership working at a strategic level.

The work of the strategic committee is supported by the National Children First Liaison Management Committee, which includes representatives from Tusla and the GNPSB. The functions of the liaison committee include advising and supporting the strategic committee in respect of Children First National Guidance policy and procedure. It also provides direction, advice and guidance to local managers and operational services in respect of joint Garda and Tusla practice, policy and procedure. Other responsibilities include ensuring that policies are child centred and in accordance with international best practice.

National Steering Group for Sexual Abuse Services

One of the important committees in operation is the National Steering Group for Sexual Abuse

Services. It is chaired by Tusla and comprises many of the practitioners who deal with CSA. In effect, this group replaced various Ferns committees that were established following the publication of The Ferns Report, presented by the Ferns Inquiry to the Minister for Health and Children (Ferns Report) in 2005. At present, the group is overseeing the work of a number of sub-groups looking at areas such as joint interviewing of child victims and child sexual exploitation (CSE).

Summary

This review has found that many of the recommendations made in the original Inspectorate report in 2012 and in the National Review of Sexual Abuse Services for Children (2011) have not been satisfactorily progressed and the intended benefits have not been fully realised. More than five years after the publication of these reports there are still many inconsistencies in joint-working practices across Ireland and progress in driving improvements in joint-working arrangements has been slow.

This review identifies a number of child protection issues that need to be addressed by the Garda Síochána and Tusla. These include implementation of Children First National Guidance, particularly joint working in child protection cases, and responding to the growing threat of online CSE. Some of these areas will require the assistance of other agencies such as the HSE, which provides medical examination and therapeutic services for child victims.

The National Child Safeguarding Strategic Liaison Committee has a key role to play in developing more effective working arrangements between Tusla and the Garda Síochána. However, this review has found that progress in developing the necessary practices, policies and procedures has been slow and in some areas; there has been limited progress in moving policy into practice at operational levels.

The CFIDIG is the key forum at national level with responsibility for the implementation of Children First National Guidance and the Inspectorate believes that this group has an important role in monitoring the progress made by Tusla and the Garda Síochána.

A National Strategy for Child Sexual Abuse, Child Sexual Exploitation and Online Risks to Child Safety

Despite the existence of several multi-agency strategic groups, the Inspectorate has identified that a number of recommendations from its 2012 report that required a multi-agency response have not been satisfactorily implemented. In this review new recommendations are made, which will also require a multi-agency response to address child sexual abuse, child sexual exploitation and the online risks to child safety.

Some of these recommendations require the Garda Síochána and Tusla to develop new practices, while others require additional agencies from the public, voluntary and private sectors to come together to deliver enhanced child protection practices.

These multi-agency recommendations include:

- › The development of a new approach to assessing and managing child welfare notifications;
- › A review of the approach to dealing with missing children, particularly those who are in various forms of care and at high risk of sexual exploitation;
- › The development of a national high-level executive group to manage the Sex Offender Risk Assessment and Management (SORAM) process;
- › Convening a multi-agency group to review legislative issues in relation to managing sex offenders;
- › The development of a standard operating procedure for conducting joint-agency interviewing of child victims;
- › The development of protocols for managing child sexual abuse prosecutions;
- › Convening a criminal justice group to deliver a more victim-centred service to child sexual abuse victims; and
- › Conducting a strategic assessment of the threats posed by the internet to the safety of children.

The Inspectorate believes that a National Strategy for Child Sexual Abuse, Child Sexual Exploitation and Online Risks to Child Safety with a robust

action plan is required to drive the changes that are necessary to enhance child protection practices and to make Ireland a safer place for children. It should bring together all the relevant government departments and agencies that are necessary to drive change.

A national strategy should focus on:

- › Assessment of risk and harm to children;
- › Prevention of crimes against children;
- › Making places safer for children (in the physical and virtual worlds);
- › Enhancing services to child victims and adult survivors; and
- › Managing and prosecuting high-risk offenders.

As highlighted in the National Strategy on Domestic, Sexual and Gender-based Violence 2016–2021, no one government department or agency can deliver all of the change necessary to improve the services delivered to victims and survivors of abuse. With regard to child sexual abuse and the threats posed by the internet, the Inspectorate believes that the same position applies and a national approach is required.

The responsibility for the development and monitoring of a national strategy would require consultation with the relevant government departments including Justice and Equality, Children and Youth Affairs, Communications, Climate Action and Environment, and Education and Skills.

Recommendation 2.1

The Inspectorate recommends that the Department of Justice and Equality convene an inter-departmental and multi-agency representative group to develop a National Strategy for Child Sexual Abuse, Child Sexual Exploitation and Online Risks to Child Safety. (Short term)

Multi-Agency Working Arrangements at County Level

At the time of the original inspection in 2012, Children's Services Committees (CSCs) were operating at a county/divisional level as a local multi-agency forum for discussing children's

services. They were established in 2007 by the DCYA and a National Children's Strategy Implementation Group. The purpose of the CSCs was to bring together a diverse group of agencies to engage in joint planning of services for children. Membership included representatives from local authorities, Tusla, the Garda Síochána, senior medical officers, primary care, health and schools.

The Inspectorate was informed that CSCs were later replaced by Children and Young People's Services Committees (CYPSCs). CYPSCs are a key structure identified by the Government to plan and co-ordinate services for children and young people in every county. The overall aim is to improve outcomes for children and young people through local and national inter-agency working. There are 27 CYPSCs in operation, with some counties sharing a CYPSC. There are five in the Dublin region. The GNPSB explained that divisional chief superintendents are designated to attend these meetings.

At no point during any visit by the Inspectorate did any senior manager from the Garda Síochána or from Tusla mention the existence of the CYPSCs; they were later brought to the attention of the Inspectorate. As a result, the Inspectorate re-contacted all of the seven divisions visited and established at that time that only one chief superintendent appeared to attend these meetings and, in most cases, responsibility to attend was delegated to either a superintendent, an inspector or a sergeant.

Delegating responsibility gives the impression that senior divisional garda management have not invested in these committees. It also means that garda members who attend are not decision makers with an ability to commit resources to initiatives. Gardaí who have attended both the previous CSCs and the new CYPSCs informed the Inspectorate that they feel that the child protection element that existed in the previous committee is lost in the new process. They also explained that it can be confusing at meetings as some of the committees cover more than one garda division.

On looking at the membership and function of the CYPSCs, it is clear that all of the relevant child protection agencies and professionals are present and child protection should be a key objective for these committees. If securing better outcomes for children and young people is the overall purpose, then safety must be a key element.

Following discussions on the role of CYPSCs with regard to child protection, senior representatives from Tusla and the GNPSB believe that the remit is too broad to be the appropriate forum for driving Children First National Guidance and developing enhanced child protection practices.

Tusla and Garda Síochána Working Arrangements at Divisional and District Levels

While there is some contact between Tusla and the Garda Síochána at county and regional levels, most of the joint-agency working takes place at divisional and district levels.

Senior Management Interaction

For the purpose of this review, the Inspectorate visited seven garda divisions/districts and found many different structures and systems in place for local joint-agency working between Tusla and the Garda Síochána.

The Inspectorate met with senior gardaí including divisional chief superintendents and district superintendents. The Inspectorate also met with equivalent representatives from Tusla at area manager, principal social worker and team leader levels to establish the effectiveness of local working arrangements.

In most places visited by the Inspectorate, Tusla had a similar organisational structure in terms of its liaison with the Garda Síochána but often Tusla managers had to deal with more than one garda division in their area. Tusla area managers were generally the people who engaged with divisional chief superintendents and district superintendents. The current Garda Síochána structure requires a Tusla manager to deal with a number of different superintendents within the same division.

Many people from both agencies who met with the Inspectorate highlighted that there is often conflict between the role of the Garda Síochána in conducting criminal investigations and Tusla's child protection and welfare role. Both organisations accept that they need to consider the functions and responsibilities of the other agency and, for the good of the child, work to assist each other in their aims. The presence of any conflict in these areas of functional difference will impact negatively on the effectiveness of joint-

agency working. Notwithstanding the different organisational functions, the Inspectorate believes that Tusla and the Garda Síochána need to work together more effectively to address the common aim of child protection.

In all of the places visited, the Inspectorate found barriers that impacted on joint-agency working between Tusla and the Garda Síochána; these types of issues should have been elevated to a divisional level forum for resolution. A formal and effectively functioning child protection meeting between senior managers from Tusla, the Garda Síochána and other relevant agencies would help to deliver the core elements of Children First National Guidance and develop more consistent and effective child protection practices.

At all visits to garda divisions and districts, the Inspectorate identified an absence of formal meeting arrangements between senior gardaí and their Tusla counterparts to discuss CSA and child protection issues. The Inspectorate found that some senior gardaí did not know the identity of their equivalent manager in Tusla. Some senior gardaí reported that while they sometimes met with senior Tusla managers, it tended to be on an ad hoc basis.

In some cases, contact had taken place to discuss a serious or complex incident and examples were provided to the Inspectorate of when this type of contact had occurred. A number of district officers reported that they had held meetings with Tusla managers in connection with children who went missing from care. The Inspectorate believes that regular meetings at an executive level would enable more effective agency working.

During visits, the governance and accountability lines from the National Child Safeguarding Strategic Liaison Committee to local Tusla areas and garda divisions were unclear to the Inspectorate.

Tusla and Garda Síochána Interaction by Supervisors

During visits, the Inspectorate found that the responsibility for interaction with Tusla managers was delegated to uniform inspectors and those sergeants who are designated as Tusla liaison officers. At a local level, Tusla managers include principal social workers and team

leaders who tend to engage with a nominated divisional inspector and a number of different district sergeants, nominated as liaison officers. This would generally be in connection with notifications made between the agencies on child protection issues and discussions would take place on the progress of individual cases.

The joint-agency working structures of the seven garda divisions visited were all different and even within the same division there were differences in practices across the various districts. Four of the districts visited had a Child Protection Unit (CPU) in place and the sergeant in charge of the unit was designated as the Tusla liaison sergeant. These are primarily dedicated units with key responsibilities for CSA investigation and child protection. In divisions and districts without a CPU, there was a nominated Tusla liaison sergeant for each district. However, these sergeants had other roles, such as managing a regular unit, and other functions often took them away from their Tusla liaison responsibilities. These sergeants also worked the full range of shifts in the garda roster, which limited their contact with Tusla and their attendance at joint-agency meetings.

Multi-Agency Committees in Other Jurisdictions

For comparison purposes, the Inspectorate examined the system of multi-agency safeguarding boards in place in England, Wales and Northern Ireland and the Child Protection Committees (CPCs) operating in Scotland. Comparing child protection processes in Ireland with those in the UK is perhaps most appropriate, as they are the closest jurisdiction in terms of legislation and policing approaches.

Local Safeguarding Children Boards (LSCBs) introduced under the Children's Act, 2004 were established in every local authority area in England and Wales. These brought together all of the relevant statutory and voluntary agencies to examine local systems for safeguarding children up to the age of 18. These are embedded as core multi-agency business.

Safeguarding is about the action taken to promote the welfare of children and to protect them from harm. LSCBs have a range of roles and statutory functions including developing local policy

and procedures and scrutinising local working arrangements.

LSCBs should have an independent chair to hold all agencies to account and the board has a key governance role that includes:

- Assessing whether partners are fulfilling their statutory obligations;
- Quality assuring practices, including joint auditing of cases involving practitioners and identifying lessons learnt; and
- Monitoring and evaluating the effectiveness of training, including multi-agency training to safeguard and promote the welfare of children.

Members of an LSCB should be senior managers with a strategic role in relation to safeguarding and promoting the protection and welfare of children within their organisation. They should be able to speak with authority, commit their organisation on policy and practice matters, and to hold their own and other agencies to account.

In the West Midlands area, there are seven local authorities each with an LSCB. In Birmingham City, the LSCB has a number of sub-groups examining issues such as child exploitation and conducting serious case reviews.

Northern Ireland has a single Safeguarding Board reporting to the Minister for Health. A number of sub-groups are also in place to look at issues such as CSE, policies and training. At a local level, they have developed five safeguarding panels, one in each of the five health trust areas.

Scotland has a system of CPCs in place since 1981, operating in a very similar way to LSCBs. CPCs have responsibility for setting policies, self-evaluation and co-ordination of public campaigns, quality assurance and training. Most committees in Scotland have independent chairs. Some of the key issues that CPCs in Scotland are examining include hidden crimes, such as child and young people's sexual exploitation and general child protection arrangements. At the time of a visit by the Inspectorate, the Edinburgh CPC was examining 'looked after' children who repeatedly went missing from care and who were at higher risk of sexual exploitation.

The experience in other jurisdictions is that senior management 'buy-in' from all agencies is a crucial aspect of an effective multi-agency meeting process. With safeguarding boards, there is also a statutory framework to ensure that agencies work together to deliver better outcomes for children and young people. In many other similar jurisdictions, child protection arrangements are on a statutory footing to ensure that agencies work together more effectively.

During visits to the UK, the Inspectorate found that the different agencies involved in child protection had adapted their organisational structures to try to improve multi-agency working. This included police services in England, Wales and Northern Ireland where policing areas are now co-terminus with local authority areas. In Northern Ireland, this has extended to their police specialist PPU's that deal with CSA and domestic abuse, which are aligned to health trust areas, rather than to the existing police structure.

Tusla and the Garda Síochána are aware of how safeguarding boards operate, but they informed the Inspectorate that there are no plans to develop such boards, primarily because policy in Ireland is created on a national basis, agencies are not co-terminus and many aspects of partnership working in Ireland are on a non-statutory basis.

Proposed Tusla and Garda Síochána Liaison

The draft Joint Working Protocol between Tusla and the Garda Síochána provided to the Inspectorate in advance of publication contains details of a liaison model proposed by the two agencies. Figure 2.2 shows the intended liaison model which will create two new liaison forums. Included in the model is a Senior Management Liaison Forum, which gives overall responsibility to the principal social worker and superintendents from each garda district for the management of child protection and welfare assessments and investigations in their geographical area.

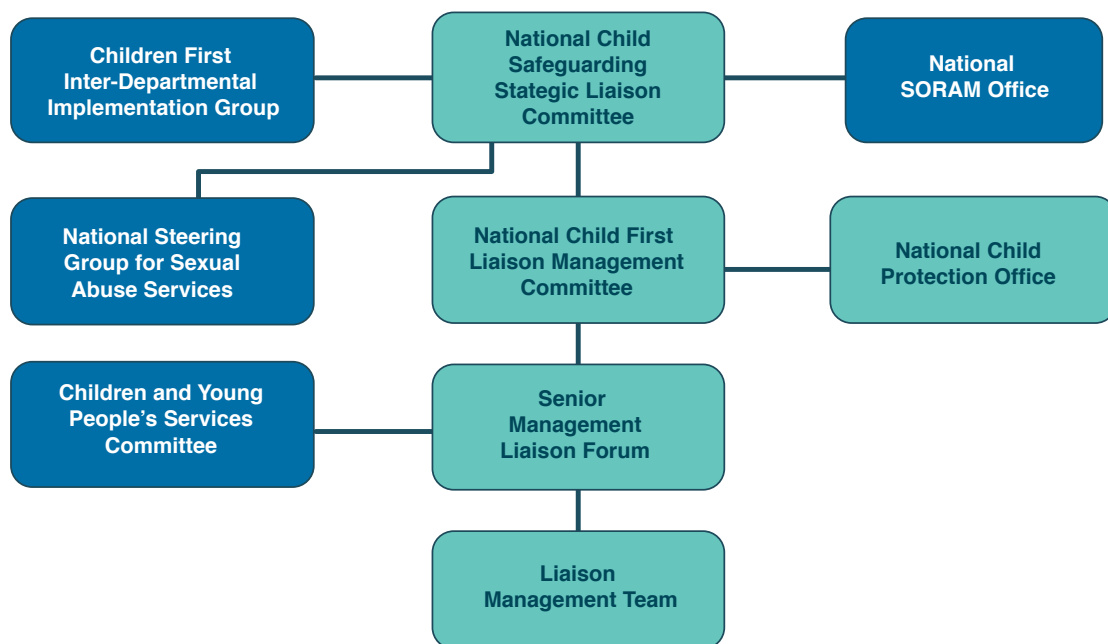
This forum will support the next level of liaison called the Liaison Management Team. The liaison model requires Tusla and the Garda Síochána to designate personnel at assessment, investigation and management levels who will remain involved with a child protection or child welfare

case until it is completed. It also proposes that a local area social work team leader within Tusla and a designated inspector or sergeant from the Garda Síochána of the corresponding district will participate in this process. The newly formed National Child Protection Office is also included in this Figure.

the superintendent in charge of crime would be the most appropriate person to be involved in the senior management meetings and this would remove the need for a Tusla manager to meet separately with all of the district superintendents within a division or divisions, as may be the case.

At the liaison management team level, the

Figure 2.2 Tusla and Garda Síochána Liaison Forums



Source: Children First Joint Working Protocol and additional forums included by the Garda Inspectorate

To illustrate the other multi-agency forums that are in place at national and county levels, the Figure also includes the CFIDIG, the National SORAM Office, the National Steering Group for Sexual Abuse Services and Children and Young People’s Services Committee.³

The Inspectorate welcomes the introduction of these two new local forums as they will fill a current gap in manager meetings and provide a consistent approach to engagement between the Garda Síochána and Tusla. However, the Inspectorate believes that the model needs to be elevated to a divisional level to take into account the move to a divisional model of policing, the introduction of functional roles for superintendents and to coincide with the roll-out of divisionally based PSUs. In a divisional model,

appropriate garda members to attend this meeting are the supervisors from a PSU, rather than inspectors or sergeants from a number of individual districts. A divisionally based model of engagement will provide a good platform to address many of the inconsistencies found by the Inspectorate during this review.

The Inspectorate believes that it will be easier for the National Child Safeguarding Strategic Liaison Committee to achieve consistency in the national delivery of Children First National Guidance and to provide more effective governance and accountability of local joint working based on a 28 division model of engagement, rather than one involving 96 districts.

3 Membership of the National SORAM Office includes Tusla, the Garda Síochána, the Probation Service and Dublin City Housing.

The use of the word 'liaison' in the names of the proposed local committees is passive, when the functions of the committee are about assessing, investigating and managing. The Inspectorate believes that the name of this forum should reflect the national committee title. For example, the senior management meeting could become a Local Child Safeguarding Committee.

With regard to attendance at the CYPSCs, these are important multi-agency strategic committees and the Inspectorate believes that divisional chief superintendents should be involved in this process.

Summary

During field visits, the Inspectorate found little evidence of structured interaction between Tusla and the Garda Síochána at senior managerial levels relating to child protection matters and ensuring the full implementation of Children First National Guidance. Without a fully functioning executive level forum, the Inspectorate does not believe that joint-working arrangements between Tusla and the Garda Síochána to deliver Children First National Guidance will be consistently and effectively implemented countrywide.

The Inspectorate acknowledges the commitment of the Garda Síochána to move away from a district structure to a new divisional policing model. The creation of PSUs will provide a single point of contact for Tusla and other stakeholders with the model providing a single divisional superintendent as the point of contact.

The Inspectorate can see merit in the principles of a Local Safeguarding Children Board that focuses on multi-agency work at the highest level. It ensures individual agencies are held to account at an executive level for child protection policies and practices.

The Inspectorate holds the view that the National Strategic Liaison Committee is the most appropriate forum to ensure the effective implementation of Children First National Guidance for front-line services and to improve joint-working arrangements with Tusla. This committee should have a clear governance and monitoring role for the local committees to ensure the effective implementation of policies that deliver better outcomes for children and provide more effective child protection arrangements.

The Inspectorate acknowledges that effective partnerships can sometimes flourish without the need for legislation. However, with different organisational priorities, particularly in important areas such as child protection, placing partnerships on a statutory footing can ensure that agencies have to come together to agree and deliver on joint actions.

Recommendation 2.2

The Inspectorate recommends that the Garda Síochána, in conjunction with Tusla, establish Local Child Safeguarding Committees at a divisional level to ensure more effective child protection arrangements in all local areas. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Ensure the remit of the local safeguarding committees includes:
 - Assessing whether the agencies are fulfilling their statutory and non-statutory obligations;
 - Assessing the delivery of the Children First National Guidance;
 - Introducing quality assurance practices, including joint auditing of cases and identifying lessons learnt;
 - Monitoring and evaluating the effectiveness of training, including multi-agency training; and
 - Functions identified in the Garda Síochána/Tusla Joint Working Protocol for the Senior Local Management Liaison Forum;

- › Consider whether the national and local committees should operate on a statutory footing; and
- › Ensure senior management representation at the Children and Young People’s Services and Committees (CYPSCs) and at local committee meetings.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Child Protection and Welfare Notification System

Children First National Guidance stipulates that Tusla should always be informed when a person has reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected. Individual professionals and the public have a duty to report concerns about a child’s safety. It is not necessary to prove harm has taken place in order to report a reasonable concern.

There is legislation in place to encourage people to report CSA. This includes the Protections for Persons Reporting Child Abuse Act, 1998 that provides safeguards for a person making a report of suspected abuse, as long as the report is made in good faith and is not malicious. To ensure that people report child abuse, the Criminal Justice Act, 2012 created a criminal offence of withholding information relating to the commission of a serious offence, including a sexual offence, against a person under 18 years or a vulnerable person.

The process for referring a case involving a child protection or welfare concern is called a notification. This section of the report examines the processes and practices that happen on a day-to-day basis in the Garda Síochána and Tusla for exchanging child protection and welfare notifications. To allow a full assessment of joint-agency working, this section examines all categories of notifications and not just those concerning CSA. For CSA notifications to be dealt with effectively, the whole system has to work efficiently.

It is a matter for Tusla to assess and investigate suspected abuse and neglect and determine what action to take, including informing the Garda Síochána.

Mandated Reporting

With effect from 11 December 2017 the Children First Act, 2015 will be fully commenced, placing a statutory obligation on certain categories of professional ‘mandated persons’ to report child protection and welfare concerns above a defined threshold to Tusla and to assist in an assessment of those concerns. Mandated persons are people who have ongoing contact with children and/or families, and who, by virtue of their qualifications, training or experience, are in a key position to help to protect children from harm. This includes persons working with children in education, health, justice, youth and childcare. Mandated persons who receive direct disclosure from a child must make a report, irrespective of the wishes of the child.

Northern Ireland has had mandatory reporting since 1967 and it is also required under law in Australia and the United States. Other jurisdictions such as Scotland, the Netherlands, England and Wales do not have mandatory reporting.

Up to now, reporting in Ireland takes place where there are reasonable grounds for concern, whereas the new threshold is where there has been harm or likely to be harm. Although the new threshold is at a higher level, the experience of other jurisdictions is that mandatory reporting could lead to a significant increase in the number of notifications. Any increase will impact on Tusla, which has the responsibility to assess all notifications, and on the Garda Síochána who will receive notifications that require an investigation.

The GNPSB informed the Inspectorate that training for gardaí will not be ready until 2018, although it would like to use an e-learning training package that has been created by Tusla.

Notification Categories

If, in the course of their duties, gardaí become aware of a child protection or welfare concern, it should be formally notified to Tusla. There are four child abuse notification categories used to report a case to Tusla and vice versa. The following is a synopsis of the definitions for each category that are fully outlined in the Children First National Guidance. It should be noted that these are not legal definitions.

1. **Neglect.** This occurs when a child does not receive adequate care or supervision to the extent that the child is harmed physically or developmentally. It includes cases where a child suffers significant harm by being deprived of food, clothing, warmth, hygiene, intellectual stimulation, supervision and safety, attachment to and affection from adults, and/or medical care.
2. **Emotional abuse.** This is the systematic emotional or psychological ill-treatment of a child as part of the overall relationship between a caregiver and a child. It includes cases where a child's development needs, such as a need for affection, approval, consistency and security, are not met. Examples include where a child receives over harsh discipline, emotional needs are not met or they are exposed to domestic abuse or inappropriate material. Emotional abuse can be difficult to recognise. Emotional abuse could also include persistent or serious cases of bullying. It is the most frequently reported type of abuse.
3. **Physical abuse.** This is when someone deliberately hurts a child physically or puts them at risk of being physically hurt. This includes harm caused by severe punishment, beating, or slapping and would include female genital mutilation. The Children First Act 2015 includes a provision that abolishes the common law defence of reasonable chastisement in court proceedings.
4. **Sexual abuse.** This occurs when a child is used by another person for his or her sexual gratification or for that of others. It includes the child being involved in sexual acts or exposing a child to sexual activity directly or through pornography. It includes consensual sexual activity involving an adult and an underage person (under 17 years of age).

Cases of sexual abuse mainly come to light through disclosure by the child or his or her siblings/friends, from the suspicions of an adult, and/or by physical symptoms.

Child Welfare

The draft Joint Working Protocol is proposing a welfare notification for situations that do not present as child abuse, but where a problem

experienced directly by the child or by the family of a child, is judged to impact negatively on the child's health, development and welfare, and warrants assessment by Tusla.

Notification Forms

A garda member, who deals with a suspected case of child abuse, has a personal responsibility to complete a Standard Notification Form for onward transmission to Tusla. This is a paper process and the form is usually completed in manuscript. However, legibility is a common problem and, on occasions, writing can be very hard to decipher.

Forms examined as part of an extensive case file examination (discussed fully in Chapter 3) confirmed that information provided by gardaí and social workers on the forms was generally of poor quality. There is limited space on the form for describing the incident and the grounds for the concern. Tusla often receives notifications with insufficient detail and incorrect information, which can prevent or delay it from making an initial assessment. Some districts have introduced a practice of attaching a separate written report to go with the notification form but this would not be necessary if an appropriate template was available. In cases sent from the Garda Síochána to Tusla with insufficient details, social workers try to contact the garda member who completed the form. This can be difficult to do and often results in additional delays.

Omissions from the current form template include the date that the garda dealt with the initial incident and the actual date(s) of the alleged abuse or neglect. These are important pieces of investigative and statistical information. A recommendation in connection with these matters was made in the Responding to Child Sexual Abuse (2012) report and was referred to in Chapter 1 of this review. The Inspectorate has raised this matter with the GNPSB as part of this review and it advised that new forms have been created to address these issues. It should be noted that while the DCYA has responsibility for the revision of the Children First National Guidance, the revised forms are now included in a separate Joint Working Protocol between Tusla and the Garda Síochána. This will allow future changes

to the joint protocols to take place without the need to amend the Children First National Guidance.

At present, notification forms are sent in the general postal system, but given the sensitive and confidential nature of these types of notification, it is not the most effective or appropriate way of providing this information to Tusla. The GNPSB highlighted a forthcoming upgrade to PULSE that will enable a notification form to be generated electronically through the system. However, it will not provide a facility to electronically send the notification to Tusla and a hard copy will still need to be printed and sent in the post. There are plans for electronic sharing to be introduced in 2019. The Inspectorate welcomes the PULSE update and the intention to create an electronic version of the notification form, albeit five years on from the first report; this is a matter that should have been addressed much sooner and a system of electronic sharing should take place at the earliest opportunity.

At the time of the review, the notification forms in use only catered for the four categories of neglect, emotional, physical and sexual abuse for garda referrals. Regularly, gardaí will deal with incidents where there is no child protection issue, but where there may be a welfare concern. For example, a parent might be struggling to deal with one of their children and may need some family support. The notification forms did not provide for this type of referral and as a result gardaí resorted to placing this type of referral into one of the four categories, usually as emotional abuse. Tusla also reported that while some notification forms indicate child neglect or abuse, they are in fact just requesting a social worker to contact a family. This is distorting the number and type of notifications and the Inspectorate welcomes the introduction of the additional welfare notification option.

Many of the emotional abuse notifications from gardaí concern children in a household where a domestic abuse incident has taken place. Tusla reported that many of the notifications received, especially emotional abuse cases from gardaí, do not actually reach the Tusla threshold for any intervention and the case may be immediately closed. This is an area where joint-agency training could provide clarity to front-line gardaí on what types of cases should and should not be notified. The Inspectorate was informed that Tusla and

the Garda Síochána are trying to standardise the process for dealing with emotional abuse notifications.

Gardaí Dealing with an Incident

While dealing with an incident, gardaí have the lead role in conducting an investigation at a crime scene including gathering evidence, requesting information from individuals who are present and dealing with any identified suspects. If a child protection concern is identified, the garda member dealing with the incident has to make an initial assessment and decide what action to take. However, at present, there is no formal risk assessment process used by the Garda Síochána at the scene of a child protection incident. The Garda Síochána has advised the Inspectorate that it intends to introduce a new formal four stage risk assessment process that will start with an assessment at the scene of an incident.

Ultimately, the identification of a child in need of protection often rests with gardaí dealing with an incident and a good and thorough investigation at the scene of an incident by gardaí could make a significant difference to the life of a child.

Where there are reasonable grounds for believing that there is an immediate and serious risk to the health or welfare of a child, the garda member present may remove that child to safety pursuant to their powers under Section 12 of the Child Care Act, 1991 or they can contact Tusla with a view to obtaining an Emergency Care Order. The immediate removal of a child by gardaí was raised as an area of some frustration. An example was provided to the Inspectorate of a child found living in conditions described as filthy who was removed by gardaí. Following the attendance of a Tusla social worker, the child was returned to the home following an immediate assessment. This may have been the correct action, but the reason for doing so was not communicated to the gardaí who dealt with this incident. This is a situation where a joint-agency de-brief would be beneficial to discuss the actions taken by gardaí and the reasons why the social worker returned the child.

Garda/Tusla Front-Line Contact

On a day-to-day basis, contact takes place between social workers, who are dealing with a child protection or welfare concern, and gardaí who

are investigating an incident relating to a child. Many logistical difficulties were raised with the Inspectorate by both agencies about this day-to-day contact. E-mails are unavailable and, generally, contact is made by telephone or letter. Many of the telephone calls made between Tusla and the Garda Síochána result from the need to clarify information in a notification where it is insufficient or incorrect.

Tusla social workers find it very frustrating when they need to speak to a garda member who is on shift work and unavailable to discuss a case referred by that member to them. It was reported that, on occasions, it can take several weeks for the social worker to get a response to their inquiry and sometimes it takes additional contact with a local inspector to resolve a matter. Garda members also reported similar difficulties in dealing with social workers from different Tusla offices who are unavailable outside of office hours.

It was also reported by gardaí that it could be confusing as Tusla practices can be different, depending on which office is contacted. While this process is frustrating for both agencies, the biggest cause for concern is any delay in dealing with the issue that led to the initial referral; in the interim, there could be a risk of further harm to a child.

In most places, gardaí felt that social workers were helpful, but the feedback was far more positive from those gardaí working full-time in CPUs who had regular contact with the same social workers. Tusla, also found that dealing with a CPU had many advantages, as both units work similar operating hours and dealing with the same members allowed better working relationships to develop. Tusla managers generally meet with several different liaison sergeants from each division to discuss cases on a geographical district basis.

Tusla managers sometimes find the current garda process for allocating cases for investigation frustrating, as the liaison sergeant is not usually the line manager for the investigating garda and may be unable to provide an update on a case. Liaison sergeants have explained to Tusla that it can be difficult to get a response from a member who does not directly report to them.

Within a CPU, a designated sergeant manages that unit and provides updates on investigations conducted by gardaí who report directly to them.

The Inspectorate acknowledges the commitment of the Garda Síochána to move away from a district structure to a new garda divisional policing model. This will include the creation of specialist PSUs to deal with child protection issues and the investigation of CSA. These units will provide a single point of contact for Tusla and other stakeholders, with the model providing a single divisional superintendent as the point of contact for Tusla senior managers. With the proposed move to the divisional model, there is an opportunity to formalise joint-agency meetings and contact that can more effectively manage and resolve many of the issues that currently impact on the effectiveness of joint working. Many of the deficiencies in joint working were also found in the original inspection report and in other Inspectorate reports. The Inspectorate believes that the move to divisional PSUs presents a good opportunity to address many of these deficiencies.

Creating PULSE Records

As well as completing a written child protection or welfare notification form, gardaí must also create a PULSE incident report to record the creation of the notification. The Inspectorate found inconsistencies in this area during the original inspection in 2012, but there are now better systems in place to ensure that notifications are recorded on PULSE. In some cases, as well as a child protection issue, a crime may also have occurred, and in these circumstances, a second PULSE record must be completed for the crime. Both PULSE incidents should be linked to each other and this is called 'casing'. The Inspectorate conducted an exercise to assess the frequency of this practice and found that incidents were cased correctly in 99% of the PULSE incidents examined. However, in effect there are now two PULSE records with two unique PULSE reference numbers for the same case. A separate notification form and a separate PULSE record are also required for each child in a household that is considered to be at risk. In a large family, this will result in multiple notifications, often with the same circumstances.

Key Performance Indicator Reports

Since the publication of the original Inspectorate report, the Garda Síochána has developed a number of Key Performance Indicators (KPIs) for the management of sexual incidents and child protection/welfare notifications. This information is extracted directly from PULSE incident records. The KPI reports are available at many levels from national reports to district reports. These reports are available to assist senior gardaí to monitor the progress of child abuse notifications and other sexual assault investigations. The KPIs provide three distinct pieces of information:

- › Tulsa/Child Welfare Notification data;
- › Sexual Incident data; and
- › Prosecution of Sexual Incident data.

The data extracted for the KPIs is constantly changing as and when updates are entered on a PULSE record. A KPI data set is therefore a moment in time when the report is actually produced and the accuracy of data relies heavily on up-to-date PULSE records. The Inspectorate has examined KPI data, as well as PULSE notification data supplied by the Garda Síochána, to present the analysis of data throughout this chapter.

Child Protection and Welfare Notification Forms Sent to Tusla

All notification forms should be sent by the garda who identified the concern to the local district superintendent's office for onward transmission to Tusla. A copy of a notification form is retained in the district office and another copy is sent to the sergeant appointed for liaison purposes with Tusla. Most district offices maintain a register or database of all notifications and available data shows that the Garda Síochána sends significantly more notifications to Tusla than it receives from it. Tusla also maintains a register of notifications received from the Garda Síochána.

There is also no unique reference number for notifications sent to and from each agency and discussions between Tusla and the Garda Síochána tend to take place around family or suspect names. The introduction of an electronic version of the form will provide an opportunity to develop a joint unique reference number to enable more efficient tracking of notifications.

Child Welfare Notifications not Sent

The Inspectorate found that in some cases, standard garda practices for sending notifications to Tusla were not always adhered to, which resulted in either notifications not being sent to Tusla when they should have been or being sent at a later date. This specifically included historical cases of CSA where the victim is now an adult, but the sending of a notification is still important as the victim may need support services. In addition, the suspect in a historical case may still have access to children, giving rise to a child safety risk. The failure to send a notification in historical cases appeared to be a knowledge gap with some members and where this was found, the Inspectorate brought it to the attention of a district supervisor. One district superintendent had also identified that members did not always send notifications to Tusla in missing children cases.

Child Protection/Welfare Notifications Forms Sent to the Garda Síochána

Tusla also generates child protection and welfare concerns in notification forms and where a crime is suspected these must be sent to the Garda Síochána.

The notification could result from information that has come from one of Tusla's social workers or it may originate from a notification received from another organisation, such as a school or a hospital. The revised Tusla/Garda Síochána Joint Working Protocol directs that Tusla should only refer cases of physical and sexual abuse to the Garda Síochána and that it should not routinely refer cases of non-wilful emotional abuse or circumstantial neglect. Some garda districts reported that they are sent emotional abuse cases for investigation, while others did not receive or investigate those types of cases. Tusla operates a similar process for sending notification forms to the Garda Síochána. They go through the postal system to the district superintendent for their action.

The process for assigning a notification from Tusla to a garda member for investigation differed across the seven districts visited. Even districts with a CPU had different ways of dealing with a notification. For example, in two of the districts with a CPU visited by the Inspectorate, all

notifications received from Tusla, including where a criminal investigation is required, are dealt with by the unit. Another district officer would have liked their CPU to investigate all notifications received from Tusla, but at that time, there was insufficient staff to do so. One of the sergeants-in-charge in a district with a CPU assessed all notifications received from Tusla and assigned cases either to CPU staff or to members of a regular unit. In districts without a CPU, notifications were generally assigned to gardaí in regular units by a variety of different supervisors including district officers, Tusla liaison sergeants or by individual unit sergeants. Most notifications were generally assigned for investigation to uniformed gardaí in regular units, with the more serious cases assigned to detectives.

On receipt of a notification from Tusla, the assigned garda investigator is expected to create a notification PULSE record and, if applicable, a second PULSE record for a suspected crime. Similar to feedback received from social workers, gardaí reported that the forms often lack basic information, such as the date that a crime took place. This results in the same inefficient process of gardaí having to contact the social worker who generated the notification to obtain the missing information.

Currently there is no child protection training programme for those who are allocated investigations of this nature. During inspection visits, the Inspectorate found that many garda members had very little knowledge of Children First National Guidance and child protection issues. However, those working in CPUs, who were generally not detectives, had much better knowledge of dealing with child protection matters and investigations of CSA.

Late Notifications of Physical Abuse Cases to the Garda Síochána

All seven districts visited reported on the late sending of notifications by Tusla in relation to physical abuse cases. In physical assault cases, where injuries are less serious, gardaí only have six months from the date that the assault occurred to summons or charge an individual with the offence. After that time, the case is statute barred and no criminal prosecution can be instigated. It

was reported that some notifications received are already past or close to the six-month time limit.

This places an unnecessary time pressure on the Garda Síochána investigator and may well prevent the prosecution of a suspect for an assault on a child. A senior Tusla manager highlighted to the Inspectorate that due to the high volume of notifications, the initial assessment by a social worker may take longer to complete than the target of 28 days. In the case of a physical abuse case, this may explain why some of the notification forms are sent to the Garda Síochána at a much later date. Tusla is aware of this problem and acknowledged it as an area for improvement.

Notification Assessment by Tusla

The role of the social worker in Tusla is to screen, follow up and assess notifications about child protection and welfare that reach Tusla's threshold for intervention.

All notifications received by Tusla are recorded on its Child Abuse Notification System by a social worker. All notification forms sent to Tusla by the Garda Síochána, should be acknowledged in writing. However, the Inspectorate found that this does not always occur, especially when the volume of notifications received puts pressure on that system.

A high volume of notifications can delay the assessment process, but Tusla informed the Inspectorate that it prioritises cases based on the level of concern. The Inspectorate was informed during a visit to a district that the failure by Tusla to send acknowledgements for notifications alerted local gardaí to the fact that a large number of the notifications sent had not been assessed and actioned. It is therefore important from a Garda Síochána point of view that an acknowledgement is received and if it is not, it must be followed up.

In the Tusla Annual Report 2016, it was highlighted that at the end of December 2016, 5,413 referrals (notifications) were not yet allocated to a social worker, of which 801 were considered a high priority. This may result in delays in sending notifications to the Garda Síochána and subsequently delays in the commencement of criminal investigations.

The purpose of the initial assessment is to reach a finding about the suspected abuse or welfare concern and determine the next course of action. If it is decided that an assessment is necessary, a social worker will contact the family to ask for their permission to carry out an examination of the child and assess the family's needs. Once the initial assessment has taken place, Tusla decides if it is a matter that a single agency should deal with or if it is a case that needs a joint-agency approach. The initial assessment should be completed within approximately 21 working days.

An assessment may still lead to the closure of a case where it is determined that the child is not at risk. Some cases will progress to a strategy meeting or to a Child Protection Conference to determine if abuse has occurred and to decide on the level of social work and child protection intervention required. These are usually held for more serious cases and gardaí are expected to attend.

High numbers of notifications and the impact on various agencies is a problem that is not exclusive to Ireland. In Norway, social workers with high caseloads sometimes struggle with the volume of notifications received. This workload has increased as the police are now more effective at making referrals, and children who are present at domestic abuse incidents are now treated as victims.

As this chapter will later show, notifications from the Garda Síochána have significantly increased since the analysis was completed for the original inspection in 2012 and this adds to the volume of notifications that Tusla has to assess.

As stated earlier, the proposed legislative move to mandatory reporting may put significant additional pressure on the Tusla assessment process. This is also a time when Tusla is undergoing major reform with the implementation of the Signs of Safety programme of assessment and intervention.

Strategy Meetings

As required in Children First National Guidance, if there are concerns of significant harm, a social worker may decide at any point to hold a strategy meeting. The purpose of a strategy meeting is to facilitate the sharing and evaluation of information between professionals relevant to the protection

and welfare of children and to prepare a plan of action for the protection of a child, and the siblings if necessary.

Where a case requires a multi-agency response, a strategy meeting is a crucial process for making key decisions that include:

- To consider whether immediate action should be taken to protect the child and other children in the same situation;
- To agree with the Garda Síochána how the remainder of the enquiry will be conducted;
- To consider whether a medical examination is required and if so, where it will take place and who will conduct it;
- To discuss the need for a child specialist interviewer; and
- To consider the referral of a victim for treatment or therapy.

It is the social worker's responsibility to arrange a strategy meeting. While meetings should be formally convened in certain circumstances, particularly if urgent, the strategy meeting can take the form of a less formal contact. A meeting may involve any or all of the professionals involved in a case depending on the circumstances. However, it is important to secure Garda Síochána attendance at a meeting, particularly for criminal investigations as it is important for both agencies to agree and co-ordinate how the enquiry will be managed. Parents do not generally attend these meetings.

Sometimes it can be challenging to bring agency representatives together for meetings, particularly at short notice. During district visits, the Inspectorate found that attendance by gardaí at strategy meetings is ad hoc and this was confirmed at meetings with Tusla representatives. Some gardaí said that shift work often prevents attendance and on some occasions, they submit a written report in lieu of attending. Tusla sends invitation letters to garda members to attend strategy meetings via the local district superintendent. Garda members informed the Inspectorate that there have been occasions where invitation letters are received after the meeting has already taken place. If a case is urgent, Tusla reported that they might make a telephone call to inform a member that a strategy meeting is taking place.

In the absence of attendance by the investigating garda at a strategy meeting, a discussion about a case may take place by telephone. While that ensures that there is contact about the case, it is not the best model for information sharing and evaluation of that information. Gardaí do not need to attend all of the strategy meetings held but they do need to attend meetings if requested to do so by the social worker dealing with the case, particularly in cases that are more serious. The importance of a face-to-face strategy meeting was emphasised by many people that met with the Inspectorate.

There is very little data available on garda attendance rates at strategy meetings, although in one division Tulsa estimated that garda representatives attend about 80% of meetings. Investigating gardaí that met with the Inspectorate admitted that they did not regularly attend strategy meetings, with one member only attending one such meeting in the last eight years and some detectives that had never been invited to attend a meeting. On occasion, inexperienced gardaí attend strategy meetings and may not fully understand what is expected from them in child protection procedures. Sending untrained and inexperienced gardaí to strategy meetings was not a practice found by the Inspectorate in other policing jurisdictions visited.

Feedback from those who have attended strategy meetings is that they provide a good platform for agencies to share and evaluate information. Therefore, the absence of a meeting is likely to adversely impact on the quality of information shared. Some of the findings in this review confirmed a finding in the 2011 National Review of Sexual Services for Children and Young People, that it was sometimes difficult to secure the attendance of gardaí and professionals for meetings. As a result, there is often a delay in arranging meetings or a meeting might not take place. A number of consistent concerns were raised with the Inspectorate in this review with regard to poor co-ordination of victim interviews and difficulties in arranging medical examinations. An effective strategy meeting process should ensure much better co-ordination of agency activity.

Recording Attendance at Strategy Meetings

The PULSE system holds child protection and welfare notifications as incident records and it is possible to input garda attendance at a strategy meeting on a PULSE record.

The Inspectorate requested the 2014 KPI reports for each district visited and analysed the data to get a sense of the attendance at strategy meetings by members recorded on PULSE. Figure 2.3 shows the total number of strategy meetings recorded on PULSE as having taken place. Also included are the national totals for all notifications and strategy meetings held. It should be noted that it was not possible to provide a breakdown of the number of strategy meetings that were held for notifications of suspected CSA only, as this information is not available. For contextual purposes, the number of sexual incident notifications where the victim was a child at the time of the abuse is also included.

The data shows that very low numbers of strategy meetings are recorded on PULSE as having taken place. In the case of two districts, no strategy meetings are recorded on PULSE as taking place in 2014. Nationally, only 747 strategy meetings were recorded on PULSE. For the seven districts visited, only 43 meetings are recorded following 1,956 notifications. Not every notification requires a strategy meeting, but there is an absence of accurate data to establish how many meetings gardaí needed to attend and the proportion of those where gardaí were present.

Figure 2.3 Strategy Meetings Recorded in 2014

District	Child Welfare Notifications Sent and Received	Strategy Meetings Held	Sexual Incidents Recorded on PULSE Where Child Under 18
Ballymun	217	1	90
Blanchardstown	529	6	80
Castlerea	68	0	23
Clonmel	157	14	17
Kilkenny	237	7	38
Portlaoise	323	0	26
Tallaght	425	15	43
Totals	1,956	43	317
National Total	16,283	747	1,919

Source: Data provided by the Garda Síochána; analysis by the Garda Inspectorate

The Figure also shows that the seven districts had a total of 317 sexual incidents recorded where a child was the victim of a crime. These are the more serious notifications and they are the type of cases where a strategy meeting should have taken place. It is worth noting that the 43 meetings that were recorded on PULSE may not all refer to sexual abuse cases. Districts were unable to account for the low numbers of strategy meetings recorded on PULSE. The Inspectorate believes that the reasons for such low numbers may be a combination of poor recording practices on PULSE and an indication that strategy meetings are not always held or that gardaí do not always attend.

Joint Action Plans

Following a strategy meeting, a joint action plan should be created to record decisions made at the meeting and any actions that need to be taken. A social worker has responsibility for creating a joint action plan, and the Inspectorate believes that it is good practice for the Garda Síochána to obtain a copy. During Inspection visits, the Inspectorate found very few copies of action plans attached to garda case files.

Tusla representatives stated that action plans are not always completed and sometimes this is a resourcing issue. A senior Tusla manager said that action plans are important and the representatives of the different agencies should agree any actions arising from meetings.

The Inspectorate was informed that new notification forms will be introduced and that action plans will become part of the record of decisions made at a strategy meeting.

Recording the Creation of Joint Action Plans

The accuracy of data relies on the updating of PULSE records. It is possible to update a PULSE record to show that a joint action plan is in existence. Using the data from the 2014 district KPIs supplied by the Garda Síochána, the Inspectorate analysed the creation of action plans. Figure 2.4 shows the total number of action plans recorded on PULSE in 2014 in the districts visited by the Inspectorate and the national totals for comparison purposes. It was not possible to provide a separate breakdown of the action plans created for notifications of suspected sexual abuse only, as this information is not available. For contextual purposes, the number of sexual incident notifications where the victim was a child at the time of the abuse is also included.

Figure 2.4 Joint Action Plans Completed in 2014

District	Child Welfare Notifications Sent and Received	Joint Action Plans Completed	Sexual Incidents Recorded on PULSE Where Child Under 18
Ballymun	217	2	90
Blanchardstown	529	2	80
Castlerea	68	0	23
Clonmel	157	1	17
Kilkenny	237	1	38
Portlaoise	323	0	26
Tallaght	425	10	43
Totals	1,956	16	317
National Total	16,283	768	1,919

Source: Data provided by the Garda Síochána; analysis by the Garda Inspectorate

The numbers of action plans recorded on PULSE are very low with two districts not recording any in 2014. Nationally, 768 action plans are recorded on PULSE. In the seven districts visited, while a total of 16 action plans are recorded, they may not necessarily all relate to sexual crimes against children. Districts were unable to account for the absence of action plans or the very low numbers, although the general view was that the actions plans were not always completed or that copies were not always sent by the social worker to the investigating member.

As part of the original inspection in 2012, the Inspectorate identified that only 23% of sexual abuse cases had action plans completed. This figure was derived following a manual examination of child welfare notification forms. This was completed because the PULSE data on child welfare notifications and CSA incidents was not reliable. Some five years later, while the reliability of the PULSE data has improved, it appears that the recording practices on action plans have not and a manual search of thousands of notification forms would be required to establish the precise number of action plans created today.

Summary of Strategy Meetings and Joint Action Plans

Despite the existence of KPI reports showing low numbers of strategy meetings and action plans, the Inspectorate did not find evidence of activity to address this. A garda inspector informed the Inspectorate that the only way to determine the actual number of meetings held and the number of action plans completed would be to contact all gardaí investigating child protection cases. There is a new incident management system on PULSE (discussed in Chapter 3) that could be used to improve the recording of this type of information.

The Inspectorate was informed in one district, that strategy meetings rarely take place, action plans are not completed and most discussions take place on the telephone.

These findings also suggest a lack of understanding of the need for strategy meetings and action plans as well as an absence of supervision and governance.

A Tusla manager stated that the current process of arranging meetings and agreeing action plans can be slow and it needs a co-located multi-agency team including gardaí, Tusla and medical professionals to work through criminal and child safety cases. This manager felt that the current system needed to be replaced with a far more dynamic model to ensure that more co-ordinated and timely decisions are made about how a case will progress.

It was also raised with the Inspectorate that Tusla and the Garda Síochána make decisions separately instead of coming together in a formal process to make joint decisions and agree joint actions.

This review has found a number of inconsistencies and during the Inspectorate's visits many practitioners raised the issue of poor co-ordination of activity by agencies. Some of the difficulties raised include:

- Slowness in arranging strategy meetings, poor attendance at some meetings or meetings that were not held;
- Investigations by Tusla and the Garda Síochána on the same incidents that run in tandem, but are often not co-ordinated;
- Joint action plans are not always created;
- An absence of joint interviewing of child victims by Tusla and the Garda Síochána;
- Tusla conducting interviews with potential suspects and disclosing evidence before a garda investigating officer has dealt with that person;
- Gardaí interviewing family members without informing Tusla which may have received additional notifications;
- Non-disclosure of garda child victim interviews to Tusla; and
- Victim referrals for therapy and assessments that can delay investigations.

In other jurisdictions visited, the Inspectorate found the existence of more formal structures on the management of cases and timelier processes for making decisions on what actions need to take place. For example, in Northern Ireland, an early decision is taken on the investigative approach. CSA and serious neglect cases are jointly investigated and a strategy meeting will be held to identify urgent action that needs to take place.

Child Protection Conferences

A Child Protection Conference is an inter-agency and inter-professional meeting, convened by the designated person in Tusla with the purpose of sharing and evaluating information

between professionals and parents/carers and for formulating a child protection plan.⁴ The plan outlines the actions that professionals and agencies, directly involved with the family, need to take in order to ensure the child's continued protection and wellbeing. It differs from a strategy meeting in that it normally occurs following assessment and after any emergency action has taken place.

An invitation to attend a conference, and the agenda to be covered, should be sent in the first instance to the local garda superintendent in order to facilitate the attendance of the designated garda. Such a conference usually occurs in cases that are more serious, with parents and guardians often attending. In urgent cases, a conference can take place quickly.

Some garda investigators raised concerns about sharing confidential information about an investigation when parents or guardians are present at conferences, particularly in cases where they might be suspected of committing offences. In these cases, disclosure of information sometimes takes place outside of the actual conference and tends to be given orally rather than in writing. The Inspectorate was told that conferences are viewed as more important than strategy meetings and investigating gardaí are usually invited to attend. In some cases, CPU staff or Tusla liaison sergeants also try to attend if they are available.

Attendance at a conference is not specifically recorded on PULSE and therefore it does not appear on the garda KPIs. This is a gap in terms of monitoring the numbers of requests received and the number of conferences attended. In one garda division, a guidance document was produced by Tusla to identify the circumstances where gardaí need to attend a conference. This included cases where gardaí have information that is relevant to the safety and welfare of a child.

When an invitation is extended to a named garda, it is expected that they will attend. Data provided by Tusla showed that out of 46 conferences, only 24 were attended by gardaí.⁵ However, not all Tusla areas visited were able to provide similar

⁴ A child protection plan is a multi-agency agreement formulated at a Child Protection Conference.

⁵ The data provided did not include how many invitations were issued.

data on garda attendance rates at conferences and therefore the Inspectorate was unable to measure the actual level of attendance.

Internationally, attendance at a Child Protection Conference is considered as very important. Her Majesty's Inspectorate of Constabulary, during a child protection inspection of a UK police service, concluded that attending conferences demonstrates commitment to information sharing and collective decision making.⁶

Child Protection Notification System

The Child Protection Notification System (CPNS) is a secure database containing a national record of all children who have reached the threshold of ongoing risk of significant harm and where there is a current child protection concern. The system exists to help professionals make decisions about the safety of children and is only used when there are ongoing concerns about a child's safety. Access to the system is strictly confined to social workers, members of the Garda Síochána, designated staff from out of hours GP practices, staff of children's and maternity hospitals and staff of emergency departments in acute hospitals. A designated Tusla person has responsibility for updating the database and the decision to put a child's name on the system is made at a Child Protection Conference.

Gardaí have 24/7 access to the CPNS through the Garda Command and Control Communications Centre in Harcourt Square in Dublin. Parents are notified if their child's name is on the CPNS and a child is only removed when he/she is no longer considered to be at risk.

Joint-Agency Response – Managing Child Welfare Notifications

Children First National Guidance states that Tusla has primary responsibility for child protection/welfare and that the Garda Síochána has responsibility for crime investigation. While both agencies can and do pursue these aims separately, it is important that they work together and consult with each other in connection with child welfare notifications. This involves a further level of joint working that is vital to the process.

Liaison Officer Meetings to Discuss the Progress of Notifications

All districts have designated an officer (usually a sergeant or an inspector) to perform a liaison role with Tusla to monitor the progress of child protection and welfare notifications. This is carried out by organising formal and informal meetings, which take place between the garda liaison sergeants/inspectors and Tusla managers. However, the frequency of these meetings varied greatly in the areas visited by the Inspectorate. Some inner city districts have monthly meetings whereas meetings in some rural districts took place every three to six months. Apart from these meetings and attending conferences, some of the liaison sergeants had limited contact with Tusla. In some places, there were no formal arrangements for holding meetings and they took place as and when required. In one district, where Tusla offices were located much closer to a garda station, the meetings appeared to take place more often.

Many of the liaison sergeants also have other roles, which greatly reduces their time to interact with Tusla and carry out their liaison role effectively. One sergeant estimated that they only spend about 15% of their time on notifications and Tusla liaison. Contact between CPU sergeants and Tusla managers appeared far more structured and regular than the contact between the agencies in districts without such a unit. Non-CPU sergeants in part-time liaison roles often found it difficult to arrange meetings and often had to cancel meetings at short notice. This made it difficult to discuss the progress of individual notifications and caused particular difficulties with gaining agreement to close cases. The volume of cases in some districts, where meetings were not regularly held, was often much higher with a list of up to 50 notifications to discuss. It was also raised that where garda divisions dealt with two different Tusla areas, it was found that there were different operating practices. A liaison sergeant explained that at meetings in one Tusla area they discussed broader issues, while in the other Tusla area discussions were focused on specific cases.

6 Now called Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services.

Tracking and Reconciliation of Notifications

While both Tusla and the Garda Síochána operate database/register systems for recording notifications, they are maintained separately and there is no electronic shared folder system that would allow the joint tracking of notifications. During visits, the Inspectorate did not find any reconciliation activity to check if the data on the garda registers and on PULSE actually matched Tusla records. In essence, no one is checking to make sure that all of the notification forms that are sent are being actioned by the other agency. Those sergeants appointed for Tusla liaison purposes did not see that it was their role to check that the garda register of notifications matched the records kept by Tusla. With the planned introduction of electronic notification forms, consideration should be given to creating a shared folder to allow joint tracking of notifications. This would show whom the case was allocated to, provide a contact e-mail address, a telephone number, and show the status of the assessment or investigation. The 2012 Inspectorate report contained a recommendation that the Garda Síochána should work with Tusla to address barriers such as the absence of shared systems and agreed records. While that recommendation is considered 'generally implemented', there are still major challenges to making current IT systems compatible and sharing data electronically.

Closure of Notifications

Children First National Guidance states that a notification should only be closed when there are no longer concerns about a child's protection or welfare. When a case is closed, all professionals, the child and their family must be informed. In some districts visited, the closure processes varied. Some superintendents wanted a written report before the case was closed, while others did not. In addition, the Inspectorate found that some liaison sergeants are authorised to close cases while in other places, an inspector has to be consulted. Even in districts with CPUs, there are different approaches. One CPU operated a database register of notifications and had an agreed sign off process with Tusla, while another CPU had no such register and there was no formal process for closing notifications.

Liaison sergeants reported that Tusla often closes

emotional abuse notifications quickly without any intervention. In one area, Tusla stated that many of the notifications from the Garda Síochána fall below the Tusla minimum intervention level and are closed in the absence of more information. In these cases, sergeants would like to have the authority to close the notification on PULSE without the need to refer it to a more senior garda manager.

Tusla also operates different internal processes for closing cases. In one Tusla area in Dublin, notifications cannot be closed outside of a regional forum where a regional manager sanctions closures. Some districts reported that they hold regular closure meetings with Tusla. However, in other districts sergeants try to meet with Tusla to co-ordinate closures, but often find it difficult to close a case as the agencies can be at different stages of an investigation. Most people stated that notifications are often closed by one agency without notifying the other. The differences in closure practices impact on the ability of the agencies to jointly close notifications.

Tusla managers raised a number of concerns with the Inspectorate. They complained about the long delays in some criminal investigations where no actual prosecution ever takes place. They also said that they were not always told about Director of Public Prosecutions (DPP) decisions, trial dates or court outcomes and that very few cases result in a conviction at court. Because of investigation delays, Tusla interventions sometimes have to wait in abeyance until the garda investigation is concluded and they are notified about the outcome. Both Tusla and Garda Síochána representatives felt that the closure process could be improved to ensure that the other agency is informed when all of the investigation stages in a case have been concluded.

Garda PULSE Data – Child Protection (Welfare) Notifications

Child protection notifications received from Tusla or generated by gardaí should be recorded as an incident on PULSE under one of the four notification reasons of suspected emotional abuse, suspected neglect, suspected physical abuse and suspected sexual abuse. There is a further reason available on PULSE, which is concern for public safety, but this has not been analysed

as it is not one of the four stated reasons on the notification form. This analysis concentrated on formal notifications that account for 98% of all notifications on PULSE.

Figure 2.5 shows the total number of notifications recorded on PULSE in 2014 broken down into the four notification reasons on the form.

Figure 2.5 Notifications Broken down by Reason – 2014

Notification Reason	Number of Incidents	% of All Notifications
Suspected Emotional Abuse	8,889	55%
Suspected Neglect	3,502	21%
Suspected Physical Abuse	1,827	11%
Suspected Sexual Abuse	2,065	13%
Total Notifications	16,283	100%

Source: PULSE data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows that there were 16,283 notifications recorded on PULSE in 2014 with 13% of all notifications relating to suspected sexual abuse. This is actually a much lower proportion than was identified in the Inspectorate's report of 2012 when sexual abuse notifications accounted for 21%. In total, 55% of all notifications exchanged related to emotional abuse and of the 8,889 notifications for emotional abuse, 8,277 of these cases were sent by the Garda Síochána to Tusla. This large number may go some way to explaining the increase in the number of overall notifications.

Notifications Recorded by Garda Divisions

To further examine the volume of notifications sent and received by the Garda Síochána, the Inspectorate analysed the numbers of notifications recorded on PULSE, broken down by garda divisions.

Figure 2.6 shows the number of notifications exchanged between Tusla and the Garda Síochána during 2014. The proportion of all notifications that are sent by each division is also shown.

The four divisions with the highest volume of notifications are highlighted.

Figure 2.6 Formal Notifications by Division – 2014

Division	Notifications from Tusla	Notifications to Tusla	Total Notifications	% Sent by Garda Síochána Divisions
Cavan/Monaghan	99	492	591	83%
Clare	57	524	581	90%
Cork City	186	737	923	80%
Cork North	108	700	808	87%
Cork West	50	423	473	89%
DMR Eastern	41	336	377	89%
DMR North Central	51	190	241	79%
DMR Northern	206	562	768	73%
DMR South Central	58	215	273	79%
DMR Southern	96	548	644	85%
DMR Western	195	740	935	79%
Donegal	51	539	590	91%
Galway	119	545	664	82%
Kerry	62	322	384	84%
Kildare	47	516	563	92%
Kilkenny/Carlow	60	448	508	88%
Laois/Offaly	134	440	574	77%
Limerick	144	399	543	73%
Louth	100	504	604	83%
Mayo	24	362	386	94%
Meath	149	680	829	82%
Not Assigned Division	13	11	24	46%
Roscommon/Longford	72	361	433	83%
Sligo/Leitrim	76	395	471	84%
Tipperary	113	602	715	84%
Waterford	58	344	402	86%
Westmeath	111	405	516	78%
Wexford	162	568	730	78%
Wicklow	44	416	460	90%
Total	2,686	13,324	16,010	83%

Source: PULSE data provide by the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows that the Garda Síochána generated 83% of all notifications that are recorded on PULSE with the proportion sent by divisions to Tusla ranging from 73% in DMR Northern and Limerick to 94% in Mayo. There were also significant variations in the levels of notifications sent by Tusla. In this analysis DMR Western, Cork City, Meath and Cork North divisions were the highest volume contributors. While this might be expected from divisions with some of the highest numbers of gardaí, both Meath and Cork North with fewer members created large numbers of notifications.

Most notifications sent to Tusla are completed by those at garda rank. To analyse the data further, the Inspectorate compared the numbers of notifications sent to Tusla against the number of members at garda rank in each division up to November 2014. While the analysis showed that the national average was 1.5 notifications per garda, the average number of notifications created per garda member varied greatly across the 28 divisions. This ranged from 0.4 notifications per garda in DMR South Central and DMR North Central to three per garda in Meath. This variation indicates the level of inconsistency across divisions in the creation of notifications.

Notifications Sent and Received – 2007 to 2009

In the original inspection report, analysis was conducted of notifications sent and received between Tusla and the Garda Síochána over a three-year period from 2007 to 2009. Figure 2.7 extracts some of the data used in that report.

Figure 2.7 Notifications – 2007 to 2009

Total Notifications Sent by the Garda Síochána to Tusla	Total Notifications Sent by Tulsa to the Garda Síochána	Total Number of Notifications Sent
11,472	4,601	16,073

Source: PULSE data provided by the Garda Síochána; analysis by the Garda Inspectorate

The data shows that the Garda Síochána sent 11,472 notifications to Tusla in the three-year period 2007 to 2009, compared to Figure 2.6 which shows that in one year alone (2014), the Garda Síochána sent 13,324 notifications. Tusla sent 4,601 notifications to the Garda Síochána in this same three-year period, which is an average of 1,534 a year compared to 2014 when 2,686 notifications were sent. For both organisations, this is a significant increase in notifications.

Suspected Sexual Abuse Notifications

As the focus of this review is on child abuse, the Inspectorate further examined the number of notifications sent in connection with CSA. Figure 2.8 shows the total number of formal notifications between Tusla and the Garda Síochána in 2014, which had a notification reason of suspected sexual abuse.⁷ To provide some context and to show the distribution across garda divisions, the Figure also shows the proportion of all notifications in comparison with those of suspected CSA.

⁷ Informal notifications amounted to 273 in 2014. These were discounted from the total notification figure in the analysis of suspected child sexual abuse notifications.

Figure 2.8 Formal Suspected Child Sexual Abuse Notifications by Garda Division in 2014

Division	Total Notifications	Total Child Sexual Abuse Notifications	% of Notifications for Child Sexual Abuse
Cavan/Monaghan	591	67	11%
Clare	581	54	9%
Cork City	923	93	10%
Cork North	808	94	12%
Cork West	473	38	8%
DMR Eastern	377	59	16%
DMR North Central	241	25	10%
DMR Northern	768	148	19%
DMR South Central	273	29	11%
DMR Southern	644	92	14%
DMR Western	935	128	14%
Donegal	590	73	12%
Galway	664	58	9%
Kerry	384	53	14%
Kildare	563	76	13%
Kilkenny/Carlow	508	54	11%
Laois/Offaly	574	91	16%
Limerick	543	100	18%
Louth	604	43	7%
Mayo	386	25	6%
Meath	829	86	10%
Not Assigned Division	24	15	63%
Roscommon/Longford	433	59	14%
Sligo/Leitrim	471	65	14%
Tipperary	715	70	10%
Waterford	402	79	20%
Westmeath	516	72	14%
Wexford	730	125	17%
Wicklow	460	54	12%
Total	16,010	2,025	13%

Source: PULSE data provided by the Garda Síochána; analysis by the Garda Inspectorate

The Figure shows that 2,025 notifications were created for suspected CSA in 2014, which accounted for 13% of all notifications. Proportionally, CSA notifications ranged from 6% of all notifications in Mayo to 20% of all notifications in Waterford.

In the original 2012 report, there were 3,303 notifications of suspected CSA in the period 2007 to 2009, which is an average of 1,101 per year, compared to a total of 2,025 in 2014, which is a considerable increase. In the original report, the six DMR divisions accounted for 41% of all CSA notifications, but in 2014, the same divisions

accounted for 24% of the total. The Inspectorate has examined the data and identified that the numbers of notifications in the DMR divisions remained similar, but there were considerable increases in the numbers of notifications across other divisions. For example, Sligo/Leitrim had a 491% increase and Laois/Offaly had a 457% increase.

Tusla Notification Data

In order to compare the Garda Síochána and Tusla data sets on notifications, the Inspectorate also requested data from Tusla. The Tusla National Office provided notification data for the years 2014 and 2015. The National Office combines

notifications for neglect and abuse into one total and was therefore unable to break down the notifications into the four main notification reasons that the Garda Síochána uses. Many of the notifications received by Tusla from the Garda Síochána were described to the Inspectorate as welfare concerns, such as when a child has not attended school.

For analysis purposes, the Inspectorate examined the 2014 Tusla data, which represented the baseline year for the majority of analyses completed in this review. Figure 2.9 shows the national total for all notifications broken down into the categories of abuse/neglect and welfare. It also shows the source of the notification.

Figure 2.9 Notifications to Tusla by Referral Source, Broken Down by Abuse/Neglect and Welfare Reasons for 2014

Referral Source	Abuse/ Neglect	Welfare Concern	Total 2014
Garda Síochána	5,629	3,016	8,645
Other Tusla/HSE Officer (CAMHS ⁸ etc.)	2,210	4,013	6,223
School	2,240	2,874	5,114
Parent/Guardian	1,303	3,027	4,330
Designated Officer Tusla/HSE	1,315	2,661	3,976
Voluntary agency	1,238	1,916	3,154
Other sources	917	1,709	2,626
Anonymous	1,035	1,128	2,163
Other family member	700	927	1,627
Member of the public	591	707	1,298
General practitioner	418	858	1,276
Government agency/Department	347	621	968
Local authority	150	341	491
Self-referral	187	246	433
Courts: Section 20 Child Care Act	32	262	294
Probation Service	66	87	153
Foreign National/Social Services	42	59	101
Courts Section 47 Child Care Act	4	39	43
Total	18,424	24,491	42,915

Source: Data supplied by the Tusla National Office; analysis by the Garda Inspectorate

In 2014, Tusla recorded a total of 42,915 notifications. This includes all notifications sent to Tusla and those generated by its own staff. This Figure shows that the highest number of notifications sent to Tusla in 2014 came from the Garda Síochána. There was a similar picture in 2015, but there was a significant increase to 10,282 in the total number of referrals made by the Garda Síochána.

While the Garda Síochána only submits notifications in the four main reason categories, the Tusla data shows that 3,016 of the 8,645 garda notifications were classified as welfare concerns. Tusla explained that notifications sent by the Garda Síochána are often recategorised into an additional category of welfare concern. As can be seen from the data, a total of 24,491 notifications out of 42,915 were categorised as welfare concerns.

It is interesting that while the number of notifications made by the Garda Síochána rose significantly between 2014 and 2015, other sources of notifications remained relatively static and, in fact, schools showed a small reduction in the number of notifications in 2015.

Tusla Data

Tusla produces national and local data (at an area level) on notifications. One local Tusla area manager shared a 2014 data analysis report with the Inspectorate, which contained some interesting performance data that is available to the Garda Síochána and other agencies. The data showed that across the three geographical areas covered, young people aged between 12 and 17 years of age generally accounted for the highest rate of notifications. The Tusla data also showed some interesting variations in the quantity and quality of notifications. For example, while one garda district had the highest increase in referrals, it also had the highest rate of closed cases at 58% without any Tusla intervention.

Comparison Between Tusla and Garda Síochána Data

The data supplied by the Tusla National Office in Figure 2.9 and by the Garda Síochána in Figure 2.8 for 2014, showed considerable differences in the numbers of notifications recorded. For example, it highlights that Tusla has 7,365 fewer notifications than are shown in the Garda Síochána records.

A possible explanation for this anomaly is the practice by the Tusla National Office of recategorising notifications from the more serious reason categories to welfare concerns and removing some garda notifications completely from the data that it holds.

While the number of notifications to and from both organisations has significantly increased, a common theme arising out of the visits conducted by the Inspectorate was the issue of notifications of a very low level and not necessarily a child protection concern. It is very important for agencies to encourage front-line staff to submit child protection concerns, but there must be consistency in the creation of a notification form. The Inspectorate believes that appropriate joint training must be provided to front-line workers to ensure that staff from both agencies fully understand the importance of the quality of the information that is supplied and when a notification is required. This is critical to avoid the assignment of cases to staff that do not require interventions, but far more importantly to allow the timely assignment of resources to essential cases. The Inspectorate has not fully established why the data recorded by each agency is so different and the anomaly provides greater weight for the need for shared data sets and systems that was highlighted in the original report in 2012. This matter should be re-examined by Tusla and the Garda Síochána in light of these findings.

Children First Joint Training

The initial Children First training took place over ten years ago when Children First National Guidance was first launched. At that time some joint training took place, which was attended by Tusla and Garda Síochána staff. The feedback on this training was very positive and it helped to create a shared understanding of child protection and the roles of each organisation.

Initially large numbers of gardaí were trained, but there has been little or no follow-up training since. This has resulted in a reduction in the numbers of gardaí on the front line who are trained. For example, in one of the divisions visited, only 70 out of 496 members were trained in Children First. Tusla reported that it aims to provide refresher training every three years for its staff. In the Garda Síochána, there is no similar programme of

refresher training. The Inspectorate found that one CPU had arranged additional training in Children First on its own initiative, which involved joint training with Tusla staff.

In other jurisdictions visited, multi-agency training takes place as part of child protection training courses. For example, in Scotland the PPU staff take part in joint training with other stakeholders and run a joint investigation course that is open to other agencies.

Following the publication of the new version of Children First National Guidance, the Garda Síochána and Tusla need to develop joint training for all front-line staff dealing with child protection issues. The roll-out of the new divisional PSUs provides an excellent opportunity for the Garda Síochána to engage Tusla with a view to conducting joint-agency training.

Notification Systems and Multi-Agency Responses in other Jurisdictions

As part of this inspection, the Inspectorate visited a number of other policing jurisdictions to assess the child protection notification systems in place and to establish how multi-agency working impacts on the initial decision-making process. In this section of the review, the systems in place for dealing with notifications in Scotland, the West Midlands and Northern Ireland are outlined and examined by the Inspectorate. In all of these places, the Inspectorate found that there are more formal processes in place for multi-agency working than applied in Ireland.

West Midlands Police – Multi-Agency Safeguarding Hubs

Police services in England and Wales, including the West Midlands Police, operate a system called a Multi-Agency Safeguarding Hub (MASH). The hubs replaced a previous system of a Central Referral Unit where the police processed all notifications at a single point. Hubs exist in all local authority areas and co-terminosity of relevant agencies is a major advantage.

The Inspectorate visited the Birmingham City Centre MASH, which opened in 2014. It operates Monday to Friday during normal office hours with an additional process in place to manage incidents that occur outside of these operating hours. When this MASH first launched it encountered a 127% increase in the volume of notifications received. This required a corresponding increase in police and other agency resources allocated to the hub. Interestingly, many of the notifications now received provide information that was not previously available. Schools account for a large number of referrals and there is a significant drop off in notifications during school holidays. An information sharing protocol is being developed to specify what should and should not be shared in the hub.

In 2015, the Birmingham MASH managed 16,364 referrals with 42% provided by the police and 11% from schools. Of those referrals, there were 653 cases of CSA, 246 cases of CSE and 59 cases of female genital mutilation. The highest volume category of cases arose from domestic abuse incidents, which accounted for 6,362 referrals.

The MASH has co-located local authority call-takers, police officers, social care workers and health staff and has experts in many areas including CSA, forced marriage and female genital mutilation. It provides a platform for sharing information and agreeing responses to notifications sent directly to it via e-mail using a Multi-Agency Referral Form or by telephone. Telephone calls are answered by local authority call-takers as part of its Children's Information and Advice Service and child protection matters are transferred to social workers for initial screening.

If a case requires a single agency response, it is sent to a professional in the agency from which the response is required. If the case involves a crime against a child or a child protection issue, the information is shared immediately with the police and health staff located within the MASH. On receipt of the information, agencies search their own information systems to see what data they hold on the people involved. If it involves a previously unreported crime, police officers in the MASH record the incident on their crime recording system.

Based on the initial information that is received, a risk assessment is conducted using a Red, Amber, Green (RAG) traffic light system to identify the level of risk facing a child. This ensures that high risk and time dependent cases can be processed quickly by the MASH for multi-agency information sharing and screening. The RAG process is used again after information has been shared by the various agencies. Cases are categorised as Red where there is a significant risk of harm and requires an immediate response. Amber cases include referrals where a child may have suffered harm but there is no immediate risk. Green cases are usually those that do not require a multi-agency response. In Red and Amber cases, a multi-agency strategy meeting will be held. For Red cases, information sharing should take place immediately and, in any case, within four hours of the initial assessment and in an Amber case, information sharing should be completed within 24 hours. Where there is a high volume of notifications received, the Inspectorate was told that it can sometimes be challenging to meet these targets.

At the time of the visit, the MASH had two separate strategy groups operating simultaneously and both had agency professionals assigned who would come together throughout the day to discuss cases. On the day of the visit, it was estimated that 16 strategy meetings would be held.

The Inspectorate observed a strategy meeting with professionals from health, the police and social services. All agencies had access to their own data sources via laptops and the discussion focused on the evaluation of available information. Only those who have received specific training can participate in these meetings. For example, officers representing the police must be detectives who are also further trained in child abuse investigation. The strategy meeting decides on the next steps, including the appointment of a police or joint investigation team, deciding how and when the victim will be interviewed and deciding whether a medical examination is required and who will conduct it. This process is designed to facilitate fast-time decision making about a case and it directs how it will be managed. Before an investigator is appointed, this executive group has already made key decisions about how the

case will be progressed. If a police investigation is required, the case is assigned to a Child Abuse Investigation Unit.

If a Child Protection Conference is later required, it can take place away from the MASH, involving more local agency staff who will be investigating or assisting with the investigation of a case. An escalation and dispute resolution process is in place at the MASH to allow partner agencies to constructively and professionally challenge decision making in a time-appropriate way.

This model was described by the people working in the MASH as child focused and a real success story in multi-agency management of notifications.

Police Scotland – Interim Vulnerable Persons Database and Concern Hubs

In 2013, Police Scotland introduced an Interim Vulnerable Persons Database that records all concerns about vulnerable children and adults coming to police notice in relation to sexual crimes, mental health, youth offending, wellbeing, child protection, domestic abuse and hate crime offences. The database currently holds details on nearly 600,000 victims, witnesses, suspects and other vulnerable people of which 120,000 are those who have come to notice on more than one occasion. Of those coming to notice, 33% are in connection with mental health issues. Entries are police driven and generally result from incidents dealt with by front-line officers or following information received from partner agencies.

Apart from some sensitive cases, the database can be accessed by all police officers in Scotland and relevant information can be shared with partner agencies. Police Scotland has found it to be very useful for dealing with people who move from one part of Scotland to another and those who offend across different police area boundaries. A small percentage of entries involve child protection issues, with the majority being entries about the wellbeing of children or young people.

Concern Hubs

Police Scotland has introduced Concern Hubs in each of the 13 police divisions throughout the jurisdiction. Hubs manage all notifications generated as part of the Vulnerable Persons

Database process. Unlike the MASH approach, agencies are not co-located in one building. The Inspectorate visited the Edinburgh Concern Hub, which operates seven days a week during mainly office hours. It is staffed completely by police officers (one sergeant and eight constables) but the Inspectorate was advised that some of the functions were suitable for support staff. In 2015, the Edinburgh hub managed 22,253 notifications of which 32% were in connection with child concerns. This equates to about 60 a day. The hub aims to conduct a risk assessment and to process all entries within the same day. Child protection and domestic abuse cases are prioritised for action. Where a single agency response is required, the case is sent to a police investigation unit or to another agency to deal with the matter. A multi-agency meeting is held on a weekly basis to discuss the progress of cases. Hubs also make decisions in cases involving young offenders and missing children.

Inter-agency Referral Discussion

Approximately ten of the 60 child concern cases received daily are assessed as requiring an Inter-agency Referral Discussion (IRD). Within the hub, there is a separate unit called an IRD Desk staffed by three police sergeants. They currently work Monday to Friday but anticipate having to develop a seven-day service. While not co-located, three key agencies (police, health and social services) participate in an IRD process. All those involved in this process must be supervisors such as sergeants, social work team leaders and paediatricians.

The first step in an IRD process is the electronic sharing of agency information and the police usually instigate this. This is followed by a number of inter-agency telephone conversations about the case to assess the known or potential risks and to discuss possible actions. The main role of the IRD Desk is to gather all of the relevant information from partner agencies. A key aspect of this process is the fact that the three agencies make their own separate decisions and then come together to discuss the next steps.

The IRD process considers a number of factors including:

- Legal issues and whether a child protection order is required;

- Whether there is a need for an investigation and if so, should it be a joint or single agency response;
- The need for a medical examination of the victim;
- The taking of victim and witness interviews and statements; and
- Any referrals for health, mental health or voluntary support.

In urgent or more serious cases, a face-to-face strategy meeting is convened. This would include incidents such as domestic abuse cases involving an unborn child. Police IRD supervisors said that there are very few inter-agency disagreements in the decision-making process. However, where there are issues with a case, it can be elevated to more senior members of staff for review.

When a decision is taken to conduct a criminal investigation in a CSA case, the IRD assigns the case to a specialist police investigation unit. The IRD provides a package to the investigators with the details of when the joint social service and police victim interview will take place and the details of a medical examination, if it is required. In some cases, the IRD will arrange for victim and witness interviews to take place immediately. Police investigators in Edinburgh informed the Inspectorate that they find the IRD process useful as it sets timescales and clear directions for the next steps in an investigation. It also co-ordinates partner agency resources for interviews, medical examinations and victim support. This removes a number of immediate tasks from the investigators and frees them up to concentrate on the case. The IRD previously operated with co-location of agency staff, but the police officers spoken to by the Inspectorate did not believe that this is critical to the effective working of the process.

Police Service of Northern Ireland – Central Referral Unit

The Police Service of Northern Ireland (PSNI) operates a single Central Referral Unit (CRU) providing a seven-day service from 8am to 8pm. Outside of these hours an on-call system is in place with the social services. Police officers manage the CRU and while there are plans to include a social worker, at present there is no co-location of staff. The CRU decides if a referral should have a single or an inter-agency response.

The CRU deals with five Health and Social Care Trusts that are semi-autonomous and can operate in different ways. The PSNI described the CRU as a much better process than the previous system, which often resulted in different approaches to cases depending on the geographical area where the crime or incident took place. The CRU ensures that there is consistency in the way that the PSNI and partner agencies manage child abuse cases. In all cases of CSA or child neglect there should be an inter-agency investigation. A strategy meeting should take place in child protection cases within three days and a Child Protection Conference within 15. The CRU also checks all domestic abuse risk assessments that are completed by PSNI officers.

Between April 2015 and April 2016, the CRU received a total of 4,723 referrals of which 33% were neglect and CSA cases. Unlike the MASH, the CRU does not receive all notifications from other agencies. Most notifications are generated by police officers, social services and infrequently by members of the public. There is an inter-agency protocol for the conduct of joint investigations by social workers and police officers in cases of child abuse where every decision is jointly made.

The three systems examined in Scotland, the West Midlands and Northern Ireland operate differently but provide a consistent inter-agency response to child protection cases. In particular, key decisions about the next steps in an investigation are made by inter-agency staff who are fully trained in child protection matters.

Role of Inter-Agency Front-Line Staff

All of the main agencies involved with children and young persons have front-line staff who deal with children, their families and carers on a daily basis, often visiting the home. Front-line workers can identify signs and concerns about a child at an early stage and take immediate action. This type of early intervention could save a child's life or prevent harm.

The West Midlands Police introduced an initiative called Operation Sentinel in 2013. This is an awareness campaign for all front-line agency staff, including call-takers, to advise them about what to ask and what to look for, particularly in connection with hidden crimes such as CSE. The intention of Operation Sentinel was best described

in the example of when a police patrol officer stops a car in the early hours of the morning; they are trained to ask themselves why a young child is in the back of the car. All internal police training courses now start with a short segment on child safety notifications. West Midlands Police also delivers multi-agency staff training to raise awareness and to highlight the thresholds for reporting concerns. This is delivered to a wide number of agencies including schools, health professionals and licensing departments. A gap in reporting by schools was quickly identified and as a result, a forum is now in place with head teachers and they meet on a regular basis.

Durham Constabulary operates an initiative called Intervene to Protect a Child. This also provides similar training to multi-agency front-line staff, such as traffic officers and social workers. As mentioned earlier, the Inspectorate welcomes the decision by Tusla and the Garda Síochána to develop a similar scheme to this.

The Voice of the Child

There is a concern in other police services visited by the Inspectorate that the voice of the child is not being heard. Traditionally, police services dealt with incidents where children were present, but were not spoken to. In many cases of domestic abuse, children were not always spoken to because it was late at night and they were thought to be asleep. Research has shown that older children are often awake, listening to violence and have a story to tell about what is happening in the home. Her Majesty's Inspectorate of Constabulary conducted national inspections of child protection practices in England and Wales and found that some police services do not always check on the welfare of a child in domestic abuse incidents and do not always check on a child's demeanour. Many police services are now training their officers to engage fully with children at incidents to try and identify the signs of abuse. Norway introduced legislation that recognises children who are present in households where there is violence to be victims of that violence, irrespective of any physical injuries to the child. To support this, specialists in child interviewing are now delivering training to new police officers, investigating officers and police prosecutors on how to communicate with children at crime scenes and how to deal with children experiencing trauma.

This review has established that children who are victims of abuse in Ireland are not always asked the right questions to establish if abuse has taken place. The Inspectorate spoke to a victim of CSA, now an adult, who described seeing many specialists throughout their younger years and not one of those specialists identified that they were a victim of serious sexual abuse.

Children First National Guidance includes the right of children to be heard, listened to and taken seriously. The Inspectorate believes that this approach should be embedded in all Garda Síochána child protection practices.

Multi-Agency Working in Ireland – Looking Forward

During the course of this review, the Inspectorate found that the current process for assessing notifications and decision making is in many cases conducted separately by Tusla and the Garda Síochána. Many people who met with the Inspectorate were of the view that the current system could be enhanced by having dedicated garda units to deal with child protection issues and having a more dynamic and structured joint-agency approach to managing notifications.

Stakeholders who engaged with the Inspectorate believe that the best way forward could be for Tusla and the Garda Síochána to have a joint-agency unit with co-located staff in order to improve working arrangements, particularly with the management of notifications. Visits by the Inspectorate to other jurisdictions found some systems with co-location of multi-agency staff and some that were not co-located. There are advantages and disadvantages to both approaches, but the absence of co-located multi-agency teams did not prevent other jurisdictions from having a more structured and efficient decision-making process.

The MASH system in police services in England and Wales, and the IRD process in Scotland provide two different models of multi-agency working. Both systems have a strong focus on early assessment of notifications, fast-time sharing of information with partner agencies and a more efficient system of agencies working together to make important executive decisions

on how a case will be progressed. These models could be adapted to cater for both urban and rural locations in Ireland. For example, it might be more effective in a city location to co-locate Tusla and Garda Síochána staff, whereas in a more rural location an IRD type process might be more efficient. Either option would address many of the current difficulties in cases where Tusla and the Garda Síochána are not always kept informed about what the other agency is doing. This process would also greatly help to provide direction in the investigation process by removing responsibility for some of the immediate decisions and logistical arrangements from investigators.

Information Sharing

Concerns about sharing data with other agencies featured in most interviews conducted in this review. This subject also featured strongly in the last two Inspectorate reports and was the subject of a recommendation in the Changing Policing in Ireland (2015) report. The Inspectorate found an absence of protocols or memoranda of understanding between Tusla and the Garda Síochána for information sharing at a local level. Most people referred to the Children First National Guidance and stated that they would share information adhering to the principle of ‘in the best interests of the child’. When asked for specific examples of information sharing blockages, people often provided details of complex cases where the sharing of data was complicated by a number of factors. In two of the examples provided, gardaí were told that they should apply for a search warrant to obtain information relating to a complex investigation. Ultimately, the matter was resolved without the need for a warrant, but the situation could have been avoided if an information sharing agreement had been in place.

Other concerns raised about information sharing were in relation to the disclosure of information to a partner agency that was then further disclosed by the receiving agency to a third party. Garda investigators provided examples where information about an investigation was inadvertently disclosed by social workers to persons who were considered potential suspects. Where Tusla and the Garda Síochána conduct investigations independently, there is a greater risk that one agency has information relevant to

the other that may be inappropriately disclosed. In some examples provided to the Inspectorate, this action only became known when formal disclosure of evidence was made as part of court proceedings. Some garda investigators felt that other agencies were sometimes unwilling to provide information (for example, schools or counsellors) that could assist with a criminal investigation or in the case of a child missing from care. Tusla also provided examples of instances when it was unable to obtain information such as DVD copies of garda interviews conducted with child victims.

The requirements of the Freedom of Information Act, 2014 and the Data Protection Acts, 1998 and 2003 have contributed to a very cautious approach to the sharing of information between the Garda Síochána and Tusla. The Inspectorate believes that in relation to child protection, information should be shared on a secure and confidential basis, without the risk of one agency disclosing information without the consent of the owner of that data.

The Inspectorate found similar concerns in other jurisdictions. Norway highlighted cases where social workers sometimes disclosed details of crimes to parents prior to police interviews taking place. Norway follows the same principle of sharing information in the best interests of the child. Currently, the Norwegian ministries of Justice and Child Welfare are in the process of developing a new protocol to make it easier to share information.

The MASH in Birmingham provided the Inspectorate with a copy of an information sharing protocol agreed between the council, health and police services. This sets out the purpose of sharing information, the basis for what will be shared and guidance for practitioners and managers. It also has a procedure for sharing all information held at the first stage of inter-agency interaction to allow a full assessment of risk and harm, which in turn identifies the proportionate level of response required. Once a decision is made, based on the sharing of all information, a designated MASH leader, together with the relevant partner agency, may hold back information, which is deemed by an organisation to be inappropriate for wider dissemination. In essence, this provides a fail-safe for organisations that are reluctant to share very

sensitive information.

Information sharing has been a topic of much discussion in recent times and the Inspectorate is aware that provisions have been drafted in a proposed Criminal Justice (Sex Offenders) Amendment Bill 2017 regarding information sharing for the purpose of assessing and reducing risk.

The Inspectorate believes that any new process for managing notifications and conducting investigations should be accompanied by a new information sharing protocol.

Out of Office Hours Services

Two concerns frequently raised by senior and front-line gardaí are late requests from Tusla for garda action outside of Tusla office hours and difficulties in obtaining out of hours responses by Tusla to child protection issues, particularly at weekends.

Gardaí reported that they often receive requests from Tusla for garda action or information about a child protection concern late in the evening, particularly on Fridays. Most districts provided examples where requests were received late on a Friday afternoon for action that was required during that weekend. Gardaí reported that when they request more information it is not always possible to make contact with Tusla. One district highlighted a request from Tusla to check on a family over a weekend because there was a volatile situation involving a mother suspected of drinking and not taking proper care of her children. If the gardaí attend that sort of situation and have concerns for the immediate welfare of children, they may have to remove children to a place of safety. This appeared to the Inspectorate to be the sort of case that should have had a joint-agency visit to check on the welfare of the children and to deal with any child protection issues that may present themselves.

Gardaí also need to liaise with social workers outside office hours in relation to missing children or children detained at garda stations. Gardaí highlighted situations where on-call duty social workers were unable to come out to assist with these types of incidents.

Tusla has now introduced three geographical responses to address the out of office hours situation. Up to November 2015, a Crisis Intervention Service for young people under 18 operated in the Greater Dublin, Kildare and Wicklow areas. In the first quarter of 2016, this service received 204 referrals from the Garda Síochána and other agencies, such as hospitals and the Ambulance Service. Since November 2015, an Emergency Place of Safety Service operates outside of the areas listed above. This provides emergency social worker advice and private contractor arrangements for placement of children at risk; the next day, social services assume responsibility for the case. In the first quarter of 2016, this service received 126 referrals. Lastly, a third service operates in Cork for children up to the age of 17. However, Tusla is planning to consolidate all three initiatives into one national service. The Inspectorate welcomes this move and believes an evaluation of its service provision would determine if the new service is meeting the needs of children and other partner agencies.

Summary

This section has highlighted a number of issues in relation to child protection notifications and the need for more effective joint-agency working. While there were references and a number of recommendations made in the original report to address gaps in joint-agency co-operation, the Inspectorate is recommending a number of additional changes to the way that notifications are assessed and managed.

Recommendation 2.3

The Inspectorate recommends that the Garda Síochána, in conjunction with Tusla, develop a new joint approach for assessing and managing child protection/welfare notifications that adopts best practices found in Multi-Agency Safeguarding Hubs and Concern Hubs. (Medium term)

To achieve the above recommendation the following key actions need to be taken:

- Develop a joint single electronic notification and tracking system;

- Develop a unique reference number for each case;
- Develop a standard operating procedure for the creation and quality of notifications to ensure that sufficient information is provided to allow for immediate assessment of risk and case management. This Standard Operating Procedure should include the sending of notifications in the case of historical child abuse, missing children and domestic incidents;
- Develop a clear framework for strategy meetings and Child Protection Conferences to record decisions and attendance;
- Ensure that only specially trained personnel and professionals make key decisions on the management of notifications;
- Develop a standard process for closing cases;
- Develop a national protocol for the sharing of information;
- Deliver joint-agency training to improve the quality of notifications;
- Develop joint-agency data/metrics on notifications and actions such as attendance rates at meetings; and
- Ensure that there is a full evaluation of the out of hours office service provided in child protection matters.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Reviewing Garda Key Performance Indicator Reports

In 2011, the Garda Síochána developed a KPI report derived from the PULSE system, which provides statistical information for the management of CSA incidents and child protection notifications. There are a number of different reports generated from these KPIs, including a synopsis of all sexual incident cases that are currently under investigation. Since its introduction, KPI reports have been available at national, regional, divisional and district level. The KPI report is issued weekly and every rank at inspector level and above, along with some nominated sergeants, is automatically sent a link

to the report. A system user can obtain high-level managerial information and extract information on specific cases. This KPI report filled a gap in management data on notifications, particularly for sexual incidents. It should be noted that these KPI reports were introduced after the Inspectorate had completed its fieldwork research for the original inspection in 2012.

While district superintendents are the main KPI users, the majority of them have delegated the responsibility for overall monitoring to inspectors and general supervision to nominated sergeants, usually, the same person who is managing notifications and Tusla liaison.

Occasionally this task is given to a designated garda but it is normally a supervisor and the Inspectorate views this as appropriate. Only one district officer said they checked every PULSE incident on the KPI report every three months. However, this was not common practice as it would be an enormous task for a superintendent to undertake. In most divisions, the nominated inspector holds meetings with all district sergeants to discuss the KPIs. Sergeants assigned to look after the KPIs operate many different monitoring systems. Some reported that they check KPIs daily, others weekly and some monthly. Some sergeants contact an investigating garda to discuss a case and then update the KPI, but other sergeants provide a list of outstanding cases to the district superintendent for their attention and action. None of the nominated sergeants had received any KPI training and not all of them had full access to the reports.

The KPIs operate a RAG traffic light system and most supervisors focus their efforts on the areas that are in Red. The report can search for key sexual words recorded on a PULSE incident to ensure that a sexual offence is not incorrectly recorded as a non-crime incident. Sometimes this search facility finds a crime that is incorrectly recorded on PULSE, but it can also find a word in an incident that is in fact in the correct category but the word has another connotation. The report also includes a section on the tracking of an investigation through various processes, such as a case file sent to the district officer or to the DPP. Where there is no movement on a case for an extended period, the KPI shows it as a Red entry.

A KPI service-wide report is available to the GNPSB but the bureau does not routinely monitor the results. The GNPSB sees this report as a management tool for use by districts. Garda regional assistant commissioners have access to reports and look for areas marked Red in the reports. Divisional chief superintendents also have access to KPIs and some have assigned monitoring responsibilities to gardaí located in divisional administration offices.

When the KPI report was first introduced, it included data on sexual assaults reported to the Garda Síochána prior to the implementation date of the KPIs as well as offences that pre-dated the introduction of PULSE.

Of particular interest to this review is the KPI data on the recording of sexual incidents where the victim was a child at the time of the abuse. This data captures both recent and historical cases of CSA. The national KPI report shows a total of 27,908 such incidents recorded to date.

There is a section in the KPIs called the 'Prosecution of Sexual Incident Metrics' that tracks the movement of a case from one stage of an investigation to another. These are cases with an identified suspect and the incident is recorded as detected. During the tracking process, an incident becomes Amber and Red at certain time intervals, which indicates the status of a case that has not changed for a considerable period of time. Some sergeants who manage KPIs believe this section is not fit for purpose as it allows cases to be moved from Red to Green by simply changing the status. This removes a case as a Red entry in the KPI and resets the clock in a new status. Merely changing the status to remove the entry flagged as Red does not address the root cause for the delay in progressing the case. A case remains on the KPI report until a court case has concluded.

As part of this review, the Inspectorate received and examined a 2014 KPI report for one of the districts. In this report, five cases were shown as having been sent to the DPP more than 18 months previously. When examining the 2016 KPI report for the same district, these cases were still showing as being with the DPP. The Inspectorate raised this during a field visit and a district inspector stated that the data was incorrect and that the

status should have been updated. This questions whether the KPIs are actively monitored.

This review has identified some important areas that are not included in the KPIs, such as the number of child protection conferences.

In all of the places visited by the Inspectorate, all senior Tusla managers were unaware of the existence of garda KPIs.

Summary of KPIs

The Inspectorate has found gaps and inconsistencies in the use of this KPI report as a management tool. In the next chapter, the Inspectorate examines a new feature on the PULSE system (6.8) that provides a more effective supervisory process for managing the progress of CSA investigations. With this new process in place, the Garda Síochána needs to decide if maintaining this KPI report in its current format adds any value to the monitoring of CSA cases.

Recommendation 2.4

The Inspectorate recommends that the Garda Síochána review the Sexual Incident and Child Welfare Key Performance Indicator (KPI) report to assess whether it is necessary in its current format. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Review the use of the metrics on prosecution of sexual incidents in light of PULSE 6.8;
- › If the KPI report is retained, PULSE should be updated to record additional data such as attendance rates at Child Protection Conferences;
- › Ensure that strategy meetings held and joint action plans arising out of meetings are accurately recorded on PULSE for production in the KPI reports; and
- › Provide full access to Sexual Incident and Child Welfare KPI reports and training for those sergeants and inspectors designated to monitor and update KPIs.

Missing Children

Children who go missing from their home or place of care are extremely vulnerable as they are away from the protection of parents or guardians. In most police services, missing children, by the very nature of their age and vulnerability, are usually assessed as high risk. In these cases, action must be taken immediately to find the child and police services take the lead in conducting investigations. Some children go missing on a regular basis and police services must avoid any complacency in these types of cases and ensure that officers investigate each incident to the same level.

The Inspectorate has addressed the topic of missing children in previous reports. In the Missing Persons Review and Recommendations (2009) report, the Inspectorate made two recommendations relating to missing children. One related to the completion of the joint protocol between the HSE (now Tusla) and the Garda Síochána on children missing from care, and the other was the development of an alert system for missing children.

As highlighted in the original 2012 inspection report, unaccompanied minors arriving in Ireland at ports of entry sometimes go missing from care at a later date and some of these children account for the longer term missing children. Without fingerprints being taken at the point of entry, it can be hard to determine if a child found later, is the child that was reported as missing. While the issue of missing children was not examined in detail as part of the original inspection, it is viewed by the Inspectorate as an increasingly important area for joint-agency attention.

Children Missing from Care Joint Protocol

Tusla and the Garda Síochána have developed a joint protocol, which was revised in 2012, for dealing with children that go missing from care. The protocol recognises that these children are amongst the most vulnerable and, as such, all children in care should have an Absence Management Plan in place. This is a Tusla tool to assess the risk in the event of a child going missing. The protocol states that every child that goes missing should be treated as high risk and the local district superintendent should be informed without delay.

This is a serious incident that requires a thorough investigation.

On receipt of a report, the Garda Síochána has primacy in respect of conducting a missing child investigation. Under the protocol, an investigating garda should be assigned and keep a full record of all actions taken. The investigating garda should also obtain important information, such as friends who may know where the child is. It is also essential to obtain a recent photograph and to get permission to publish it, if deemed necessary. In other jurisdictions, high-risk missing person incidents often trigger a review by a detective supervisor so that the disappearance and the investigation strategy are assessed and agreed by a trained detective supervisor.

The joint protocol acknowledges that there is a strong link between the frequency with which a child goes missing and the risk of experiencing harm. To address this issue there is a Management Prevention Strategy in place to bring the agencies together to formulate a plan to reduce the frequency, duration and risks involved. The more times a child goes missing, the higher becomes the level of responsibility for managing the incident. Management Prevention Strategy Meetings are held when a child goes missing for 5, 10, 15 or 20 times within a 30-day period. The protocol outlines that the Garda Síochána should have appointed liaison officers at the rank of sergeant to liaise with the Tusla social work team leader and to take responsibility for the implementation of the strategy. This liaison role involves measuring and reporting the frequency of missing incidents to the district officer. As each time period extends, a more senior garda up to assistant commissioner level chairs the meeting and Tusla should record any actions arising. The Inspectorate has some concerns that the trigger for escalation is based mainly on the frequency of missing reports and is of the view that the vulnerability of the child should also be a key factor in the escalation process.

Investigation of a Reported Missing Child

The Garda Síochána usually assigns the investigation of a missing child case to regular unit gardaí. Members in regular units are those generally assigned to deal with 999 and non-emergency calls from the public. The investigating

garda is required to risk assess the case and determine if it is a low, medium or high risk. This is based on professional judgement and not a formal risk assessment process. The regular unit will continue with the investigation to the end of their shift and where appropriate hand it over to the oncoming unit to make further enquiries. In Dublin divisions, cases are formally handed over from one unit sergeant to another by the completion of a Changeover Form. Missing children cases are required to be recorded on PULSE and all investigative actions taken must be included in the report.

Divisions with care homes often deal with far higher numbers of incidents of missing children than those divisions without such homes. One Dublin division has five care homes and some divisions highlighted that care homes often report children as missing immediately after they do not arrive home after a curfew but without first making reasonable efforts to locate the child. This generates immediate garda action on a missing child who may shortly return to their home. During this review, the Inspectorate found limited evidence that joint-agency meetings regularly take place to discuss missing children, although one district superintendent reported holding monthly meetings with Tusla and the heads of care homes to identify children who may abscond and are at risk of exploitation.

Many police services visited by the Inspectorate have PPU's that are assigned responsibility for missing person investigations after the initial investigation stage is complete. This is a responsibility that the Garda Síochána is likely to place on the new divisional PSUs and is a change that would be welcomed by the Inspectorate.

Return Interviews with Children

When a child is found and returned to a care home, the joint protocol stipulates that it is the responsibility of Tusla to ensure that an effective interview is conducted. A social worker from Tusla usually conducts an interview with the child and the Garda Síochána is called in only if it appears that a crime has occurred. This intervention is critical to find out where the child was when they were missing and what they were doing. Traditionally, police services have performed the role of finding missing children

and returning them to their home, but not necessarily finding out what had occurred during the time they were missing. Many children that go missing are vulnerable to exploitation and the return interview provides an opportunity to establish if they have been subject to any form of abuse or danger during the time they were missing. The absence of garda involvement in the return interview process could be a gap in both intelligence and in determining if a child has been the victim of a serious crime.

Garda Professional Standards Unit – Review of Missing Persons Investigations

As part of this review, the Inspectorate requested copies of Garda Professional Standards Unit (GPSU) divisional examinations for 2014. This included an examination of one of the divisions visited by the Inspectorate. One part of the examination carried out by GPSU was a case review of the handling of missing person incidents. In some cases, the GPSU found that good investigations were conducted, all of the necessary actions were taken and details were correctly recorded on PULSE. However, in other cases, not all necessary actions were taken and recorded and the following are a number of consistent areas of concern that were identified by the GPSU:

- Not all actions taken by investigators were recorded on PULSE;
- Clothing and descriptions were not always recorded;
- There was no evidence that photographs were always sought;
- It was not always recorded where the person was during the time that they were missing and the location where they were found;
- There was limited evidence of supervision in high risk cases; and
- A large proportion of persons were not interviewed on their return.

These GPSU examinations have identified significant gaps in the investigation of missing children, the recording of important information and conducting return interviews. The Inspectorate believes that the GPSU should ensure that this type of organisational learning is shared nationally.

Missing Persons Bureau

The Missing Persons Bureau is a national garda unit established in 1982. It is staffed by a sergeant, a garda and a member of garda staff and its main function is to maintain accurate and up-to-date records on missing persons that date back to 1950. It also has responsibility for assisting district superintendents in their investigations of missing person incidents and with the identification of any bodies found.

In the course of its work, the bureau liaises with international police services as well as with Interpol. The Inspectorate outlined the work of the bureau in its Missing Persons Review and Recommendations (2009) report and made a number of recommendations to support its work.

The bureau would like to provide more feedback to divisions on the quality of investigations conducted but the volume of cases hinders it from doing so. However, the bureau did inform the Inspectorate that it does try to monitor the progress of high-risk missing person cases. During visits to divisions, investigators and supervisors reported that they send information to the bureau on a regular basis but saw little benefit and had limited interaction with the bureau. One district spoke about a complex case involving two foreign national children that was investigated by the local CPU without any additional support from the national unit. Eventually the children were found and one of them was pregnant.

At present, there are no dedicated missing person units or members assigned full-time to this role at a divisional level with responsibility for missing person enquiries. This is despite a recommendation to that effect being made in the Inspectorate's 2009 report. The Inspectorate views this as a gap. Currently the national bureau deals with individual investigators on a case-by-case basis. With a move to divisionally based PSUs, the responsibility for managing longer term missing children could be assigned to this unit.

Child Rescue Ireland Alert

A positive action in Ireland was the launch of the Child Rescue Ireland Alert (CRI Alert) system in 2012 that enables the Garda Síochána to seek the assistance of the public in high-risk cases. This followed a recommendation made in

the Inspectorate's 2009 report and is conducted through media appeals and the use of motorway signs. As highlighted in the Inspectorate's Changing Policing in Ireland (2015) report, the use of social media by the Garda Síochána is well received and is used to promote alerts regarding missing persons. For example, one CRI alert reached over 380,000 people on Facebook and nearly 60,000 on Twitter.

Missing Children in Other Policing Jurisdictions

Other policing jurisdictions have similar approaches to the investigation of missing children with enquiries usually conducted locally by uniformed police officers. In the PSNI, there are five PPU's in operation and each unit has a dedicated officer in place to assist with long-term or complex cases. Uniformed officers generally investigate cases unless there is a concern of CSE. In such cases, it can be referred to a dedicated CSE officer in the PPU for more detailed examination. Return interviews for children not in care are conducted by police officers in most cases and by a CSE officer where exploitation is suspected. For children in care, social workers conduct return interviews. In some cases, a child may not immediately disclose abuse and social workers try to build a rapport to enable the child to feel more comfortable in making a disclosure.

In Scotland, the police usually conduct return interviews unless a social worker has a good rapport with a child. Police Scotland set up a vulnerable young person's missing group to examine 1,200 children in various forms of care. Analysis of this group identified 20 children assessed as those at the highest risk of exploitation. Scotland is using a number of early intervention tactics to prevent or reduce the opportunities for exploitation of these children. Police Scotland highlighted another case that originated in their IRD process where they identified ten children who were frequently going missing. A number of traditional police tactics including surveillance as well as stop and search were used to identify what these young people were doing. This activity identified 15 adult males who were associating with these children and one male was later prosecuted. Investigators have also identified organised groups of adult males that are specifically targeting vulnerable children for

sexual exploitation through social media with gifts that include taxis, hotel accommodation, alcohol and drugs. Police Scotland has found that many children who are exploited do not report this, as they do not see themselves as victims.

The West Midlands Police conducted research to identify those children who may be at risk of exploitation and are focusing on those at most risk. This included introducing a Child Missing Operational Group to examine the sexual exploitation of children that go missing. In the Netherlands, police identified a growing trend in men who entrap young and non-national females into prostitution. A common approach in all police services visited by the Inspectorate is multi-agency activity to identify the scale of missing children who are at risk of exploitation, to identify abusers and to establish what happened to a child while they were missing.

Child Identification Safety App

When a child is reported as missing, it is imperative that police take action immediately to find the child. Many parents are unprepared for this eventuality and valuable investigation time is lost in obtaining important information such as a current photograph, mobile phone data and details of friends. A smartphone application (Australian Police Child ID App) has been developed to help Australian parents provide information to police that will help locate their children if they are missing. This tool helps parents and guardians to more easily collect and send important information about their child to authorities in the event of a disappearance or abduction. It stores photographs and other vital information on their mobile phone. The App also includes safety advice and checklists for parents on keeping children safe, information about what to do in the hours immediately after a child goes missing and it provides quick and efficient access to emergency contact phone numbers. It is available at no cost to Android and iPhone users.

Summary on Missing Children

During this review, and in other Inspectorate reports, the subject of missing children has been identified as a significant risk for the Garda Síochána. This is not just the case in Ireland, but throughout all of the policing jurisdictions that engaged with the Inspectorate. Children who go

missing are at much higher risk of sexual abuse and sexual exploitation. While the joint protocol on missing children is in place, the Inspectorate believes that the approach taken to missing children needs to be reviewed to ensure that it is fully addressing the risks posed to children.

Recommendation 2.5

The Inspectorate recommends that the Garda Síochána, in conjunction with Tusla, review the approach and the protocol for dealing with missing children, particularly those who are in various forms of care and those who are at high risk of exploitation. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Appoint missing person officers in all divisional Protective Services Units;
- › Ensure that all high-risk cases are reviewed by a detective supervisor and investigation strategies are completed;
- › Ensure that the Garda Missing Persons Bureau has a more intrusive supervisory role in checking the quality of investigations conducted;
- › Ensure that return interviews are always conducted;
- › Review the approach for conducting interviews with children missing from care, particularly those children who are at high risk of exploitation;
- › Identify those children who go missing that are at high risk of sexual exploitation and develop early preventative interventions;
- › Ensure that all missing person investigation reports on PULSE contain full details of the case, including descriptions, actions taken to find persons and the locations where they are found; and
- › Develop a mobile phone application similar to the Australian system that allows parents and guardians to collect information that is vital for any future investigation.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Sex Offender Management

In common with other policing jurisdictions, the management of convicted sex offenders who pose a risk to child protection and general community safety is a challenge that requires relevant agencies to work together to effectively manage any risks associated with those offenders. It is important to note there is no administrative difference in the management of sex offenders that pose a risk to children and those that pose a risk to adults.

Background – Sex Offenders Act, 2001

In 2001, legislation was introduced to provide for a notification requirement system for convicted sex offenders, which is similar to registered sex offender processes that operate in other policing jurisdictions. It also established an obligation for a court to consider the need for a post-release supervision order for those sentenced to a period of imprisonment. In 2009 an All-Island Committee was formed to consider a cross-jurisdictional approach to the management of convicted sex offenders but this initiative was not progressed.

The Sex Offenders Act, 2001 provides the legislative provisions for the management of sex offenders and applies to those convicted of a sexual offence after the commencement of the Act, or before the Act, where a person was serving a sentence before commencement. There is a schedule of sexual offences that includes rape, sexual assault, incest, defilement, buggery, gross indecency and offences under the Child Trafficking and Pornography Act, 1998. It also includes offences committed outside of the State. Contained within the Act are the requirements and conditions that offenders must comply with and it outlines the responsibilities of the Garda Síochána.

There is a requirement for a convicted sex offender to notify the Garda Síochána of their name and address within seven days after the relevant date, which is usually their release date from prison. There is also a requirement for a person to notify any change of address including an intention to leave the State for seven or more days. It is an offence to fail, without reasonable excuse, to comply with requirements or to provide false or misleading information.

The Act also requires sex offenders to inform prospective employers of the nature of their conviction when applying to do work that mainly consists of the offender having unsupervised access to, or contact with, a child or a mentally impaired person.

The duration of the notification requirement varies, depending on the sentence received and can range from a five-year period of notification for non-custodial sentences, to an indefinite period for sentences of over two years. A person who is subject to the notification requirements may petition the Circuit Court to have the requirements removed. The Garda Síochána may also apply to the Circuit Court for a variation or change to the original order. This normally occurs when the Garda Síochána is of the view that the sex offender's behaviour has given rise to a further cause for concern and the behaviour has not been addressed by the court or it was not brought to the court's attention when issuing the original order.

The Inspectorate welcomes the proposals by the Department of Justice and Equality to amend the Sex Offenders Act, 2001. A number of the changes proposed will address recommendations contained in the Inspectorates *Crime Investigation (2014)* report and areas found in this review.⁹ This includes providing for the exchange of information between those monitoring and risk assessing sex offenders and enhancing the provisions regarding sex offender orders.

SORAM Model

In June 2010, a joint-agency monitoring initiative was launched called the SORAM process and pilots were launched in Louth, Mayo, Tipperary, Cork City and Dublin Metropolitan Region (DMR) Northern garda divisions. The introduction of SORAM brought together key agencies including the Garda Síochána, the HSE (now Tusla) and the Probation Service. SORAMs were given the responsibility for the monitoring and management of all convicted sex offenders residing in their areas that were subject to notification requirements and were under a Probation Service supervision order. This process was only at the pilot stage when the Inspectorate examined this issue in 2010 and as a

result the arrangements in place at that time were not included as part of that inspection.

In 2012, a further 11 SORAMs were introduced and the final 12 commenced in 2013. SORAMs are generally aligned to county boundaries, but not necessarily aligned to garda divisions. This has resulted in a situation in some places, whereby two garda divisions share a SORAM and for other agencies, such as Tusla and the Probation Service, local managers may have to attend two SORAM meetings. Although not yet officially put on a statutory basis, SORAM was officially launched at the first national conference in November 2016. It is noted that there is a proposal in the Criminal Justice (Sex Offenders) Amendment Bill, 2017 to put SORAM on a statutory footing.

While the Sex Offenders Act, 2001 provides legalisation for managing offenders, SORAMs currently operate without any underpinning legislation. They are also limited in scope to managing adult offenders who are subject to notification requirements under the legislation and who have an attached Probation Service supervision order. This excludes persons who are convicted of sexual offences who do not have a supervision order and those offenders whose supervision order has now expired. It also excludes children who are convicted offenders and, as research shows, children are responsible for a significant proportion of the sexual offences committed on children.¹⁰ The Garda Youth Diversion Programme 2014 annual report shows that 247 sexual offences were recorded as committed by children, including 73 offences of rape.

National SORAM Steering Group

There is a National SORAM Steering Group in operation with senior representatives from key organisations including the Garda Síochána, Tusla, the Probation Service, the Irish Prison Service and Dublin City Council. This group meets quarterly and is the multi-agency forum for dealing with issues in connection with the management of sex offenders subject to notification requirements.

⁹ Crime Investigation (2014): Recommendation 10.7

¹⁰ National Society for the Prevention of Cruelty to Children in the UK research found that 57.5% of contact sexual abuse was perpetrated by children and young people.

National SORAM Office

The National SORAM Office was established in October 2013 and is the operational arm for implementing actions arising out of decisions made by the National SORAM Steering Group. The office was originally set up to support the national roll-out of SORAMs as well as to provide training to members of SORAMs and to oversee the implementation of an interim pilot guidance document for sex offender risk assessment and management. This document was issued in June 2013 and subsequently amended in February 2014. The National SORAM Office has developed a new manual of guidance that was officially launched at the inaugural SORAM Conference in November 2016.

Co-located staff from Tusla, the Probation Service, the Garda Síochána and most recently a part-time housing representative from Dublin City Council are based in the National SORAM Office. They also have dealings with the Irish Prison Service, the HSE and Non-Governmental Organisations but these agencies do not have staff attached to the office. The absence of a Prison Service representative was raised by the office as a gap in multi-agency working. The representation of a local authority housing officer in the National SORAM Office is a good first step. However, the absence of housing representation at local SORAMs is an issue of concern and the National SORAM Office would like to see local authorities assign housing officers to all SORAM committees. Unlike other national organisations that can appoint members to SORAMs, the assignment of local authority housing officers would require individual local authorities to commit their resources.

While the National SORAM Office does not currently have responsibility for formal oversight of SORAMs, visits and reviews of SORAMs were conducted in late 2013 through to early 2014. The reviews identified elements of good practice, but also found that despite providing training and advice, there are still inconsistencies in the way that SORAMs are operating.

Some SORAM committees were described as energetic, with well-attended meetings and good information sharing.

Others were described as not operating effectively and in some places, key partner agencies were not attending the meetings.

The National SORAM Office raised concerns about some sentencing decisions and inconsistencies in how this process is managed at court. Not all courts ask the Probation Service for a pre-sanction report (explained in more detail later in this chapter), and not all sex offenders are subject to a supervision order. Some high-risk sex offenders are not currently on orders and are therefore not subject to monitoring by SORAMs. There are approximately 30 high-risk sex offenders on SORAMs, of which three are not subject to an order but have voluntarily agreed to take part in the process. These are convicted offenders who received significant prison sentences but did not have a supervision order in place. The office also identified inconsistencies in the conditions attached to supervision orders, with some that are non-specific and do not provide a strong basis for supervision.

Other important issues identified by the National SORAM Office include:

- Offenders due for release do not always notify an address in advance. This greatly impacts on providing suitable housing;
- The holding of pre-release multi-agency meetings for those due to be released from prison is inconsistently applied and not all of the relevant agencies attend them; and
- The current service could be enhanced by the appointment of a Probation Service case manager to co-ordinate all releases, particularly those involving high-risk offenders.

Risk Assessment of Sexual Offenders

At the heart of the SORAM model is the risk assessment process to enable plans to be made in order to manage those offenders who pose the highest risk of reoffending. It also enables SORAMs to develop plans to manage those offenders. The first risk assessment model used is called RM2000.

This is a statistically derived risk assessment process for males over 18 convicted of a sexual offence. The model uses factual information, such

as previous offending and predilection, which will grade an offender from a scale of low to very high risk.¹¹ If a person is assessed as low risk, no further risk assessment model is used and that person will not be considered by SORAM. While this model places people in risk categories, it should not solely dictate if an offender should be included in SORAM. Professional judgement by agency officers is still an important factor in risk assessment.

If an offender is assessed as a medium or high risk in the RM2000 process, a second and more detailed risk assessment process called Stable is completed. A person assessed as medium to very high risk following this process can be considered by SORAM. One of the local SORAM meetings visited stated that a mentor group, which includes a senior probation officer, reviews their Stable risk assessments to ensure their accuracy. A third risk assessment process called Acute looks at current factors, such as the recent behaviour of an individual. Some practitioners described this as a rather crude system, which is influenced by the individual offender's engagement with the process. Acute risk factors should be assessed every time an offender attends a supervision session, the number of which will be dependent on the assessed risk.

Both RM2000 and Stable could be completed as part of a pre-sanction court report which is used to determine the risk level of an individual at that time and when they are due for release from prison. The Inspectorate was informed that an offender is more likely to participate in the risk assessment process at this stage, rather than trying to engage a person at a much later date and usually close to their release date. Not all garda members involved in the various risk assessment processes are trained and the Inspectorate believes this gap needs to be addressed.

Inspectorate's Crime Investigation (2014) Report

The Inspectorate's *Crime Investigation (2014)* report examined the multi-agency arrangements for the management of sex offenders. During that

inspection, the Inspectorate found that where SORAMs were operating there appeared to be a much better understanding of how to manage convicted sex offenders who posed a threat to public safety. The report contained a number of recommendations on offender management including a reduction in the period of notification to the Garda Síochána from seven to three days. This proposed change is included in the Criminal Justice (Sex Offenders) Amendment Bill, 2017 but is not yet in operation. The Inspectorate included three recommendations in that report, two of which were in connection with the operation and monitoring of SORAMs that have not yet been fully progressed.¹² On reviewing SORAM as part of this review, the Inspectorate found that some of the issues first identified in the 2014 report are still present today, including the use of some untrained gardaí to conduct sex offender risk assessments.

Joint Strategy on the Management of Offenders 2016–2018

In September 2016, the Department of Justice and Equality, the Irish Prison Service, the Probation Service and the Garda Síochána launched a Joint Strategy on the Management of Offenders 2016–2018 to encourage the development of multi-agency problem solving in connection with offender management.

This strategy contains a number of actions to enhance the management of sex offenders including:

- › Placing SORAM on a statutory basis;
- › Formally launching SORAM;
- › Embedding SORAM nationally through enhanced quality assurance systems;
- › Working with partners in the housing sector for accommodation solutions;
- › Exploring the feasibility of extending the scope of the SORAM model to other offender categories: and
- › Undertaking joint training.

¹¹ RM2000 grades risk into four categories that are low, medium, high and very high.

¹² *Crime Investigation (2014)*: Recommendations 10.5, 10.6 and 10.7

Managing Sex Offenders at a National Level

While offender management is administered at a local level, the GNPSB deals with developing policy at a national level. In addition, there are a number of units within the GNPSB that have specific responsibilities for the monitoring of convicted sex offenders.

Sex Offenders Management and Intelligence Unit

The Sex Offenders Management and Intelligence Unit (SOMIU) is part of the GNPSB with responsibility for:

- › The maintenance of records of all persons in the State with obligations under the Sex Offenders Act, 2001; and
- › The monitoring of all reported activity of sex offenders.

When any information about a convicted sex offender is entered onto the PULSE system, the SOMIU receives an automatic notification by e-mail. This unit checks all PULSE records when the notification is received, primarily to check if a vulnerable person is at risk. The unit operates a paper-based records system for all sex offenders and creates all entries for newly convicted offenders. The unit would like to move to an electronic system for the database as the current records are stored centrally and are therefore unavailable for others to easily view. Certificates of court convictions should be sent to the unit to create an entry on its register, but convictions are not always notified to the unit by the courts.

During a visit to the SOMIU, a number of important issues were highlighted to the Inspectorate including:

- › Not all of those convicted and subject to registration are informed of the requirements by courts and not all court records are accurate;
- › SORAM requires a person to be on a Probation Supervision Order. Once the order expires, the offender has no obligation to cooperate with SORAM and, legally, SORAM has no more responsibility for that offender

- › All sex offenders are subject to risk assessment, but those assessments vary in quality; and
- › There is very little meaningful data on reoffending rates.

Because of the legislative restrictions, the vast majority of convicted sex offenders in Ireland are not managed by SORAMs.

The SOMIU has access to the prison data system (PRIS) and the impending release date for sex offenders. The unit has the responsibility for early notification of a release date to the division where the offender has indicated an intention to live. Staff in the unit reported that they have developed excellent relationships with international police services in Australia, Canada, the UK, USA and Northern Ireland.

Violent Crime Linkage Analysis System

Since 2006, the Garda Síochána has operated a Violent Crime Linkage Analysis System (ViCLAS). This system is situated within the GNPSB and is designed to identify links between individuals and incidents and to help to identify repeat offenders. It should be used in all cases of homicide, sexual offences, missing persons (where foul play is suspected), abduction, suspicious approaches to children, false imprisonment, child pornography and trafficking.

Once a report relating to any of these incidents is placed on PULSE, the investigating garda is required to complete an electronic or paper ViCLAS booklet on the incident within 20 days of the commencement of the investigation. At the time of a visit, a garda staff member was managing the system. ViCLAS is an extremely useful tool for investigators provided that booklets are completed. At the time of a visit by the Inspectorate, there were 10,000 incidents recorded on PULSE that should be on ViCLAS, but 4,888 of these did not have a completed booklet. Investigating officers do not always complete the booklets and often booklets are of a poor standard, which affects the quality of the data. This may stop the linking of one crime to another, which could prevent the identification of a repeat offender. There is an ongoing project to try to link the PULSE system to an e-booklet to avoid double keying of information.

At the time of the Inspectorate's visit, the garda staff member was the only person trained in this system and was tasked with maintaining the database, following up about booklets with investigators, and most importantly responding to requests from investigators who want to search the system. A senior garda member from the GNPSB informed the Inspectorate in November 2017 that additional staff have now been deployed to address the backlog in booklets.

Criminal Justice Processes – Sentencing Issues

Before a person is sentenced for a sexual offence, some legislative options are available to a court to assist in the long-term management of a convicted sex offender.

Pre-Sanction Reports

When the facts of a case have been proven to a court a judge may ask the Probation Service for a pre-sanction report, before deciding on how to deal with the case. A pre-sanction report provides background information about an offender to assist a judge before sentencing and allows input from an investigating garda. Adult reports are generally completed within six weeks and young offender reports within 28 days. Under Section 99 of the Children Act, 2001, courts are obliged to request a pre-sanction probation report for a child under the age of 18. There is no such requirement for adults and it is not mandatory in sexual offence cases.

Probation Service managers informed the Inspectorate that, of approximately 250 convicted sexual offences cases processed in a given year, pre-sanction reports are completed in 160 cases. A pre-sanction report provides options to the court, such as the need for a post-release supervision order and if an order is necessary, to identify conditions that may be appropriate for a court to consider. In the absence of a pre-sanction report, a post-release supervision order might not always be attached in cases where there are concerns that the person will reoffend on their release from prison. In addition, the absence of a report sometimes results in a supervision order with conditions that are viewed as insufficient to manage an offender effectively.

Many professionals engaged as part of this review, including most probation officers and members of the Garda Síochána, were of the view that pre-sanction reports should be completed in all cases where adults are convicted of a sexual offence. As part of the pre-sanction report process, a probation officer could complete a formal risk assessment of the offender to identify the level of risk that they pose. As previously mentioned, the experience of the professionals involved in these types of cases has shown that offenders are more likely to participate in the risk assessment process at the pre-sentencing stage, rather than at a much later date and usually just prior to their release from prison. While there is a resource implication for the Probation Service in completing these reports, the Inspectorate believes that this is an issue that needs to be addressed. It is worth noting that not all offenders who are convicted of a sexual offence will be given a custodial prison sentence. This is particularly the case in child pornography offences.

Post-Release Supervision Orders

Post-release supervision orders are important for the SORAM process. When a person is convicted of a sexual offence contained in the schedule of offences, the court has a duty when sentencing an offender, to consider imposing a sentence, which includes post-release supervision. In doing so, the court must consider the following:

- The need for a period of post-release supervision of the offender;
- The need to protect the public from serious harm from the offender;
- The need to prevent the commission of further sexual offences by the offender; and
- The need to rehabilitate or further rehabilitate the offender.

The court, in making a decision, may receive evidence from any relevant person, including the Probation Service. An order commences on the date of release and an offender is supervised by a probation officer. Conditions can be attached to the order including prohibiting certain actions, such as refraining from alcohol. A person may also be required to participate in psychological counselling or other treatment.

A court can vary or discharge the order at any time, if it is decided to be in the public's interest, or necessary to protect the public from serious harm. This review has identified that some sex offenders who received significant prison sentences are not subject to orders and that some orders are not prescriptive enough and do not include conditions to oblige them to co-operate fully with the Probation Service.

The Probation Service informed the Inspectorate that approximately 50% of all sex offenders do not have post-release supervision orders. Without an order in place, a SORAM is unable to monitor a sex offender and share information. Supervision orders are time bound and can run from a two-year period up to ten years. At the conclusion of the time period, the order stops and effectively SORAM monitoring ceases, irrespective of the threat that is posed by the offender. During an Inspectorate visit, a Tusla representative highlighted a case where the monitoring had ceased and one year later, the sex offender still posed a threat to public safety. As will be shown later in this section, very few police jurisdictions visited by the Inspectorate have legislation which restricts sex offender monitoring arrangements to those sex offenders who are subject to a supervision order.

Sex Offenders Orders

Post-sentence civil legislation is available to protect the public from serious harm. On application by a garda chief superintendent, a Circuit Court can issue a Sex Offenders Order for a person whose behaviour after release in the community, gives gardaí reasonable cause for concern. It is necessary to protect the public from serious harm. The court can apply conditions to an order, which could include refraining from attending nightclubs or keeping a certain distance away from school playgrounds. A breach of the terms of an order is an arrestable offence under the Criminal Law Act, 1997, which gives gardaí the power to arrest a sex offender without an arrest warrant. The threshold for obtaining an order was described to the Inspectorate as very high and as a result, they are not always obtained. The National SORAM Office informed the Inspectorate that since 2010, the courts have issued only 14 orders with approximately seven in place at the time of a field visit by the Inspectorate.

Prison Treatment Programmes

Preventing reoffending is an important aspect of crime prevention and it is important for the SORAM process. There are treatment programmes available for those sentenced to a term of imprisonment. The Building Better Lives (BBL) sex offender programme commenced in 2009. It uses a strengths-based psychology approach and comprises three components:

- › Exploring Better Lives (EBL) programme;
- › Practising Better Lives (PBL) programme; and
- › Maintaining Better Lives (MBL) programme.

The EBL programme aims to develop motivation and confidence about positive change. The PBL programme focuses on obtaining a more detailed understanding of past offending and developing positive, offence-free, self-management plans for the future. The MBL programme aims to support ongoing progress and development for men who are serving longer sentences in prison and to ensure a through-care plan from prison to community-based supports. The BBL programme is currently delivered in Arbour Hill by clinical and counselling psychologists who have developed specific expertise, including assessment and therapeutic work, with men convicted of sexual offences. There is an intention to roll this programme out to the Midlands Prison. The Inspectorate was informed that there is very little incentive for sex offenders to participate in these types of programmes and only 50% of those persons in prison are engaged in a programme at any one time.

In other jurisdictions, reoffending rates for sex offenders were described as low in comparison with other offender types. The police in the Netherlands stated that prison sentences for sex offenders tend to be much shorter with a greater focus on rehabilitation. In some cases, a convicted sex offender can be detained in a therapeutic hospital and courts can decide at five-year intervals as to whether to extend the term of detention.

There are some quite differing academic views about whether the detention of sex offenders is the most effective approach for reducing reoffending rates. At the Association for Criminal Justice Research and Development 9th Martin Tansey Memorial Lecture, Dr Anne-Marie McAlinden

delivered a presentation titled 'The Reintegration of Sexual Offenders'.¹³ This highlighted a number of issues in connection with managing sex offenders, including the fact that not all offenders pose the same level of risk and many will not reoffend with appropriate treatment and support. Key points included recognising the competing balance of rights between offenders and the community; the 'humanity' of offenders, the need to give them 'a second chance' and the wider social objective and benefits of offender rehabilitation and reintegration.

While there have been numerous studies and reports on recidivism rates, the Inspectorate was informed that there is an absence of meaningful research and data on reoffending rates for sex offenders and the impact of treatment programmes. The Irish Prison Service, in partnership with the Central Statistics Office (CSO) had at the time of writing this review, conducted three recidivism studies to examine reoffending rates across a number of different crime categories. The Probation Service, in partnership with the CSO, also conducted a similar study. The studies looked at offenders who were released from prison, or were on a probation order, in a particular given year and analysis was conducted across the next three years to gauge the reoffending patterns.¹⁴ In all of the years studied, the sex offenders with probation orders had a consistent 15% reconviction rate, but not necessarily for further sexual offences. However, one year of the study showed that one out of the five offenders in the sample analysed was reconvicted of a sexual offence.

The Prisons Recidivism study showed an average reoffending rate over the three years of 22%. This is an area where there is limited published research available internationally, particularly on the correlation between effective treatment programmes and reoffending. In a review of 29 studies by Schmucker and Lösel in 2015, it was found that cognitive behavioural programmes reduced recidivism by 3.6%.

Temporary release is a process used in Ireland to allow a person to leave prison before completing

their sentence. There are a number of factors that are considered, including the type and circumstances of the crime, before granting temporary release. Certain conditions may be attached to the temporary release i.e. a requirement to report to a garda station. The Inspectorate was informed that temporary release is rarely granted for sex offenders who are usually required to serve their full sentence. Improved data and research in offending rates and evaluation of offender programmes would be necessary, so temporary release might be considered as an option to encourage certain offenders in prison to participate in treatment programmes.

Pre-Release Meetings

Holding pre-release meetings for those sex offenders who are due to be released from prison is a very important process in the long-term rehabilitation and management of an offender. It is particularly important for those who are assessed as a medium to high risk. Not all sex offenders released from prison will be able to, or will decide to, return to their families or local communities and reintegration can be extremely difficult. For multi-agency partners, providing a place to stay and opportunities for employment are crucial for reintegration and reducing the risk that a person may reoffend.

The Prison Service is obliged to develop an exit plan for all prisoners. This process involves prison staff, employment officers, probation officers, psychologists, medical professionals and addiction counsellors. These professionals should meet to discuss and agree an exit plan. At SORAM meetings attended by the Inspectorate, it was noted that pre-release meetings do not always take place and when they do take place, not all agencies attend. Gardaí do not regularly attend meetings, but not receiving adequate notice was given as one possible reason for this. The failure to hold pre-release multi-agency meetings was explained by agencies as a resourcing issue. At present, the National Office for the Probation Service arranges pre-release meetings. A probation officer highlighted a need for a probation officer who could act as a case manager to co-ordinate prison

13 Criminal Courts of Justice, Dublin, 7 April 2016. Dr Anne-Marie McAlinden is a Reader in Law and Director of Research School of Law at Queen's University Belfast.

14 The years examined in the studies were 2007, 2008 and 2009. Publication occurred in May 2013, November 2013 and December 2015.

releases and ensure that pre-release meetings are held for all offenders. These meetings should take place at least six months before the release date to assist with a person’s transition and reduce reoffending risks by addressing a person’s needs. For some very high-risk offenders who are due to be released, the Garda Síochána may need to arrange a pro-active operation to protect the public from harm immediately.

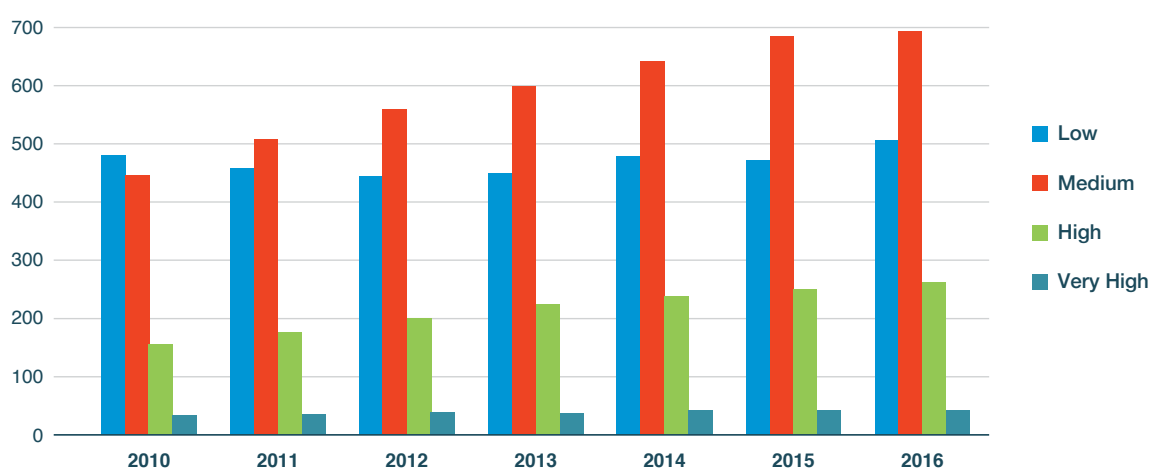
Sex Offenders Subject to Notification Requirements

The number of sex offenders subject to notification requirements is growing each year and it is likely to continue to rise. Figure 2.10 shows the numbers of offenders subject to notification requirements from the years 2010 to August 2016 as well as the RM2000 risk assessment outcome.

compared it to 2016 results. The main differences in this analysis is a 9% decrease in the percentage assessed as low-risk offenders and a 6% increase in those assessed as medium risk. Additionally it was found that over the last four years a static proportion of offenders (3%) are assessed as very high-risk and 17% of the total number are assessed as high risk.

Police services where notification/registration requirements were introduced earlier than in Ireland are now managing much larger numbers of offenders. For example, in the West Midlands and Scotland there are over 4,000 registered sex offenders in each jurisdiction and in Northern Ireland, with a much smaller population, there is a similar number of registered sex offenders to Ireland. The rate of growth in numbers in the West Midlands and in Scotland is significantly higher than in Ireland, with annual increases of approximately 500. Some of the reasons for the

Figure 2.10 Sex Offenders Subject to Notification Requirements broken down by RM2000 Risk Assessment Categories – 2010 to 31 August 2016



Source: Data supplied by the National SORAM Office; analysis by the Garda Inspectorate

This Figure shows a steady increase in numbers each year rising from 1,117 in 2010 to a total of 1,505 in August 2016. The largest numerical increase took place between the years 2013 and 2014, when the number rose by 88. In most years since 2012, there are approximately 50 additional offenders per year.

Using the same data, the Inspectorate carried out different analysis that examined the proportion of offenders in each risk category in 2010 and

slower rate of growth in Ireland are discussed later in this chapter.

Figure 2.11 shows the proportion of offenders in the four RM2000 risk assessment categories from low risk to very high risk in 2016. For comparison purposes, it shows West Midlands Police data up to October 2016 and data supplied by the National SORAM Office up to 31 August 2016.

Figure 2.11 Proportion of Sex Offenders Subject to Notification Requirements in the four RM2000 Risk Assessment Categories – 2016



Source: Data supplied by the National SORAM Office and West Midland Police; analysis by the Garda Inspectorate

The 2016 data for West Midlands and Ireland shows that the same proportion of sex offenders in each jurisdiction are assessed as very high-risk offenders and a similar proportion are assessed as medium risk. However, in the West Midlands, 24% of sex offenders are assessed as high risk compared to 17% in Ireland. Conversely, 28% of sex offenders are assessed as low risk in the West Midlands compared to 34% in Ireland. This low-risk category is subject to minimal police supervision and intervention. It is important that the Garda Síochána ensure that the risk assessment is accurately completed, as this will determine the level of supervision for each offender.

Additional Sex Offender Notification Data

The National SORAM Office and the Irish Prison Service provided the Inspectorate with some additional data on sex offenders, including the number of offenders on supervision orders and the proportion of those in prison who are participating in treatment programmes. In June 2016, a total of 1,450 people were subject to notification requirements under the sex offender's legislation. At any one time, a proportion of the total number of sex offenders subject to notification requirements is not in local communities and at the end of June 2016 a total of 343 sex offenders were in prison. Each year, approximately 300 sex offenders are released. At the time the data was supplied, of the 343 sex offenders in prison, only 178 were due to leave prison with a post-release supervision order and of these, 48% were engaged

in treatment programmes. Of the 1,107 who were living in local communities at that time, 258 were on supervision orders and approximately 220 were being managed by the 28 SORAMs.

It was reported that there are a small number of breaches of the requirements under the Act and the garda investigation policy states that proceedings should be brought without delay. The Inspectorate was informed that the Office of the Director of Public Prosecutions is creating a protocol for dealing with those sex offenders that breach the sex offender legislation.

As of 9 November 2016, the SOMIU reported that 77 convicted sex offenders had not complied with the notification requirement. This number includes those who are still in the seven-day notification period, those who did notify but failed to give an address and those who may have left the jurisdiction. This important group requires very close supervision and action to locate them.

Managing Sex Offenders – Post Release

Local SORAM Meetings

On the release of a sex offender from prison or a person convicted at court who is not given a custodial sentence, the responsibility for the future management of any risk posed by that person passes onto a single agency or is managed by a local SORAM committee. The level of risk and responsibility currently managed by a single agency or by SORAM is of great importance to community safety, as they are monitoring some very high-risk offenders who pose a significant risk to public safety. The SORAM process provides a platform for agencies to work together, to share information, to identify those who pose a threat and most importantly to create a joint management plan to deal with any risks. Most of the SORAM meetings take place every six to eight weeks. Some SORAMs with lower numbers are able to discuss all of their cases at each meeting and other SORAMs with much higher numbers of offenders may discuss specific cases.

Only those sex offenders assessed as medium to very high risk, and subject to a supervision order, can be included in the SORAM process.

It is important to note that even if a person is assessed as a low risk that does not mean there is no risk involved. Nationally about 15% of all sex offenders subject to notification requirements are included and on average, the 28 SORAMs are managing between three and 15 sex offenders each. The other sex offenders, who are subject to registration and living within those local SORAM areas, are generally managed by a single agency without access to SORAM. While many convicted sex offenders pose a low risk of reoffending and generally comply with all requirements, other offenders at a higher risk can be non-compliant, manipulative and very difficult to manage.

The restriction on SORAM in terms of the type of offender that it can monitor is different to the process in other jurisdictions. For example, in the UK, the process known as the Multi-Agency Public Protection Arrangements (MAPPA) allows agencies to monitor other violent non-sexual crime offenders. There is a Joint-Agency Response to Crime initiative (J-ARC) led by the Garda Síochána, the Probation Service and the Irish Prison Service, but this is focused on prolific offenders and primarily those that commit multiple burglaries. At this time, there is no additional multi-agency process to manage other high-risk non-sexual violent offenders and this is further discussed later in this section.

SORAM Meetings Attended by the Inspectorate

As part of this review, the Inspectorate visited three SORAM committees. One was established in 2010, and the other two were both established in 2013. These were very informative meetings where the Inspectorate received a good insight into the multi-agency workings of the SORAM committees. The meetings were all well attended by the key agencies including the Probation Service, Tusla and the Garda Síochána. However, there was no representation from local authorities. While Tusla was represented at these three SORAM meetings, other districts visited as part of this review highlighted that Tusla did not always attend meetings in the early stages of SORAM, but that attendance is improving. Tusla representatives informed the Inspectorate that most cases discussed at SORAM do not have a child protection issue and generally are not cases of interest to them. At the meetings attended,

the Inspectorate was advised that the absence of local authority housing officers and mental health professionals is a gap in SORAM membership.

Two of the meetings attended appeared to operate in a similar fashion and they raised a number of identical issues with the Inspectorate. In the other meeting attended, the members had different views on several issues and appeared to have different operating practices. In all of the SORAMs attended, partner agency information is not shared prior to a meeting taking place and agencies bring their information on a case to the meeting.

One member that had previously participated in a different SORAM committee explained that those meetings were held in a garda station and it was very useful as the garda representative was able to conduct live searches on PULSE to look for information and intelligence on sex offenders. As part of the J-ARC initiative highlighted earlier, an information sharing E-JARC platform was developed to improve the exchange of information on offenders. All of the SORAMs visited saw the need for a multi-agency electronic information sharing system for sex offenders and the Inspectorate believes that the lessons learnt from J-ARC should be applied to SORAM.

As previously highlighted, SORAMs are restricted to those convicted sex offenders who are subject to a supervision order. At the time of the visits, one of the areas had 80 sex offenders subject to notification requirements, of which eight were included in SORAM. Another one of the three areas had 43 sex offenders subject to notification requirements, with seven on SORAM and the last area had 54 with three on SORAM. One of the SORAM groups pointed out an issue that there are between 30 and 40 sex offenders living in their area who were convicted prior to the enactment of the 2001 legislation and who are not subject to any notification requirements.

Criminal Justice Issues

The inconsistencies of courts requesting pre-sentence reports for sexual offence cases was raised at all SORAM meetings attended and two of the meetings felt that they should be completed in all sexual offence cases. The same two SORAMs were concerned that not all of the sex offenders

in their areas who pose a significant risk have post-sentence supervision orders. These SORAMs still allow these offenders to be discussed at their meetings. The other meeting attended does not discuss persons who are not on supervision orders. At one of the meetings attended, the Tusla representative raised a concern about individual agencies trying to manage people who pose a risk to children outside of the SORAM process. It varied within the different groups as to whether a pre-release multi-agency meeting is actually held. All SORAMs could see the importance of holding a multi-agency pre-release meeting and the failure to hold such a meeting was attributed to insufficient resourcing.

All of the meetings could see merit in a multi-agency process that extended the current remit of SORAMs to managing non-sexual violent offenders through this sort of process. For example, this could include high-risk domestic abuse offenders.

A number of other key points relating to criminal justice issues were raised by SORAM members including:

- Supervision orders can be non-specific and may only state that the offender should be subject to supervision;
- When a supervision order expires, the person is no longer subject to SORAM supervision but may still pose a safety threat;
- One meeting felt that sex offenders should be legally obliged to participate with SORAMs and there could be a case for a SORAM order as well as a probation supervision order;
- SORAMs are not always notified of impending prison releases;
- Some offences such as indecency under public order legislation and burglary with intent to commit rape are not scheduled offences under the 2001 Act and therefore are not subject to any monitoring by SORAM; and
- Concern was expressed in a specific case where sentencing was adjourned for two years and in the interim, the person was not subject to any of the legislative and monitoring requirements.

Administration Issues

The Inspectorate found a number of administrative issues that were outlined during meetings with the different SORAM committees. Many of the issues revolved around training and contact with the National SORAM Office. A number of the matters raised included:

- Ongoing SORAM refresher training is needed as well as training for those gardaí conducting risk assessments and for those managing cases at court;
- There is no forum for SORAMs to meet and share good practice; and
- SORAMs have not had consistent administrative support and this function is rotated between the Probation Service and the Garda Síochána.

Risk Assessment and Management Plans

Risk Assessment and Management Plans (RAMPs) are an important part of the SORAM process and are used for all sex offenders that have notification requirements. The process usually involves a probation officer and a designated monitoring garda who meet to discuss a case. The probation officer starts the RAMP form and sends it to the Garda Síochána. The form then moves onto SORAM. This process is used to record all of the information about a SORAM subject and is used to identify risks and any actions to mitigate or minimise the risk of harm to the public. This is a very important document as it is the main record of all decisions made at SORAM meetings. RAMPs also look at the needs of the offender and this may include a referral to the HSE for treatment or support. The RAMPs were described as a living document and are updated following every SORAM meeting. Copies of all RAMPs are sent to the National SORAM Office. The National SORAM Office had earlier identified inconsistencies in the completion of RAMP forms and some were described as poor in quality. As a result, the National SORAM Office provided a guide to the completion of forms and delivered training workshops. Despite this, some forms are still poor in quality and are generally lacking in detail. At the SORAM meetings attended, a view was expressed that the National SORAM Office had stopped providing feedback on the quality of RAMPs.

Housing Needs

All SORAMs visited have experienced difficulties in finding appropriate housing for convicted sex offenders, particularly in Dublin. This was also raised as a concern by gardaí who have responsibility for managing sex offenders. During a visit to one garda district, they said that many persons released from local prisons are staying in the Dublin area until they decide on a more permanent location. Some people released from prison may be unable to return to their previous place of residence or may decide to stay in another area for an interim period and, as a result, they are in need of accommodation.

This is presenting a significant challenge for partner agencies and solutions to this problem have included the use of private housing and placing people in short-term bed and breakfast accommodation. The use of this type of accommodation may present additional risks and good child protection practice would encourage the realisation of longer term placements to assist the effective management of sex offenders.

In England, Wales and Northern Ireland, 'Approved Premises' were developed as part of the Offender Management Act 2007. This term currently applies to over 100 premises, providing in excess of 2,000 bed spaces, managed either by the National Probation Service or by independent organisations. These premises were previously referred to as 'Probation' or 'Bail Hostels'. While they may accommodate small numbers of people on bail with conditions to live in the approved premises, they are primarily providing housing to those released from prison. A settled address enables supervision that is more effective. In addressing the short-term housing needs of offenders released from prison, a good first step would be to ensure that local authority housing officers are represented on SORAM committees. This would assist with finding suitable accommodation for those with housing needs.

Governance of SORAMs

With 28 individual SORAMs in operation, there is always likely to be inconsistencies in the way that they operate. There are, however, some areas where inconsistencies need to be addressed, including risk assessment processes and the completion of RAMP forms. Most SORAMs visited

reported that they received very little feedback on their performance and there is very little external governance. The National SORAM Office informed the Inspectorate that it would implement a more formal programme of oversight commencing in 2017 with an intention to improve the quality of RAMPs and SORAM work generally.

In developing the J-ARC initiative, a group of senior managers from the key criminal justice agencies came together to drive the implementation of the initiative and to address significant issues, such as information sharing.

The Inspectorate believes that SORAM should operate with a similar executive group to J-ARC that takes responsibility for addressing some of the key issues, particularly the need for stronger governance. The Inspectorate also believes that the National SORAM Office should be empowered and tasked to provide more intrusive supervision of SORAMs.

Delays in Prosecutions, Registration and Monitoring

Several criminal justice processes are significantly impacting on the numbers of offenders who are subject to notification requirements and monitoring. The next two chapters in this review will show that there are still significant time delays in garda sexual assault investigations and long delays in cases that eventually go to court. There are also very long delays in the examination of computers and other devices in connection with indecent images of children. This means that suspected offenders under investigation or awaiting trial are not subject to any multi-agency formal monitoring and may well pose a risk to the safety of children.

Garda Divisional Processes

The responsibility for day-to-day management of sex offenders subject to notification requirements rests with the 28 garda divisions. Sex offender management is one of the few areas of policing activity that is already managed divisionally, rather than on a district basis.

Senior Gardaí and SORAMs

In discussing SORAMs with divisional chief superintendents and district superintendents, the Inspectorate found significant differences in the level of knowledge about SORAMs. This included how their SORAM committee operated locally and specific details about how many offenders were currently living in their areas. None of the district superintendents that met with the Inspectorate attended SORAM meetings, however, in the DMR Northern, the divisional detective superintendent chairs the SORAM committee.

Gardaí Involved in Sex Offender Management

All garda divisions have a designated inspector who leads on sex offender management and across the 28 divisions there is an equal split of uniformed and detective inspectors in these roles. The responsibility for sex offenders is in addition to many other duties that the inspector has. The role, as set out in the Garda Síochána Policy on the Investigation of Sexual Crime, Crime Against Children and Child Welfare outlines 13 separate responsibilities including the completion of an annual report on the status of each sex offender in the division. When information is entered onto the PULSE system about a sex offender, the inspector in the area where the offender lives receives an automatic notification by e-mail. There are usually a number of different sergeants and gardaí appointed to help with the management of sex offenders. In general, a sergeant in each district and a garda in each station are assigned to this role, usually in a part-time capacity. In one CPU visited, a garda is assigned full-time to monitor sex offenders who are living within that district.

Monitoring Requirements

The number of sex offenders subject to notification requirements nationally at the time of the review was 1,505. This is an average of approximately 54 per division but, in reality, the numbers per division vary significantly depending on population, available accommodation and restrictions that may be included on an order. The Inspectorate noted the variations in the areas that were visited and the impact this can have on divisional resources.

Those designated to monitor sex offenders have responsibility for conducting home visits. The frequency of the visits depends on the risk that is identified. The garda policy states that visits should be conducted as deemed appropriate for their level of risk and at least:

- › One per month for high and very high-risk offenders;
- › One per quarter for medium-risk offenders; and
- › Two per annum for low-risk offenders.

The Inspectorate found that low-risk offenders are receiving approximately four visits per year. Visits are conducted to ensure that offenders are complying with their obligations under the Act and to identify any changes to family, lifestyle or social circumstances that may give cause for concern and that may require immediate action. Other actions include obtaining a recent photograph where a person's appearance has significantly changed. The Inspectorate was informed that some low-risk offenders are fully compliant and participate in visits and in the longer term they may only need to have an annual visit. A yearly visit is a practice adopted by some other jurisdictions. For some high-risk offenders that are non-compliant, more frequent visits are required. One district highlighted a case where they were conducting visits every six days on a very high-risk offender. Some garda divisions have a transient sex offender population and when they move, management of the offender is transferred from one division to another. Gardaí involved in the management of offenders stated that they notify Interpol if a convicted sex offender is intending to travel abroad.

Most offenders are compliant with garda visits and participate in the risk assessment process conducted during a visit. However, a smaller number are non-compliant and some are described as difficult to engage and manipulative. Currently, gardaí are cold calling to notified addresses and have very little power to deal with those who are unwilling to participate. In some cases, people will not open the door to gardaí and, in the absence of legislative powers for dealing with this situation, there is some ambiguity as to the authority of such visits. Where there are public safety concerns gardaí could apply for a Sex Offender Order. The

Criminal Justice (Sex Offenders) Amendment Bill, 2017 does contain provisions for monitoring compliance with sex offender orders.

In the UK, the Violent Crime Reduction Act, 2006 created a new police power to apply for a court warrant to enter and search the home of a registered sex offender for the purpose of risk assessment. The power of entry can be used if an officer has been unable to gain entry on two occasions to search a house with the consent of the owner. The power enables police to gather all information for the purpose of assessing the risks posed, even if a registered offender appears to be compliant with notification requirements.

Garda Professional Standards Unit Examinations

The management of sex offenders is included as part of the GPSU divisional and district examination process. To assess the scale and scope of these reviews, the Inspectorate requested a number of GPSU examinations, including the divisions of DMR Northern and Laois/Offaly, which had districts that were included in the Inspectorate visits. The GPSU examinations noted a number of inconsistencies including that in one of those divisions, all gardaí involved in risk assessment were trained but in the other division, there was a lack of trained personnel. Gaps in legislative powers were also identified including inadequate powers to deal with an individual who fails or refuses to co-operate with garda monitoring.

Managing Sex Offenders in Other Policing Jurisdictions

As part of this review, the Inspectorate visited a number of other jurisdictions that have similar systems and legislation in place to manage sex offenders who are subject to notification or registration requirements. The Inspectorate also visited other countries where these systems are not in place. Norway does not have a notification requirement for convicted sex offenders and there is no notification process for those due to be released from prison. The Netherlands also operates without a formal registration system, although supervision orders can be obtained.

The Netherlands is in the process of examining approaches used in the UK with a view to adopting a more formal process.

To assess what happens in other jurisdictions with notification arrangements, this section of the chapter reviews the processes in place in Northern Ireland, the West Midlands and Scotland. All three jurisdictions operate multi-agency processes that are similar to SORAM.

Violent and Sex Offender Register Database

In all three police services visited, a database called the Violent and Sex Offender Register (ViSOR) is used. This contains details of all persons who are required to register with the police under sexual offence legislation. It is used as a management tool by criminal justice agencies, including police, prison and probation services to manage a number of offenders including:

- › Registered sex offenders;
- › Violent offenders;
- › Dangerous offenders;
- › Registerable terrorist offenders; and
- › Registerable violent offenders.

As can be seen from the types of offenders covered, these jurisdictions have extended the categories of offenders that are monitored beyond sex offenders. ViSOR facilitates the multi-agency process and allows agencies to share information with each other and contribute information to the records on offenders. The system shows the lead agency co-ordinator and requests for information are referred to the ViSOR agency owner. Police services create records for convicted sex offenders and if the person lives outside of the area, they are able to transfer the record to the police service where the person lives. The Probation Service creates records for violent and dangerous offenders. Records include important data such as addresses, warning markers, modus operandi and conviction history. It is a secure database that enables prompt sharing of information and improves the capacity for recording intelligence.

The National SORAM Office in Ireland has considered using ViSOR, but technical problems prevented its use. The Inspectorate believes that a ViSOR/J-ARC e-type system should be in operation and available to SORAMs.

Northern Ireland

Northern Ireland operates a multi-agency approach called the Public Protection Arrangements for Northern Ireland (PPANI), which was launched in 2008. This approach involves a total of 11 different agencies and, at a central level, there is a multi-agency, co-located team that deals with the highest-risk offenders. The Sex Offenders Act, 2003 provided the basis for monitoring those subject to notification requirements. In 2008 monitoring was extended to persons convicted of a violent offence against a child or vulnerable adult. In 2010, this was further extended to those convicted of violent offences in domestic or family circumstances, where an agency has significant concerns.

The PSNI has dedicated officers attached to multi-agency PPUs consisting of police and social services staff. These units have responsibility for managing sex offenders and violent offenders. The use of dedicated resources aims to provide a consistent level of management of risk for those offenders in the community who represent the greatest cause for concern. Local Area Public Protection Panels operate like SORAMs with similar agencies attending meetings. Each panel has representatives from the police, probation and social services and, if required, representatives from local authority housing can be asked to attend. Panels are responsible for conducting risk assessment processes and for drawing up management plans for offenders who pose the greatest risk. Crucial to this function is the sharing of information and the consideration of both victim and public protection. All persons released from prison are usually on-licence and subject to probation supervision. For the highest-risk offenders, the central PPANI team engages the offender and manages their release from prison. When an individual offender is discussed at a panel meeting, a Designated Risk Manager (police or probation officer) is appointed to implement the risk management plan. All staff involved in this process are trained in risk assessment and undergo an annual accreditation process.

A number categorisation system from 1 to 3 is used for offenders, with Category 1 being the lowest risk. Offenders assessed as low risk who

present little evidence they might cause harm are managed by a single agency and receive an annual visit. Those in Categories 2 and 3 who present higher risks are managed by a joint-agency approach and risk management plans are developed. High-risk offenders are assessed daily through a dynamic risk assessment process. At the time of the Inspectorate visit, Category 1 had 1,267 registered sex offenders and 629 other violent offenders. In Category 2, there were 88 sex offenders and 54 other violent offenders and in the high-risk Category 3, there were eight sex offenders and 14 other violent offenders. It is interesting to note that there are more violent offenders than registered sex offenders in the highest-risk category. In Northern Ireland, there are similar challenges in terms of providing mental health treatment for offenders and finding suitable accommodation. Pre-release meetings are usually held in prisons, but the police do not always attend these meetings.

West Midlands

In common with the rest of the UK, the West Midlands Police operates a system known as MAPPA. This was introduced in legislation in 2003 and subsequently rolled out in all criminal justice areas in England and Wales. MAPPA is not a statutory body, but is a mechanism for monitoring high-risk offenders.

The West Midlands Police also operates a similar PPU system. Within that structure, there is one detective inspector, eight detective sergeants and 43 detective constables assigned to sex offender management working from three geographical hubs. Staff are allocated to the hubs based on the number of offenders living in the three areas with individual officers managing approximately 90 offenders. This is a high ratio of officer to sex offenders and above the recommended level of 1 to 50.¹⁵ Officers conduct a number of visits each year depending on the level of risk that ranges from quarterly visits for higher risk offenders to yearly visits for those assessed as low risk.

MAPPA has three categories of offenders and three management levels. Offenders in Category 1 are registered sex offenders; Category 2 are violent

15 Level identified by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services

offenders, such as homicide or other sexual offences not attracting registration; and Category 3 are designated as other dangerous offenders who pose a serious risk. The police leads on all Category 1 offenders and the Probation Service leads on the other two. In terms of management, Level 1 is usually conducted by a single agency and involves information sharing but not a multi-agency meeting. Levels 2 and 3 involve a multi-agency meeting with Level 3 the highest, which are attended by senior agency representatives that have the authority to commit resources if required.

Core membership at MAPPA meetings include the police, probation, child and family services, mental health, youth offending teams, housing and victim support. MAPPA has a support team in place to complete all administration. MAPPA faces similar challenges to SORAM, such as providing appropriate and timely treatment and support to offenders who may have mental health or accommodation needs. In terms of accommodation, they have approved premises providing multi-occupancy accommodation that is managed by the Probation Service and space was described as at a premium. Disclosure guidelines are in place for MAPPA and information sharing between the agencies was described as good.

MAPPA operates in a similar way to SORAM in monitoring sex offenders subject to registration requirements, but it has a much wider remit and also deals with young offenders and non-sexual crime violent offenders. Similar to Ireland, courts can impose a supervision order for any person convicted who poses a risk. This is available to courts at the time of sentencing. Secondly, a civil law protection order can be made by a court, if it is believed to be necessary to protect the public from harm.

In Ireland, once a supervision order expires a person drops off SORAM monitoring. In the MAPPA process, when a period of registration expires for Category 1 or 2 offenders and a public safety risk still exists, consideration can be given to placing a person in Category 3. This allows MAPPA to continue to monitor an individual until the risk is reduced. The MAPPA system also allows agencies to put forward a person to be considered for monitoring. Such a person could be an offender convicted of domestic abuse who

poses a risk to the previous family or to a new family that they have access to. Unlike the seven-day period in Ireland, there is a three-day period for sex offenders to register with the police or to notify a change in circumstances.

The West Midlands Police monitors over 4,000 offenders, compared to 1,505 in Ireland. The number in the West Midlands is increasing by 30–50 each month. In the West Midlands 1% of offenders are dealt with by MAPPA compared to approximately 15% by SORAM in Ireland. The other 99% of offenders in the West Midlands are managed by a single agency and usually by probation and police officers who regularly see offenders. At any one time, there are approximately 800 offenders in prison. West Midlands Police has two full-time members of staff in a custody team who work with other agencies to prepare for the release of offenders from prison. Not all prisons offer the same offender programmes, which is a similar position to Ireland. It was also highlighted that reoffending rates are fairly low.

In the UK, with increasing numbers of people in the MAPPA process and with many having indefinite registration, there is effectively no formal exit plan. This has been challenged in the courts and a mechanism has been introduced that allows offenders (on indefinite registration) to request a review after 15 years for removal of the registration requirement. The new rules were drawn up because the Supreme Court ruled that automatic lifetime inclusion on the register breached the Human Rights Act, 1998.

Scotland

In Scotland, the Management of Offenders Act, 2005 requires the police, local authority, Probation Service and Prison Service (in relation to those in the prison environment) to act as responsible authorities to monitor those subject to registration. Scotland uses both MAPPA and ViSOR and like the PSNI and the West Midlands Police, Police Scotland has dedicated PPU resources at both a national and a local level for monitoring high-risk offenders. At the time of the visit, Scotland had approximately 4,800 registered sex offenders with about 800 in prison. Between 2014 and 2015, there was an increase of over 500 newly registered offenders. In comparison, the increase in Ireland in the same period was only 51. The Inspectorate

believes that this has resulted from a number of factors, including slowness in the investigation and prosecution of sexual offence cases and an absence of garda pro-activity in the area of online child pornography.

Unlike the PSNI, the National Unit in Scotland is not involved with the monitoring of specific offenders and this type of activity is conducted at a local level. There are 87 police officers in Scotland with responsibility for managing sex offenders and that equates to an average of 55 offenders per officer. Officers with responsibility for managing sex offenders are trained in risk assessment. Like other jurisdictions, the schedule of visits to sex offenders depends on the risk level posed by an individual. Poor attendance by some agencies at MAPPA meetings was identified as an issue that affects the work of MAPPA and conversely, well-attended meetings did not have problems with information sharing. Scotland has also found that reconviction rates for sex offenders are relatively low.

Enhancing the Offender Management Process

There are a number of key issues arising out of the examination of offender management processes in place in other jurisdictions. They include a wider remit for monitoring that extends beyond those that are convicted of sexual offences, to include other violent offenders. There is also a fail-safe for those offenders whose registration period has expired so that they can still be managed through a multi-agency approach.

SORAM is now established in all areas of Ireland and it provides an excellent platform for considering whether to widen the responsibility to include offenders who have committed other serious crimes. The Inspectorate welcomes the planned roll-out of garda PSUs to divisions, but these units will need to have sufficient staff to cover all of the areas of responsibility, including the management of sex offenders. Staffing levels will also need to take into account an increase in the numbers of those who are subject to notification requirements.

Recommendation 2.6

The Inspectorate recommends that the Garda Síochána, in conjunction with other Sex Offenders Risk Assessment and Management (SORAM) partners, develop a national high-level executive group to take overall responsibility for SORAM and to review the joint approach to managing sex offenders and particularly those at risk of causing most harm. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Ensure that the high-level executive group is made up of senior managers similar to the group that drove the implementation of the J-ARC initiative;
- › Develop Violent and Sex Offenders Register (ViSOR) or a similar e-type information sharing system;
- › Ensure that all SORAM personnel charged with managing sex offenders are risk assessment trained;
- › Develop a standard operating procedure for managing prison pre-release meetings and to consider assignment of gardaí and probation officers to manage the release of sex offenders;
- › Ensure that the National SORAM Office performs an oversight and governance role;
- › Ensure full representation at SORAM meetings from relevant agencies including local authority housing and mental health services;
- › Conduct research/evaluation of offender treatment programmes and develop metrics on reoffending rates; and
- › Provide ongoing SORAM refresher training as well as training for those criminal justice representatives involved in cases at court.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 2.7

The Inspectorate recommends that the Garda Síochána review the procedures for managing sex offenders contained in the Policy on the Investigation of Sexual Crimes, Crimes Against Children and Child Welfare. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Ensure that gardaí deployed to sex offender management are part of the new Protective Services Units;
- › Promote the updating and use of the Violent Crime Linkage Analysis System (ViCLAS) as an important source of offender information;
- › Ensure that all outstanding booklets are entered on the ViCLAS system;
- › Conduct a review of the use of Sex Offenders Orders; and
- › Provide training for those gardaí conducting risk assessments.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 2.8

The Inspectorate recommends that the Department of Justice convene a multi-agency group to review legislative issues in connection with managing sex offenders and particularly those at risk of causing most harm. (Medium term)

To achieve the above recommendation the following key actions need to be taken:

- › Consider extending the Sex Offenders Risk Assessment and Management (SORAM) model to include other categories of offenders who pose a significant threat to public safety;
- › Review the process for the monitoring of young offenders who are under 18 years of age;
- › Review those sexual offences that are currently excluded from the schedule of offences;
- › Address gaps in the powers to deal with those who refuse to engage with monitoring gardaí;
- › Consider legislation to remove the need for a supervision order for SORAM monitoring; and
- › Consider an obligation to request a pre-sanction report for all adult persons convicted of a sexual offence.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.



3

Chapter 3

Investigation of Child Sexual Abuse

'Emily described the worst part of her case as 'the four year wait for justice' and considered withdrawing her support while waiting for the trial to take place.'

Introduction

The 2012 Inspectorate report examined the Garda Síochána investigative practices in place at that time and made a number of specific recommendations to improve the effectiveness and timeliness of child sexual abuse (CSA) investigations. As outlined in Chapter 1 of this review, the Inspectorate has a number of concerns regarding the implementation of those recommendations and these are discussed in more detail in this chapter.

This chapter looks at what happens when a victim reports a crime of CSA to the Garda Síochána and specifically examines:

- The number of reported CSA offences;
- Garda practices for recording sexual crimes against children;
- Gardaí specially trained in the investigation of CSA;
- CSA investigations;
- The gathering of evidence with a focus on child victim interviewing and medical examinations;
- The gathering of evidence from victims and witnesses; and
- The management of those identified as suspected offenders.

As part of the review, the Inspectorate forensically examined 211 CSA investigations and tracked the progress of those cases from the date of the initial report to the Garda Síochána through various investigative stages, to the outcome of each case. These cases are separated into three specific data sets:

- 1 170 CSA investigations reported in 2014 from the seven garda districts visited as part of this inspection;
2. 28 criminal investigations or child protection notifications created in 2014 from the seven garda districts visited as part of this inspection; and
3. 13 cases randomly selected across garda divisions for cases investigated in 2012 and 2013.

The findings from this examination are discussed throughout this chapter.

Child Sexual Abuse

When considering the crime of CSA it is important to understand and define what constitutes such a crime. Children First National Guidance defines CSA, although not a legal definition, as when a child is used by another person for his or her gratification or sexual arousal. While this is a broad explanation, it should be noted that there is no specific crime of CSA and any such crimes are recorded as a sexual offence.

The main types of offences that the Garda Síochána deals with in relation to sexual crime against children are as follows:

- Rape of a male or female;
- Defilement of a boy or girl less than 17 years old;
- Sexual offences involving a mentally impaired person;
- Aggravated sexual assault;
- Sexual assaults (not aggravated);
- Other sexual offences; and
- Child pornography offences.

All of these crime types are essentially CSA crimes.

Other factors affecting the identification of a CSA crime include where the victim may consent to a sexual act but in law is defined as a child and, therefore, is unable to provide such consent. Also, some children may be more vulnerable to abuse than others where there are factors within a family setting such as drug or alcohol misuse, domestic violence, mental health issues or cultural, ethnic, religious or faith based norms which may not meet the standards of child welfare or protection required in this jurisdiction.

Child Sexual Exploitation

Child Sexual Exploitation (CSE) has emerged as a significant and growing threat to the safety of children. CSE is not a crime type per se, but it is an aspect of child sexual abuse. In the Children First National Guidance, the term CSE is defined as 'inciting, encouraging, propositioning, requiring or permitting a child to solicit for or to engage in prostitution or other sexual acts.

Sexual exploitation also occurs when a child is involved in the exhibition, modelling or posing for the purpose of sexual arousal, gratification or sexual act, including its recording (on film, video tape or other media) or the manipulation, for those purposes, of the image by computer or other means. It may also include showing sexually explicit material to children, which is often a feature of the “grooming” process by perpetrators of abuse’.

In a CSE enquiry conducted in 2014 by Criminal Justice Inspection Northern Ireland, the report gave examples of CSE and described cases as ranging from planned exploitation of young people, to worrying relationships between young people under 16 and adults who are a few years older. In some cases, house parties are organised where drugs and/or alcohol would initially be free to the young people enticed to the venue but they are then expected to have sexual contact in return for any inducements. In other cases, a relationship may develop into an expectation that a young person would have sexual activity with the partner’s friends and associates. It may also involve the transportation of a young person from place to place where money may be exchanged.

Increasingly, children can be exploited through the internet and social media, which may or may not lead to face-to-face contact, or through the creation and sharing of indecent images of the child, which can become the focus of bullying and or blackmail. CSE affects males and females, but males are less likely to disclose an offence or be identified as victims.

Understanding the scale of CSE, and developing preventative and investigative strategies poses new and significant challenges to police services and other partner agencies. Some of the challenges are victim related, as many children do not realise that they are victims, or do not see themselves as victims, and some are willing participants in sexual activity.

The term CSE was described by professionals to the Inspectorate as language that might deter young people from reporting a crime, as they do not see themselves as children. As a result, CSE is a crime that many children are not identifying with or coming forward to report. CSE often takes place outside of the family setting and children who are in care or who have a disability can be

more vulnerable to exploitation or abuse. This review will show that there is very little data available to identify how many children in Ireland are victims of CSE or how many are at high risk of sexual exploitation.

Identifying Child Sexual Abuse/ Exploitation Offences on PULSE

Crimes against children that involve sexual abuse or exploitation are not recorded on the Garda PULSE system in a format that makes it easy to identify them. Furthermore, PULSE does not easily capture sexual abuse/exploitation crimes that are facilitated through the internet. In some crime categories, PULSE allows a marker (flag) to be attached to distinguish it as a particular type of crime. For example, in an assault case within a family setting, the PULSE system allows the attachment of a domestic abuse flag to associate it to the crime. The absence of such a system to flag sexual abuse/exploitation makes it difficult to determine how many such cases are reported each year. It is also important to identify those children who are at higher risk of sexual exploitation, such as those in care who are frequently reported missing and those who are engaging with strangers on the internet. In England and Wales, in order to determine the level of cyber-related CSE crimes, police services are required to record internet abuse to gain a greater understanding of the extent of online offences against children.

There are a number of other sexual incident types that relate to children, which are not recorded on PULSE as sexual offences or offences against the person. This includes crimes such as female genital mutilation, honour based violence, forced marriage and child trafficking. For example, human trafficking is a PULSE incident type recorded in a miscellaneous crime category. To ensure that it can be easily identified, this type of crime requires a member to flag it correctly as a human trafficking case.

This is not always done and the Garda National Protective Services Bureau (GNPSB) often has to contact garda districts to establish if a particular case involves a trafficking element. The GNPSB informed the Inspectorate that, at present, there is limited intelligence or evidence that children are being trafficked into Ireland for the purpose of sexual exploitation.

Another aspect of human trafficking is the issue of modern-day slavery including children who are internationally trafficked for reasons such as sexual exploitation, for their organs or for forced labour. In England and Wales, these types of crimes are not always recorded on police crime systems. Even when they are recorded, they are not flagged to show that there is a slavery aspect to a case. To ensure accurate recording of human trafficking cases, the GNPSB would like all such cases to be recorded on PULSE as offences against the person.

Determining the levels of CSE and other crimes involving children is a challenge for all of the jurisdictions visited by the Inspectorate as part of this review. To help to understand the levels of reported crimes, police services have included a number of sub categories on their crime recording systems to ensure that cases, with elements such as CSE or human trafficking, are accurately recorded.

Not only is it important to record the crime that has taken place, it is also important to record any additional aspects to the case, such as the presence of CSE or the use of the internet. Accurately recording a crime and any special features of the offences reported to the Garda Síochána is very important to provide a richer picture of the type of crimes that are committed against children. It will also allow the Garda Síochána and other agencies to develop more effective strategies to support victims and target abusers. While the level of reported offences, such as child trafficking, is low in Ireland, the experience of other countries suggests that they will start to become more prevalent. Therefore, it is important to ensure that these types of crime are recorded correctly on PULSE and are easily identifiable.

Recommendation 3.1

The Inspectorate recommends that the Garda Síochána develop PULSE recording practices that clearly identify child sexual abuse/child sexual exploitation incidents and other incidents involving children at risk, such as human trafficking, female genital mutilation, forced marriage and honour based violence. (Short term)

Recorded Sexual Offences

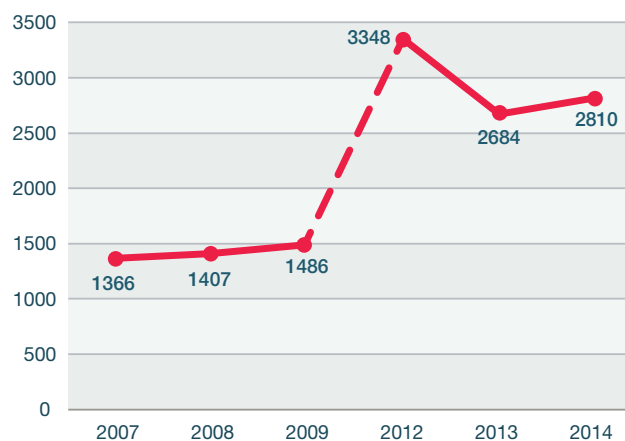
Correctly recording the number and type of sexual offences reported to the Garda Síochána is very important in determining the scale of sexual abuse and the type of offences that are committed. There are a number of CSA offences that are covered by different legislation that involves both contact and non-contact abuse. Recording a crime requires the Garda Síochána to create a PULSE incident record. PULSE data is provided periodically to the Central Statistics Office (CSO) which has responsibility for publishing national crime statistics.

Number of Recorded Sexual Offences on PULSE

At the time of the original inspection in 2012, PULSE was unable to separate those offences that involved child victims from those that were committed on adults. As a result, the original inspection examined a data set of all sexual incidents recorded on PULSE. In order to allow analysis of a significant data sample of sexual incidents at that time, the Inspectorate selected the period 2007 to 2009. To enable a comparison of crime levels identified in the original inspection and the crime levels at the time of this review, the Inspectorate compared the three-year period 2007 to 2009 and the years 2012 to 2014.

Figure 3.1 shows the total number of sexual incidents (children and adults) recorded on PULSE during those periods.

Figure 3.1 Sexual Offences Recorded on PULSE – 2007 to 2009 and 2012 to 2014



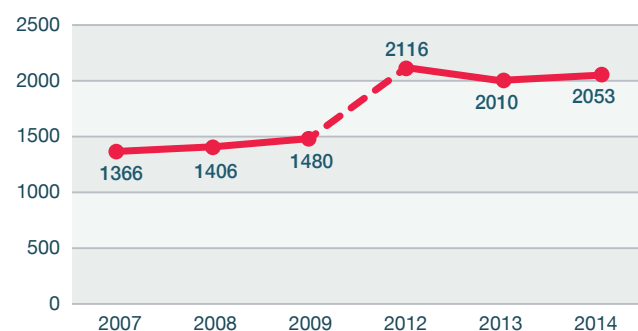
Source: Data from the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows that there has been a considerable increase in the number of sexual incidents recorded on PULSE in the three-year period 2012 to 2014, compared to the years 2007 to 2009. The highest number of recorded incidents was 3,348 in 2012, the year that the original Inspectorate report was published.

Central Statistics Office Data

The CSO receives crime data from the Garda PULSE system and publishes this data by offence type. Figure 3.2 shows the recorded crime levels for those offences categorised as sexual crimes between 2007 and 2014, excluding 2010 and 2011.

Figure 3.2 CSO Recorded Sexual Offences – 2007 to 2009 and 2012 to 2014



Source: Data obtained from CSO website on 27 October 2016 from Crime Offences by Type Database; analysis by the Garda Inspectorate

While the PULSE and CSO data for the years 2007 to 2009 are very similar, there are considerable differences between the data in the years 2012 to 2014, showing the CSO recorded crime at much lower levels than the Inspectorate’s analysis in Figure 3.1. Some of this difference is explained by the CSO exclusion of some crimes that are included in PULSE data, such as indecency offences. Conversely, CSO data also includes child pornography offences in a category of ‘other sexual offences’, but the PULSE system records this in a category of miscellaneous offences. The Inspectorate believes the categories of sexual offences used by the Garda Síochána and the CSO should be the same.

Figure 3.3 shows the sexual offence categories used by the CSO in its published data on offence types. This provides a breakdown of the total numbers of sexual offences by offence type published by the CSO for the years 2012 to 2014.

Figure 3.3 CSO Recorded Offences by Crime Type – 2012 to 2014

Recorded Offences	2012	2013	2014
Rape of a male or female	519	451	476
Defilement of a boy or girl less than 17 years old	137	93	140
Sexual offence involving mentally impaired person	25	10	12
Aggravated sexual assault	7	10	5
Sexual assault (not aggravated)	1,289	1,320	1,268
Other sexual offences	139	126	152
Totals	2,116	2,010	2,053

Source: Data obtained from CSO website on 27 October 2016

This data shows that apart from the crime of defilement of a boy or girl, the CSO data does not separate sexual offences against adults from those against children.

Crime Counting Rules for Sexual Offences

In common with other countries, Ireland has crime counting rules that are used to categorise, record, measure and analyse crime. A criminal offence is recorded when there is a reasonable probability that a crime was committed and there is no credible evidence to the contrary. If the criteria for recording a crime are satisfied, but the victim does not want the matter taken any further, a crime must still be recorded. There are also rules on:

- How to record crimes when there is more than one victim;
- How to deal with multiple crimes by the same offender on the same victim;
- When to change a crime from one category to another; and
- When to show a crime as detected (solved).

With sexual offences, the CSO has identified a recurring theme of the Garda Síochána over-counting the numbers of crimes on PULSE. For example, when two or more criminal offences are disclosed in a single episode, the primary and more serious offence is counted. For sexual offences, an offender may have committed a rape and an indecent assault on the same victim. In this case, the more serious offence of rape is counted

in the crime statistic, although both offences are recorded on PULSE. Generally, the rule is that one offence is counted per victim. On PULSE, there is a facility to flag the most serious (primary) offence and in many cases investigating gardaí are generally flagging all sexual offences in a single case as a primary offence. When the CSO receives PULSE data from the Garda Síochána, it finds that in some cases multiple crimes are recorded in connection with the same victim. As a result, the CSO runs a process to correctly apply the crime counting rules and publish amended data. This is an administrative process that should be addressed by a garda supervisor. In the *Crime Investigation (2014)* report, the Inspectorate made a number of recommendations in connection with the crime counting rules to ensure that they are correctly applied.¹ The issue of over-counting of crimes further explains the difference in the crime statistics of the CSO and the Garda Síochána.

During this review, the Inspectorate found that while cases involving child pornography are captured in the Garda Key Performance Indicators (KPIs) as sexual incidents, they are not recorded on PULSE in the sexual offence category, but rather in the miscellaneous crimes category. The Inspectorate believes that offences of possession, distribution or production of child pornography should be recorded on PULSE as a sexual offence to avoid any ambiguity.

Recommendation 3.2

The Inspectorate recommends that the Garda Síochána conduct a review of PULSE incident categories to ensure that all offences of a sexual nature are recorded in a single sexual offence category and issue clear national directions on the correct recording of sexual offences. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- Revise the descriptions in the *PULSE Incident Recording Manual* to ensure that all offences of a sexual nature, including child pornography offences, are recorded in the sexual offences category;

- The Central Statistics Office and the Garda Síochána to agree a single categorisation system for all sexual offences; and
- Address the recurring theme of over-counting of sexual offences.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recording Child Sexual Abuse Offences

The number of recorded sexual offences published by the CSO shows very little difference between the years 2013 and 2014. In contrast, the UK saw a sharp rise of 33% in CSA offences between the years 2013/14 and 2014/15. In the year 2014/15, this equated to over 45,000 reported CSA crimes a year, of which 11,000 involved victims under ten and just over 2,000 involved victims under five.

Internationally, many police services have been criticised for not recording child sexual offences on crime recording systems or delaying the recording of those crimes until much later. A report by Her Majesty's Inspectorate of Constabulary in 2014 in connection with crime recording practices, concluded that across England and Wales an estimated one in four (26%) of sexual offences that should have been recorded as crimes were not. Most police services have similar recording rules to Ireland and should record a sexual crime if, on the balance of probabilities, a crime has occurred. Delays in recording crimes can sometimes occur in cases where the initial information about a crime comes from a third party and not directly from the victim. Police Scotland has a policy to record a crime once an account is obtained from a child.

Under Reporting of Child Sexual Abuse/ Exploitation

To help establish the levels of under-reported CSA in England and Wales, questions were added to the Office for National Statistics 2015/16 Crime Survey asking whether people aged 16 to 59 had experienced emotional, physical or sexual abuse or witnessed domestic violence as a child. This

¹ *Crime Investigation (2014)*: Recommendations 4.4, 5.4, 5.7, 11.1 and 11.7

only included offences where the perpetrator was an adult. The results from the survey showed that 9% had suffered from psychological abuse, 7% from physical abuse and 7% from sexual abuse. While almost half of the respondents had suffered from two or more abuses, sexual abuse was more likely to be experienced as a single form of abuse and women were four times more likely to have experience of childhood abuse. Of the respondents, three out of four said that they did not report it at the time due to embarrassment, humiliation or a fear they would not be believed.

The National Society for the Prevention of Cruelty to Children (NSPCC) in the UK conducted research in relation to young people who engaged their services in 2014/15 after sexual abuse. The findings highlighted a number of reasons why young people do not report crimes including:

- Concern they won't be believed by professionals;
- Parents reaction to discovering they have engaged in sexually explicit online activity; and
- Unclear where to report online offences.

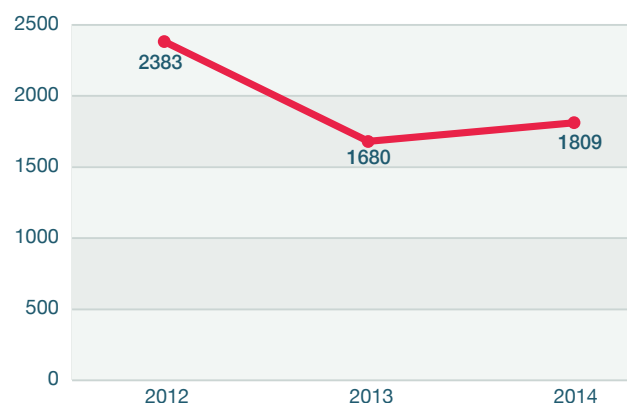
This research showed that more children are going to the police, but that not being believed has left them upset, angry and in some cases suicidal. In a *Garda Review* article in April 2016, Nicola Mitchell, a psychologist and psychotherapist, described rape as the most under-reported violent crime and highlighted that in the UK just 6–18% of such crimes are reported. She also stated that in 70–90% of cases, the victim or their family knows the suspect. The article identified rape and sexual assault as a most traumatic crime for a victim and noted that recall can sometimes be fragmented. As a result, appropriate training is required for those who investigate rape and sexual assault.

Recorded Incidents of Child Sexual Abuse on PULSE

Since the original inspection report, PULSE has been upgraded to enable it to distinguish between sexual offences involving an adult victim and those involving a child. While there is still no specific PULSE category of CSA it is now possible to identify cases where the victim is a child at the date of the incident.

Figure 3.4 shows the total number of CSA incidents recorded on PULSE in the years 2012 to 2014.

Figure 3.4 Child Sexual Abuse Incidents – 2012 to 2014



Source: Data from the Garda Síochána; analysis by the Garda Inspectorate

This data shows a similar trend in CSA recorded incidents to the overall trend for all sexual offences shown in Figure 3.1, with the highest number of recorded incidents in 2012.

To establish the proportion of sexual offences that involve a child victim, the Inspectorate examined all sexual incidents recorded in 2012 to 2014. Figure 3.5 shows the total number of CSA incidents recorded on PULSE in that period and what percentage of all sexual incidents (adults and children) they represent.

Figure 3.5 Child Sexual Abuse Incidents – 2012 to 2014

Year	Total Child Abuse Sexual Incidents	% of all Sexual Incidents
2012	2,383	71%
2013	1,680	63%
2014	1,809	64%
Total	5,872	66%

Source: Data from the Garda Síochána; analysis by the Garda Inspectorate

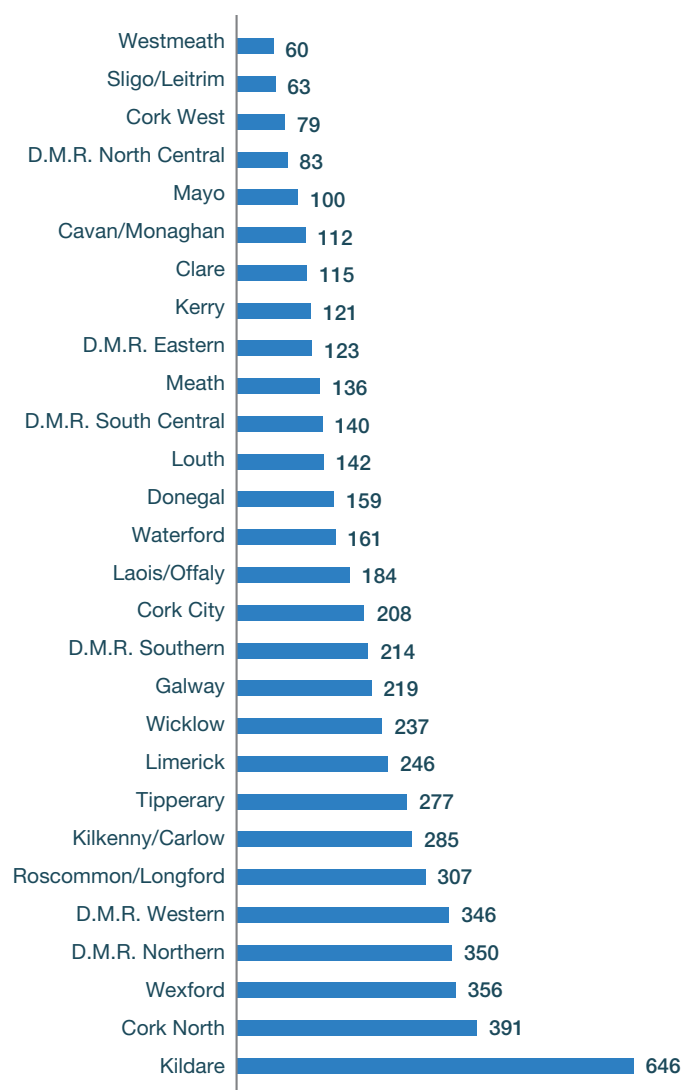
Of the total number of sexual incidents recorded on PULSE over a three-year period, 66% involved CSA offences.

Recorded Child Sexual Abuse Incidents by Division

In order to examine the geographical breakdown of CSA incidents, the Inspectorate looked at the numbers of crimes recorded across all 28 garda divisions.

Figure 3.6 shows the number of recorded CSA incidents recorded on PULSE across the 28 garda divisions in the three-year period 2012 to 2014. There were 12 offences in this data sample that were not assigned to a division for investigation. These are excluded from this analysis.

Figure 3.6 Child Sexual Abuse Incidents by Division 2012 to 2014



Source: Data from the Garda Síochána; analysis by the Garda Inspectorate

The data shows a wide variance in the numbers of incidents, ranging from 60 offences between 2012 and 2014 in Westmeath to 646 in Kildare. High levels of sexual incidents in the Kildare Division were impacted by a small number of specific cases that generated a significant number of associated crimes.

Child Sexual Abuse Case File Analysis

As previously outlined, the Inspectorate forensically examined 211 CSA garda investigation files as part of this review. These examinations were broken down into three different groupings of which the data set of 170 CSA cases, reported in 2014, was the main focus. The findings, in the form of charts and graphs, from the forensic examination are included throughout this chapter as well as some detailed analysis. For ease of reference, the findings relating to the examination of these files are clearly highlighted and presented in a text box format.

Historic/Retrospective Child Sexual Abuse

Some police services set specific periods of time for determining if a case is historic or retrospective. In the Police Service of Northern Ireland (PSNI), a historical case includes any crime that is reported more than a year after it was committed. For the purposes of this review, cases where an adult reports that they were sexually abused as a child and cases where a victim is still a child, but waits for more than a year before they report the crime to the Garda Síochána are considered historical. While these scenarios are both treated as a crime of CSA, historical cases are not flagged on PULSE as such and establishing the levels of these types of crimes requires additional analysis.

CASE FILE ANALYSIS**Historical Cases of CSA**

In the sample of 170 investigation files examined by the Inspectorate, the crimes were recorded on PULSE in 2014 in connection with offences that occurred on dates ranging from 1958 through to 2014. In some cases, victims reported multiple crimes committed on them by the same suspect that occurred over many years. For the purpose of this analysis, the date that the first crime occurred was used for examination purposes. The span of the crimes by decade is set out below.

Figure 3.7 Historical Cases Reported in 2014 by Decade of Occurrence

Decade	Number of Cases
1950s	1
1960s	5
1970s	21
1980s	15
1990s	18
2000s	26
2010 to 2014	84
Total	170

Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

In this analysis, only 41% were offences that occurred from 2013 onwards and the remaining 59% were historical cases. This highlights the significant level of under reporting of crimes at or around the time that the sexual abuse took place. It also shows that historical abuse cases account for a large proportion of the overall investigations conducted by the Garda Síochána.

Clerical Abuse Cases

The original inspection took place following, and at the time of, several commissions of inquiry into incidents of CSA involving State agencies including the Catholic Church in Ireland, spanning several decades.

At that time, the Inspectorate's report acknowledged clerical abuse as a significant public concern, but identified that the vast majority of CSA cases are perpetrated by non-clerics, such as a family member, a neighbour or a family friend. This review endorses the findings of the original report and although clerical or institutional abuse cases are still reported and investigated each year, they form a small proportion of the overall number of cases that are reported.

CASE FILE ANALYSIS**Clerical Abuse Cases**

Following analysis of the sample of 170 cases of CSA reported across the seven garda districts visited, the Inspectorate found three cases that were recorded as involving clerical abuse.

In all three cases the victim was an adult when they made the allegation of abuse. In two cases, the accused was deceased at the time that the allegation was made. The other case involved an already convicted child abuser but it was not possible to get corroborating evidence to pursue a prosecution. One of the reasons for this was a delay in obtaining a statement from the suspect who had absconded from prison.

This shows some of the difficulties that gardaí encountered in obtaining evidence to pursue allegations of clerical child abuse.

Garda Síochána Child Abuse Recording Policy

Following a recommendation in the original report in 2012, the Garda Síochána issued a HQ Directive to staff in 2014 with an instruction that all CSA crimes should be recorded on PULSE immediately upon a garda member becoming satisfied that there are reasonable grounds for believing that an offence has occurred. It is important to note that the decision to record a crime on PULSE should not be influenced by a victim who does not want to make a formal statement of complaint or to assist with a criminal prosecution.

During the majority of interviews with divisional chief superintendents and district superintendents, it was identified that the failure of gardaí to record a sexual abuse crime or a child protection concern on PULSE is a risk to child protection. Once a crime is recorded on PULSE, the incident record and the investigation can be supervised. Some senior gardaí who met with the Inspectorate reported that they check individual garda notebooks and have found the details of a crime contained in a notebook that was not recorded on PULSE. The checking of notebooks was not a practice in operation across the seven districts visited. Some of the districts have systems in place to check 999 and non-emergency telephone call logs to ensure that reported crimes are correctly recorded on PULSE. Again, this was not a practice in operation across the seven districts visited by the Inspectorate. Checking garda notebooks and call records is an essential supervisory measure to make sure that a crime reported by a member of the public is recorded correctly on PULSE. CSA cases are serious crimes and must always be recorded correctly.

A concern raised in the *Crime Investigation (2014)* report was the absence of an electronic or a paper record system in some garda stations for recording calls received from the public. During this review, the Inspectorate visited a district that had no system in place to record such calls. The absence of a call recording system removes an opportunity for supervisors to check a telephone log to ensure that a call reporting that a crime had occurred was recorded and subsequently investigated.

Even in districts where a paper call recording system was in operation, some district superintendents were still concerned about its accuracy.

The Garda Síochána issued a further Directive in November 2016 entitled 'Call Handling and Incident Recording Policy'. This policy directs that all calls for service received by the Garda Síochána will be recorded electronically or on paper forms. It also instructs that a number of recommendations contained in the *Crime Investigation (2014)* report should be implemented, such as ensuring that full results for all incidents are recorded on the call handling logs or electronic CAD system and that PULSE incident numbers are also recorded on both systems.

Initial Reporting and Recording of a Crime

For a victim or the family of a child, contacting the Garda Síochána by telephone or attending a garda station to report CSA is an extremely difficult thing to do. In some cases, victims of CSA are now adults and for the first time are reporting that they were sexually abused as a child. For those attending garda stations, some victims informed the Inspectorate that they had telephoned in advance and others attended without prior notification. There are important elements to this first contact with a victim, including the need to establish if a crime has taken place; if so, a PULSE record should be created. It is very important to decide what actions need to take place next, including whether a statement needs to be taken immediately, assessing if the victim needs medical attention or forensic examination and if an arrest is necessary to prevent further harm.

There was consistency in the approach taken when a victim attended a garda station across the seven districts. In most cases, the member on duty at the front counter will deal with a victim of CSA. In that first contact, if a garda member starts to ask a victim more than exploratory questions to establish the facts, they are effectively taking on an investigative role and this may be the first account provided by the victim. This is not good practice for achieving best evidence in CSA cases and it is not in the best interests of the victim.

At a garda station, victims are usually taken to a room away from the front counter for privacy. Unfortunately, not all stations are equipped with suitable facilities and sometimes victims are taken to rooms used for conducting interviews with suspects. This is contrary to garda policy and was the subject of adverse comment by both victims of sexual abuse and by gardaí who felt that this was inappropriate but sometimes unavoidable. Some victims may prefer to be dealt with by a male or female garda and where possible this is accommodated. Where the victim is now an adult or where an adult is reporting an offence on behalf of a child, a statement may well be taken at the time of reporting the crime. Members with more experience in CSA investigation highlighted cases to the Inspectorate where poor quality statements were taken by inexperienced gardaí. A poor first statement can have significant ramifications; a victim may need to provide additional statements

and it may undermine the likelihood of a successful prosecution.

The Inspectorate is strongly of the view that only specially trained gardaí should take an account from a victim of CSA and that only specially trained investigators should investigate this type of crime. While recommendations to this effect were made in the original inspection report, they have not yet been implemented and these practices are still in place today. Some garda districts have dedicated Child Protection Units (CPUs), which deal with a proportion of the cases involving CSA. Some CPUs reported that on occasions a garda on the front counter might contact them to seek advice or to ask them to speak to the victim.

In other police services visited as part of this review, the Inspectorate found that only specialist officers trained in sexual offences are used to take the first report, to take any statements and to investigate the crime. For example, in the Netherlands, when a CSA victim attends a police station, generalist officers at front counters are instructed to ask very basic questions, to establish who the victim is, who the suspect is and where and when the abuse took place. This is used to determine who will deal with the case and victims are taken to a private room to await the arrival of specialist officers. Generalist officers are not authorised to take statements or to investigate CSA cases.

Initial Recording on PULSE

Once a victim or in the case of a child, a parent or carer, has reported a crime, it should be immediately recorded on PULSE. The PULSE system is used to record all crimes and other incidents that are reported to, or identified by the Garda Síochána as an incident that will require further action. PULSE records for CSA offences are placed under a general category of sexual offences, which is then broken down into several incident types such as rape or sexual assault. Crimes should be recorded correctly at the time a report is made and placed in the right incident type.

Timeliness in Creating PULSE Incidents

In the original inspection report, the Inspectorate identified the importance of recording incidents on PULSE at the earliest opportunity. By doing so, it allows a supervisor to check the PULSE report to ensure that all necessary investigative and victim actions are taken at the time of reporting. Gardaí receiving a complaint that a CSA crime has occurred should create a PULSE record immediately and certainly before the end of their working day.

Figure 3.8 shows the timeliness of recording sexual offences on PULSE across all 28 Garda divisions in 2014. The districts visited as part of this review are located in the seven divisions that are highlighted. The analysis examines the period of time between a crime being reported to the Garda Síochána and the time that a PULSE record was created. The table shows the proportion recorded on PULSE within 24 hours of receiving a report of CSA from a victim; those recorded after 24 hours and within a week and those that were created more than one week later. The Inspectorate believes that any PULSE report created outside of the 24-hour period should be a concern for the Garda Síochána.

In the Figure, the three divisions with the highest rates of recording practices within 24 hours are shown in green and those with the highest rates of recording crimes after more than one week are shown in red.

Figure 3.8 Difference between Child Sexual Abuse PULSE Incident Reported Date and PULSE Incident Created Date in 2014*

Division	Total Number of Reports	Difference Between Reported Time and Created Time ≤ 24 Hours	Difference Between Reported Time and Created Time >24 Hours ≤ 1 Week	Difference Between Reported Time and Created Time > 1 Week
Cavan/Monaghan	30	60%	23%	17%
Clare	29	52%	10%	38%
Cork City	58	41%	16%	43%
Cork North	284	96%	0%	4%
Cork West	23	52%	4%	43%
DMR Eastern	42	62%	0%	38%
DMR North Central	35	63%	3%	34%
DMR Northern	132	43%	13%	44%
DMR South Central	66	74%	2%	24%
DMR Southern	62	74%	5%	21%
DMR Western	119	63%	8%	29%
Donegal	45	38%	18%	44%
Galway	91	24%	8%	68%
Kerry	39	51%	5%	44%
Kildare	179	56%	2%	42%
Kilkenny/Carlow	72	42%	11%	47%
Laois/Offaly	51	61%	16%	24%
Limerick	61	59%	3%	38%
Louth	33	39%	18%	42%
Mayo	28	61%	0%	39%
Meath	54	59%	6%	35%
Not Assigned Division	4	25%	25%	50%
Roscommon/Longford	41	44%	7%	49%
Sligo/Leitrim	22	73%	5%	23%
Tipperary	39	62%	18%	21%
Waterford	48	58%	8%	33%
Westmeath	18	44%	6%	50%
Wexford	53	54%	13%	34%
Wicklow	50	56%	14%	30%
Totals	1,809	60%	7%	33%

Source: Data from the Garda Síochána; analysis by the Garda Inspectorate *Percentages do not always add up to 100% due to rounding issues.

This data shows significant inconsistencies in recording practices across the three time periods. Of particular note are variations in creating PULSE records within 24 hours, ranging from 96% in Cork North to 24% in Galway. In total, only 60% of all sexual abuse crimes against children were recorded within 24 hours of being reported. The original inspection found that 18% of incidents were created more than a month after a complaint was first received, compared to 22% in this review.² Additionally, 7.5% of cases in the original inspection were created after three months compared to 13% in this review. The recording of CSA incidents on PULSE has deteriorated since the original report despite actions taken on foot of recommendations that were made to improve the timeliness of recording.

The Inspectorate has previously looked at delays in recording PULSE incidents and decided to compare those results with the most recent analysis. In the *Crime Investigation (2014)* report, all types of incidents recorded on PULSE during a three-week period in 2012 were analysed to assess the timeliness of recording from the date reported to the date created. That analysis showed that 82% of all incidents were recorded within the first 24 hours, compared to 60% of CSA incidents found in this review. Of particular concern is the percentage difference in those created more than one week after being reported, which this review found to be 33% compared to 9.7% in the *Crime Investigation (2014)* report.

This review also found that 26% of all incident types of rape against children took longer than one week to record on PULSE with ten incidents taking from six months to a year to create.³ The analysis of the incident type of sexual assault found that 35% took longer than a week to create a PULSE record and a total of 76 incidents took between six months to a year. As highlighted previously, other policing jurisdictions have identified children with disabilities as a particularly vulnerable group who may be at increased risk of CSA. This analysis found that only five offences were recorded under the PULSE incident type of a sexual offence involving a mentally impaired child.

CSA offences are some of the most serious crimes committed and should be recorded on PULSE when they are first reported to the Garda Síochána.

Delays in Creating PULSE Records

The Inspectorate found that of the 1,809 crimes of CSA reported, 603 took longer than one week to record on PULSE (Figure 3.8). For analysis purposes, the Inspectorate examined CSA crimes that were created by the seven districts it visited. The Inspectorate examined 39 cases as part of the case file analysis and an additional 364 cases where it had access to PULSE data. Across all districts, in the majority of cases examined there was no rationale recorded for the late creation of a PULSE report. In two districts, the Inspectorate found cases where the creation of a late PULSE record was linked to indictments in connection with a prosecution. This is a legitimate reason for the late creation of a PULSE record.

CASE FILE ANALYSIS

Recording Practices

This analysis of recording practices focused on an examination of 170 CSA cases investigated by the seven garda districts visited by the Inspectorate.

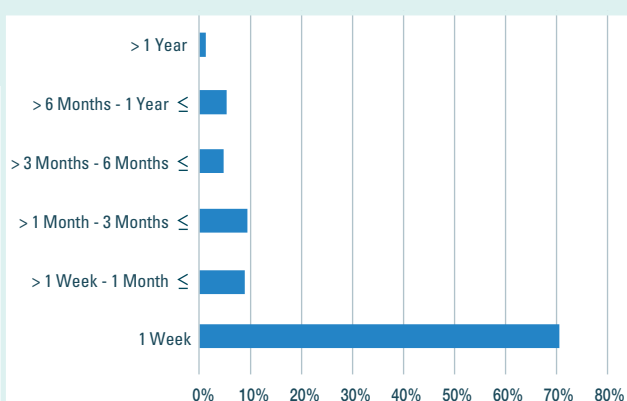
For recording purposes, PULSE reports capture important information, including the date the crime occurred, the date it was reported to the Garda Síochána and the date it was recorded on PULSE. The relationship between the date that a crime was first reported to the Garda Síochána and the date it was recorded on PULSE is an important one.

Figure 3.9 provides data showing the difference between the date a crime was first reported to the Garda Síochána and the date a PULSE record was created.

² 400 out of 1,809 reports were created after one month, 243 were created after three months

³ There was a combined total of 390 incidents of rape against a child under 18.

Figure 3.9 Difference Between Date Incident Reported and Date PULSE Record Created



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

The analysis shows that 71% of PULSE records were created within a week of receiving a report of CSA. Of that figure, only 54% were recorded with 24 hours. Of most concern are the reports completed at rising intervals from one week to over 12 months, with two reports taking over a year to create a PULSE incident record and the longest taking 392 days.

On examination of the garda CSA investigation case files, the Inspectorate identified the following issues in connection with recording practices.

Reported Date Inaccuracies

This examination found many cases where the reported date shown on PULSE was incorrectly recorded. This was established by examination of case files and finding statements from victims that were taken well before the reported date that was shown on PULSE. These included:

- A case first reported to the Garda Síochána in 2012 that was recorded on PULSE as reported in 2014; and
- A case recorded on PULSE as reported in February 2014 that was first notified to the Garda Síochána in January 2013.

The insertion of an incorrect reported date on PULSE is misleading and impacts on the accuracy of crime recording and investigative data. An incorrect reporting date can falsely give the impression that a PULSE record is created within a short timeframe of a victim

making a complaint of a crime, when in fact this is not always the case. It also shows that the investigation took less time.

This will only come to notice if a supervisor checks when a victim first contacted the Garda Síochána, or if a statement on a case file is taken before the date recorded on PULSE or a victim comes forward to raise an issue about their case. The date recorded on PULSE should accurately reflect the date that a victim notified their crime and this is dependent on the garda member creating the PULSE record.

This examination of case files suggests that the data in Figure 3.9 may not be accurate and that inconsistent recording practices in CSA cases could mean that the position is even worse than the analysis found.

Delays in Creating PULSE Records

Across all seven districts, there were often unnecessary or unexplained time delays between the date of report to the Garda Síochána and the date the PULSE report was created. This included:

- Delays in creating PULSE records that ranged from a few days to several months and in some cases over two years; and
- Delays sometimes occurred in recording crimes that were transferred from one garda district to another. This included a case that took two years to record on PULSE.

While a small number of PULSE records contained an explanation for the late creation of a report, the majority of cases examined had no recorded rationale for the late creation of a report.

Non-Recording of Incidents

The Inspectorate found several cases where gardaí had interacted with a victim several years prior to the recording of a PULSE incident record. This included:

- A case in 2011 where a garda member dealt with a family making a complaint of CSA but it was not recorded on PULSE at the time. A second member dealt with the same family in 2012 and the mother of the victim

asked what was happening to their case. This crime was not recorded on PULSE until 2014 and then only after a sergeant identified the absence of a PULSE record;

- A case in 2001 where a victim attended a garda station and disclosed CSA. The garda who dealt with this victim did not create a PULSE record and made no record of the conversation; and
- In 1991, a victim attended a garda station to report CSA. The garda who dealt with this victim was contacted in 2014 but could not remember the case and had no record of any conversation that took place.

Attention and Complaints

PULSE has an incident category called Attention and Complaints where incidents of a non-crime nature are recorded. This was an area of concern in the original inspection, which found CSA crimes incorrectly recorded in this category. This review found six sexual assault offences from the 2014 data set initially recorded in this category, including a case that took 13 months to be reclassified from Attention and Complaints to a crime of rape. Other issues found include:

- Most of the incidents placed in this category were reclassified to a sexual offence within three to six days; and
- In one case, an inspector authorised a crime to be changed to Attention and Complaints as the victim would not provide a statement. This is contrary to the crime counting rules.

In an examination of 13 case files investigated in 2012 and 2013 from garda divisions not visited as part of this inspection, the Inspectorate found that seven of those cases were initially categorised as Attention and Complaints and later reclassified to sexual assaults. In that same sample, two other incidents moved from sexual assaults to Attention and Complaints. In total, nine out of the 13 cases were either initially recorded on PULSE as Attention and Complaints or were later changed to this classification.

Overall, the Inspectorate believes that the recording process surrounding Attention and Complaints has improved since the original inspection.

Late Recording of Tusla Notifications

As highlighted in Chapter 2, in cases of CSA, notifications should be sent by the Garda Síochána to Tusla or vice versa. In this examination of case files, the Inspectorate found:

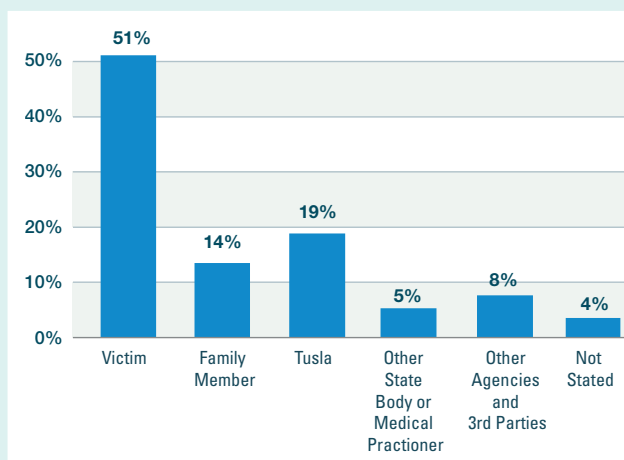
- There were delays in sending notifications to Tusla in all districts;
- Cases were also found where Tusla had sent late notifications to the Garda Síochána. This included a case reported to Tusla in early 2013 that was not notified to the Garda Síochána until June 2014;
- Many case files did not contain a copy of the Tusla notification and it was often difficult to determine if and when a notification was actually sent to Tusla;
- Some districts had a separate case file system for Tusla notifications and this made it easier to determine when they were sent or received;
- Two districts sent late notifications for 2014 cases to Tusla in July 2015, just immediately before the time of inspection visits by the Inspectorate. In both of these districts, the late referrals were mainly in connection with historical abuse cases where a notification should still be sent in case the suspect has access to children. This may be a training need or awareness issue; and
- In one case, the district superintendent had sent six reminders to an investigating garda to send a notification to Tusla and it was not sent until two years later.

CASE FILE ANALYSIS

Reporting Sources for Child Sexual Abuse

As part of the examination of reporting CSA, the Inspectorate looked at the source (origin) for making reports to the Garda Síochána. Figure 3.10 shows the source for reports made to the Garda Síochána from the data set of 170 district investigation case files.

Figure 3.10 Reporting Sources of Incidents of Child Sexual Abuse



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This data shows that 65% of CSA cases are reported directly to the Garda Síochána by the victim or family member. This highlights the importance of the Garda Síochána having an effective system in place to receive and investigate allegations of CSA.

Victim Age Profile

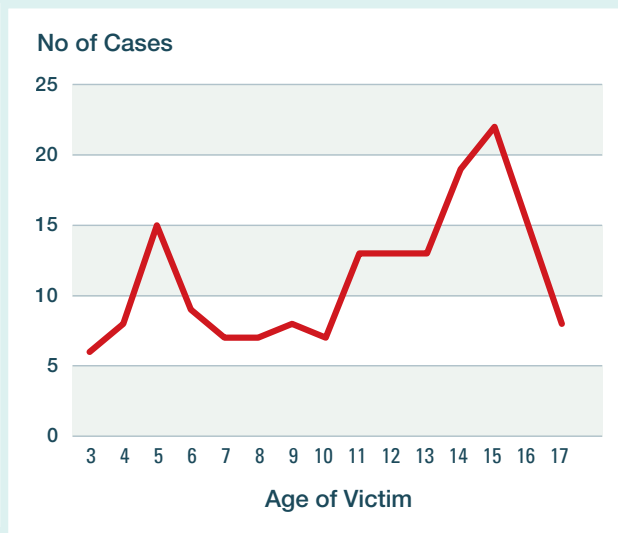
As part of the examination, the Inspectorate looked at the age of victim in the reports made to the Garda Síochána.

CASE FILE ANALYSIS

Victim Age Profile

Figure 3.11 shows the age profile of victims in the data sample of 170 cases of CSA examined by the Inspectorate. This shows the victim’s age at the time that the first crime was reported as occurring.

Figure 3.11 Age of Victim



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows that the age profile of victims in this sample of crimes ranged from as young as three years of age to 17. There is a noticeable peak at age five, and an increase from age 11 to the highest point at age 15. There is also a noticeable decline in the number of victims aged 17. This analysis shows that child specialist interviewers need to be appropriately skilled to deal with children especially those of a much younger age.

Garda Information Services Centre

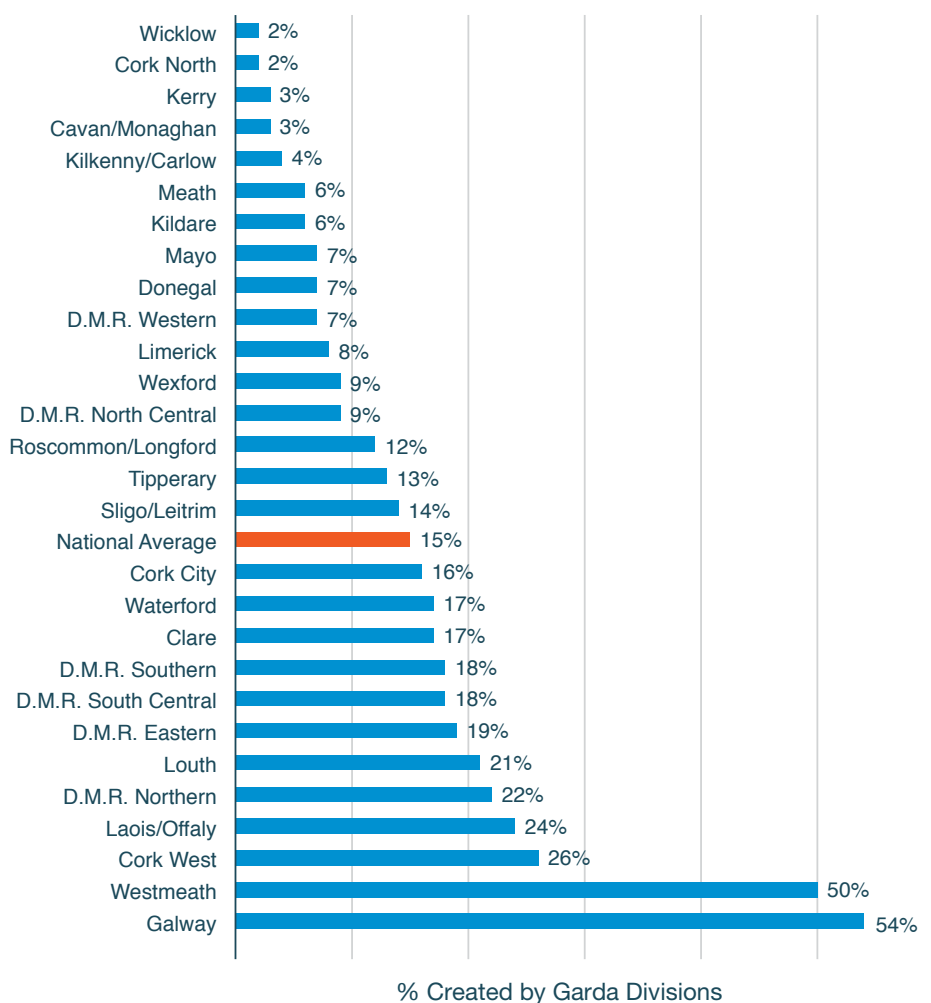
The Garda Information Services Centre (GISC) is a call centre operated by garda staff, providing a 24/7 incident reporting service to members across Ireland. Responsibilities include the creation and supervisory review of all PULSE incidents created. GISC provides an effective facility to allow gardaí to call the centre from a crime scene, removing the need for gardaí to return to a garda station to personally create a PULSE record. This is a good approach designed to maximise garda time spent on patrol.

The Inspectorate found GISC operators to be proficient at creating PULSE records and providing good advice on the categorisation of incidents. Since the original inspection, GISC call takers received additional training and are now authorised to record all sexual offences. The Garda Síochána policy on recording incidents requires that gardaí should contact GISC to create PULSE incident records, rather than create records themselves.

Figure 3.12 shows the proportion of all PULSE records in 2014 that were created by garda divisions for CSA incidents, rather than by GISC.⁴

This shows wide variations in the self-creation of PULSE records by garda divisions. In a similar analysis contained in the *Crime Investigation (2014)* report, the average proportion of incidents created by divisions and not by GISC was 9%, compared to this analysis which shows a national average of 15%. In this analysis, 13 divisions created less than 10% of CSA incident records compared to divisions such as Galway and Westmeath that created over 50%. The *Crime Investigation (2014)* report found a deterioration in the quality of PULSE records created by divisions and on average they required three times as many corrective actions. Divisions should not be creating their own PULSE records for CSA incidents.

Figure 3.12 Child Sexual Abuse Incident Records Created by Garda Divisions in 2014



Source: Data from the Garda Síochána; analysis by the Garda Inspectorate

4 Four crimes that were not assigned to a specific division were discounted from the analysis

Recording Suspect Details on PULSE

While investigating a crime, a number of people may be identified as persons who can assist with an enquiry, such as witnesses and suspects. There are a number of different categories on PULSE for recording these persons. Where evidence exists that a person may have committed a crime, they should be recorded as a suspect on PULSE. If that person is subsequently arrested they are normally recategorised as a suspected offender. This category is required to allow a crime to be shown as detected (solved) and for other actions such as taking a person's fingerprints or referring a young person for a case disposal decision.

Concerns were frequently raised with the Inspectorate about the non-recording of a person on PULSE as a suspect in a CSA incident, until it was certain that the person would be prosecuted. Several reasons for this non-recording practice were provided to the Inspectorate, including fairness to a person who may not have committed the offence. As a suspect's name can never be completely erased from PULSE it would remain as a permanent record linking that person to a sexual assault. As a result, a number of different recording practices currently exist including:

- Some suspects are recorded on PULSE immediately;
- Other persons are not recorded on PULSE as a suspect until a file is sent to the Director of Public Prosecutions (DPP) or until a prosecution decision is made;
- Suspects are recorded on PULSE using a different term or identifying the relationship to the victim, such as an 'uncle'; and
- Sometimes identified suspects are not recorded on PULSE.

One division informed the Inspectorate that they had requested advice on the recording of suspects on PULSE from the Garda Síochána Legal Section. The non-recording of suspects on crime recording systems was not an issue found in other police services where suspects are recorded when there are reasonable grounds to suspect that they have committed an offence. If it later transpires that they are not the person who committed the crime, they are eliminated from enquiries.

The failure to record a suspect on PULSE is not good practice. If the person is stopped by another garda member or applies for garda vetting, there is no PULSE record entry linking the person to the investigation of a CSA crime. Also for supervision purposes, a supervisor may not know that the investigating garda has identified a suspect for a crime. This raises two important supervisory issues. Firstly, in a sexual assault, an unknown suspect raises a concern that they may commit further offences and should be quickly identified to protect the public. Secondly, where a suspect is identified, there is an opportunity to deal with the person quickly to reduce the likelihood of any re-offending.

The reluctance to record suspects on PULSE was identified in the original 2012 inspection. It was also found during the 2014 *Crime Investigation* inspection and resulted in a recommendation to address the issue.⁵ This recommendation included the development of a standard operating procedure for dealing with named suspects in a criminal investigation. The issue of non-recording of suspects in criminal investigations, which includes CSA cases, is still an issue that needs to be addressed. For this to occur the recommendation made in the *Crime Investigation (2014)* report must be implemented.

Use of Attention and Complaints

PULSE has an incident category called Attention and Complaints, which is a non-crime category often used as a catch-all for many different types of incidents. This category should not be used if there is evidence that a crime has occurred. In most districts visited, it was explained that while Attention and Complaints should not be used for recording sexual assaults, it may be used initially for such cases in circumstances where:

- A victim is drunk at the time of reporting;
- The type of crime is not fully established; or
- A victim refuses to provide a statement of complaint.

Superintendents are required to conduct daily meetings to review all PULSE incidents and

5 *Crime Investigation (2014)*: Recommendation 9.2

this usually includes those in the Attention and Complaints category. This process should identify a sexual offence that is incorrectly categorised. As mentioned in Chapter 2, the Garda Síochána has developed a KPI report on PULSE that searches for any sexual key words contained in Attention and Complaints incident records to identify if the offence is incorrectly categorised. Even with these processes in place, the Inspectorate still found CSA incidents that were incorrectly classified.

Reclassification of Sexual Incidents

Reclassification is the process for changing a PULSE incident type from one category to another. This includes changing a non-crime incident to a crime category, or it can involve changing a crime from one type to another. This is a recognised practice and may be necessary if additional information becomes available. Figure 3.13 shows the number of incidents between 2012 and 2014 that at some point were classified as a CSA offence, either at the time of creating the PULSE incident or following a later reclassification to a sexual offence. This analysis does not include CSA incidents that were incorrectly classified at the time of recording.

Figure 3.13 Reclassification of Child Sexual Abuse Incidents Created between 2012 and 2014

Classification Change	2012	2013	2014	Total	% of all CSA Incidents
Not Reclassified	2,237	1,565	1,651	5,453	93%
Reclassified	146	115	158	419	7%
Total	2,383	1,680	1,809	5,872	100%

Source: Data from the Garda Síochána; analysis by the Garda Inspectorate

This shows that in 93% of cases involving a CSA, the initial classification of the incident did not change.

Figure 3.14 gives a breakdown of the 7% of PULSE incidents that were reclassified (Figure 3.13). In the same three-year period a total of 419 incidents were reclassified.

Figure 3.14 Reclassified Child Sexual Abuse Incidents by Incident Type – 2012 to 2014

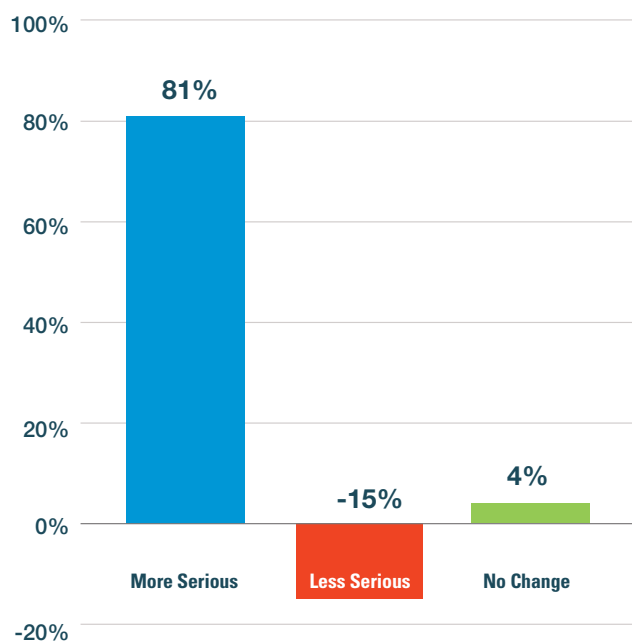
Initial PULSE Incident Types	Number	% of Overall Changes
Attention and Complaints	168	40%
Sexual Assault	102	24%
Rape of a Female	42	10%
Rape Section 4	34	8%
All Other Categories	73	18%
Total	419	100%

Source: Data from the Garda Síochána; analysis by the Garda Inspectorate

This shows that incidents initially classified as Attention and Complaints accounted for the highest proportion of incident type changes at 40%, followed by sexual assaults which accounted for 24% of the changes made.

To follow the movement of an incident from one PULSE category to another, Figure 3.15 examines whether the incident was changed to a more serious or a less serious category of incident or crime.

Figure 3.15 Overall Movement of Reclassified PULSE Incidents of Child Sexual Abuse Cases – 2012 to 2014



Source: Data from the Garda Síochána; analysis by the Garda Inspectorate

In total, 81% of all reclassified PULSE incidents moved to a more serious offence, which included all of the 168 Attention and Complaints identified in Figure 3.14. This included other incidents, such as sexual assaults that were later reclassified to incidents of rape or other more serious crime types.

Where a crime moved to a less serious category, it was for incidents such as those initially classified as a rape offence that were reclassified to a sexual assault.

On examination of the Attention and Complaints incidents that moved to a crime category, some were reclassified within a short period of time. However, a considerable number of Attention and Complaints incidents were not reclassified to a crime category for a substantial time.

One case took 42 days to be reclassified to a rape and four cases took 199, 216, 259 and 282 days respectively to be reclassified to sexual assaults. In these examples, it took an inordinate period of time to decide that a crime had occurred, and

these should have been identified through the KPI process.

The Inspectorate does not support the use of Attention and Complaints for cases that from the outset clearly involve a complaint of CSA. A sexual offence category should always be selected where there is evidence that an offence took place. If it transpires that a CSA did not take place, the crime can always be reclassified or invalidated.⁶

In the original inspection, analysis of PULSE records revealed that a total of 31% of records checked by the Inspectorate were in Attention and Complaints and many of those were considered to be crimes. This review has found a significant reduction in the classification of incidents as Attention and Complaints. However, the Garda Síochána still needs to review the issue of why a sexual assault is placed into this category and why in some cases it is taking a considerable period of time to reclassify an incident to a crime of CSA.

It should be noted that the Inspectorate has already made a recommendation in the 2012 report aimed at providing quality assurance of PULSE records and a number of recommendations in the *Crime Investigation (2014)* report regarding the correct recording of incidents on PULSE.⁷ Those recommendations also apply in relation to CSA offences.

Child Sexual Abuse Investigations

This section examines what happens to a crime that is recorded on PULSE and the various steps in an investigation, including the interview of a child victim and the final outcome of the case. In practice, most CSA offences are investigated by gardaí attached to local districts. National garda units do investigate some of the more serious or complex crimes against children but the numbers of investigations they conduct are relatively low.

⁶ A crime can be invalidated if it transpires that the crime did not take place or a person has made a false report.

⁷ *Responding to Child Sexual Abuse (2012)*: Recommendation 7.26

Garda National Protective Services Bureau

The Inspectorate welcomes the creation of the GNPSB. The responsibilities of this bureau very much reflect those of the Public Protection Units (PPUs) in place in other similar policing jurisdictions.

Sexual Crime Management Unit

The Garda Síochána created a Sexual Crime Management Unit (SCMU) in 2009 and it is now part of the GNPSB. The work of the unit includes:

- Conducting sexual offence investigations;
- Co-ordinating and providing assistance to investigations that are particularly serious, complex or of a sensitive nature;
- Acting as a point of contact for religious orders, the Health Services Executive (HSE), Tusla, other police services and Non-Governmental Organisations (NGOs);
- Monitoring and evaluating a number of sexual offence investigations conducted each year into clerical abuse, other CSA and child neglect;
- Maintaining a record of all clerical abuse cases; and
- Policy development and training.

In 2015, the SCMU carried out nine investigations and conducted five reviews of investigations by other garda units. The unit would like to conduct a greater number of reviews but current staffing levels prevent them from doing so. Reviews conducted by the SCMU have found that the standard of investigation into sexual offences at a district level can be poor and in many cases there is an absence of effective supervision. For example, the unit found a case that was not actioned for eight years. Another concern for the unit is the continued investigation of sexual offences by inexperienced gardaí.

As the single point of contact for clerical abuse cases, the unit has contact with 23 dioceses and 230 religious orders. Monitoring clerical abuse cases accounts for 50% of the unit's work. Other non-clerical notifications received in the unit, such as a complaint against a teacher or a doctor, are sent to a garda division for investigation. Clerical

notifications have reduced from a peak of 500 a year to approximately 300 a year. The clerical notification database contains over 8,500 cases of which 6,500 are now closed. Clerical cases are classified into the following categories:

- Open and requires attention or investigation;
- Closed as the suspect is deceased or was acquitted at court; and
- Church record only, as the victim is unwilling to make a complaint.

In respect of the last category of 'church record only', the Garda Síochána has made a policy decision not to approach a victim in a case where a clerical notification is received but the victim has indicated that they are unwilling to make a complaint. Many of these cases have arisen from the pastoral service set up to provide counselling to victims. In these cases, a crime is not recorded and a garda investigation is not conducted. This is unlike the process in the PSNI where an approach by the police would be made to a victim.

The Inspectorate understands the impact that an approach to a survivor of CSA could have and the need for a well-planned, sensitive and co-ordinated approach by relevant agencies. Without an approach, a crime is not recorded on PULSE, it is not investigated and an offender is not brought to justice. There is also a need to ensure that the suspect does not pose a threat to other children. The Garda Síochána also receives a number of third party referrals, identifying persons who may be the victims of CSA. In most cases, the Garda Síochána does not make a direct approach and waits to see if the victim comes forward.

Recommendation 3.3

The Inspectorate recommends that the Garda Síochána review the policy of not approaching child abuse victims as part of a third party referral (including clerical notification cases) who are initially unwilling to make a complaint. (Short term)

Divisional Protective Services Units

The Garda Síochána intends to introduce Protective Services Units (PSUs), modelled on the GNPSB, in every garda division and the roll-out of three units commenced on 2 June 2017. The Inspectorate welcomes the intention

of the Garda Síochána to roll out divisionally based PSUs to investigate serious crimes against children and young people and to manage child protection arrangements. This will fill the current gap between the national bureau and local garda divisions. The Inspectorate is concerned that no additional staff are going to be provided for these new units and that they will be staffed from existing resources.

Garda Policy on the Investigation of Sexual Crimes Against Children

In 2010, the Garda Síochána published a comprehensive *Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare*. This policy was revised in 2013.

Some of the key points in this policy are as follows:

- Crimes will be investigated promptly and by members experienced in such cases;
- Statements from victims are the most important evidence;
- Those who have received a higher level of interview training should be considered for taking victim statements and interviewing suspects;
- Victim statements should not be taken in suspect interview rooms; and
- Where appropriate, involvement of Tusla in interviews will be fully utilised.

When this policy was published there was a moratorium on garda training and, as a result, it was not accompanied by any formal training or briefing. As the policy provides that all gardaí are able to report and investigate sexual offences, it should have been accompanied by formal training for all staff members with responsibility for dealing with victims of such crimes and those involved in investigations. Some senior gardaí told the Inspectorate that members had a good understanding of the policy, but this was not found to be the case during meetings with investigators.

Most members of varying ranks who met with the Inspectorate had not received any training on the policy and, had limited knowledge of the contents;

some gardaí were only briefed on the policy immediately prior to visits by the Inspectorate. It is also worth noting that most of the investigators who met with the Inspectorate had not received any specific training in investigating sexual offences.

This review found that many of the key points in the garda policy as outlined in this section are not in place or are not consistently applied in the investigation of sexual offences. This includes the use of untrained or partially trained members to take statements from adult victims of sexual abuse and to conduct interviews with suspects. The revised policy is now nearly four years old and it will need to be updated in light of changes to the Children First National Guidance and to take into account any recommendations made in this review.

In the interim, the Garda Síochána needs to ensure that those members who are investigating CSA cases are fully trained and briefed on the core elements of the policy.

Assigning Child Sexual Abuse Investigations

The review has found that, in most cases, the first garda to deal with a victim of CSA will be the person assigned to investigate the offence. Exceptions to this might include a stranger attack that is allocated to a senior investigating officer at inspector rank. In more serious cases, an incident room might be established to manage the investigation.

This review included an examination of 211 cases, the majority of which were investigations that commenced in 2014 across the seven districts. As similarly found in the *Crime Investigation (2014)* inspection, the majority of investigations into CSA conducted at district level are carried out by generalist gardaí attached to regular units.⁸ On rare occasions, a crime might be assigned or reassigned to a district detective member to conduct an investigation, as detectives are usually assigned to investigate the more serious cases. In some of the districts located outside of Dublin, the

⁸ Regular units consist of uniformed gardaí working 24/7 across five different shifts and are invariably the first responders to 999 and non-emergency calls from the public.

number of detectives assigned can be as low as four, restricting the number of crimes that can be allocated to them. In some garda districts, CPUs are in existence, which investigate some CSA cases.

Child Protection Units

CPUs were established in some garda districts at the time of the original inspection. This included Ballymun and Tallaght that were visited as part of that inspection. CPUs are dedicated units that investigate some, but not all, cases of CSA. They usually manage the notification of child protection concerns sent from Tusla to the Garda Síochána. CPUs are district based and within a division one district may have a CPU, while the other districts within that same division do not have one.

Units in Operation

At the time of this inspection there were 14 CPUs in operation across the 96 garda districts, with nine in Dublin, two in Limerick and units in Portlaoise, Waterford and Kildare districts. The CPU in Portlaoise was established in 2015, shortly before a visit by the Inspectorate. Of the seven districts visited as part of this review, only Clonmel, Castlerea and Kilkenny did not have a CPU. Kilkenny would like to establish a unit, but current staffing levels are preventing this. The other two districts without a CPU felt that the low numbers of CSA crimes each year would not require a district unit, but they could see merit in a divisional CPU.

Staffing Levels, Supervision and Skills

The staffing levels assigned to the district CPUs visited by the Inspectorate are considered by district superintendents to be too low to investigate all of the child abuse crimes and child protection notifications received. Most CPUs had a full-time sergeant in charge of the unit, apart from Portlaoise where the sergeant was also in charge of the local training unit.

The sergeants were generally supported by two or three gardaí and a small number of specialist interviewers who may have other duties.⁹ Tallaght

had a full-time member of garda support staff appointed to the unit but most CPUs consisted of only garda members. The CPU in Portlaoise was the only one that had detectives assigned as investigators.

All of the CPUs visited would like to deal with all CSA cases but staffing levels do not permit this. Some of the CPUs had members who were trained in other skills, such as family liaison, and when a serious incident occurs they can be abstracted for extended periods. When this happens, their CPU investigations are held in abeyance. In one CPU, a garda member was assigned full-time in the management of sex offenders living in that area. In most of the CPUs visited, specialist child interviewers were attached to the unit and this was seen as a strength.

Line management of CPUs varied between uniformed and detective inspectors. However, in all cases, inspectors had a significant number of other responsibilities.

There is no specific CPU training course and most members working in those units had not received any specialist training in CSA investigation or in child protection procedures. Any training provided was usually locally arranged and locally delivered. At present, there is no CPU conference or other process in place to ensure that best practice is shared nationally.

Some of the CPU investigators are now considered very experienced in CSA investigations, but their skills are not specifically recognised by the Garda Síochána and if redeployed they would return to regular duties. At some point in the past many police services had a unit similar to a CPU that also utilised generalist officers in a specialist role without formal detective training. Those police services have since taken a decision to assign trained and experienced detectives, providing them with further training, to deal with sexual offences. To retain the high levels of experience and skills of officers who have conducted these types of investigations, police services are encouraging those officers to complete the necessary training courses and examinations required to become appointed detectives.

9 Specialist interviewers are garda members trained to interview child victims and vulnerable adults.

Most of the CPU staff who met with the Inspectorate said that they did not feel valued by senior managers and felt that the work that they do goes unrecognised.

Members in one CPU felt that interest in the unit was only elevated as a result of the notification from the Inspectorate of an intended visit.

Benefits of a Child Protection Unit

Most senior managers felt that CPUs are very effective, but they are not in operation across every district and those that are in place do not have the capacity to investigate all child abuse crimes. A district superintendent explained that, prior to the introduction of a CPU in their district, there were 12 separate garda stations with responsibility for investigation of CSA.

The CPU now in place in that district investigates all cases and provides the district officer with a greater sense of confidence in the investigation of CSA and child protection cases.

CPUs provide a single point of contact for victims, their families, NGOs and partner agencies, such as Tusla. Generally, where a CPU was in place, Tusla found it much easier to deal with one point of contact; the sergeant in charge of the unit was usually the designated lead for Tusla notifications.

Most CPUs keep a database of all ongoing CSA investigations and child protection notifications across the district. CPU sergeants generally try to monitor all of these cases and not just the ones that are investigated by their staff. Where regular unit gardaí approached a CPU for advice, they generally found the CPU staff to be very helpful. However, in some districts, not all members investigating CSA routinely make contact with their CPU.

Allocation of CSA Investigations

Across the seven districts visited, the Inspectorate found different practices for allocating the investigation of CSA crimes. Where a regular unit garda member dealt with the initial report of a crime, they were generally recorded on PULSE as the investigating officer. Most superintendents conduct a daily meeting to review all new reported

crimes and, in more serious or complex cases, may decide to reassign an investigation from a regular unit member to a more experienced investigator.

Figure 3.16 shows some of the investigative practices described by district supervisors during meetings with the Inspectorate. Those districts with a CPU are highlighted.

This shows a general consistency in the allocation of investigations in those districts that have a CPU and those that do not. Generally, districts without a CPU also had fewer detectives and therefore a predetermined allocation approach of assigning most cases to regular units.

To examine the allocation of CSA crimes for investigation, the Inspectorate analysed 272 incidents reported in 2014 across the seven districts visited during the inspection. Figure 3.17 shows a breakdown of the units whose members were assigned to the investigation of these cases. One case in Ballymun involved 47 linked PULSE incidents and for analysis purposes, this is counted as one investigation in the detective unit figures.

Figure 3.16 Investigative Practices Across the Seven Districts

District	Investigation Practices
Ballymun	<ul style="list-style-type: none"> > CPU investigates all cases referred by Tusla; > Regular units conduct most investigations; > Detective unit investigates more serious or complex cases.
Blanchardstown	<ul style="list-style-type: none"> > CPU investigates all cases referred by Tusla, all historical CSA cases and monitors all other investigations by non-CPU members; > Regular units conduct investigations; > Crimes are sometimes allocated to develop gardaí; > Some complex cases are assigned to detectives.
Castlerea	<ul style="list-style-type: none"> > Regular units conduct most investigations; > Detective unit investigates more serious or complex cases.
Clonmel	<ul style="list-style-type: none"> > Regular units conduct most investigations; > Detective unit investigates more serious or complex cases.
Kilkenny	<ul style="list-style-type: none"> > Regular units conduct most investigations ; > Complex cases may be reassigned to a detective.
Portlaoise	<ul style="list-style-type: none"> > Since May 2015, the CPU investigates all district CSA cases; > CPU sergeant allocates cases for investigation.
Tallaght	<ul style="list-style-type: none"> > CPU investigates all cases referred by Tusla; > Regular units conduct most investigations; > Detective unit investigates more serious or complex cases.

Source: Inspectorate interviews with senior managers, supervisors and investigators

Figure 3.17 Units Investigating CSA Incidents by Districts Visited – 2014

District	Regular Unit	Child Protection Unit	Detective Unit	Other Unit ¹⁰	Total
Ballymun	7	20	18	0	45
Blanchardstown	26	40	13	1	80
Castlerea	17	N/A	6	0	23
Clonmel	13	N/A	4	0	17
Kilkenny	35	N/A	2	1	38
Portlaoise ¹¹	19	2 ¹²	4	0	25
Tallaght	21	7	12	4	44
Totals	138	69	59	6	272

Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This shows that regular units investigated 51% of all cases, followed by CPUs investigating 25% of all cases and detective units 22%. Across the three districts that had a fully functioning CPU at that time, the proportion of investigations conducted by the CPU varied from 44% of all CSA crimes in Ballymun to 50% in Blanchardstown and 16% in

Tallaght. In the districts without a CPU, regular units investigated significant proportions of CSA crime with 74% of cases in Castlerea, 76% in Clonmel and 92% in Kilkenny. In all districts, it was stated that CPUs and detectives might be assigned to monitor and assist the investigations conducted by members from regular units.

10 Other Unit include specialist interviewers, task forces and community policing units.

11 This period of analysis is prior to the introduction of a CPU in May 2015.

12 Assigned after the introduction of a CPU.

Most supervisors who met with the Inspectorate did not know how many CSA crimes each of their staff was investigating. The changes to the PULSE system that took place in November 2015 mean that this information is now more readily available to supervisors. Regular unit members have no specific time built into their working roster for conducting criminal investigations and they have to carry out enquiries around their other duties. Regular unit supervisors informed the Inspectorate that they have to routinely release members from their regular unit duties to conduct investigative enquiries in these sorts of cases. Conversely, detectives and CPU investigators have time built into their working day to take statements and to gather other evidence.

Most supervisors felt that there was little difference between the time it took a CPU or a detective unit to complete an investigation, compared to the time it took a regular unit to conclude a case. However, it was felt that the quality of the investigation, and the subsequent case file completed by CPU investigators and detectives, was of a much higher standard than those investigations conducted by regular unit members. It was also highlighted that the higher the standard of an investigation case file, the greater the chance of obtaining DPP directions to prosecute an offender.

Next Steps in an Investigation

Once a crime is assigned to an investigator, they have a clear responsibility to conduct an expeditious and effective investigation and to ensure that they provide regular updates to the victim and/or their family.

Dealing with a victim of rape or serious sexual assault is not comparable to most other offences as victims are required to provide intimate details in an initial version of events in a full written statement and agree to a physical examination by a medical practitioner. In the *Crime Investigation (2014)* report, the Inspectorate reported that in order to conduct an effective investigation of such cases, an investigator needs to provide the highest standards of care to gain the trust of the victim.

The report also identified that the complexity and seriousness of such crimes require higher levels of investigative skills in order to obtain independent corroborative and forensic evidence, deal effectively with suspects and prepare cases for prosecution. In most other policing jurisdictions visited, a trained detective usually performed this role.

In the *Crime Investigation (2014)* report, a recommendation was made for the Garda Síochána to develop a victim-centred policy and good investigative practices in rape and other sexual offences.¹³ This included allocating cases for investigation only to trained detectives. From the information gathered during the course of this review it is clear that this recommendation has not been implemented.

When the victim of a rape or sexual abuse is a child, the levels of care and expertise are even more critical. An investigation into CSA requires the creation of a strategy to ensure a prompt and thorough investigation. Some early considerations may include the need for a medical examination, trauma support, interviews with the child and other key witnesses and dealing with the risk of harm posed by a known suspect to this child or any other children.

The original inspection report recommended a one-stop-shop approach to deal with victims of CSA and envisaged a child centre that catered for all aspects including medical examination, victim interviewing, therapy and support. This section looks at the current provision of those services, the progress made since the original inspection and what happens in other jurisdictions.

Medical Examination of Children

A most important consideration in a child abuse case is whether a child needs to be medically examined and if necessary, where this will take place and who will conduct it. A forensic medical examination can be a vital part of the investigation of CSA. Signs of physical trauma may not always be present, but specialist forensic examination may identify other issues, such as sexually transmitted infections.

13 *Crime Investigation (2014)*: Recommendation 6.17

Where a medical examination is required, Tusla usually arranges for a consultant paediatrician to carry it out. Some garda investigators said that on occasions medical examinations are arranged without prior notification to the Garda Síochána. Younger children are usually examined at units at Temple Street and Crumlin Hospitals in Dublin and at a treatment centre in Galway. Older children are usually examined at one of six Sexual Assault Treatment Units. These units cater for medical, psychological and emotional needs and follow-up care for victims of sexual assaults. The units deal with requests from the Garda Síochána for the collection of forensic evidence to aid criminal investigations. A medical examination ordinarily should take place immediately after a victim reports a crime and before an interview takes place. A Tusla senior manager informed the Inspectorate that they apply a number of filters to decide if a medical examination of a child should take place and the 72-hour period from the time of the most recent abuse is a consideration. Both medical and legal practitioners said that younger children may not always present with physical injuries as they tend to heal more quickly.

Where a notification is made regarding a case of suspected CSA, a joint-agency strategy meeting should be held to make key decisions including whether a medical examination is required. There are occasions where gardaí come across an incident directly and need to arrange an urgent medical examination. Many gardaí said there are difficulties with obtaining out of office hours services for medical examination. Examples were provided of cases in Dublin and Donegal where there were significant delays in finding a place to take a child and in some cases gardaí had to take children to Galway to be medically examined. Part of the problem in Dublin is the availability of paediatricians at weekends and outside of their usual working hours. If they are not on-call during a weekend, there may be no medical service available in Dublin and a child may need to travel.

In Scotland, there is a similar process for medical examination and a child is taken to a hospital. Northern Ireland has established a purpose-built facility called the Rowan Centre that caters for all medical needs of a child or an adult who is the victim of sexual assault. It is discreetly located and caters for most of the needs of a victim. This centre

also has a number of interview rooms and victims can be medically examined and interviewed in the one place. Norway has a number of similar one-stop facilities, and also provides therapeutic services for a victim if required. The Inspectorate visited both the Rowan Centre and a Children's House in Norway and found both to be excellent facilities that provide a child and family friendly environment, coupled with the necessary services to provide good victim care. For a child or adult victim, the location of medical services and interview facilities in one place is a much better system for co-ordinating the needs of each victim and it removes the requirement to move a victim from one location to another.

Parental/Guardian Consent for Medical Examinations

Most gardaí and Tusla social workers stated that if parents or guardians do not consent to a medical examination, then it is very unlikely to go ahead. Cases were highlighted where investigators were concerned about the motives of parents or guardians for not agreeing to the examination and in many of those cases, examinations did not take place. The Inspectorate recognises the rights of parents and guardians and that there may well be occasions where it is not in the best interests of a child to be examined. However, there are also cases where parents or guardians may be suspected of abuse or aware of the abuse and may be trying to prevent a medical examination.

In all other jurisdictions visited by the Inspectorate, the police services described taking more direct action when parents refused to give consent for a medical examination. Most felt that the State has an obligation to intervene in appropriate cases where consent is not obtained. Norway allows the State to replace the parents with another guardian to make decisions in the best interests of the child.

In Scotland, the police service would consider a Parental Order and in Northern Ireland they described it as unusual for a parent to refuse consent, but if they did, an Emergency Protection Order may be an appropriate course of action. At the Rowan Centre in Northern Ireland where examinations are conducted, experienced medical staff explain the examination procedure to parents and most then provide the consent. In the past, investigating officers explained the examination procedure to parents, often describing a more

intrusive examination than would actually take place and not always explaining other important reasons for the examination, such as checking for sexually transmitted infections.

In Ireland, a parental refusal of consent could result in an application for a Protection Order but very few examples of this were provided to the Inspectorate. Article 42A of the Irish Constitution outlines the importance of considering the views of a child and the threshold for State interventions. In exceptional circumstances, where the parents fail in their duty towards their children to such extent that their safety or welfare is likely to be prejudicially affected, the State may intervene as guardian of the common good. In the case of a refusal by a parent or guardian to allow a child to be examined, it may be appropriate to consider this refusal as negatively impacting a child's welfare and safety.

As highlighted in Chapter 2, the decision making by agencies in other jurisdictions about medical examinations is carried out by an executive team representing the main stakeholder agencies, while the process in Ireland appears less developed and less well co-ordinated.

Victim, Witness and Suspect Interviews and Statements

One of the main areas of any investigation is the conducting of interviews and the taking of statements. This section examines how interviews and statements are obtained from victims, witnesses and suspects in cases of CSA.

Garda Interview Training Courses Programme

Interview training programmes resulted from a recommendation contained in the Morris Report.¹⁴ In order to advance this recommendation, the Department of Justice appointed Judge Esmonde Smyth to chair a committee on the 'Interviewing of Persons in Garda Custody'. Following on from this, the Garda Síochána developed four levels of interview training courses for garda members to provide the necessary skills to conduct

interviews with suspected offenders. Separately, the Garda Síochána developed a child specialist interviewing course for garda members and Tusla staff to provide them with the appropriate skills to interview children and vulnerable adults who are victims of serious crime.

The following is a synopsis of the various interviewing courses, including the duration of the course and the core aims:

- Level 1 interviewing (one day) provides an introduction to basic interviewing skills;
- Level 2 interviewing (two days) provides basic interviewing skills for dealing with suspects in volume crime cases¹⁵;
- Level 3 interviewing (three weeks) provides advanced skills for suspect interviews in more serious offences, such as child sexual abuse;
- Level 4 interviewing (one week) is aimed at supervisors who can provide advice to Level 3 Interviewers; and
- Child Specialist Interviewing (four weeks) provides enhanced interviewing skills to gardaí and Tusla staff to conduct interviews with child victims under 14 years of age and vulnerable adults.

There is a significant difference in the training provided for interviewing a suspect in a crime (Levels 1 to 4) and the type of training provided to interview a child abuse victim.

While the various courses will outline the need to meticulously prepare an interview plan, the style and approach used are very different. Level 1 and 2 training takes a total of three days and provides basic skills, while Level 3 is a three-week intensive course that provides more effective interview skills. As a result, Level 1 and 2 interview training does not provide members with the necessary skills to take a high quality victim or witness statement in a case of a serious sexual assault, nor does it provide an appropriate level of training to equip a member to conduct an effective interview with a suspect in such a case.

¹⁴ The report arose out of the Morris Tribunal, a public inquiry to address allegations against the Garda Síochána of suggestions of corrupt and dishonest policing in Donegal.

¹⁵ Volume crimes include offences such as burglary, theft and less serious assaults.

The garda policy on interviewing child victims in sexual abuse cases is clear that only trained child specialist interviewers should deal with victims under 14 years of age or vulnerable adults. There is no specific interview training course to deal with adults coming forward at a later date to report that they were the victim of CSA, and the investigation policy suggests that officers trained to Level 3 standard should be considered in these circumstances. With suspects, the garda policy states that consideration should also be given to using members who are trained to Level 3 standard for conducting interviews. While the need for specially trained gardaí to take statements from adults who are victims of CSA was the subject of a recommendation in the original 2012 report, it is yet to be fully implemented. There is no policy stating who should take a statement from a significant witness in CSA cases.

The Garda Síochána has embarked on an ambitious but necessary retraining programme of all gardaí who are not currently trained to Level 3 standard.

New members of the Garda Síochána are now trained in Templemore to Level 2 standard. By the end of 2016, approximately 2,000 gardaí were trained to the new Level 2 standard, 139 were trained to Level 3 and 30 to Level 4. There are still significant numbers of people to be trained to Level 2 standard and the Garda Síochána has an aspirational target to train 500 at Level 3. As Level 3 is a much longer training course, this is going to present a significant challenge.

There are very few people trained to Level 4 standard and the intention is to have 50 members trained.

Assignments of Level 3 and Level 4 Interview Trained Members

The Inspectorate believes that only members trained to Level 3 or 4 should conduct interviews with suspects in CSA cases. The Inspectorate believes that only those trained to this level or child specialist interviewers should take a statement from a child over 14 or an adult who is now reporting that they are a victim of CSA.

While garda national units investigate some cases of CSA, the majority of investigations are conducted by members assigned to garda divisions. The Inspectorate looked at the assignment of members trained to Level 3 and Level 4 and the findings are set out in Figure 3.18. Those trained to Level 4 have usually completed Level 3 training first.

Figure 3.18 Level 3 and 4 Trained Interviewers by Assignment

Units	Level 3	Level 4	Total
National Units	26	6	32
Garda Divisions	113	24	137
Total	139	30	169

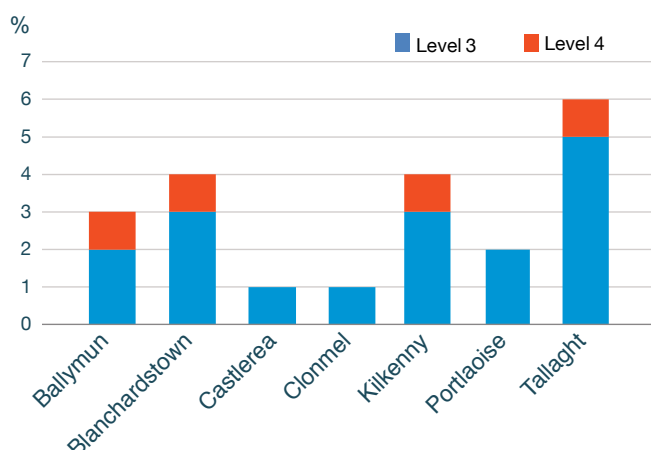
Source: Data from the Garda Síochána Portal (October 2016); analysis by the Garda Inspectorate

This shows that there are very few members trained beyond the basic interviewing Levels of 1 and 2, with 32 assigned to national units and the other 137 assigned across the 28 garda divisions. Analysis across the divisions identified that most had very low numbers of members trained to these levels.

DMR Northern Division had the highest number of members trained, at 13, and Cork North and Roscommon/Longford had the lowest with only one person trained.

Figure 3.19 shows the number of trained interviewers at Levels 3 and 4 standard assigned to the seven districts visited as part of this review.

Figure 3.19 Level 3 and 4 Trained Interviewers by Districts Visited



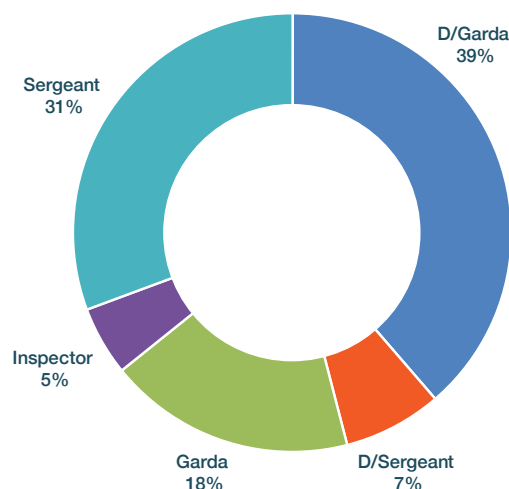
Source: Garda Síochána Portal data (as at October 2016); analysis by the Garda Inspectorate

As this Figure shows, the highest number of members trained in these districts is six in Tallaght, with only one member trained in the districts of Castlereagh and Clonmel.

For the majority of CSA cases, gardaí are assigned as investigating officers and are the rank most likely to take statements from adult victims and witnesses and conduct suspect interviews. Level 4 Interviewers usually supervise the most serious of cases, such as homicides. Some interview trained garda members have been promoted to a supervisory rank and are therefore less likely to be investigating CSA or involved in interviewing suspects.

Figure 3.20 shows a breakdown by rank of the 137 members trained as Level 3 and 4 Interviewers in garda divisions.

Figure 3.20 Level 3 and 4 Trained Interviewers in Garda Divisions by Rank



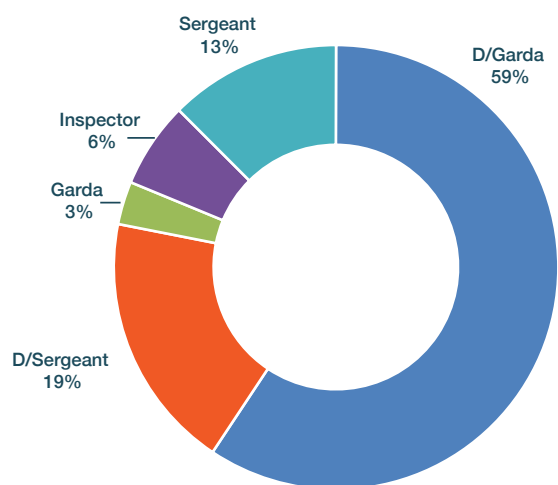
Source: Data from the Garda Síochána Portal (as at October 2016); analysis by the Garda Inspectorate

In most cases in divisions, investigations, interviews and statements are conducted by members of garda rank. This analysis shows that 43% of the total members trained in divisions are sergeants or inspectors and this reduces the overall numbers that are available for conducting interviews. It also shows that only 18% of those trained are gardaí and this is the group that is more likely to be investigating CSA cases.

To put these numbers into perspective, the Inspectorate compared this data to the PULSE deployment data for 2014 that was used in the *Changing Policing in Ireland* report.¹⁶ This comparison shows that out of 7,838 uniformed gardaí assigned to divisions, potentially only 25 are trained to these levels. Using the same comparison for detectives only 53 out of 1,102 are trained to Level 3 or 4.

Figure 3.21 shows a breakdown by rank of the trained members who are assigned to garda national units.

Figure 3.21 Level 3 and 4 Trained Interviewers in National Units by Rank



Source: Data from the Garda Síochána Portal (as at October 2016); analysis by the Garda Inspectorate

Although national garda units deal with some of the more complex and serious cases only 32 members attached to these units are trained to this level. The Figure shows that 38% of those trained are of the rank of sergeant or inspector.

This analysis shows that there are clearly insufficient numbers of garda members trained to Levels 3 and 4 interviewing at all levels of the Garda Síochána. This is an organisational risk that needs to be addressed.

Using Untrained Interviewers

In all places visited, the Inspectorate found that gardaí were aware of the need to use child specialist interviewers for interviewing children, but were mostly unaware of the policy on considering Level 3 Interviewers for taking adult victim statements and interviewing suspects. Most districts had members that were Level 1 interview trained, some had Level 2 and very few had Level 3 Interviewers. Even within CPUs, training of members varied between Level 1 and Level 2 standards. There is a significant gap in the availability of Level 3 Interviewers to take statements from adults who are reporting CSA.

There is also a significant organisational risk in using members who are not trained, or who are insufficiently trained, to conduct interviews with suspects. Interviews provide an opportunity to obtain an account from a suspect and to put

questions to that person about the crime that has occurred. It also allows interviewers to advise a person that evidence may be given to a court of their failure to account for objects, substances or marks on their person or of the failure or refusal to account for their presence at a location. This is particularly relevant where a person fails to mention facts when, in the circumstances, such matters clearly call for an explanation. A court or a jury may draw inference from the defendant's failure to answer a question. In addition, interviewers may have to deal with a solicitor present at an interview and need to be trained in how to manage the interview and deal with issues such as disclosure.

As part of the detective training programme, the Inspectorate believes that members should be specifically trained to enable them to conduct effective interviews of suspects and take high quality statements from witnesses in CSA cases.

Recommendation 3.4

The Inspectorate recommends that the Garda Síochána take immediate action to increase the numbers of members trained to Level 3 and Level 4 interview standard and to ensure there are sufficient suitably trained members to conduct interviews with suspects and take statements from adult victims of child sexual abuse. (Medium term)

Recommendation 3.5

The Inspectorate recommends that the Garda Síochána specifically include interviewing of suspects and the taking of statements from witnesses in child sexual abuse cases in the detective training programme. (Short term)

Interviewing Children

As highlighted in the garda policy on investigation of sexual crimes, a victim's statement is the most important evidence and should be taken at the earliest opportunity. This section examines how the Garda Síochána and other police services conduct interviews with children and vulnerable adults. In the case of very young children who sometimes do not understand what has happened to them, obtaining a full account of what took place requires specialist skills. Child specialist interviewers were first introduced in Ireland in 2007.

Irish Legislation and Practices in other Jurisdictions

Section 16 (1) (b) of the Criminal Evidence Act, 1992 provides for the submission of video recorded evidence from child victims who are under 14 years of age for certain offences including sexual and violent offences. Where this type of interview is conducted by a member of the Garda Síochána, or other competent person, it shall be admissible as evidence in court. The video interviewing process, as opposed to taking a written statement, does not require a child to take the oath to enable the account to be submitted in evidence at court. A child under 14 is exempt from taking the oath and the Act allows a court to accept their evidence. Children over 14 must take the oath or affirmation to give evidence. Section 23 of the Children Act, 1997 allows statements made by a child to be admitted in evidence if the child is unable, by reason of age, to give evidence or the giving of evidence is not in their best interests. The Criminal Law (Sexual Offences Act) 2017 contains an amendment that now allows video recording to be given as evidence in the case of a child under 18.

The GNPSB, which is the relevant policy maker on this matter in the Garda Síochána, did not support a move to include children aged over 14 in this interview process. It was felt that any move to increase the age to 18 would have a significant impact on the current workload and availability of specialist interviewers.

While the legislation regarding the taking of an oath was at the time of this review restricted to those under 14, some of the districts visited during this review had used specialist interviewers to take statements from children up to 18 years of age. Human trafficking legislation applies to children up to 18 and directs that such children should be subject to a specialist interview.

Obtaining an account from children over 14 was described to the Inspectorate by experts in this field as often more difficult than from younger children and they can encounter significant challenges in getting older children to talk. Sometimes teenagers might need a period of reflection to consider what has happened to them and conducting an early interview might not obtain the best possible account or be in the child's best interest. A garda specialist interviewer said that they often meet with older children several times prior to taking a formal statement from them.

Specialist interviewing was initially developed for children under 12 years of age, but over time different practices have emerged. In Scotland, interviews with children under 16 are carried out by specialist interviewers. Children under three are not usually interviewed. Scotland is planning to trial a delayed interview process to give children over 12 a period of reflection before interviewers take a formal account of what happened. The Netherlands interviews children from four to 12 years of age, but cited an EU requirement to use specialist interviewers for children up to 18.¹⁷ In Norway, specialist interviewers mainly deal with children aged three to 16, but will interview children up to 18 and vulnerable adults. The Norwegian police found that conducting interviews with children under six years of age requires additional and more advanced skills. Norway is the only country visited by the Inspectorate that has developed a higher level training course for this purpose. Interviews have taken place with children as young as two years old and, in some cases, they have been able to obtain an account that was used as evidence.

¹⁷ In the EU Directive 2011/92/EU 'child' means any person below the age of 18 years. Article 20.3(c) of this Directive provides that 'interviews with the child victim are carried out by or through professionals trained for that purpose' and Article 20.3(d) states that 'the same persons, if possible and where appropriate, conduct all interviews with the child victim'.

Norway treats a child from a home where domestic abuse has taken place as a victim of the crime rather than a witness, irrespective of any physical injuries.

This has doubled the number of children who now require a specialist interview, but it is seen as a positive move forward in tackling violence in the home and protecting children from harm. Norway also uses specialist interviewers to obtain accounts from child witnesses.

Child Specialist Interview Training in Ireland

Since 2007, the Garda Síochána has delivered child specialist interviewing training courses at the Garda College. This is a challenging pass/fail course, available to garda members and Tusla staff. There are three modules, split into two-week periods, followed by a final module, completed some two years later. Most of the course participants have completed the first two modules but many have not completed the final training phase. Initially, 90 gardaí and approximately 20 Tusla staff were trained as specialist interviewers. No child specialist interviewing courses were delivered during the moratorium on training. This training has now recommenced and course places are evenly shared between both agencies.

An annual conference is held for specialist interviewers to meet and share good practice. However, there is no ongoing or refresher training for specialist interviewers.

Tusla Trained Interviewers

At present, 16 social workers are trained and available to conduct child specialist interviews. This number is insufficient to provide a nationwide joint-interviewing service with garda members. Tusla would like to have at least three social workers in each of the 17 service areas trained to conduct interviews with children. Currently, there are limited training courses available and Tusla advised that it expects an allocation of only six or seven places over the next 12 months.

With internal movements of trained staff, this allocation is unlikely to maintain the current numbers that are trained.

If the Garda College is unable to supply sufficient training places, then Tusla and the Garda Síochána should consider the use of external training providers. Without a significant increase in the numbers of trained social workers, joint interviews will not become a standard operating procedure.

Joint-Agency Interviews

There are two important aspects to most interviews with a child victim of sexual abuse. From a Garda Síochána perspective, the interview is usually part of a criminal investigation and therefore there is a need to establish what happened to the child, who may have harmed them and what crimes were committed. For Tusla the interview is concerned with child protection/welfare and it provides an opportunity to establish the child's domestic circumstances and whether there are safety and child protection issues that need to be addressed. Tusla and the Garda Síochána are required to create a joint interview plan to ensure that both the criminal and child safety aspects of a case are covered.

The usual practice for interviewing a child is that two specialist interviewers are required to be present. One interviewer conducts the actual interview on a one-to-one basis with the child and the other interviewer acts as an observer, to take notes and where necessary, to prompt the lead interviewer to clarify a point or to obtain more information. The intention of the Garda Síochána and Tusla at the outset of embarking on child specialist interviewing was to have a single joint-agency interview conducted by a trained social worker and a trained garda member. This effectively removed the need to conduct two separate agency interviews with the same child. The presence of a social worker at a joint interview can be an important factor, as they may know the family and the child. Joint interviewing did take place in some parts of Ireland when Tusla interviewers were first trained but it was sporadic and eventually it ceased to be a standard practice, primarily due to the unavailability of trained Tusla social workers.

As a result, child specialist interviews are conducted solely by two garda interviewers. This immediately reduces the capacity of garda specialist interviewers by 50%.

Where Tusla also considers it necessary to interview the same child, it conducts a separate, second interview. This may cause unnecessary trauma by making the child provide a second account and often to a Tusla social worker who may not be a trained child specialist interviewer. In some cases, a social worker may obtain a disclosure from a child that was not made during a garda interview. It is also the case that this interview is not recorded on video and is therefore not provided for under the Criminal Evidence Act, 1992 in connection with the submission of recorded evidence in a subsequent court case. A social worker explained that sometimes parents refuse to allow a child to participate in a garda interview but agree to an interview with them. In addition, with Tusla not participating in the joint interview process its own child protection investigation may be delayed until the garda interview has taken place. Most people who met the Inspectorate believe that the two agencies have not bought into the joint interviewing model. Evidentially, having two separate interviews can also create difficulties, if the child is asked different questions or the wrong type of questions that results in conflicting responses. It also means that there are two interview records with the same child that are subject to disclosure rules in a prosecution.

The Inspectorate met with a garda specialist interviewer who had previously conducted joint interviews with a trained social worker for 12 months and found it to be a very good system. In practice, the two interviewers often switched roles in conducting and observing interviews and sometimes the social worker conducted an interview because they had a good rapport with the child. Eventually, the social worker was reassigned from that post and was never replaced. This interviewer said that under the joint interview model, it was rare to conduct a second interview with a child victim. This interviewer is now the only trained specialist interviewer assigned to their district and it can take several weeks to obtain the assistance of another garda specialist interviewer.

The Inspectorate also met with a member of Tusla staff who was recently trained in child specialist interviewing. This social worker raised concerns that the training provided appeared to be focused on the garda requirements and believed that Tusla's needs in relation to child protection would not be met when conducting the interview. This is a matter that needs to be clarified as the process should be a joint interview, meeting both crime and child protection needs. Child specialist interview training and subsequent interviews with children should not be dominated by one agency. Joint-agency interviews take place in Scotland and responsibility for conducting interviews is shared. In serious crime cases, the police may lead the interview. However, in child neglect cases, or where there is an existing rapport with a family, a social worker may conduct the interview.

All agency representatives who met with the Inspectorate, including Tusla, the Garda Síochána, other police services and experts in the field of child protection, are firmly of the view that in most cases a child should only be interviewed once and joint-agency interviews are in the best interests of the child. This also featured as a recommendation in the *Mott MacDonald National Review of Sexual Abuse Services for Children and Young People (2011)*.¹⁸ The same view was highlighted by the Inspectorate in its 2012 report. The President of the District Court at a Conference in March 2016 expressed concern about the multiple interviews that children are subjected to in child abuse investigations and stated that 'one interview should be sufficient'.¹⁹

It is unacceptable that joint interviewing was allowed to stop as a standard practice when it is widely recognised as the most effective way to conduct child interviews. As part of this review, the Inspectorate engaged senior managers from both Tusla and the Garda Síochána about this issue and they indicated an intention to develop a joint-interviewing approach as standard practice.

18 *Mott MacDonald National Review of Sexual Abuse Services for Children and Young People (2011)*: Recommendation 5.5.3

19 Education and the Law Conference, St Angela's College, Sligo 5 March 2016

Deployment of Garda Specialist Interviewers

Garda child specialist interviewers are usually not detective gardaí and are not generally used as investigators in CSA cases. However, where specialist interviewers are attached to child protection or detective units, they may, on occasions, be allocated cases for investigation. In Norway and Scotland, specialist interviewers are not usually allocated cases for investigation, but in Northern Ireland and England and Wales investigators are often also trained as specialist interviewers in 'achieving best evidence' and may perform a dual investigation and interviewing role.

The present interview system requires the release of two garda members for an interview and in some cases this delays an interview with a child. Some, but not all, districts visited by the Inspectorate had trained specialist interviewers. Where a district had trained interviewers, the numbers ranged from one in Portlaoise to three in Tallaght. If a district has no specialist interviewers, or only one available, it has to arrange for trained interviewers from another district or division to assist it. Those districts with several interviewers were often requested to conduct interviews for other districts and in Tallaght this accounted for over 10% of all interviews conducted. In most places visited, there was a demand for additional trained interviewers. It was also raised that the majority of those who are trained are female members and that more male gardaí should be encouraged to become specialist interviewers. Specialist interviewers are not always assigned full-time to this work and this greatly reduces their availability. Interviewers can be assigned to administration, traffic or other units and sometimes there are difficulties in obtaining their release from their core duties. In addition, some interviewers have been promoted and are therefore not routinely available.

Different processes exist in other policing jurisdictions for the assignment of specialist interviewers, although because of the practice of joint interviewing, only one police officer is required for each interview. In Norway, police interviewers are full-time in this role, but in Scotland, while some interviewers are full-time, sometimes social workers and police provide

interviewers on a rotational basis. While they have different approaches, specialist interviewers are immediately available in both Norway and Scotland.

Requests for Specialist Interviews

The awareness amongst investigators of the need to use specialist interviewers for child victims appears to be well embedded in garda practices. Investigating members are required to formally request the services of a specialist interviewer in appropriate cases and requests are checked by a supervisor before an interviewer is tasked. The number of cases referred to specialist interviewers varied across the districts visited by the Inspectorate but most interviewers dealt with approximately 12 to 14 cases per year.

Timeliness of Interviews

The garda policy states that interviews should be conducted at the earliest opportunity, after the matter is reported. Across the seven districts visited, the time period for conducting interviews varied greatly, depending on the number and availability of interviewers and interview suites. In one district, it was reported that timelines could range from one day to two months. Some districts reported that interviews would be conducted within two weeks and other districts reported that it could take four to six weeks. For a child or other vulnerable victim, extended delays in conducting interviews may impact on the quality of the account that is finally obtained. One specialist interviewer who met with the Inspectorate had completed 32 interviews in that year but still had a backlog of nine requests waiting to be completed. Most districts reported that a serious case, or a case that may become statute barred, would be prioritised. Any unnecessary delay greatly impacts on the whole investigation process, including the identification of other witnesses and conducting interviews with suspects.

It also impacts on the work of Tusla which may have to wait to proceed with its investigation or interview until the garda interview has taken place. The current process for allocating specialist interviewers should be reviewed to ensure that trained interviewers are available for immediate assignment to a case.

Clarification Interviews

Prior to a formal interview with a child, it is garda policy to contact all potential interviewees and their families to arrange a home visit to conduct a clarification interview. This is usually carried out by two garda interviewers who explain to the child and their family what will happen in the interview and to assess whether a child is suitable to participate and obtain written consent from parents/guardians. While the requirement to conduct this type of interview is included in the garda policy, it does not fully articulate the reasons for doing so. Most interviewers stated that they try to contact parents or guardians within a few days of the initial reporting of a crime to make an appointment to meet for a clarification interview. One district reported that it can take up to two weeks to arrange the clarification meeting. Sometimes, a parent or guardian may decide at this point that they will not consent to an interview with the child and on most occasions this will stop a formal interview. This can be a crucial point in an investigation, as without other significant corroborating evidence it may lead to the closure of an investigation of a suspect who may still pose a risk to the safety of children. Interviewers are instructed to record all clarification interview activity in a written decision log.

A concern identified by the Inspectorate is the significant attrition rate between a clarification interview and a formal recorded interview. Specialist interviewers who met with the Inspectorate appeared to have wide variations in attrition rates, without any supervision or examination of the reasons. For example, one interviewer reported that out of 42 referrals only 15 resulted in an interview. During visits to districts, the Inspectorate established that there was little awareness of the extent of the attrition rate and there was no quality assurance or supervision of this process. This was a concern also raised by interview training staff at the Garda College.

A poor approach by a specialist interviewer might well result in a decision by a family not to proceed with a recorded interview; a case of this nature was highlighted to the Inspectorate.

To examine the outcomes of clarification interviews, the Inspectorate identified a district that was able to provide data on the numbers of interview requests and the results from those requests. Figure 3.22 shows the number of requests for the services of the specialist interviewers in the district, the number of clarification interviews and the number of formal interviews conducted over a three-year period. These numbers also include requests made by other districts for assistance with interviews.

Figure 3.22 Specialist Interviewer Requests and Outcomes – 2013 to 2015

Specialist Interviews	2013	2014	2015
Total Requests	107	94	121
Unsuitable Cases ²⁰	37	29	35
Clarification Interviews	70	65	86
Interviews Conducted	48	43	45
Attrition Rate – Interviews not Conducted	31%	34%	48%

Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows that a considerable number of requests are made each year for specialist interviews, of which a proportion are assessed as unsuitable as a child may be over 14 or an adult who is not deemed to be vulnerable. However, this analysis also shows very high levels of attrition rates following clarification interviews, with over 30% in 2013 and 2014 and 48% in 2015 that did not result in a formal recorded interview.

A similar process to a clarification interview takes place in Northern Ireland called a Pre Interview Assessment (PIA) and the reasons for conducting it are fully articulated in a joint-agency protocol.²¹ The PIA is used for a number of reasons including to assess a child's competence to give evidence and their willingness to talk and to seek consent from the child and assess any specific needs.

The protocol states, in detail, the circumstances when a PIA should take place, how it should be structured and who should be responsible for conducting it. It also clearly states that no

20 Unsuitable cases are those not within the legislation

21 Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse – Northern Ireland April 2013

video recording should be made where there is a question over competence in criminal proceedings as this would become evidence-in-chief and the victim could be compelled to testify in court. In most cases, a PIA leads to a full interview. Norway does not conduct any PIA. The reasons for this include that they are not video recorded, a child may want to talk and start to make disclosures and it also removes any suggestion that a child was coached in what to say. Most importantly, Norway believes that children need to have access to immediate support, if it is required, after an interview and this would not be available for clarification interviews. The Netherlands conducts a preliminary meeting with parents or guardians that is recorded to explain what will happen. This is required in Dutch law as, once a complaint is made, it cannot be withdrawn at a later date.

There are some valid reasons for conducting clarification interviews but there can be some unintended consequences, such as the high attrition rate from this process to a formal interview and the fact that clarification interviews are not video recorded. The Inspectorate was informed by the GNPSB that it is reviewing the need for clarification interviews and may well stop this practice.

Parental/Guardian Consent for Interviews

Obtaining parental/guardian consent for interviewing can be a challenge and on many occasions they will not give consent. Most specialist interviewers stated that if parents or guardians do not consent to an interview, then it is not likely to go ahead. Cases were cited where investigators were concerned about the motives of parents or guardians for not agreeing to the interview, and in most of those cases interviews did not proceed. The Inspectorate recognises the rights of children, parents and guardians and understands that there may well be occasions where a child is too young to be interviewed or it is not in their best interests to do so.

However, there may be cases where parents or guardians may be suspected of abuse or are aware of the abuse and are trying to prevent an interview with the child. In all other police services visited during this review, there appeared to be less difficulty in obtaining consent from parents and where consent was refused, they appeared to take

a more robust approach to ensuring that the child was interviewed.

Trauma Support for Children

Child victims of sexual abuse are often referred by Tusla for therapy or assessment. There are two therapy units in Dublin (St Clare's and St Louise's), but outside the Dublin area the same level of service and support is not available. If a child is traumatised, the referral for therapy can sometimes be made before a garda interview is conducted. In these cases, the garda interview may be postponed until the therapy or assessment has taken place. In extreme cases, this can delay a garda investigation for several months.

St Clare's is based in Temple Street Hospital and caters for children, young people and their families where sexual abuse is a concern. The unit comprises a team of social workers, psychologists and psychotherapists. When there is concern that a child or young person may have been sexually abused, a social worker may ask St Clare's to find out what has happened, to offer an opinion on what the child says and to outline further plans on how best to help a child and family. This assessment is separate to any ongoing garda investigation. When the assessment is complete (usually within four to six weeks), the report is sent to the social worker who made the referral and the conclusions are shared with the family. Where a garda interview has taken place prior to a child's attendance at the unit, St Clare's may request a copy of the garda DVD and may decide not to interview the child. An area of conflict raised by members of the Garda Síochána concerns a process referred to as a credibility assessment of a child. This can lead to a determination by the unit as to whether a child's story is credible or not. On occasions, there can be conflict between a garda interviewer's assessment of the strength of the evidence gathered and a credibility assessment by St Clare's that has established a different determination.

This is a difficulty that needs to be resolved between the agencies concerned. There is also a need to ensure that, where possible, there are no avoidable delays to the criminal investigation process.

Locations for Interviewing Children

A child victim should not be interviewed at a garda station. The preferred location is one of the specialist interview suites that are designed for this purpose. These facilities are designed to be child and family friendly. The interview rooms within the suites use cameras to video and audio record all interviews. Specialist interviewers described the facilities as good, although some locations need updating. Interview suites are managed by the local garda station where they are located and are available countrywide for use. Interviewers said that parents and carers do not object to travelling distances to these suites and parents or carers usually bring a child to the interview, unless they are potential suspects in a case. In these cases, teachers or gardaí will transport the child to the interview suite.

Transcription and Sharing of Interview Notes

During an interview, notes are recorded by the interviewer designated as the observer. These notes are generally typed up by clerical support staff. The DVD of the interview is transcribed by one of the interviewers. This is not an efficient process as a 40-minute interview can take up to three hours to transcribe. This wastes the trained interviewers' valuable time. There are other options, such as the use of garda typists or other support staff. As highlighted in the *Crime Investigation (2014)* report, many police services outsource the transcription of interview tapes to external providers. In the PSNI and Norwegian Police, internal support staff transcribe interviews and in the West Midlands and Metropolitan Police Services, this function is outsourced.

Tusla informed the Inspectorate that there can be difficulties in obtaining a copy of a garda interview with a child. Conversely, the Garda Síochána said that it is not always provided with the details of a Tusla interview. The GNPSB acknowledges that sometimes copies of interviews are not provided to Tusla because of disclosure concerns.

It also informed the Inspectorate that it is currently examining a protocol in operation in London between the prosecuting authority, the police and the courts. This allows a court to deal with disclosure issues; the Garda Síochána would like a similar process in place with the DPP, Tusla and

the courts to provide clarity around the sharing of information in child abuse cases.

Quality and Monitoring of Interview Standards

During visits, the Inspectorate received very positive feedback from garda investigators on the quality of interviews conducted by specialist interviewers and the process was described as a critical part of the investigation. Some investigators also utilised the services of specialist interviewers to obtain written statements from older children.

When training began, the development of specialist interviewers was supported by a quality assurance process by the Garda College through a process of checking interview recordings and providing feedback to interviewers. Specialist interviewers found this process helpful and it ensured that interviewers were maintaining high standards. It also allowed trainers to identify any areas of concern, such as asking leading or closed questions. On checking interviews, the Garda College found that interviewers are sometimes under time pressures to conduct interviews. This impacts on their preparation time and the quality of the interview. During the course of this review, the Inspectorate was provided with the details of a family law court case in connection with a care order and the use of a garda specialist interviewer to interview a child. A forensic expert who analysed the interviews raised serious concerns in court about the large number of interviews that were conducted by gardaí and social workers and the duration of some of those interviews. A key issue was the fact that the child specialist interviewer had completed the initial four weeks training, but had not received any refresher training since.

The quality assurance process has not taken place for many years and there is a gap in the supervision of interviews.

Very few supervisors of specialist interviewers check the quality of interviews conducted and an inspector made a valid point that district supervisors who are not specialist interviewers are not best qualified to give specific feedback. Specialist interviewers said that most investigators and supervisors do not view the DVD of the

interview but wait until they receive a written transcript to check the contents of the interview. In their view, there is merit in an investigating member watching an interview, rather than just reading a written account.

In Scotland, specialist interviews are dip-sampled by trainers who also watch interviews with the lead interviewer and provide feedback. Live interviews in Norway are observed by a number of individuals who are representing the prosecutor, the child and in some cases, the person accused of abuse. This process allows for immediate feedback to an interviewer.

The Inspectorate was informed that the Garda College has now recommenced the previous quality assurance process in place for specialist interviews and the Inspectorate views this as good practice.

Interviewing, Medical Examination and Therapeutic Support in other Jurisdictions

As part of this review, the Inspectorate visited other jurisdictions to examine how services are provided for child victims of sexual abuse and specifically how they are interviewed. This section looks at the systems in place in Norway and Northern Ireland for provision of medical examination and conducting child interviews.

Norway

In Norway, all services to support child victims of sexual assault, physical assault and domestic violence are provided in purpose-built centres called Children's Houses (*Barnahus*). Launched in 2007, there are now ten houses operating across Norway. In developing this approach, Norway looked at the model used in Iceland and Child Advocacy Centres that operate in the United States.

The Inspectorate visited the Oslo House, which opened in 2009 and covers six police districts. Services are provided to children aged three to 16 years of age although they can also provide support for older children and vulnerable adults. The house deals with victims and witnesses in cases involving sexual assault, forced marriage, female genital mutilation and domestic violence. Staffing is provided by social workers, interviewers, therapists and psychologists

with specialist knowledge of trauma. Police interviewers are not co-located at the house and it was not felt critical to do so.

Legislation in Norway states that victim and witness statements must be taken within one week of the incident being reported. However, in urgent cases, where a suspect has access to a child, an interview may be conducted immediately. Norway does not conduct clarification interviews and the first time that an interviewer meets the child is on their arrival at the Children's House.

The Oslo House has faced a significant increase in the demand for its services. One of the reasons for this increase is a change in Norwegian law that resulted in children from households where domestic abuse occurs being treated as victims and therefore requiring interviews. Most referrals to the house come from child welfare services.

The house is the preferred choice of interview location, but on occasions due to capacity issues, interviews may be conducted at specially designed rooms at police stations. All interviewers are trained to deal with children aged six to 18 and additional training is provided for those interviewing a child under six or those with special needs. A highly trained interviewer who met with the Inspectorate reported a case where an account was obtained from a two-year-old child. Most interviews are conducted during the daytime operating hours of the house, but they have an on-call system for emergencies. The inclusion of domestic violence cases has resulted in the deployment of four interviewers focusing purely on these types of cases. Medical examinations are conducted at the house by trained paediatricians and a psychologist is available to provide immediate therapeutic support to a child before or after an interview or a medical examination.

For long-term therapeutic support, the house usually refers children to services in their local area. The age profile of clients shows that those children over 11 years of age require most of the support services. The house faces many challenges in conducting child interviews, including a lack of realisation by children that they are victims, and a reluctance by some children to talk about their experience. Crimes committed by children on children account for 40% of CSA cases dealt with in the house. Where a parent is a potential suspect

or they refuse to allow an interview or medical examination to take place, the house usually appoints foster parents or a substitute guardian to make decisions on behalf of the child.

Police prosecutors (lawyers) have responsibility for deciding who will be interviewed and how an interview will be conducted. A child who has been interviewed does not have to attend court and is not subject to cross-examination at any point. Therefore, interviews are very important as the video is the evidence-in-chief. To protect the integrity of the interview process, it is managed by the police prosecutor, who, along with an advocate for the child, observes the live interview. Other observers may include representatives for the accused, social workers and the house psychologist. The interviewer will take breaks during the interview and it can be interrupted to allow observers to raise issues in respect of the conduct of the interview or to request the interviewer to ask the child a particular question. In most cases, a single interview is conducted, although a request may be made by the suspect's representative to conduct a further interview. This is a decision for the police prosecutor who must consider the needs of the child, balanced against the rights of the suspect.

Support staff at police stations generally transcribe interviews and the police prosecutor determines if a full or an abbreviated account is created. At court, the recording of the interview is played to present the child's account, and the child is not required to attend. The house focuses on providing timely and appropriate services to a child and their family to reduce the trauma to the child. It was highlighted that while they may not secure a higher conviction rate at court, they believe that the approach is more likely to help the long-term healing of the child.

The Inspectorate was very impressed with the standard of facilities and the quality of the professionals that work at the house. The house performs a co-ordination role for all services and has a clear focus on the best interests of the child and their family.

Northern Ireland

In Northern Ireland, the Rowan Centre opened in 2013 delivering co-ordinated inter-agency services for all rape and sexual assault victims including children. It is a purpose-built centre, providing medical and interview facilities with services provided 24/7, 365 days a year. Outside core hours of operation, there is an on-call rota for paediatricians and nurses, and victims can be brought straight to the centre. It is jointly funded by the Department of Health and the PSNI. The centre also works closely with victim support groups.

The Rowan Centre provides a number of important services including:

- > Acute health care;
- > Forensic examination;
- > Clinical assessment;
- > Sexually transmitted infection screening and treatment;
- > Emotional support; and
- > Referrals for victim support.

Counselling is not provided at the centre but referrals are made for clients. Since opening, the centre has dealt with over 2,000 clients, approximately 500 each year. Of those attending the centre, 37% are children and 13% of clients are males. The PSNI used to provide most referrals, but this has reduced to 50% of all persons using the Rowan Centre. Victims can self-refer and for over 18 year olds who do not want to report the crime to police, the centre will still take forensic samples and store them for up to seven years. In these cases, the Rowan Centre will try to facilitate a meeting between the victim and specially trained police officers.

On arrival at the centre, a nurse conducts an initial triage that includes checking that child protection services are in place, explains the medical examination and considers other risks to the victim, such as self-harm.

Follow-up contact is made with victims within a few days of attending the Rowan Centre. For children, the consent of parents is critical and in most cases, parents agree to a medical examination and an interview. Where a parent refuses to allow a medical examination or an interview to take

place, an Emergency Protection Order may be sought. The child is usually examined at the time of the first visit and a joint-agency interview will normally take place the following day. A joint single interview is conducted on behalf of both agencies with the police usually taking the lead role and a social worker observing the interview. Police officers are not co-located at the centre and the manager did not feel that this was necessary and was of the view that it does not impact on agency relationships. Notes from interviews are available to both agencies.

Child Interviewing – Conclusion

Tusla and the Garda Síochána have created a working group to examine the child interviewing process and have expressed a firm commitment to joint interviewing. This group has arranged for all garda specialist interviewers to complete a questionnaire and have engaged the services of a barrister to identify good practice guidelines. The Garda Síochána is trying to arrange for social workers and gardaí who work in the same area to be trained together, and garda interviewers have been instructed to include Tusla staff in any interview process, where possible. Tusla also informed the Inspectorate of its commitment to provide more social workers for interview training. If Tusla provided the same number of interviewers as the Garda Síochána, it would be the equivalent of doubling the current capacity of garda interviewers.

The whole area of interviewing children needs to be adequately resourced and Tusla and the Garda Síochána need to move to a standard operating procedure of a single interview approach.

It is difficult for the Inspectorate to understand why such little progress has been made on this issue since the publication of the *National Review of Sexual Abuse Service* in 2011 and the original Inspectorate report in 2012.

The original inspection report recommended a one-stop-shop approach for victims of child abuse and envisaged a child centre that catered for all aspects including medical examination, victim interviewing, therapy and support. As part of this review, the Inspectorate visited the Rowan Centre and the Oslo House, which operate in different ways, but both provide appropriate services to

child abuse victims. As highlighted in Chapter 1, the Rowan Centre approach is the preferred model of the Garda Síochána. Both Tusla and the Garda Síochána would like to have three child centres in Ireland and potentially to have access to the Rowan Centre for those victims that live in the border counties of Ireland. While there appears to be a commitment to this approach at the highest levels of the Garda Síochána and Tusla, it is still very much at discussion stage and very little progress has been made in the last four years. The current system of separate services managed by single agencies in different places results in a child being taken from one location to another to receive those services.

Recommendation 3.6

The Inspectorate recommends that the Garda Síochána, in conjunction with Tusla, move to a standard operating procedure for conducting joint interviewing of child victims. (Medium term)

To achieve the above recommendation, the following key actions need to be taken:

- Ensure that sufficient numbers of social workers are trained as child specialist interviewers to allow joint interviews to take place;
- Both agencies to be involved in the development and delivery of a joint interview training course that caters for the child interview requirements of social workers and garda members;
- Review the use and conduct of clarification interviews;
- Develop metrics and quality assurance processes for interviews;
- Ensure that all specialist interviewers are attached full-time to investigation units or are released on a rotational basis for immediate deployment;
- Encourage more male gardaí to become specialist interviewers;
- Ensure that investigating officers view the victim interviews;
- Develop a programme of refresher training for specialist interviewers;
- Remove the need for specialist interviewers

to create transcripts of interviews;

- › Review the issue of parents/guardians who refuse to allow a child to be interviewed or medically examined; and
- › Review the referral process to units such as St Clare's and St Louise's and in particular resolve the use of credibility assessments.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Obtaining Best Evidence

While child specialist interviewers are used to obtain evidence from children and vulnerable adults, the Garda Síochána also needs to assign members to take statements from other age groups of victims and witnesses. The following section specifically examines how evidence is obtained from victims and witnesses in cases of historical CSA.

Taking Statements from Victims and Witnesses

Often victims of CSA come forward many years later to report what happened to them. Unless a victim or a witness is assessed as vulnerable, they are not usually interviewed by child specialist interviewers and statements are usually taken by the investigating member. The garda policy on taking statements from victims in sexual offence cases states that more experienced interviewers (Level 3) should be considered for taking victim statements.

The Inspectorate found that there are very few members trained to this level and most investigators were unaware of this consideration. Most gardaí taking these types of statements have not received any specific sexual assault statement taking training.

It is important to take good quality statements at the earliest opportunity for a number of reasons including:

- › They often provide the best evidence;
- › Victims and witnesses may forget important facts over time;

- › It reassures a victim that the investigation is proceeding; and
- › Victims and witnesses may already feel under pressure not to provide a statement and any delay may result in a decision not to cooperate with an investigation.

The first contact with a victim is crucial in terms of gathering evidence and gaining trust and confidence. A district superintendent referred to a case where the first contact between a garda member and a victim of CSA was poor and despite several further meetings, they were unable to persuade the victim to provide a statement of complaint. In essence, the victim's co-operation was lost during that first meeting and in the absence of a victim statement most investigations will not progress any further. Where an adult victim reports that a crime has taken place, but declines to provide a statement of complaint, some districts reported that the crime would be reclassified to a less serious incident or it would be invalidated. Invalidation should only occur if it transpires that a crime did not in fact take place and should not be used in circumstances where there are reasonable grounds to suspect that an offence has occurred. The inappropriate reclassification or invalidation of crimes was an area of concern that was raised in the *Crime Investigation (2014)* report.

The Inspectorate was also informed that when statements are taken by inexperienced gardaí during the first contact with a victim, they are not always completed to a high standard.

In one such case, a victim who met with the Inspectorate described having to return to the garda station on a number of occasions to complete additional statements. The Inspectorate found some good practice in operation where garda investigators met with victims and witnesses prior to obtaining statements to ensure that the statement was carefully planned and well structured. Where a district had a CPU, requests were sometimes made to the unit for assistance with obtaining a victim statement. The Inspectorate views this as good practice, but it was not consistently applied.

Historical abuse cases often require particular investigative and interviewing skills to help a victim to provide a detailed account of what happened. Sometimes victims find it difficult to remember specific dates when crimes or incidents occurred and may find it difficult to recall the chain of events and the details of witnesses who may be able to provide corroborating evidence. A child specialist interviewer, who met with the Inspectorate, referred to a number of cases where inexperienced members took statements from victims, which were poorly structured and lacked detail. As a result, this interviewer had to take additional statements and the victim had to go through a second process of recalling the abuse. Taking additional statements can sometimes be necessary in an investigation to clarify certain points, but it can also create evidential difficulties and it can add to the trauma of a victim. The use of specialist interviewers to take statements in historical cases was not a regular practice found by the Inspectorate during district visits. The child specialist interviewer who met with the Inspectorate believes that the specialist interview training provided helps greatly in taking victim statements for all types of crimes and for all ages of victims. In the *Crime Investigation (2014)* report, the Inspectorate recommended that only specially trained officers should take statements from victims in rape and sexual assault cases and the same principle should apply in historical cases of CSA.

The Garda Síochána is now including additional cognitive interviewing training as part of the Level 3 interview training course.

This interview method is recommended for more serious crimes, such as CSA, and can be used to obtain a statement/account from a victim or a significant witness. The training is provided to develop a more open interview approach with fewer interruptions of the witness by the interviewer. With the permission of the interviewee, the interview will be video recorded and this will allow the taking of an account in a more natural, free flowing way. The Inspectorate can see many benefits in this approach as it will obtain a far more comprehensive account from a victim or significant witness. However, it is also likely to present some evidential challenges and

difficulties for investigators in time critical cases where an early statement from a victim is crucial to the investigation.

Sometimes a victim or witness may wish to withdraw their original statement of complaint. In such cases, the garda policy on sexual offence investigation states that an additional written statement should be obtained from the complainant including the general reasons for the withdrawal. A district superintendent reported that they personally contacted victims wishing to withdraw a complaint to verify that this was an appropriate course of action. The garda policy also states that where the complainant maintains that the crime took place, a file should be submitted to the DPP for directions. In cases where a suspect has not been interviewed, this should be held in abeyance until directions are sought from the DPP. Where a complainant withdraws a complaint and states that the conduct complained of did not, in fact, take place and it is believed that an offence under Section 12 of the Criminal Law Act, 1976 (making a false report or statement) has been committed, the Garda Síochána should consider a prosecution. The Inspectorate requested information on the number of prosecutions for making false reports in connection with CSA, but this information was not readily available. An inspector in charge of a CPU reported supervising over 200 investigations of CSA and stated that there were no cases involving false reporting of crimes.

CASE FILE ANALYSIS

Victim and Witness Statements

To examine the practice of obtaining victim and witness statements, the Inspectorate analysed 211 CSA case files. In assessing the quality of victim and witness statements, the Inspectorate conducted both quantitative and qualitative analysis. The following issues were identified in connection with the taking of statements.

Prompt Statement Taking

There were some good examples where statements were obtained promptly, including a rape case involving a 16 year old victim where the victim statement was taken on the day that the crime was reported.

Delays in Statement Taking

There were often unnecessary or unexplained time delays in obtaining many key statements. These included:

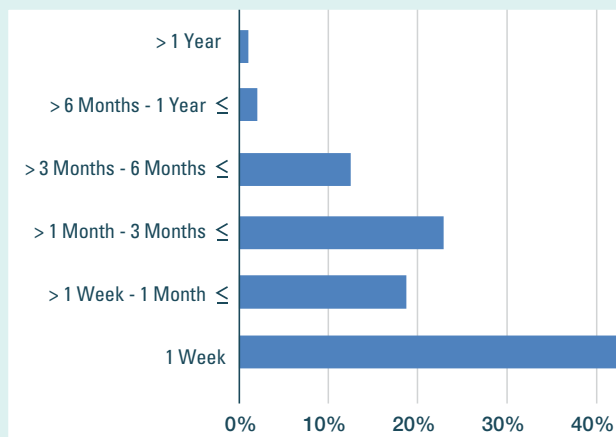
- › Delays in taking statements from vulnerable victims that included 22 days to take a statement in a rape case involving a 16 year old victim, two months to take a statement from a 15 year old victim and five months to take a statement from a child in care;
- › Many victim statements took between two and nine months to obtain;
- › Some child specialist interviews took two months to arrange;
- › There were also delays in obtaining key witness statements including a case where it took six months to obtain a statement from the wife of a known suspect; and
- › Some but not all PULSE records provided an explanation for delays in taking statements, such as the victim being ill.

Analysis of the Timeliness of Statement Taking

The following data was obtained by examining the time difference between the date recorded on PULSE when a victim reported a crime to the Garda Síochána and the date that a statement was taken or a victim interview was conducted. In most

cases, the first interview or statement taken involved the victim of the crime but in a few cases involving much younger children, the first statement may have been taken from a parent or guardian. Not all cases in the data set had a date recorded for taking a statement.

Figure 3.23 Duration between Date Reported and Date of First Statement



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This analysis shows that in 43% of cases a statement was obtained within a week of reporting a crime to the Garda Síochána. The next highest period for obtaining an account from a victim was between one and three months. The longest delay in this sample was 532 days. The longer the delay in obtaining a statement, the more likely that a victim or witness will forget important facts and, in some cases, it may influence a decision not to assist with an investigation.

Figure 3.24 examined the same sample of cases dealt with by the different types of investigation units, to analyse the difference between the reporting date and the first statement date.

For this analysis, the Inspectorate looked at cases investigated by members attached to CPUs, detective units and regular units.

Figure 3.24 Duration between Date Reported and Date of First Statement by Investigating Units

Duration	Child Protection Unit	District Detective Unit	Regular Unit
≤ 1 Week	22%	63%	45%
> 1 Week – 1 Month ≤	13%	32%	15%
> 1 Month – 3 Months ≤	39%	0%	23%
> 3 Months – 6 Months ≤	17%	5%	15%
> 6 Months – 1 Year ≤	9%	0%	0%
> 1 Year	0%	0%	2%
Total	100%	100%	100%

Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This analysis shows that detective units had the highest rate for obtaining a victim's statement within one week at 63% and had obtained 95% of all statements within one month. This compares to 60% completed within one month by regular units and only 35% by CPUs.

Quality of Statements

The quality of statements taken from victims and witnesses varied greatly from case to case and district to district. There were some excellent statements that were comprehensive and well structured, but others were very poor in quality and lacked details such as signatures and dates. There was one case where a witness statement consisted of only four lines of narrative and another with nine lines of narrative.

No Statement of Complaint

Out of 211 cases examined, 37 did not have a statement of complaint. In all cases, this effectively concluded the investigation. The main reasons for not obtaining a statement of complaint included:

- Victim was unwilling to provide a statement;
- Parental refusal to allow a child to be interviewed; and
- Clarification interviews by a specialist interviewer deemed that the victim was unable to provide evidence of an offence.

In a small number of cases, there was good information recorded on PULSE of attempts to persuade a victim to provide a statement. However, in most cases there was limited information recorded showing what activity took place to persuade a victim to make a statement of complaint. There was also limited evidence recorded on PULSE to show what action was taken to encourage resistant parents or guardians to allow a child to be interviewed. The Inspectorate did not find any evidence on PULSE that any consideration was given to taking formal action or joint action with Tusla in a case where a parent or guardian had refused consent for an interview with a child.

Withdrawal Statements

A withdrawal statement is taken after a victim or a witness has already made a statement and later decides that they do not wish to assist with a prosecution. When it is a victim statement, a further statement should be taken to formally record that they wish to withdraw the complaint. In total, there were 12 cases where a withdrawal statement was taken. This examination found:

- In some of the cases, the taking of a withdrawal statement followed a period of inactivity on the PULSE incident record and where an investigation appeared to be progressing slowly. This included a case where there were no updates on PULSE between January 2015 and July 2015 when the withdrawal statement was taken;

- › Not all withdrawal statements contained an explanation of the reasons for a victim withdrawing the statement of complaint; and
- › PULSE records did not contain details of any actions taken to encourage a victim to continue with the complaint.

This analysis has established that there has been a reduction in the proportion of cases where there was no statement of complaint or where a withdrawal statement was taken from 32% of all cases in the original inspection to 23% in this review.

Overall, this review has found that there are still unacceptably long time delays in obtaining victim and witness statements and the quality of some written statements are poor. The current Garda Síochána approach of using inexperienced members to take important statements in CSA cases is not good practice and it does not facilitate the gathering of best evidence from victims and witnesses. In all other jurisdictions visited as part of the review, victim statements are taken by detectives or experienced officers who have received additional training in sexual offences.

The Inspectorate considers that, in all CSA cases, statements from victim and witness should only be taken by garda members who are specially trained to do so.

Dealing with Suspects

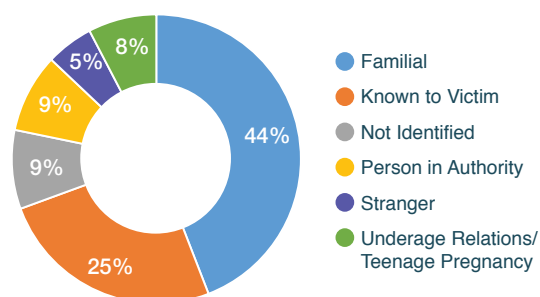
This section examines what happens to a suspect during an investigation into CSA. Unlike many other crimes, in the majority of CSA cases, the suspect is often known to the victim or can be identified by other witnesses. In these types of cases, suspects often include family members or people associated with the victim's family.

CASE FILE ANALYSIS

Status of Victim to Suspect

In a sample of 170 CSA investigation case files across the seven districts, the Inspectorate examined the connection between a victim of abuse and the named suspect in the PULSE record. Figure 3.25 shows the status of the victim in relation to the suspect grouped into six main categories.

Figure 3.25 Status of Victim to Suspect



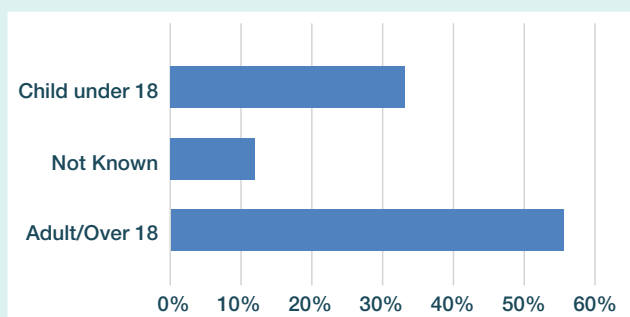
Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

In this sample of cases, most suspects were known to the victim or their family and only 14% were described as a stranger or a suspect who was not identified. The sample shows that 44% were described as familial and another 25% were known to the victim, such as neighbours or family acquaintances.

Further analysis of the cases described as familial, indicate the highest groupings were father (19%), cousin (15%), uncle (15%), brother (13%) and stepfather (10%). In two cases, female relatives were recorded as suspects, although in some cases it was difficult to work out the gender of the suspect as PULSE only recorded the word cousin. This data confirms that many of the suspects involved in CSA are related to the child or have a connection with the family.

Suspect Age Profile

Figure 3.26 shows an age breakdown of the identified suspects in the sample of 170 case files examined by the Inspectorate. This shows whether the suspect was a child or an adult at the time of the occurrence.

Figure 3.26 Suspect Age Profile

Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

In 12% of the 170 cases, the age of the suspect was unknown or was not recorded on PULSE. Of the remaining cases, 33% had an identified suspect who was under 18 years of age. This data shows that children also present a real and significant risk in connection with CSA.

Once a CSA crime is reported to the Garda Síochána, it has a duty to conduct a thorough investigation and, where possible, to bring those responsible to justice. There are a number of laws, rules and garda policies in place that govern the questioning and treatment of suspects including garda powers to arrest, to question and to conduct investigations. In the *Crime Investigation (2014)* report, Chapter 9 was dedicated to dealing with suspects, and included a recommendation that the Garda Síochána conduct an examination of the process of dealing with named suspects in a criminal investigation.²²

Legislation

Irish law differs from legislation in other similar jurisdictions in respect of powers of arrest, detention in custody and police bail of suspects. In Ireland, an arrest may be made with a warrant or, if there is a common law or statutory power to do so, without a warrant. CSA offences are some of the more serious crimes that carry maximum penalties of life imprisonment for offences such as rape or defilement of a child. While a power of arrest exists, an investigator can make a decision not to make an arrest and instead can invite a suspect to attend a garda station to afford them an opportunity to provide an account of the circumstances of the case.

Gathering Evidence

In most cases, an investigation into CSA will require extensive enquires to find witnesses and to gather medical and other relevant records. In historical cases, there can be additional challenges in gathering evidence that may no longer be available, such as injuries to the victim, CCTV, a crime scene and other forensic opportunities. The Inspectorate was informed by gardaí of all ranks that there is effectively one opportunity to arrest and interview a suspect and before that happens, the investigator needs to gather all evidence that is available for a suspect interview. As a result, any unnecessary delay in gathering evidence may prolong the process for dealing with a suspect.

When a victim is still a child at the time that a crime is reported, an investigator will usually wait for the specialist interview to take place before considering an arrest or an interview with a suspect. This is often a reason provided for not arresting at the time of first dealing with a suspect.

Conducting Suspect Interviews

As highlighted earlier, the garda policy on sexual offence investigation stipulates that Level 3 trained garda interviewers should be considered for conducting interviews with suspects. During inspection visits, the Inspectorate found that many investigators were not aware of this policy requirement. Some investigators thought that Level 2 officers were the appropriate level and stated that in many cases, interviews were delayed because of the unavailability of Level 2 Interviewers, rather than Level 3 Interviewers. The Inspectorate met many investigators who had conducted numerous interviews with suspects with limited or no formal training.

Making an Early Arrest

The Crime Investigation (2014) report looked at the issue of making an early arrest and identified many advantages including:

- Creating an earlier opportunity to interview a suspect;
- Increasing opportunities to secure corroborating/ forensic evidence before it can be destroyed, such as clothing worn by the

suspect;

- > Reducing the opportunity for suspects to re-offend, particularly in cases of sexual abuse;
- > Reassuring a victim that the case is progressing expeditiously; and
- > Reducing the time for suspects to set up alibis.

The *Garda Crime Investigation Techniques Manual* is a comprehensive reference document for investigators dealing with more serious crimes. The manual states that in an ideal situation, a suspect should not be interviewed until the preliminary investigation is complete; e.g. the scene of the crime has been examined, evidence of a technical nature collected and written statements are taken from witnesses.

However, it also states that a suspect should be interviewed as quickly as possible after the crime. It further states that every minute that elapses between the commission of the crime and the time of interviewing affords the suspect an opportunity to compose themselves, to fabricate alibis or to communicate with their accomplices.

A delay in making an arrest can also have a significant impact on the confidence of victims and their families. Delays may also provide an opportunity for a suspect to contact a victim or witness to persuade or intimidate them to withdraw their allegation.

Across the seven districts visited, there was a general, consistent view that powers of arrest for CSA offences are not always used when they should be.

CASE FILE ANALYSIS

Duration Periods for Making Arrests

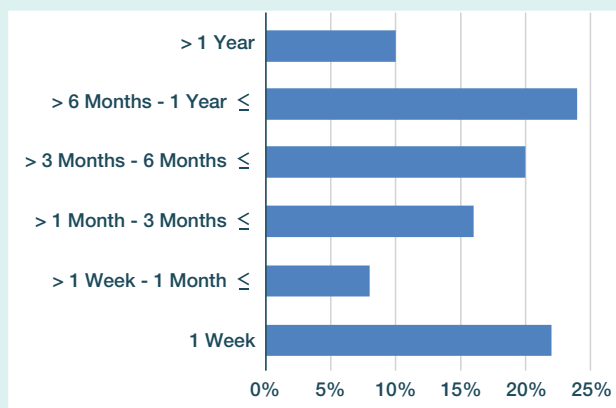
On examination of a sample of 170 investigation files, there were 50 cases where the date of an arrest or arrests were recorded. This analysis confirms that arrest is not always an option taken in CSA cases. Where a person or persons were arrested at some point during the investigation it was found that many of the cases involved persons who were identified by the victim. The following are examples where there were significant

delays in making arrests and there was no rationale explaining why:

- > A case that took nine months to arrest a neighbour;
- > A case where it took a year to arrest the grandfather of a victim;
- > A case where it took seven months to arrest the victim’s cousin; and
- > A case involving the father of a victim who was not arrested until 18 months after the report of the crime.

The following data examines the length of time between the date the crime was first reported and the date of an arrest. The data is displayed across six time periods from less than one week to greater than one year. In this analysis, the Inspectorate found one district used their arrest powers more often than the others.

Figure 3.27 Duration between the Reported Date and the Date of Arrest



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

In only 22% of those cases where an arrest took place, was it made within a week of a crime being reported to the Garda Síochána. In 54% of cases, an arrest was made between three months and more than one year after the report was made. In one case, it took 638 days to make an arrest. Unnecessary delays in arresting a suspect may create a risk that a suspect commits further offences.

Quality of Suspect Interviews After Arrest

Copies of records of suspect interviews conducted by investigating officers were only supplied in a small number of cases. In one of those cases, inappropriate comments were made during the interview by a garda member and this was the subject of adverse comment by the DPP.

Invitation to Attend a Garda Station

There are other options available to an investigating member other than making an arrest, such as inviting a person to attend a garda station to assist with the investigation by providing an account of what has happened. This is not an arrest and the person must be informed on arrival that they are free to leave at any time. If a person decides to leave at this point, a member has the option to arrest. When a person voluntarily attends, they are usually cautioned and the interview will take the form of a statement under caution or a memorandum interview where the investigator is able to ask a series of questions and record the answers from the suspect. Many investigators who met with the Inspectorate said that they preferred using the memorandum interview as it allowed them to ask specific questions about the case.

CASE FILE ANALYSIS

Duration Periods for Interviewing Suspects Invited to a Garda Station

On examination of the 170 case files, there were 54 cases where a person or persons were invited to voluntarily attend a garda station for an interview. However, only 36 had the date of the interview recorded. Similar to the position found with making arrests, the Inspectorate found many examples of significant and often unexplained delays in conducting interviews with suspects including:

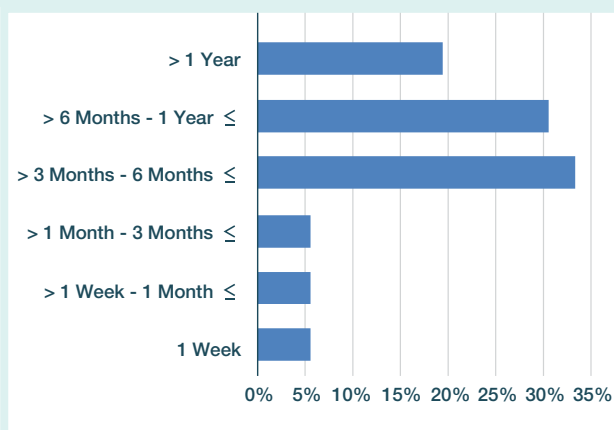
- > A case that took 15 months to interview a teacher;
- > A case that took 16 months to interview a cousin of the victim; and

- > A case where a suspect had still not been interviewed 20 months later.

In many of the cases examined, the identity and location of the suspect was known to the victim and to the Garda Síochána.

Figure 3.28 shows the analysis of the 36 cases where a suspect was interviewed broken down into six time periods ranging from less than one week to greater than one year.

Figure 3.28 Duration between Reported Date and Date of Voluntary Interview



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This shows that 6% of the suspects were interviewed under voluntary caution within a week of the crime being reported to the Garda Síochána and 18% within the first three months. In 50% of cases, it took longer than six months to conduct an interview and in 19% of cases, it took longer than a year, including a case where it took 538 days. These are significant delays in interviewing suspects. The Inspectorate had expected to see interviews take place far sooner than arrests, but as this data shows, voluntary interviews took much longer.

Quality of Interviews

There were very few copies of caution statements and memorandum interviews in the case files presented to the Inspectorate for examination. In cases where they were provided, the Inspectorate found them to be generally of a poor quality and lacking key detail. These included:

- › A historical case where the caution statement lacked detail and consisted of only one page; and
- › A case involving four victims, where the memorandum interview was poor in quality, lacked detail and consisted of just eight questions.

Quality of Investigation Case Files

This section looks at the overall findings from the examination of 211 CSA investigation case files. In all districts visited, case files are retained by the investigating member who has the responsibility for collating evidence and submitting a final report outlining the circumstances of the case and making a recommendation to the district officer on whether a case should be prosecuted or not. The Inspectorate found two very different types of file in use. For investigation purposes, a less formal case file is used and the Inspectorate found that it contained evidence gathered such as statements and usually a copy of a PULSE incident record. Where a case was going to be sent to the DPP for a prosecution decision a more formal file was used. At the time of examining case files, many investigations were still ongoing and had not progressed to a prosecution file. Prior to attending districts, the Inspectorate provided the details of specific CSA cases required for examination.

CASE FILE ANALYSIS

Key findings from the examination of investigation case files

Missing or Incomplete Case Files

In some cases, investigation files requested by the Inspectorate could not be found or the file that was presented for examination was a copy of the original file. In these cases, the files were brief and in some cases, it only consisted of a PULSE incident record. In some cases where a file was provided, it was found not to contain all of the documents associated with the investigation of a case.

High Quality Investigations

The Inspectorate found a number of high quality investigations including:

- › An excellent and comprehensive investigation/prosecution file for a case of rape which spanned four volumes of case papers;
- › A case where the father of a child and the suspect for CSA left the country. When the suspect returned, the investigator took immediate action to make an arrest and to take the children into protective custody. This investigation was conducted diligently and expeditiously to bring the case to a successful outcome; and
- › A very comprehensive investigation into a complex case of CSA involving multiple family members.

Poor Quality Investigations

The Inspectorate found a number of poor quality investigations including:

- › In one case, a note from the district officer highlighted serious delays and deficiencies in the investigation of the case and it included a recommendation for discipline. A note from the DPP in the same case also highlighted concerns with significant delays in progressing the investigation;
- › A case reported in February 2014, where the investigation file was very poor. Six months later, the mother of the victim complained about a lack of action and in March 2016 a new investigating member was appointed; and
- › In a case notified to gardaí in 2011, the member did not record the crime on PULSE. A year later a different member spoke to the mother of the victim and she enquired what was happening to the case. Again, the case was not recorded on PULSE and no apparent action was taken. Some two years later, a sergeant identified that the case had not been investigated and that it was not recorded on PULSE. The sergeant instructed the original garda to record the crime and to conduct an investigation.

Gathering Evidence

There were some good examples of gathering evidence but in other cases there were unexplained delays in taking action including:

- › A case where a thorough investigation took place in which CCTV was obtained, premises were searched and five arrests were made quickly;
- › There were several cases with significant delays in obtaining statements from victims, witnesses and suspects; and
- › There were a number of cases where a supervisor had instructed investigating members to take actions and, despite repeated requests, the actions were not progressed. This included a case where an investigating member was sent several reminders to obtain a birth certificate.

Progressing Actions

In a number of cases there were unexplained delays in progressing investigations including:

- › A request from the Garda Youth Diversion Office (GYDO) asking for more information on a case that was sent in March 2015 but the additional information was not supplied until September 2015;
- › There were delays in several cases that appeared to be linked to the reassignment of the case to a new investigator. This included a case that was reassigned twice. In one case, the newly appointed investigating officer made an entry on PULSE to disassociate themselves from the previous delays in progressing the case;
- › There were cases with long delays due to investigators on long-term sickness absence;
- › In some cases, following limited investigative action, cases were reassigned to CPU members and this included the reassignment of a case after eight months; and
- › In one case, limited action was recorded for 13 months and the PULSE narrative had a comment from the investigating officer highlighting difficulties in contacting the suspect. This was later reassigned and, on the appointment of a new investigating

officer, the suspect was engaged within a short period of time and the case was eventually progressed.

There were comments on several case files from sergeants and superintendents highlighting long and unnecessary delays in progressing cases and in one case, discipline proceedings were mentioned.

Investigation Updates

There were a number of cases where there were significant gaps in recorded updates either on the case file or on the PULSE record. This included:

- › A case where the suspect had not been dealt with and there was no update for 12 months;
- › Cases where no updates had been included in the preceding four to 12 months;
- › There were several cases where supervisors had asked for updates and actions to be taken that were slow to be progressed; and
- › In one case, no action was recorded in the investigation file or on PULSE between April 2014 and February 2015.

Timeliness of Investigation

During visits to the seven districts, supervisors highlighted variances in the time allocated for conducting investigations. This included references to the garda policy that states that investigations should be conducted within three months. Most district superintendents provide three months to an investigator but stated that cases can take six to nine months to complete.

A few cases were progressed with pace, including a case reported in May 2014 where the offender was convicted at court in July of the same year. However, many investigations appeared to drift and there were delays at key stages including the taking of statements, the arrest or interview of suspects and the submission of case files to the DPP.

Supervision

Consistent and intrusive supervision is necessary to ensure the effective investigation of CSA. During the course of visits, the Inspectorate met many committed and professional supervisors at sergeant, inspector and superintendent rank. As highlighted in previous Inspectorate reports, a common concern raised by members of these ranks was the limited amount of time available to supervise their teams, particularly in relation to crime investigation.

This review found that CSA crimes are investigated by various units and crimes are allocated to investigators in many different ways depending on the district. Having different allocation and investigation systems in place certainly contributed to inconsistencies in the supervision levels of cases found by the Inspectorate. Where a CPU was in operation, the Inspectorate understandably found a much higher level of interaction between supervisors and investigators within the unit. Where a CPU was not in place, supervision was generally the responsibility of the investigating member's own supervisor. In many places, CPU sergeants also reported that they try to monitor all CSA cases within their districts including those that are investigated by members attached to other units. Most supervisors who met with the Inspectorate had not received any specific training in the investigation or management of CSA.

One district with a CPU allocates all CSA crimes to that unit and has found this to be a much better system for supervision. This replaced the previous system of crimes investigated by members from different garda stations within the district, supervised by a large number of individual sergeants and inspectors attached to those stations.

CASE FILE ANALYSIS

Supervision

As part of the examination of 211 case files, the Inspectorate looked at the issue of supervision. This analysis relied on a supervisor making an entry on a PULSE record or including a memorandum or note in a case file. The Inspectorate expected to see an

investigation plan in the case file or on a PULSE record that was agreed between the investigator and supervisor clearly setting out the necessary investigative actions.

Case File Supervision

In 60% of the cases examined, the Inspectorate found evidence of a supervisor checking a case file but there was often no date recorded of when this took place. In many cases, the supervision of a case file appeared to coincide with the conclusion of the investigation and the submission of a case file to the district superintendent for prosecution directions.

The following are some of the key points found in connection with supervision:

- A few cases showed good evidence of intrusive supervision and this included cases where supervisors found inconsistencies in witness statements or cases where statements were not signed;
- There was no evidence of any investigation plans or strategies in these cases;
- There were significant numbers of cases where investigations appeared to drift for long periods without any updates on PULSE or additions to a case file. In these examples, there was an absence of recorded supervision addressing any delays;
- There were cases where significant delays in investigations were the subject of adverse comments by supervisors, but this was at the stage where the case file was submitted for directions;
- There were several cases where clear instructions from a supervisor were not complied with, including a case where a superintendent sent six reminders over a two year period to a member instructing them to send a child protection notification to Tusla; and
- There were a number of cases where investigation leads were not progressed and there was an absence of recorded supervision. This included cases where suspects were identified but no action was taken to interview or arrest them. In other cases, it took a long time to deal with a suspect.

PULSE Supervision

- › There was limited evidence of supervision of cases recorded on PULSE incident records; and
- › There was no evidence of any investigation plans or strategies recorded on PULSE.

Investigators generally reported that investigation plans are not set by, or agreed with, supervisors and in most cases the investigator determines how the investigation will proceed.

Crime Management and Quality Assurance Processes

In the absence of a specific crime/case management system, PULSE is used to manage and supervise the investigation of a crime including a crime of CSA. This section looks at the use of PULSE to perform this function and the quality assurance processes in place to ensure a crime is investigated diligently and expeditiously.

PULSE 6.8

In November 2015, the Garda Síochána introduced an update to the PULSE system (PULSE Release 6.8) which included a number of positive changes to the management and supervision of PULSE incidents. This includes the assignment of a named sergeant for supervision purposes to each PULSE incident and new tabs on PULSE to record investigative actions and contact with victims of crime. This system has a number of good supervision enhancements including the flagging of a PULSE incident created at a date after the date it was first reported to the Garda Síochána. It also highlights incidents that were reclassified to a different category on PULSE. This system was introduced after most of the analysis of PULSE records and case files examined as part of this review had taken place. The Inspectorate believes that this upgrade will enable much better supervision of investigations for those crimes now reported to the Garda Síochána. Crimes reported before the new system started are not retrospectively included in PULSE 6.8 and are managed under the previous system.

Daily Review of PULSE Incidents

To support the PULSE 6.8 process, it is important that district superintendents hold a daily review (Monday to Friday) process called a Performance Accountability Framework (PAF) meeting to check all incidents recorded on PULSE since the time of the last meeting. Functions of the PAF meeting include checking that the classification of an incident is correct, determining who will investigate a crime and setting a review date to check the progress of the case.

For example, in a case of CSA, superintendents use this process to decide if the case should be reassigned to a more experienced member, and for most CSA crimes the review date set will usually be within three months. With less serious crimes, the average review date set for a case is 30 days. Some districts are now holding PAF meetings seven days a week to ensure that crimes reported at some point after the Friday PAF meeting do not drift through the weekend until the Monday meeting is held. District superintendents also have the responsibility for closing investigations that are complete.

To assist superintendents, districts have appointed a number of PAF administrators who are usually gardaí with responsibility for recording actions from PAF meetings and for tracking cases that are subject to reviews. PAF administrators informed the Inspectorate that they received good training on PULSE 6.8 but no training was provided to other garda members or to front-line supervisors.

A consequence of putting lots of cases back for review is that the list of investigations that need to be reviewed at some point in the future increases. At the time of this review, most superintendents were opening more new cases than closing existing ones and they were struggling to keep pace with the growing volume of cases that required a review. In one of the districts visited, which has high levels of reported incidents, the weekly review list ranged from 300 to 600 cases. To manage the review process some superintendents have created an additional weekly meeting, sometimes lasting several hours, to conduct case reviews. Part of the solution to this problem is to reduce the time that investigators are taking to complete investigations and for superintendents to be more robust in closing cases that cannot

be progressed any further. The Garda Síochána is aware of the need to close more investigations and is encouraging superintendents to become less cautious and to close cases with no reasonable prospect of a prosecution.

Inspections and Reviews

In 2014, the Garda Síochána introduced a revised process for conducting inspections and reviews at regional, divisional and district level. This process can be used to check the progress of criminal investigations.

It is the responsibility of the relevant regional assistant commissioner, divisional chief superintendent and the district superintendent to carry out these reviews, which include examining ongoing and completed investigations. In most places visited, senior gardaí explained that reviews of criminal investigations tended to focus on the progress of more serious cases and concentrate on case progression and outcomes, rather than the quality of the investigation conducted.

Garda Professional Standards Unit Examinations

As part of the Garda Professional Standards Unit (GPSU) examination process, a sample of different investigation case files are examined in detail. To explore the outcome from GPSU examinations, the Inspectorate requested copies of the divisional examinations of Laois/Offaly and DMR Northern Divisions. These two examinations included districts that were visited by the Inspectorate. The Inspectorate also examined GPSU reports for Sligo/Leitrim and Wexford Divisions. All of these examinations took place between 2013 and 2015.

One part of the examination included case reviews to assess the quality of sexual assault investigations and to check compliance with the policy on investigation of sexual crime. These examinations included a number of CSA cases.

All of the CSA case files reviewed by the GPSU in Sligo/Leitrim Division were described as good investigations with one rated as excellent. This included both new and historical cases. The examination notes that one rape investigation was concluded within a month and another within two months. Files were described as comprehensive and in one case the DPP had provided positive feedback.

Key findings by the GPSU from the other three divisions were as follows:

- Some good investigations were conducted;
- Cases with a named suspect were not always progressed, including a case that was two years old and the suspect had not been interviewed;
- The introduction of a CPU in a district improved the supervision of incidents;
- In one district, three out of five cases examined had statements, which were of poor quality, not dated or lacked detail;
- Investigations were not always reviewed by a supervisor and one division had 52 cases with outstanding reviews that were more than 12 months old; and
- Not all cases that should have gone to the DPP were sent and there were long delays of up to two years in submitting cases to the DPP.

Two divisions in particular had a significant number of cases where limited investigative action had taken place over extended periods. These included:

- Cases in 2000 and 2005 that were updated in 2012;
- Cases from 2002, 2003, 2006 and 2009 with no evidence of any investigative actions;
- A rape investigation that was not updated for eight years;
- A sexual assault case in 2005 where proceedings were commenced against a suspect but PULSE was never updated.

Many of these cases were over ten years old at the time of the examination and very little action had taken place since they were first recorded on PULSE. The GPSU continues to find many areas of good practice and areas of concern also found by the Inspectorate as part of this review. It is important that good practice and lessons learnt during GPSU examinations are shared with other garda divisions to ensure that sexual offences are investigated diligently and expeditiously. The Inspectorate believes that good practice identified by the GPSU in the Sligo/Leitrim Division should be used to help other divisions to improve the timeliness and quality of CSA investigations.

Public Complaints

The Garda Síochána Ombudsman Commission (GSOC) regularly receives complaints from victims and families regarding poor recording practices and inadequate investigations of sexual offences, including cases of CSA.

Common themes identified in GSOC complaints include:

- › Failures to record criminal complaints on PULSE and subsequent failures to conduct criminal investigations;
- › Long delays in conducting investigations;
- › Inadequate investigations; and
- › Poor follow-up with victims and families.

GSOC has identified the absence of intrusive supervision of sexual offences investigations as a recurring issue. Some of the criminal complaints were first made to the Garda Síochána many years ago and in several cases more than ten years previously. In some cases, the victim recontacted the Garda Síochána on a second and much later date and, on requesting an update, found that their case was not recorded as a crime and no investigation had taken place. In many of these cases, an investigation only commenced after the second contact by the victim. Invariably, in cases where there were significant delays, the victim was informed that the DPP had directed that no prosecution should take place and many victims perceive that this outcome was influenced by the extended delays in conducting investigations.

Two specific complaint cases investigated by GSOC arose from two reports of CSA in 2008 by children from different families but against the same suspect. At the time of the offences, the children were aged seven and eight and the identified suspect was aged 15. GSOC found significant delays in the investigation of both cases, which led to the appointment of a new investigating member. By the time that the investigation was finally concluded, the suspect was an adult and, following a judicial review, a prosecution was prohibited. While no disciplinary action was recommended against any member, GSOC found that an excessive

amount of time had elapsed between the date that the crime was first reported and the date that the suspect was eventually charged. GSOC found that investigation delays resulted from a lack of knowledge as well as deficiencies in communication and training. There were serious systemic failures in these cases.

The GSOC investigation report contained a number of recommendations, including restating a recommendation on offender management contained in the *Crime Investigation (2014)* report.²³

Summary of Supervision of CSA Investigations

To ensure effective investigation of CSA cases, there is a requirement for frequent and intrusive supervision by suitably trained and skilled supervisors. Supervision also needs to be supportive, particularly in cases where inexperienced gardaí are investigating this type of serious crime. Supervisors should set investigative plans and agree clear timescales for taking actions, including the arrest or interview of suspects. Supervision of crime investigations is an area that featured many times in the *Crime Investigation (2014)* report and was the subject of specific recommendations to enhance the direction and supervision of crime investigation.²⁴ These recommendations are still valid in the context of a CSA investigation. The introduction of PULSE 6.8 is a positive change and the Inspectorate believes that it will facilitate better supervision of criminal investigations.

Referral of Cases for Decisions

When an investigation is complete, the investigator should send a case file to their supervisor to check that all necessary actions are complete. Once the file is checked by a supervisor, it should be submitted to the district superintendent for a decision on the disposal of the case. In some districts visited, additional case file checking processes are in place. In one district, all case files for CSA are checked by one of two nominated inspectors before they go to the district officer. If there are still outstanding enquiries, the

23 *Crime Investigation (2014)*: Recommendation 10.1

24 *Crime Investigation (2014)*: Recommendations 6.20 and 6.31

case is returned to the investigating member to complete the required actions.

Role of the District Superintendent

District superintendents are responsible for managing the investigation of all crimes that are committed within their area. They also have a pivotal role in determining the disposal of a case within their remit or referring cases to the GYDO or to the Office of the Director of Public Prosecutions (ODPP) for case decisions. In cases involving adult offenders, there is an expectation that a file will be sent to the ODPP. All offences involving offenders under 18 years of age must be sent to GYDO for a case decision. In some circumstances, a superintendent can decide not to refer a case where, for example, there is no victim statement of complaint or the victim is unwilling to assist with a prosecution. In such cases, the district superintendent can decide that the case is effectively closed, pending a victim changing their mind.

Garda Youth Diversion Office

Where a case of CSA involves a suspect under the age of 18 it should be referred to GYDO, which is the authorised body for making all case disposal decisions. This includes the most serious offences such as homicide and sexual assault. GYDO has two main options: firstly, to consider whether a person is suitable to be placed on a youth diversion scheme, and this may be accompanied by a caution for the offence. Secondly, GYDO can decide that a person is unsuitable for the youth diversion scheme due to previous offending or the seriousness of the offence. In making a determination, GYDO takes account of a number of factors including:

- › Whether the person admits the offence;
- › The gravity of the offence; and
- › Rights of society and the rights of the young person.

To assist with decision making in CSA cases, GYDO may request additional information from the investigating member to ensure that they make a decision based on all available information. GYDO is further assisted by a number of Juvenile

Liaison Officers (JLOs) attached to garda divisions who manage young offenders admitted to the diversion scheme. JLOs complete suitability reports on young offenders which are sent back to GYDO for a final decision. Where a case is assessed by GYDO as suitable for a caution, the case is sent back to the JLO to arrange for the caution to be administered. Where a case is deemed unsuitable for the scheme, it is referred back to the investigating member to deal with the case and where appropriate to progress a criminal prosecution. The Inspectorate was informed that some JLOs have concerns about their ability to manage high-risk or emotionally disturbed young offenders on the scheme who have committed sexual offences. JLOs also raised concerns that not all young offenders convicted of sexual offences are subject to compulsory treatment programmes.

In the *Crime Investigation (2014)* report, the Inspectorate fully examined the role of GYDO and made a recommendation to amalgamate GYDO with other justice agencies into a co-located and fully integrated youth offending team.²⁵ The report also raised concerns about GYDO making case disposal decisions in the most serious of cases and included a recommendation that the Department of Justice and Equality should examine the role of GYDO in pre-charge decision-making processes for juvenile offenders suspected of serious crimes such as rape.

This review has identified an anomaly in dealing with offenders who were under 18 years of age at the time of the offence. In historical CSA cases, an offender who was under 18 at the time that the crime occurred, but who is now an adult, can still request that their case be referred to GYDO. This is not an infrequent occurrence and the Inspectorate found an example in the case files examined as part of this review.

Figure 3.29 shows the outcome of cases referred to GYDO by garda investigators and includes all child sexual offence incident types for the period 2012 to 2014. This sample of analysis only includes cases where the suspect(s) were under the age of 18 at the time of the offence.

25 *Crime Investigation (2014)*: Recommendation 10.1

Figure 3.29 Outcomes of Referrals made to GYDO 2012 to 2014 by Sexual Offence Type

Incident Type	Formal and Informal Cautions	No Further Action	Request for more Information	Unsuitable Cases	Still Open	Total Referred
Aggravated Sexual Assault	1	0	0	1	0	2
Buggery	0	0	0	4	0	4
Incest	0	0	0	5	0	5
Indecency	3	0	1	3	0	7
Rape of a Female	7	12	7	105	5	136
Rape Section 4	4	1	1	38	1	45
Sexual Assault	92	34	19	257	17	419
Sexual Offences – Criminal Law Act 2006	15	43	4	36	1	99
Sexual Offence involving a Mentally Impaired Person	0	1	0	2	0	3
Total	122	91	32	451	24	720

Source: Data supplied by the Garda Síochána: analysis by the Garda Inspectorate

This shows that a total of 720 young offenders were referred to GYDO in this three-year period and at the time of the information request 24 of the cases were still open and 32 had requested additional information. Of the 664 cases where a decision was made by GYDO, 122 resulted in a decision to caution an offender, 91 resulted in no further action and 451 were deemed as unsuitable cases for the diversion programme and returned to the original investigator to progress a prosecution. In the *Crime Investigation (2014)* report, the Inspectorate found examples where cases returned to the original investigator were not progressed. A recommendation was included in that report to ensure that cases deemed as unsuitable for the diversion scheme are progressed towards prosecution.²⁶

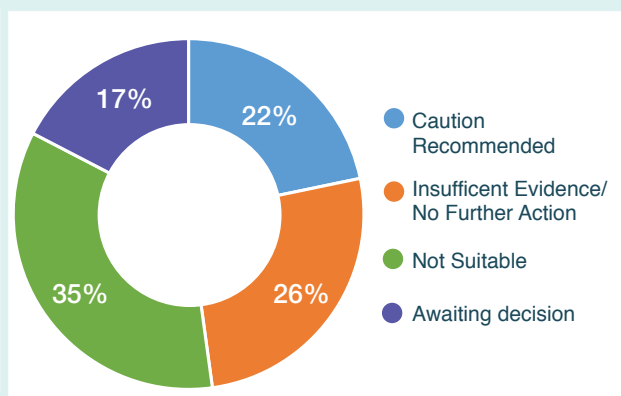
With regard to decision making, 17% of cases with an outcome resulted in an informal or a formal caution for the offender. While each case and each offender require individual assessment, a large proportion of suspects engaged in this process received cautions for serious offences including 11 cases of rape and one case of aggravated assault.

CASE FILE ANALYSIS

GYDO Referral and Juvenile Cautions

In the examination of a sample of 170 cases of CSA, 23 cases involved young offenders and were referred to GYDO. Figure 3.30 shows the outcome for those cases.

Figure 3.30 Outcomes for files referred to GYDO



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

26 *Crime Investigation (2014)*: Recommendation 10.2

This shows that 22% of the cases that were referred to GYDO for a decision resulted in a juvenile caution (formal, informal or restorative), including an offence of rape. A further 35% of cases were deemed unsuitable for the diversion scheme and were returned to districts to consider a prosecution. In total, 26% of the cases were recorded as having insufficient evidence to take any further action.

There were five juvenile restorative cautions recorded on PULSE, including four cautions for sexual assault and a caution for rape.

The outcome of the recommendation made by the Inspectorate in the *Crime Investigation (2014)* report to examine the role of GYDO in pre-charge decision making has not yet been finalised.²⁷ This matter needs to be addressed and the Inspectorate is again highlighting the need for a cross-departmental group to examine the role of GYDO in the pre-charge decision-making process. The Inspectorate maintains its position that the DPP and not GYDO should be making case disposal decisions in serious cases such as CSA.

Office of the Director of Public Prosecutions

The ODPP has the authority to make decisions on the prosecution of cases in the State. However, the DPP has the power under section 8 (4) of the Garda Síochána Act, 2005 to delegate that authority to members of the Garda Síochána to make prosecution decisions in certain circumstances. This is conducted under an instruction entitled General Direction No.3, which was issued on 8 November 2011. Also contained in the direction is a list of alleged offences that must be referred to the DPP for a decision on prosecution; offences of a sexual nature are included in that list. The DPP is independent and has no power to direct investigations or individual investigations.

In CSA cases, where a victim provides a statement of complaint and an adult offender is identified, cases should be referred to the DPP to make prosecution decisions. This also includes cases where, after providing a statement of complaint, a victim later withdraws their complaint.

During inspection visits, the Inspectorate found very different practices operating across the seven districts for referring cases to the DPP, with some districts sending every case, irrespective of the quality of evidence, and other districts being more selective in the cases that were referred.

As part of this review, the Inspectorate met with senior representatives of the ODPP who made the following points in connection with the investigation and prosecution of CSA:

- It was noted that as no ministerial regulation was made under section 47(c) of the Children Act 2001 the decision to divert a child was a matter for the GYDO and not the DPP in such serious cases as rape;
- Many cases are unnecessarily referred to the ODPP for decisions, such as those where there is no nominated suspect or the suspect is deceased;
- The ODPP does not have a specialist sexual assault section;
- A protocol is in place with the HSE (which Tusla applies) regarding disclosure and it is working well;
- The ODPP pre-charge advice is not routinely sought by garda investigators;
- Sexual assault cases (children and adults) account for 17% of all cases sent to the ODPP;
- The ODPP tracks the timelines of cases from the date sent for directions to the date of the outcome of the case;
- The ODPP victim satisfaction is not measured;
- The ODPP is working with the Garda Síochána to explore options for child pornography cases in terms of grading the case for sentencing purposes; and
- The ODPP has appealed sentences for CSA, viewed as unduly lenient.

27 Crime Investigation (2014): Recommendation 10.1

Specialist Prosecution Units in other Jurisdictions

Unlike other similar jurisdictions, the ODPP does not have a specialist sexual assault section and CSA cases are decided by lawyers in the Directing Division. Decision making is centralised in a relatively small group of lawyers in Dublin, which assists in ensuring consistency of decision making and shared knowledge of issues involving CSA. The ODPP is currently considering establishing such a unit and as part of that process has examined the experience of other jurisdictions. In some other jurisdictions, prosecuting authorities have moved towards specialist units. This includes Scotland, where the Crown Office and Procurator Fiscal Service established a National Sexual Crime Unit in 2009, and at the time of a visit to the PSNI, the Public Prosecution Service for Northern Ireland had just established a serious crime unit that deals with a range of offences including homicide and rape.²⁸

In 2013 in England and Wales, the Crown Prosecution Service (CPS) established regional Rape and Serious Sexual Offences (RASSO) units to deal with this type of crime. These units are staffed by specially trained lawyers, paralegal officers and a team of caseworkers, offering specialist legal advice, decision making and support to victims. The unit works closely with a number of other organisations, including the police, to improve the service that is offered to the victims of rape, CSA and all other serious sexual offences.

The cases dealt with include:

- › Rape cases, including attempted rape;
- › CSA cases, including historic cases;
- › All other serious sexual offences; and
- › All allegations of perverting the course of justice or wasting police time which arise from false accusations of rape and domestic violence.

Considerable work has been undertaken by the CPS to improve outcomes in rape cases.

In 2015, the outcomes of an independent review examining the investigation and prosecution of rape cases by the Metropolitan Police Service and the CPS was published.

This review made a number of key recommendations including:

- › Increasing the number of lawyers dealing with rape and serious sexual assault cases;
- › Providing bespoke training to first responders to address issues of myths, stereotypes, consent and vulnerability in rape cases;
- › Researching with victims to better understand what outcomes are important and how they could be measured; and
- › Providing a better model for early investigative advice.

Many of these recommendations resulted in actions to address these areas. In particular, training for front-line officers was delivered to address important issues in connection with the response of officers who have first contact with victims of CSA. The Inspectorate believes that these are relevant issues that need to be addressed in Ireland and very useful lessons can be learnt from this review.

28 The Crown Office and Procurator Fiscal Service is the Scottish public prosecution authority

Pre-Charge Advice

Access to pre-charge DPP advice for garda investigators is not as developed in Ireland as in many other jurisdictions. Many investigators do not have direct access to the DPP or State solicitors for pre-charge advice and must go through their district officer. Indeed, only an inspector or ranks above can contact the DPP. The DPP explained that this reflects the fact that there are fewer than 20 lawyers in the Directing Division available to give directions on all serious indictable crime in the country. It was further explained that the Garda Síochána is of the view that it is good practice that such matters be channelled through an inspector or higher rank and has so directed. Some national unit investigators dealing with more serious crimes or complex investigations reported that they have easier access to DPP advice. In crimes such as homicide, senior gardaí described an excellent relationship with the DPP and had ready access to advice. For CSA investigations, however, the access is more limited.

In the case of a charging decision outside of office hours, the DPP operates an on-call telephone service. Early advice is important and it can assist an investigator to identify further and critical actions required to progress a case to prosecution. The DPP informed the Inspectorate that it does give advice when requested and needed in CSA cases. As no CSA suspect can be charged without the directions of the ODPP, the office is involved in every case pre-charge. When the investigation file is submitted the directing officer can raise inquiries and seek further evidence if necessary before taking a final decision to charge. This constitutes advice on the case. The ODPP also receives preliminary files in this area if there are legal issues that need to be clarified during the investigation. In addition, the ODPP provides training and guidance to the Garda Síochána in this area.

In some policing jurisdictions, investigators of all crime types (serious and less serious) have formal processes to access pre-charge advice on a case. This allows an investigator and a prosecutor to discuss the merits of a case and identify any additional investigative actions that need to

be taken. This has two distinct benefits. Firstly, fewer cases are sent to prosecutors where there is insufficient evidence to proceed and secondly, fewer cases are returned for additional enquiries. The Inspectorate supports the concept of obtaining pre-charge advice and believes that there should be a process in place to access this advice. This was the subject of a recommendation in the *Crime Investigation (2014)* report.²⁹

In the Norfolk Constabulary in the UK, a lawyer from the CPS was embedded in their RASSO unit for a year to provide advice on complex cases (CSA in institutions and multiple offences).³⁰ This provided easier access to legal advice and facilitated face-to-face meetings. Initial findings showed that only 10% of case files were returned for further action compared to the previous average of 75% and investigation times were reduced by an average of 40 days per case.

Whilst respecting the independence of the DPP, the Inspectorate believes that the efficiency and effectiveness of the Garda Síochána would be assisted through the provision of pre-charge advice to investigators. This would also assist the DPP by reducing the number of full cases currently submitted and by reducing the number of cases sent back for further actions.

CASE FILE ANALYSIS

Referrals to the DPP

This part of the case file analysis looks at the process for referring cases to the DPP.

Delays in Sending Files to the DPP

During the examination of case files that went to the DPP, the Inspectorate found the following:

- › There were long delays in conducting some investigations and subsequently long delays in sending files to the DPP. The Inspectorate found cases that had taken up to two years from the date the crime was first reported to the date a file was sent to the DPP;
- › There were investigations that were over

29 *Crime Investigation (2014)*: Recommendation 11.18.

30 *Police Professional* article 7 July 2016.

two years old and the file had still not been referred;

- There were long delays in sending files to the DPP following other significant events, such as arrests. These included cases that took five, seven and 11 months to be sent to the DPP following the arrest or interview of a suspect. In one case, a suspect was arrested in April 2014, but the file did not go to the DPP until July 2015;
- There were also cases where there were long delays in sending files to the DPP following a victim withdrawing their statement of complaint and in one case it took five months to send a file; and
- In some case files examined, it was unclear to the Inspectorate if a file was indeed sent to the DPP; in other cases, it was hard to establish the date when a file was sent.

Referral of Unwarranted Files Sent to DPP

During this examination, the Inspectorate found that some cases need not have been sent to the DPP including:

- Cases where the suspect was deceased;
- Cases where no suspect was identified; and
- Cases where there was clearly insufficient evidence to support a prosecution.

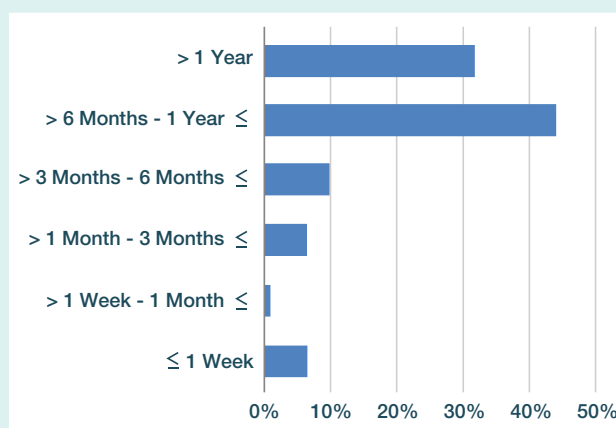
There were cases where the rationale for sending a file to the DPP was unclear including a case that was classified on PULSE in the Attention and Complaints category in January 2014. This case was never reclassified to CSA, but it was sent to the DPP in July 2015.

In these cases, understandably, the DPP made decisions not to prosecute. Referring cases that will clearly not lead to a prosecution decision is a waste of resources and negatively impacts on DPP data in connection with disposal decisions. The policy on referring cases needs to be clarified between the DPP and the Garda Síochána and at the time of conducting visits, both agencies were in discussion about this matter.

Timeliness of Sending Files to the DPP

To assess the timelines of sending files to the DPP, the Inspectorate examined a sample of 170 CSA cases and found that 91 of these were referred to the DPP. Figure 3.31 examines the duration between the date a crime was reported to the Garda Síochána and the date a file was sent to the DPP. The data is displayed across a number of different time periods.

Figure 3.31 Duration between Reported Date and Date Case File sent to DPP

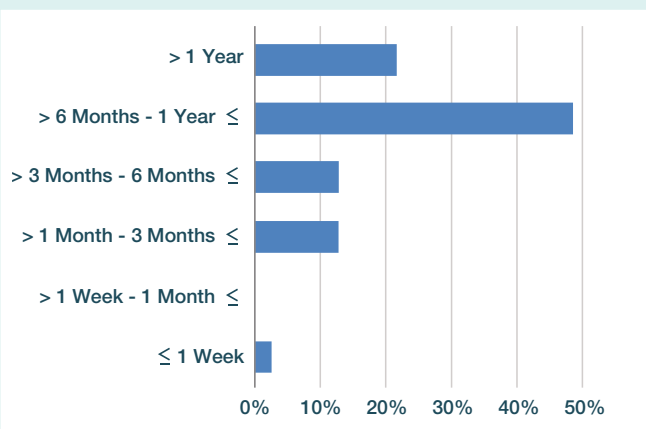


Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This data shows that only 14% of cases were sent to the DPP within the first three months of the report of a crime and a further 10% were sent between three and six months. In total, 44% of cases took between six months and a year to send a file to the DPP and 32% of cases took longer than 12 months. Of the cases that took longer than 12 months, one case took 762 days.

As explained earlier, the usual Garda Síochána investigative approach is to gather all evidence before a suspect is arrested. To further examine the timeliness of referring cases to the DPP, the Inspectorate analysed the same data set to establish how long it took to send a file following the arrest of a suspect. In this analysis, there were 37 cases. Figure 3.32 shows the data across a number of different time periods.

Figure 3.32 Duration between Date of Arrest and Date Case File sent to DPP



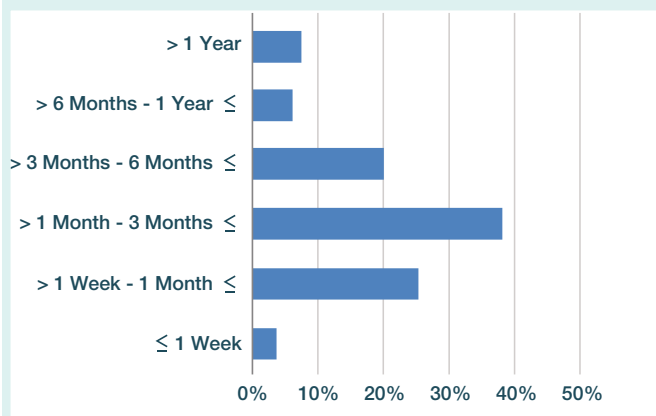
Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This analysis shows that only 3% of cases were sent to the DPP within a month of arresting a suspect. The vast majority of case files (49%) were sent in the period six months to a year after the arrest but in 22% of cases, it took over a year to send a case to the DPP. The longest case in this sample took 574 days to submit the file.

Timeliness of DPP Decisions

To establish the timeliness of DPP decisions, the Inspectorate examined the same sample of 170 cases. Figure 3.33 shows the duration period between sending a case to the DPP and the Garda Síochána receiving a response. The sample for this analysis was 55 cases and the results are based on Garda Síochána recording keeping and not on DPP data.

Figure 3.33 Duration between Date Case File sent to DPP and Response



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This shows that in 4% of cases a decision was received within one week, with the peak period of decisions (38%) received within the period one to three months. In this sample, 7% of cases took over 12 months with the longest case taking 445 days. There will always be cases where the DPP requests additional actions to be taken and this will impact on the timeliness of a decision.

Referral to the DPP is the final process in determining whether a case will be prosecuted or not. This analysis confirms many of the findings of this review that there are extended delays in referring cases to the DPP and obtaining case disposal decisions.

This analysis clearly shows that before any court date is arranged, cases are routinely more than 12 months old and in some cases over two years. This indicates a need to improve the service to children and other vulnerable victims of sexual abuse. Delays in criminal justice processes also raise issues of fairness to those who are named as suspects in an investigation.

Office of the Director of Public Prosecutions – Case File Data

The following data was supplied by the ODPD to show the total number of CSA cases that are referred each year.

Figure 3.34 Total Numbers of Child Sexual Abuse Cases Referred to the ODPP between January 2009 and July 2016

Year	Total Number of Cases Referred	Total Number of Suspects	Decision Pending	No Prosecution	Prosecution on Indictment	Summary Disposal including Plea
2009	146	182	0	66%	25%	9%
2010	175	214	0	77%	18%	5%
2011	226	266	0	69%	21%	9%
2012	279	337	0	71%	21%	8%
2013	261	313	0	71%	26%	4%
2014	215	321	0	78%	17%	5%
2015	240	307	5%	64%	24%	9%
2016	223	246	1%	66%	25%	8%

Source: Data supplied by the ODPP; analysis by the Garda Inspectorate³¹

Figure 3.34 shows the number of cases referred to the ODPP in the years January 2009 to July 2016 and the decisions made in respect of those cases. It is important to note that the year shown is in connection with the date that a case was referred to the ODPP and not necessarily the year that the crime occurred. The data shows a number of fields, including whether a case was prosecuted on indictment in the higher courts or dealt with summarily at a district court.

This shows that the number of referrals of CSA cases to the DPP rose around the same time that the original inspection report was published. There was a peak of 279 cases referred to the DPP in 2012.

For analysis purposes, the Inspectorate selected the referrals made to the DPP in the years 2012 to 2014 compared to the number of CSA crimes reported to the Garda Síochána. In that period, there was an average of 1,957 crimes of CSA each year recorded on PULSE, with an average of 12.8% of those cases (251 cases) submitted to the DPP for directions (see Figure 3.4). This shows a significant attrition rate in cases before the DPP receives a case for consideration. It is also important to note that the DPP is often sent cases where there is no likelihood of a prosecution, such as those where there is no suspect or a suspect is now deceased.

The DPP also receives cases where a victim has made no complaint or has withdrawn their original complaint. For example, many files are submitted to the DPP where the matter is referred to the Garda Síochána as an under-age pregnancy and no complaint is made. In these circumstances there is little basis for the DPP to make a decision and on most occasions these types of cases are not prosecuted. This is important, as referring these types of cases greatly impacts on the figures shown in the no prosecution decisions. Figure 3.34 shows the average no prosecution rate across the eight years was 70% of all cases and that, effectively, nearly one third of the cases referred to the DPP resulted in a prosecution decision.

Case Outcomes

In CSA cases, a successful outcome for victims and their families is often a desire to bring the offender to justice and particularly to ensure that the offender does not harm another child or vulnerable adult.

In all of the policing jurisdictions visited, judicial outcomes from CSA cases are low. There are significant attrition rates from the investigation stage to prosecution decisions, through to securing a conviction at court. Victims engaged by the Inspectorate stressed the need to be believed at all stages of an investigation and during any subsequent court case. This includes the belief

31 This data is a snapshot in time and may be subject to change

of key people, including families and friends, investigating officers, prosecuting counsel and by those serving on juries. Cases that fail at any point in the criminal justice process often leave a victim feeling that they were not believed. Some victims do not want to go to court or to assist with a prosecution but do want their crime recorded. However, a victim may decide at some later point to come forward and to help with a prosecution. It is therefore very important for police services to gather evidence at the time a victim reports a crime.

Detections

Many police services refer to solved cases as detected and the success of a police service is often assessed by its ability to reduce crime and to solve cases. To enable a police service to show a crime as detected, the evidence available should be of a sufficient standard, which if given in court would have a reasonable probability of resulting in a conviction. Like many other jurisdictions, Ireland has crime counting rules for deciding when a case can be recorded as detected. For the Garda Síochána, there are three main criteria for considering whether or not a crime should be recorded as detected:

1. Where criminal proceedings have commenced against at least one person for the criminal offence: the commencement must be based on sufficient evidence to charge, which if given in court would have a reasonable probability of resulting in a conviction. When this is not the case, the crime incident will remain undetected;
2. Where approval has been granted for a child to be dealt with in accordance with the Garda Youth Diversion Programme; and
3. Where a decision not to prosecute has been taken for one of the following reasons:
 - There would be sufficient admissible evidence to charge, but the victim or an essential witness refuses or is permanently unable to attend court, or if a juvenile, is not permitted by parents or guardians to give evidence;
 - The offender dies before proceedings could be initiated or completed;
 - The offender is ill and is unlikely to recover or is too infirm or too mentally unwell for proceedings to be taken;

- The complainant or an essential witness is deceased and the proceedings cannot be pursued;
- The crime was committed by a child under the age of criminal responsibility;
- There is sufficient evidence to charge the offender, but the DPP or relevant district officer decides that the public interest would not be well served by proceeding with a charge; and
- There is sufficient admissible evidence to charge the offender with a criminal offence in respect of which a time for the commencement of criminal proceedings applies, but that time has expired and the relevant district officer approves of the decision not to prosecute.

This review found a number of cases classified as detected in accordance with these rules where decisions were made not to prosecute. These include cases where the victim refused to attend court, where the suspect was a child under the age of criminal responsibility and cases where the suspect was ill or deceased. However, the crime counting rules in other similar jurisdictions are different and many other police services can only claim a detection when a judicial disposal (generally a charge, caution or summons) is in place.

Not all police services focus on detections and judicial outcomes as the best outcome for a victim. In Norway, great emphasis is placed on the co-ordination of support services for a child victim to help with the healing process.

While the rates of successful court outcomes are low in line with other similar jurisdictions, Norway believes that the use of Children's Houses will help a child in the long-term recovery process.

CASE FILE ANALYSIS

Outcomes

In order to examine the outcomes from investigations of CSA, the Inspectorate examined three different samples of files totalling 211 cases.

Except for one sample of 13 cases in 2012, the majority of cases examined in the other two samples were reported to the Garda Síochána in 2014. The examination of these case files by the Inspectorate took place in 2015 and 2016.

Sample of 13 CSA Cases

These cases were reported to the Garda Síochána in 2012 and came from a randomly selected sample across a number of garda divisions. There were five cases in this sample where the victim or the victim’s family did not want to provide a statement of complaint. However, two of the cases were recorded on PULSE as detected, including a case where the victim later admitted that that the offence had not in fact occurred. In another case, while the suspect was charged and pleaded guilty to an offence of indecency, the case was later withdrawn due to a legal issue with the nature of the charge.

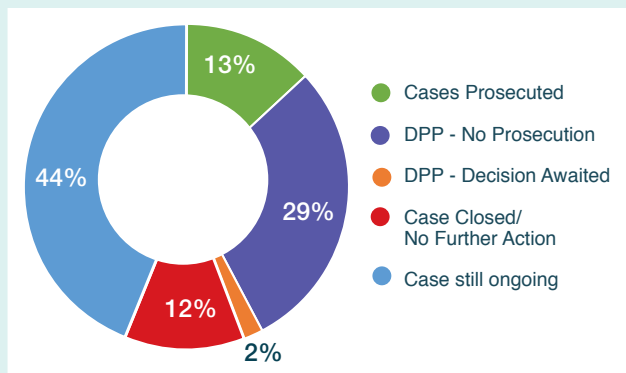
Sample of 28 CSA Cases

In a further sample of 28 cases, the Inspectorate found that one case was recorded as detected. This detection was recorded on PULSE on the day that it was first reported to the Garda Síochána, but on further examination, the Inspectorate could not find any associated charge, summons or any other valid reason as to why this case was shown as detected. The recording of detections on PULSE on the day of first creating a PULSE record is not good practice.

Sample of 170 CSA Cases

In the last sample of cases, the Inspectorate examined 170 CSA investigation files. Of these, 23 cases were referred to the GYDO. Figure 3.35 shows the outcomes from the other 147 cases. Of these 65 cases were sent to the DPP.

Figure 3.35 Investigation Outcomes



Source: Case file data from the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows that 13% resulted in a decision to prosecute and in 29% of cases no prosecution was directed. This compares to 21% of the cases examined in the 2012 report where a decision was made to prosecute. Of the remaining cases, 44% were still ongoing at the time of the examination. In total, 12% of the cases were closed and 2% of cases were awaiting a DPP decision.

Offences Detected

As identified in the *Crime Investigation (2014)* report, the Inspectorate found cases that were shown as detected on PULSE, but there was no associated proceedings, such as a charge or a summons attached. This included cases where:

- Detections were claimed on the day that the crime was first reported and before any investigative action was taken;
- Detections were claimed before suspects were interviewed; and
- A case where a crime was recorded as detected one year before the suspect was arrested.

These cases do not comply with the crime counting rules and are unsafe detections.

Case Awaiting Trial

Out of the 170 cases, two cases were awaiting trial.

Court Outcomes

In total, out of 211 cases, three cases resulted in convictions at court including one case where the suspect was sentenced to six years imprisonment.

Summary of DPP Referrals

This section has identified a number of issues in connection with the progression of CSA cases from the Garda Síochána to the DPP including:

- Provision of more pre-charge advice;
- Inconsistency in the types of cases that are sent by garda districts to the DPP; and
- Unnecessary delays in referring cases to the DPP for decisions.

The Inspectorate believes these issues must be addressed to improve the progression, quality and timeliness of CSA cases.

Recommendation 3.7

The Inspectorate recommends that the Garda Síochána, in conjunction with the Director of Public Prosecutions, review the processes and develop joint protocols and approaches for the management of child sexual abuse cases. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- Clarify the types of cases that should be referred to the Director of Public Prosecutions;
- Consider the findings and recommendations of the 2015 independent review of the investigation and prosecution of rape cases by the Metropolitan Police Service and the Crown Prosecution Service; and
- Develop a best practice model for providing early investigative advice.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Support, Counselling and Tenure for Investigators

Employees of the Garda Síochána are often faced with incidents and events that are very stressful and which can have an adverse effect on a person's health and wellbeing. There are also specific roles within the Garda Síochána, where the nature of the work involved can impact on a member's health. For the purposes of this review, the following roles would come within that scope:

- CSA investigators;
- Child specialist interviewers; and
- Those staff involved in the investigation and examination of child abuse material (CAM).

Counselling Services

In June 2016, the Garda Síochána introduced an independent counselling service that provides assistance on a 24/7, 365 basis. It is a free service for all staff and it can provide immediate support from accredited counsellors over the telephone or if necessary for up to eight face-to-face meetings. This is in addition to other support services, such as the Employee Assistance Service, Peer Support and the Garda Síochána Chief Medical Officer. The Inspectorate recommended improvements to the counselling services in its 2012 report and welcomes this new scheme.³² However, it is very much a self-referral system and counselling is not mandatory for those in CSA investigative roles.

In other police services visited by the Inspectorate, a number of different schemes were in place including mandatory and non-mandatory referrals for those involved in CSA cases. Norway has mandatory referrals for staff in certain roles. In the Netherlands, staff have access to an online self-screening tool that can be used to assess if they need the services of a psychologist, although there is no mandatory referral system.

As part of this review, the Inspectorate met with a member of the Garda Representative Association Welfare Committee who raised concerns about members viewing CAM without appropriate support services in place. The need for risk assessment of those members working in such specialist units was also discussed. Another issue raised was that specialist advice received from a psychologist highlighted that there is a need to build pre-exposure resilience along with ongoing auditing of psychological needs. During meetings held by the Inspectorate with those involved in CSA, most felt that mandatory referrals on perhaps an annual basis would be appropriate for staff engaged in this type of work. The Inspectorate believes that there are some core roles where staff should receive a minimum of annual and mandatory support sessions.

Tenure

Tenure of posts is often used by organisations and police services for specialist roles to ensure fairness in opportunity for staff and that staff

do not remain in stressful roles for extended periods. While tenure is a human resource policy in the Garda Síochána, it is not often used. Most members involved in CSA cases who were interviewed as part of this review felt that a tenure period should be considered, as the nature of the work conducted can be traumatic and may have long-term harmful impacts on individuals. Time periods for tenure offered as suitable for this type of work ranged from three to five years.

In other police services, tenure is not often used as a standard practice for CSA and CAM investigators, as there are concerns about losing people with high levels of skills. However, a member of staff can request a transfer and some police services may temporarily rotate staff from a direct contact or investigative role to a non-contact and non-investigative position within the same investigation unit. There is also the ability of managers to move people, if this type of work is having a negative impact on their health or work performance. The Inspectorate is not including a specific recommendation about tenure, but considers that it would be good practice to review the posts of people in CSA roles at specific time periods, such as five years to determine if that particular role is having an adverse impact on their health or work performance.

Recommendation 3.8

The Inspectorate recommends that the Garda Síochána develop a mandatory welfare referral process for gardaí and garda staff carrying out child sexual abuse investigative or examination roles. (Short term)

National Vetting Bureau

Following the commencement of the National Vetting Bureau (Children and Vulnerable Persons) Act 2012, the Garda Central Vetting Unit changed its name to the National Vetting Bureau in April 2016. The Act placed the vetting process on a statutory footing and made it a requirement for all organisations conducting relevant work with children and vulnerable persons to vet their prospective employees and volunteers prior to their commencing relevant work. It should be noted that it is not the responsibility of the bureau to decide on the suitability of a person to work

with children and while the bureau supplies information, the suitability decision rests with the prospective recruiting organisation.

The National Vetting Bureau manages a high volume of applications and in 2016 processed over 400,000. The new Act also required retrospective vetting of staff currently employed in relevant work, but who have never received vetting. To coincide with the commencement of the Act, the Garda Síochána introduced a new eVetting system that allows members of the public to apply online for vetting. Vetting is required by a prospective employer and an individual cannot apply directly to the bureau for vetting. In these cases, prospective employees are invited by the organisation to make a vetting application through them. The eVetting system should provide for greater accuracy and speed in the processing of vetting forms and most importantly, will allow the vetting applicant to track the progress of their vetting form through the system. In addition, the Act allows for the disclosure of 'soft' or specified information, if it gives rise to a *bona fide* concern that a person may harm or attempt to harm a child or vulnerable person.

As part of this review, the Inspectorate visited the National Vetting Unit as it plays a very important role in child protection. The bureau has a critical role in the identification of persons, subject to vetting, who may pose a significant risk to children. The following are some vetting process issues of concern raised during the visit:

- Fingerprints are still not always taken from those offenders charged or convicted of sexual offences and this impacts on the accurate identification of applicants;
- Duplicate PULSE intelligence records exist for the same people and pose a risk to the accurate identification of an applicant;
- The very best information is often in a case file and is not recorded on PULSE. The bureau does not have easy access to case files;
- Circuit Court case outcomes are not always accurately recorded on PULSE; and
- Tusla areas have different IT systems and there are inconsistencies in the time taken to respond to enquiries sent to them.

The visit to the bureau confirmed that the accurate identification of persons who pose a significant risk to child protection is hampered by a number of weaknesses in garda processes. The first four issues highlighted above were subject to specific recommendations in the *Crime Investigation (2014)* report and are areas that still need to be addressed, notwithstanding the provisions on fingerprinting contained in the Criminal Justice (Sex Offenders) Amendment Bill 2017.

Structure of Child Sexual Abuse Units in other Policing Jurisdictions

As discussed in Chapter 2, the PSNI, Police Scotland and the West Midlands Police all operate PPU. These are dedicated investigation units that deal with all CSA, all sexual assaults and other vulnerable victim based crimes. This section looks at CSA investigative practices that operate in these jurisdictions.

Police Scotland

Police Scotland has an organisational PPU structure with units based at both national and local divisional levels. While national units deal with more serious and cross-border investigations, they can also assist a division with a complex case. At a divisional level, under the PPU umbrella, there are Child Protection Investigation Units that deal with all cases involving neglect, physical and sexual abuse. The Inspectorate visited Edinburgh Division and met with an investigation team managed by a detective sergeant leading seven investigators (a mixture of detectives and uniformed officers). Each investigator manages between seven and nine child abuse cases at any one time. Regular police officers who directly deal with a child abuse victim contact the investigation unit to hand over the case for investigation.

As previously discussed, Scotland operates a multi-agency referral process (health, social services and police) who decide on key issues, such as who will investigate a case and whether a victim needs a medical examination and a

child specialist interview. Cases designated for criminal investigation are sent from this referral process to an investigation unit along with the details of key decisions made. The investigators who met with the Inspectorate like this process as some important investigative decisions have already been progressed and arrangements are already in place. These investigators highlighted the importance of the first interview with a victim, and that only specially trained investigators are authorised to take statements from adult victims and inexperienced officers are not allowed to do so. Investigators are trained to take adult victim and witness statements and to conduct interviews with suspects. They have specially trained officers to interview children.

For major enquiries into CSA, Police Scotland uses the electronic HOLMES system in use across UK police services for major enquiries and has found it particularly useful for complex CSA and exploitation cases.³³

This system captures all evidence gathered and allows a senior investigating officer to electronically track actions given to officers as part of a major enquiry. Even in less complex investigations where HOLMES is not used, some senior investigators are using databases to track and audit actions. In Ireland, some CSA cases have resulted in a major enquiry and the setting up of an incident room. This process operates a Jobs Book that is a paper-based process. Many garda supervisors and investigators raised concerns about the inefficiencies of the current Jobs Book paper process. As raised in the *Crime Investigation (2014)* report, this is an inefficient system and was the subject of a specific recommendation to move to an electronic system.³⁴

West Midlands Police

The West Midlands Police also operates a PPU structure with both service wide and local units. Child Abuse Investigation Units are divisionally based and deal with all CSA and exploitation cases. They have a separate unit within the PPU structure that deals with adult abuse and historical cases of CSA. Similar to the process in

33 HOLMES is an acronym for the Home Office Large Major Enquiry System.

34 *Crime Investigation (2014)* :Recommendation 6.11

Scotland, the unit should be contacted by regular unit officers who identify a case involving child abuse. It also receives referrals for investigation following an assessment by the Multi-Agency Safeguarding Hub, described in the previous chapter of this report. West Midlands Police believes that investigations into CSA need to move quickly and investigation plans are set by supervisors. Investigators in PPU are managing approximately 20 cases each at any one time. A peer review process is in place that requires senior officers to conduct audits of five cases per month in another area. This process identifies good practice and learning opportunities. The majority of officers investigating CSA are detectives and for generalist officers there is a training and development programme to enable them to become detectives.

Police Service of Northern Ireland

The PSNI also operates a PPU system, first introduced in 2015. This includes a national unit and local PPUs located in the five health trust areas. The PSNI made a decision to align the units with a health trust rather than with police divisional boundaries. There are Child Abuse Investigation Units in each PPU to investigate CSA, CSE and cases involving child protection. Each PPU has approximately two detective sergeants and ten detective investigators. The unit expects to be informed about all cases of CSA and it conducts all investigations. Cases are often referred by first responding officers attending a call or following an inter-agency meeting where a decision is taken to conduct an investigation. Joint investigations with other agencies take place in cases of sexual/physical/complex abuse, serious neglect, induced illness, children abusing another child or where the child is on the child protection register. Investigators have workloads of approximately 20 ongoing cases. With the high volume of investigations, the detective inspectors have a key role in deciding when to progress an investigation and when to stop an investigation if all lines of enquiry are complete. Currently, there are investigators in the PPU who are not detectives, but the PSNI is moving towards training all staff to be detectives and the training is accredited by the National College of Policing. Social workers are attached to PPUs to facilitate information sharing. Investigators are also trained

in interviewing children and vulnerable victims in a process called 'achieving best evidence'. They also use Sexual Offence Liaison Officers who are trained to support and assist with victims and witnesses.

Other European Police Services

As part of this review, the Inspectorate visited Norway and the Netherlands. Both jurisdictions have specialist sexual offence investigators based within local policing areas as well as public prosecutors who have a key role in the investigation of sexual offences. Norway and the Netherlands are delivering training to front-line officers who often provide the initial response to an incident, in how to engage children to establish if a crime has taken place and how to gather best evidence from children.

The investigation policy in the Netherlands is that only specially trained detectives investigate sexual crimes and detectives not trained in sexual offences are limited in what they can deal with. The main crimes investigated by specialist units include CSA, exploitation, online grooming, trafficking, forced marriage, honour based violence and female genital mutilation. Unit staffing levels vary from eight to 15 detectives per unit.

In Norway, Sexual Investigation Units are located in each district area and have responsibility for investigating sexual offences committed on children and adults, with the vast majority of cases under investigation involving child victims. The unit in Oslo has 33 investigators and five lawyers who work with these investigators with specific responsibility for arranging victim interviews.

The police services visited as part of this review have some common approaches for conducting investigations into CSA, which include:

- Only specially trained officers take the first account from a victim or family member;
- National units are supported by local investigation units;
- Specialist local investigation units investigate all CSA offences;
- Investigators are trained as detectives first and then receive additional training in dealing with sexual offences; and

- Only specially trained detectives conduct investigations.

Many of these approaches were the subject of recommendations made in the initial 2012 report and are still valid today. The Inspectorate believes that the Garda Síochána should adopt these types of practices in a standard operating procedure for the investigation of CSA cases.

Future of Child Abuse Investigation

This review has identified some significant areas of concern regarding the investigation of CSA cases. These same issues were found in the original 2012 inspection, particularly the investigation of CSA crimes by gardaí who are not detectives and who may be very inexperienced. The Inspectorate found that many CSA investigations drift without any recorded activity for extended and unacceptable periods of time. In many of the cases examined by the Inspectorate, there was limited evidence of any pace or energy injected to bring an investigation to a conclusion. Another major concern is the absence of intrusive supervision in what are some of the most serious cases that a member will ever investigate.

The Garda Síochána is committed to rolling out divisionally based PSUs with the first three established in Cork City, DMR Western and Louth in June 2017. In effect, these new units will replace the current district based approach of CPUs and develop them into divisionally based units that investigate CSA and child protection matters. It will also create a specialist unit where no CPU was in existence. The units will have a wide remit to cover sexual offences including CSA, sex offender management, human trafficking, missing persons, domestic abuse and prostitution. It is also intended that the units will have responsibility for completing the e-booklets that are required in connection with serious crimes, such as CSA, for inclusion on the ViCLAS database³⁵. The units will also take responsibility for the garda victim service offices. It is intended that the units will also deal with intelligence reports in connection with indecent images of children. The remit of

the PSU very much mirrors the work of PPU's operating in other jurisdictions.

Outside of the planned operating hours of the new units, there is currently no intention to provide an on-call service and other garda units will have to deal with incidents and then hand them over.

The Inspectorate welcomes the decision to introduce PSUs, which significantly changes the position originally taken by the Garda Síochána in respect of Inspectorate recommendations for specialisation.

In a functionality model based on the creation of a garda division, the PSU should be placed under the direct leadership of the superintendent in charge of crime. The current planned staffing of the units is one detective inspector, two sergeants and ten gardaí. There is also an intention to have Tusla staff co-located in each unit to assist with child victim interviews. From discussions with the GNPSB, the Inspectorate is concerned that the units are likely to have insufficient numbers of staff to deal with all of the serious crimes listed within the scope of the PSU and that less serious crimes will still be allocated to members on regular units. The Inspectorate believes that the PSUs need to have sufficient numbers of staff to ensure they have the capacity to respond to and investigate all serious incidents, including CSA. These units also need appropriate levels of supervision, including the appointment of a dedicated detective inspector to provide investigative expertise and to lead and manage the team.

Working in this arena is not an easy option and investigators will be dealing with child and adult victims who are often traumatised and investigating cases that will be complex and requiring extensive enquiries. To give an appreciation of their work to other garda members, attachments should be considered and could, for example, become part of the garda recruit training programme. For more experienced gardaí, an attachment might also encourage members to consider a more permanent role in this area of investigation. The Garda Síochána informed the Inspectorate that it intends to deliver bespoke

35 Violent Crime Linkage Analysis System is designed to identify links between individuals and serious incidents and to help to identify repeat offenders.

training to those assigned to the new units and is examining some training modules already in use in another policing jurisdiction.

The Inspectorate believes that the area of child abuse investigation and associated victim care requires specialism and is disappointed that little progress has been made to professionalise child abuse investigations since the original 2012 report. While welcoming the introduction of divisional PSUs, the Inspectorate is concerned that there have been delays in their roll-out.

Recommendation 3.9

The Inspectorate recommends that the Garda Síochána complete the roll-out of all Divisional Protective Services Units by the end of 2018. (Short term)

Recommendation 3.10

The Inspectorate recommends that the Garda Síochána assign the Divisional Protective Services Units with responsibility for all aspects of investigating child sexual abuse including taking the initial report, interviewing victims and suspects, inter-agency notifications and the implementation of the revised *Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare*. (Short term)

To achieve the above recommendation the following key actions need to be taken:

- › Following the introduction of the functional model of policing outlined in the *Crime Investigation (2014)* report, ensure that the superintendent in charge of crime has overall divisional responsibility for investigating child sexual abuse;
- › Ensure that each divisional unit has a dedicated detective inspector in charge;
- › Ensure that all investigators assigned to the unit are fully trained and complete specific training in the investigation of sexual offences and child protection;
- › When using gardaí who are not assigned to the divisional PSU to gather evidence, ensure that they have received specialist training in the investigation of sexual

offences and child protection;

- › Identify opportunities for the assignment of garda support staff;
- › Revise the *Policy on the Investigation of Sexual Crime, Crimes Against Children and Child Welfare* in the light of the recommendations in this report and deliver bespoke training on the new policy to those who have core responsibilities;
- › Consider attachments for probationary gardaí to divisional units; and
- › Develop a process for sharing learning and good practice between units.

Victim's Experience

It is important to understand what victims encounter when they enter the criminal justice system and how the response of the Garda Síochána and other agencies can help or hinder the recovery of a victim of CSA. Because of the serious nature of sexual abuse, it requires a victim-centred approach, which encourages the reporting of crimes and caters for the needs of a person who has suffered a traumatic experience. Early reporting is very important for a police service to assist in the identification and gathering of vital evidence and to reduce the opportunity for an abuser to commit further offences on children.

Since the original inspection, efforts by criminal justice agencies to improve their services to victims can be seen in a range of new legislation, policies and procedures.

Victims of Crime Act

Of great significance to victims of crime is the new Criminal Justice (Victims of Crime) Act 2017, which establishes minimum standards on the rights, supports and protection of victims of crime. The Act aims to support the participation of victims in criminal proceedings by placing victims at the centre of the criminal justice process. Under the Act, certain rights are guaranteed to victims through a criminal investigation and later through various criminal justice processes. The Act ensures that victims receive information, support and protection and are treated in a respectful and professional manner.

Categories of victims to be given particular consideration include victims of terrorism, trafficking, gender-based violence, sexual violence and violence in close relationships.

Under the Act, a victim of a crime will have rights that include:

- The right to receive comprehensive information on the criminal justice system and their role within it and the range of services and entitlements victims may access from their first contact with the Garda Síochána;
- The right to receive a written acknowledgement of the making of the complaint by the victim;
- The right to be provided with information concerning the progress of the investigation and any court proceedings;
- Where the alleged offence involves sexual violence, gender-based violence or violence in a close relationship, the victim has the right to request that interviews are carried out by a person or persons of the same sex as him or her;
- The right to be informed of any decision not to institute a prosecution in relation to the offence committed against them and the right to request a review of that decision;
- The right to receive information on the release, temporary release, or escape from custody of an offender who is serving a sentence for an offence committed against the victim; and
- The right to receive information in clear and concise language and to interpretation and translation where it is necessary to enable victims to understand and be understood in their participation in the criminal justice process.

In addition, the Act provides for special measures which may be available to a victim following assessment which include:

- Advice on personal safety and safety and barring orders;
- Access to specialist support, such as shelters for those in need of a safe place;
- The provision of targeted services such as

trauma support and counselling; and

- In court proceedings, the possibility of giving evidence through live television link or from behind a screen will be extended to all victims who would benefit from such measures.

Victims of Crime Office

The Victims of Crime Office was established by the Department of Justice and Equality to support the development of competent, caring and efficient services to victims of crime by State agencies and NGOs. It also promotes awareness of the needs of victims and the services available to them. The office works with the Garda Síochána and other criminal justice agencies to ensure a co-ordinated approach to victim services.

Victims Charter

The Victims Charter and Guide to the Criminal Justice System, published by the Victims of Crime Office in 2010, describe the criminal justice system from a crime victim's point of view. The charter sets out the rights and entitlements to the services provided by State agencies working with crime victims. It also sets out the individual charters of nine organisations including the Crime Victims Helpline, the Garda Síochána, the Courts Service and the ODPP. The charter for each organisation gives an overview of what victims can reasonably expect and what victims can do if their experience of the service does not meet their expectations.

Garda Síochána Victims Charter

The following are key elements of the charter standards that a victim can expect from the Garda Síochána including:

- Respond quickly to calls and investigate complaints;
- Provide contact details of the investigating gardaí and the PULSE crime reference number;
- Explain what will happen during the investigation and update victims on the investigation;
- Provide details about the Crime Victims Helpline and other support services; and
- When a suspect is in court, to provide details of the hearing, bail conditions and court outcomes.

There are a number of other commitments in the charter, such as actions to support victims of sexual assault. This support also extends to families of victims of serious crimes.

Garda Síochána Services to Victims

The Garda Síochána has a National Victim Liaison Office that is responsible for:

- › Formulating strategy;
- › Developing policy; and
- › Supporting the implementation of the Victims Charter.

Each garda division has a dedicated Victim Services Office, which provides a single point of contact for victims. However, these offices do not provide a service in relation to CSA cases and enquiries from such victims are usually directed to the member investigating the case.

The Garda Síochána website provides information to victims of crime and provides links to information leaflets and contact details for all the Victim Services Offices. Some information for victims of sexual assault is available on the website, however, there is limited information on CSA.

Almost all of the districts visited for this review had created their own information pack for victims of CSA and in some cases a list of support services was available. However, many investigating officers who met with the Inspectorate had no information readily available to them and many were unaware of any victim support organisations operating in their area. Inconsistencies in the availability of information for victims of CSA needs to be addressed and the Inspectorate believes that there should be a national standard for supplying information to victims.

Victim Impact Statements

A Victim Impact Statement is completed as part of the court process and provides a victim with an opportunity to explain to a court how a crime has affected them.

The statement gives a voice to the victim and assists a court in considering sentencing and compensation. There is no specific format for the statement and it may be made by the victim or a family member on their behalf. The court,

prosecution or defence may ask the victim questions about it. In 2013, the ODPP, the Garda Síochána and the Victims of Crime Office produced a guide for the preparation of a Victim Impact Statement. Additionally, a victim impact report may be provided, at the request of the court, by a professional (for example psychologist or social worker) on behalf of the victim.

Support Organisations

The Garda Síochána refers victims for support and therapeutic treatment through various methods, although there is no national standard of referral to a particular service. In Dublin, some gardaí informed the Inspectorate that they can refer victims to NGOs such as CARI (Children at Risk in Ireland), Barnardos, One in Four or the Dublin Rape Crisis Centre (DRCC). CARI and One In Four also provide a court accompaniment service to both child and adult victims of CSA.

To better understand the experience of victims, the Inspectorate met with CARI, One in Four and the DRCC. These organisations provide a range of services including:

- › Specialised psychotherapy / counselling;
- › Family support; and
- › Advocacy.

The general observation from these organisations about the Garda Síochána is that the first response from garda members is usually positive in respect of recent CSA crimes but responses are not always as positive in historical cases. It was also explained that updating victims is very important and when there is regular contact by the investigating garda, the victim and family are more reassured, but where there is a lack of contact, additional trauma is caused to victims.

The overall view of these organisations was that the relationship between the Garda Síochána and victims of CSA and their families has improved over the last ten years and considerably so in the last two years. The support organisations stated that in recent years, victims feel that they are now more likely to be treated with compassion and empathy by the Garda Síochána.

Case Studies

Through One in Four, the Inspectorate met with two adult survivors of CSA who agreed to share their experience of reporting their crimes. To protect the identity of the survivors, the Inspectorate has not used their real names. The Inspectorate is very grateful for their participation in this review.

Case Study No. 1 'Sarah'

Sarah was sexually abused by her brother from the age of five until she reached the age of 11. Sarah did not tell anyone about the abuse at the time. Twenty years later, following disclosure of abuse by another family member (not involving her brother), she decided to tell her family and later on her husband and her doctor. Along with other treatment, her doctor referred Sarah to One in Four. After a year and a half of counselling, Sarah decided to report her crime. Neither Sarah nor her family had previously contacted the Garda Síochána and she had no expectations of the service that she would receive.

Her first meeting with gardaí took place at the offices of One in Four in 2012 when she met with two male detective members. Sarah described a very positive interaction and one of the detectives explained that he had experience of dealing with sexual assault cases. This detective took on the role of the investigating officer. At the second meeting, a full statement was taken and the investigating garda provided a business card and promised to update Sarah on the progress of the investigation. He also explained what would happen next including contact with Sarah by the HSE and the need to take statements from other witnesses. The investigating garda kept his promise to keep Sarah updated.

The case took over six months to investigate during which time the accused was arrested and interviewed. The investigating member contacted Sarah on the day of the arrest to update her. While the investigating member advised Sarah that she should expect a delay in progressing the investigation, she was unprepared for the length of time it took to

make a prosecution decision. About a year later, Sarah was informed that her abuser would be prosecuted. At that point, Sarah felt that the gardaí and the DPP believed her.

In late 2014, the case first came to court in connection with an application to disclose therapy notes. It was adjourned for two days to allow for counselling notes to be obtained but on the appointed day, there was no judge available and the case had to be further adjourned. Sarah described this as 'one of the worst days of her life' and felt that her case would never get to court. This was the first time that Sarah had considered withdrawing her support for a prosecution. The case finally went to trial some two and a half years after first reporting her crime.

While prosecuting counsel had explained the trial process to Sarah she described a terrible experience during her cross-examination by the defence counsel, whose confrontational style of questioning was stopped by the judge. At the conclusion of the trial, the jury found the abuser guilty. With help from One in Four, and prior to sentencing, Sarah provided a Victim Impact Statement to the court. While both the conviction and the sentence were the subject of appeals, they were both unsuccessful. The final appeal was completed in late 2016, which was more than four years after Sarah reported the abuse to the gardaí. Sarah explained that the verdict was the most important part of the process as the jury believed her. Sarah also explained that while she fully understands that an accused is entitled to their rights she feels that her rights were abused by the delays in hearing her case, the behaviour of defence counsel and the release of her counselling notes.

Sarah said that only those garda members specially trained in child sexual abuse should investigate such cases and in order to encourage victims to report sexual abuse, the Garda Síochána should make a public statement to this effect.

Case Study No. 2 'Emily'

Emily was abused by her brother from the age of nine until the age of 16. Emily did not tell anyone about the abuse at the time, as she feared that no one would believe her.

In her late 20s, Emily reported the crime, when her brother had children of his own. She told her parents in 2012 who were very supportive and even confronted her abuser. A few weeks later, Emily contacted her local garda station and when she explained that it was child sexual abuse, the person on the phone sounded taken aback but told her to come to the station. Emily was accompanied to the station by a person from a support organisation and her parents. On arrival, Emily waited behind a person who was being rude to a garda member and she found this very unsettling. When Emily spoke to a garda member at the front counter she was told to take a seat in the reception area.

A female garda came to see Emily and she was taken to an interview room. Emily was aware that the room was usually used to interview suspects and both the room and the cold manner of the garda member were immediately off-putting. The member immediately asked a number of factual questions, which Emily found to be non-empathetic. After a short discussion, the garda member began to take her statement of complaint. While the garda provided some information, Emily was so traumatised that she did not recall exactly what she was told, although she remembers being told about Tusla and access to her medical records. The garda member said she would be in touch with Emily, but did not provide a contact number or e-mail address and said that she only had a personal mobile. No information was provided to Emily about the availability of support services. Emily spent over five hours in the station and when she left she did not think that the garda member believed her. This garda member took on the role of investigator. At a later meeting, Emily established that the investigating member had no experience of investigating child sexual

abuse, although the member had investigated an unprosecuted adult rape case.

Emily provided multiple statements and each time she had to attend the garda station.

Emily was never informed why the additional statements were necessary.

Emily had to instigate all follow-up contact with the garda member and often left messages at the garda station. Most messages did receive a response when the garda member came back on duty. Emily did not receive any contact from the Victims of Crime Office. At some point, the garda member contacted Emily to obtain permission to obtain her medical records. Emily provided this authority, but just before her court case she found out that her records had not been obtained. Some months later, late at night, Emily received a telephone call from the investigating garda to inform her, that as the abuser had on several occasions failed to attend the garda station for interview, they were now going to arrest him. The abuser was later charged with 50 counts of rape.

Emily found the court process to be very traumatic. The case first came to court two years after she first reported her crime, but the case was adjourned to the following day and then further adjourned for six months. In fact, the case did not go back to court for a further 18 months. When the case was listed for trial it was again adjourned due to a number of reasons including other more serious trials that took precedence, no jury available, and defence counsel was double booked. In total, Emily attended court on nine occasions, with seven appearances in a three-week period. Emily said that the worst part of the court appearance was the rudeness of the defence counsel in cross-examination, who called Emily a liar, played with coins in his hand and had his foot up on the seat of the bench. This behaviour went unchallenged by the trial judge. In contrast, Emily said that the prosecuting counsel was excellent, he apologised for the court delays, and made Emily feel that he believed her from their first meeting.

The abuser was found guilty on all counts. Following the conviction, Emily was handed a garda leaflet pack in which she found information on completing a Victim Impact Statement. Emily said that no one explained how to complete it and an example provided was for a robbery victim.

Three weeks after the conviction, Emily read her statement to the court and also read it during the meeting with the Inspectorate. It vividly and powerfully described the impact of the abuse on her childhood and on her adult life. Her abuser received a substantial sentence, which is subject to an appeal.

In Emily's case, the first garda response left a lasting and negative impression. She believes that an officer trained in the investigation and prosecution of sexual offences should have been assigned to her case. Emily also believes that when an investigating garda is unavailable, there should be a system in place to deal with enquiries from victims. Emily only found out about the services of One in Four from a relative on the Friday before her court case. Immediately following contact with the service, a representative was allocated to accompany Emily to all court appearances. Emily spoke very highly of One in Four and believes that all victims should receive details of such organisations. Emily described the worst part of her case as 'the four year wait for justice' and considered withdrawing her support while waiting for the trial to take place, Emily would never report any other crime and another family member has decided not to report similar abuse having seen how Emily was treated. Emily said that the experience of the criminal justice system has left its scars.

These two cases show a sharp contrast in how the victims perceived they were treated, clearly illustrating the importance of the first interaction between a victim of CSA and a representative of the Garda Síochána. In Sarah's case, the empathy shown by the detectives reassured her at an early stage that her case would be investigated by experienced members. In contrast, Emily's trauma was not helped by the conduct of her

first interviewer and the fact that her case was investigated by a member with no experience of dealing with child sexual abuse. When dealing with Sarah, the detective first discussed the circumstances of the case before taking a formal statement on another occasion. In Emily's case, a statement was taken immediately and she had to return on multiple occasions to provide additional statements.

Of most concern to both victims were the extended delays in arranging effective trial dates and the frustration and upset over numerous adjournments. It was only at the court stage that both victims considered withdrawing their statements of complaint. The behaviour of defence counsel left both victims feeling further abused, although in one case the trial judge intervened. A major concern for the Inspectorate is that a further victim of CSA did not come forward as a direct result of Emily's experience.

Criminal Justice Processes

The current delays in the various criminal justice processes from the time a victim reports a crime to the Garda Síochána through to any criminal trial is not best serving victims, witnesses or suspects. Through engagement with victims of CSA and from feedback from support organisations, it is clear that victims and their families are unprepared for the extended time that it takes to obtain an effective trial date. When a case is listed for trial on a specific date, a victim has a raised expectation that the trial will go ahead. However, victims often experience multiple and long adjournments in court cases. In the two victim case studies in the previous section, there were significant delays in the court process and this was the first time that the victims seriously considered withdrawing their complaint. For children, extended periods of delay bring additional difficulties including the child's ability to recall the circumstances of their abuse and prolonging the healing process.

During visits to garda districts, investigating officers and supervisors raised a number of concerns in connection with the length of time that it takes to get a case to trial at court. Examples of delays in court trials provided included cases that took up to three years for an effective court date and one case from 2009 which finally went to trial

in 2013. A district officer explained that delays in arranging effective trial dates and constant adjournments are hard for victims and families to understand.

Criminal Justice Data

As part of this review, the Inspectorate was unable to find any joint criminal justice data on CSA case management and case progression. Individually, the Garda Síochána uses PULSE 6.8 to track the investigation of a case, the DPP tracks the progress of cases that are referred to it and the courts track cases sent for trial. However, there is no end-to-end monitoring of cases through the criminal justice system from the date a crime is reported to the effective trial date.

Useful data would include metrics on the time it takes a case to move through the various criminal justice processes and particularly data on why cases do not go ahead on the day of a trial. Data on ineffective trials is very useful to establish if this is due to the unavailability of defence or prosecution witnesses or the non-disclosure of material. In the absence of such data, there is limited identification of common trends for trial delays and limited evidence of any action to address the root causes.

Pre-Trial Hearings

Many jurisdictions operate systems of pre-trial hearings and pre-trial rulings in advance of proposed trial dates to bring all parties together to discuss specific aspects of the case including issuing witness lists, deciding on special measures for victims and ensuring disclosure is complete. The main intention is to establish if the case is ready for trial and to avoid adjournments of cases that impact on witness and court time. For CSA cases, this is a very important process as it determines if the trial is ready to start. Pre-trial hearings commenced in Ireland as a pilot in January 2013 and are operating for cases heard in the Circuit Courts. In most other jurisdictions, they are usually held four weeks before a trial date and involve both the defence and prosecution. At the hearing, the defendant is required to enter a formal plea to the offences charged. The prosecution can identify witnesses where there is an opportunity to tender statements instead

of a personal appearance and whether any video link or CCTV evidence will be used. A most important element is ensuring that full disclosure has been completed. During examinations of PULSE records and case files, the Inspectorate found many examples where court cases were adjourned on several occasions and in some cases for extended periods of time. In the *Crime Investigation (2014)* report, the Inspectorate included a recommendation to roll out pre-trial hearings for all court trials and they should be standard practice for CSA cases.³⁶

Pre-Trial Evidence and Special Measures

In England and Wales, vulnerable victims and witnesses will be spared the possible trauma of physically appearing in court under plans to roll out private pre-trial evidence sessions across the country. Pre-recorded evidence can be played during a trial, meaning that victims and witnesses will not have to face their offender in court. Three pilot schemes found that allowing pre-trial evidence causes victims to feel less pressure and helps witnesses to recall more details. The cross-examination also took place much earlier than previously and took approximately half the time of the traditional method. The intention was to roll out this process in 2017.

At a Faculty of Advocates Conference on Vulnerable Witnesses in Scotland (June 2016), it was highlighted that it is not necessary to have a child present in a courtroom to give evidence in a sexual offence case. It was also raised that for a child, it is much fairer to be able to give an account of what happened at an earlier stage and closer to when it happened. Another important issue raised was that many children do not understand all that they are asked in court during conventional cross-examination. Pre-recorded evidence is now used in many jurisdictions and is the norm in some Australian states.

As highlighted earlier in the section on child specialist interviewing, the Criminal Evidence Act, 1992 allows for recorded testimony to be admitted as evidence-in-chief (the direct evidence of a witness) for children and certain vulnerable witnesses. The Act also allows for the use of live video link for vulnerable witnesses and the use

36 *Crime Investigation (2014)*: Recommendation 11.2

of intermediaries. The use of an intermediary is an option where on the application by the prosecution or the accused, if satisfied that, having regard to age or mental condition of the witness, the interests of justice require that any questions to be put to the witness are put through an intermediary. An intermediary is appointed by the court.

Intermediaries are used in most CSA cases in England and Wales to set parameters about how to treat a child or vulnerable adult witness. They are generally speech and language therapists who act as independent experts who mediate between vulnerable witnesses and lawyers both at police interviews and during court trials. Appointed intermediaries will attend Ground Rules Hearings that exist to ensure that a vulnerable person, who may have communication difficulties or a learning disability, receives a fair hearing and to advise the court on how questions should be framed. Ground Rules Hearings should be a necessary part of the trial process when dealing with very young or vulnerable witnesses to establish rules for questioning, including how and in what way a complainant is cross-examined and agree short, simple questions to ensure the child or vulnerable witness can achieve his or her best evidence. It is also important to ensure that the least amount of trauma is placed upon that witness during the course of their involvement in the criminal justice system. What is important is that the approach should be agreed at a much earlier stage to allow early preparation for the legal teams and engagement with interested parties.

A court has a duty to ensure fair process and this can include the use of special measures. In Ireland, special measures are considered once a jury is in charge, and after the opening speeches. At this point in a CSA case, the prosecution needs to apply, in the absence of the jury, for special measures, such as requesting that the recording of the DVD interview with the child is used in evidence. The Inspectorate believes that the trial judge should set the parameters for special measures as part of a pre-trial hearing process that is conducted much earlier so that all parties, including victims and witnesses, know well in advance what measures will be applied.

The new Criminal Law (Sexual Offences) Act 2017 provides for the giving of evidence from behind a screen or similar device and prohibiting personal cross-examination of a child complainant or child witness in a trial for a sexual offence. The Inspectorate believes that consideration should also be given to developing pre-trial cross-examination on a statutory basis and making special measures part of a pre-trial hearing process. In the *Crime Investigation (2014)* the Inspectorate made a recommendation in connection with pre-trial hearings.³⁷

Recommendation 3.11

The Inspectorate recommends that the Department of Justice and Equality convene a criminal justice multi-agency working group to deliver a more victim-centred service to child sexual abuse victims. (Medium term)

To achieve the above recommendation the following key actions need to be taken:

- Consider the extension of pre-trial hearings;
- Reduce unnecessary and repeated court appearances by witnesses;
- Develop joint-agency monitoring of data on case timeliness and factors affecting the outcome of criminal cases;
- Develop pre-trial evidence for children, vulnerable victims and witnesses; and
- Include the provision of special measures as part of a pre-trial hearing process.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

37 *Crime Investigation (2014)*: Recommendation 11.21



4

Chapter 4

Online Child Sexual Abuse and Child Sexual Exploitation

'A major challenge for police services is the growing number of indecent images and videos of children that are on the internet.'

Introduction

This chapter explores the growing phenomena of online child sexual abuse (CSA) and child sexual exploitation (CSE) and the dangers that the internet poses to children. A major challenge for police services is the growing number of indecent images and videos of children that are now available on the internet. This chapter specifically looks at:

- Abusers who use internet networks for the purpose of managing and sharing child abuse material (CAM);
- The structure and approach of the Garda Síochána to deal with online threats;
- How the Garda Síochána could respond more effectively to the increasing use of the internet to circulate CAM and sexually exploit children;
- How the Garda Síochána deals with referrals of CAM; and
- What happens when a referral involves a computer or other technical device that has accessed CAM.

To establish how other policing jurisdictions manage online CSA and CSE, the Inspectorate visited Norway, the Netherlands, Northern Ireland, Scotland and the West Midlands.

Understanding the Scale and Severity of Online Abuse

This part of the report looks at the challenges facing Ireland and other law enforcement agencies worldwide in terms of understanding the scale and the severity of online contact and non-contact CSA. In particular, it explores the approaches taken in other jurisdictions to victim identification, online pro-active policing operations and managing the risks posed to the protection of children.

Threats and Challenges Posed by the Internet

With all the many benefits and insights that the internet offers, it has also created an international

space for sexual abusers to target and potentially sexually exploit large numbers of children, particularly those most vulnerable. The risks posed by the internet also go far beyond sexual abuse and include other areas such as blackmail, coercion and bullying, which could lead to self-harm and suicide.

The *Seventh Report of the Special Rapporteur on Child Protection* (2014) highlighted that Irish children tend to use the internet more than the European Union average and, worryingly, 28% of Irish children made contact online with someone they did not know.¹ Many children now spend extended periods on the internet. During a visit to the Norwegian Police, it was explained that on average children under ten spend 99 minutes a day on the internet and older children an average of 187 minutes.

The internet has created an international platform for the sharing of CAM. In the United Kingdom, the national police lead for child protection recently reported that the volume of material available online has grown from an estimated 7,000 images of children in 1990 to more than 10 million images in 2016.

One of the most used platforms for the exchange of CAM continues to be networks known as Peer to Peer (P2P). These are decentralised networks and offenders who use P2P are often more prolific in their downloading habits and can access vast collections of CAM that can be shared or built in a matter of hours. There has also been an increase in the volume of exchanges carried out on platforms that allow anonymised access to Darknet networks. The Darknet is a network only accessed with specific software, configurations or authorisation and is a place that can be used by paedophiles. These networks provide greater anonymity and allow for hidden services. P2P networks and the growing number of forums on the Darknet continue to facilitate the exchange of high volumes of CAM. The Darknet is now easily accessible to those who are less technologically aware and are no longer exclusive to the more 'sophisticated' offenders.

¹ The role of the Special Rapporteur is to report on national and international legal developments in relation to the protection of children.

Many countries have reported that self-generated CAM accounts for a growing volume of the images in circulation and this type of material is often circulated further by a third party. This includes 'sexting', which is often used in the grooming process by the offender to threaten or blackmail a child. Sexting is seen today as an established trend amongst teenagers leading to higher volumes of CAM available online.

Online platforms are the technologies used on a computer to allow one party to communicate electronically with another. Due to the anonymous nature of this communication, platforms can be used to start the grooming process. The types of platforms used for grooming are often social networks, online gaming sites and forums, all of which are extensively utilised by children. Grooming is carried out through these platforms by online coercion or extortion of children, which targets and makes a commodity of a child and/or their sexual image for the procurement of sexual or financial gain. Activity is usually characterised by grooming the child or impersonating another child in order to gain their trust. Once trust is established, offenders exploit the child's vulnerabilities to obtain a photograph or video of a sexual nature, which leads to the extortion phase. This phase can include asking for further and even more explicit material or money to prevent distribution of the images.

Live streaming of CSA is another growing threat. This involves a perpetrator observing or directing the live abuse of children on a specific time-frame, through video-sharing platforms. This sort of material is often recorded and can be shared through the Darknet or by other P2P networks. Live streaming is facilitated by end-to-end encrypted platforms where not even the service provider can access what is shared amongst their users. There are also a number of payment options available to abusers including digital currencies, which make detecting such crimes more difficult.

Strong encryption is highly important to e-commerce and other cyberspace activity, but this security measure significantly affects the ability of the police to investigate criminal activity. The growing misuse of legitimate anonymity and encryption services and tools for illegal purposes poses a serious obstacle to detection, investigation and prosecution of online offences.

Identifying a child in CAM is very important for child protection purposes, but it also poses a major challenge for law enforcement agencies. Identifying victims from an image or a video requires specialist skills and in order to become more effective in this area, police services need to make significant investments in human and technological resources.

Assessments and Strategies

To develop effective law enforcement strategies it is important to understand the scale and severity of the online threat. Most law enforcement agencies use a process called strategic assessments. This involves gathering and assessing all available intelligence and other relevant data in order to identify priorities. An important part of this process is the identification of current, emerging and long-term threats facing a police agency. The following are examples of strategic assessments that have been completed in connection with online CSA.

Child Exploitation and Online Protection – Thematic Assessment 2012

The Child Exploitation and Online Protection Command is part of the UK's National Crime Agency. It works with UK and overseas child protection partners to identify the main threats to children and to co-ordinate activity to bring offenders to account. This includes protecting children from harm online and offline, directly through National Crime Agency led operations and in partnership with local and international agencies.

In 2012, the Child Exploitation and Online Protection Command conducted a thematic assessment of the risk of contact CSA posed by those who possess CAM, entitled 'A Picture of Abuse'.

This assessment identified a number of issues that are still relevant today including:

- Trend analysis suggests that indecent images of children appear to be becoming more extreme, sadistic and violent (Internet Watch Foundation Reports 2008 and 2010);

- Possession of CAM is a form of CSE that in itself has no direct interaction with a victim; and
- A key consideration should always be the identification of the victim in the image.

The assessment highlighted that at the forefront of all CAM investigations should be the notion that it may result in the identification of a victim and that greater levels of resource need to be applied to this field.

National Crime Agency Strategic Assessment

The National Crime Agency completes an annual National Strategic Assessment of Serious and Organised Crime. The 2017 assessment confirmed that child sexual exploitation and abuse (CSEA) remains a significant threat. It reported that changes in the use of technology, such as cloud storage, have transformed the nature of CSEA and enabled global contact between victims and offenders. The assessment states that offenders use social media to entice victims, and law enforcement agencies need to adapt their tactics as the social media landscape changes and grows. The level of grooming to elicit indecent images of children and CSEA video is increasing, which is changing the balance between grooming for contact purposes and grooming to elicit indecent images of children. This has the potential to increase the number of images in circulation. The report also identifies the serious risk posed by travelling child sex offenders, particularly those who target specific positions, such as teaching or charity work overseas, to enable offending.

Europol Internet Organised Crime Threat Assessment 2016

In 2016, Europol published an Internet Organised Crime Threat Assessment, which confirmed that cybercrime remains a real and significant threat with a growing range of threats from trafficking in human beings to terrorism. CSE online is one of the three main mandated areas of focus for Europol's European Cybercrime Centre.

The assessment contains a number of operational priorities to tackle cyber-attacks, payment fraud, internet CSE and cross-cutting crime enablers such as money laundering.

The report suggested that priorities for addressing online CSE should include:

- Combating the live streaming of on-demand abuse;
- Eradication of groups that stimulate active CSE material production, in particular on the Darknet;
- Victim identification and rescue; and
- Tackling the misuse of legitimate online platforms for CSE-related crimes such as the dissemination of CAM, grooming and child sexual extortion.

The Europol Information System holds Europe's central criminal information and intelligence databases for mandated crime areas and has invaluable information on known suspects, including those who are referred to as travelling sex offenders.

Interpol

As part of this review, the Inspectorate engaged with an expert in CSA at Interpol. This Interpol representative explained that police services and partner agencies need to deliver a three-strand strategy that focuses on prevention, investigation and victim identification. Police services who pro-actively work to identify victims often find children who do not live within their jurisdiction. This approach presents a workload and resourcing dilemma as to whether to focus on identifying children in their own country or to continue with the investigation of cases that may lead to international identifications. Australia takes a proactive approach to victim identification and in a recent case, following online undercover activity with an abuser, identified and rescued a child in Ireland who had been sexually abused.

Risk Assessment and Prioritisation

Managing the risk posed by online child sexual abusers and the growing volume of CAM on the internet presents major challenges for police services. Many of the police services visited by the Inspectorate use the Kent Internet Risk Assessment Tool (KIRAT), which provides criteria to assess the risk posed by individual offenders (from low to high). This includes factors such as those with access to children (high-risk factor), specialist knowledge, previous convictions,

predilection, opportunity and organisational risk. The use of a risk-based model for decision making allows a police service to prioritise intelligence and operational activity.

During this review, the Inspectorate met with Ms Maggie Brennan a lecturer in Criminology at University College Cork a co-founder of CyberSafeIreland and a person with significant research and policy experience in the field of online CSA.²

Ms Brennan identified some of the key issues she feels need to be considered in relation to CSE and online offending, which include:

- Understanding the extent of CSE in terms of scale and severity is a challenge;
- Children are using the internet for sexual expression and some are agents in CSE, producing and sharing sexual images of other minors;
- Online CSE threat is also a public health issue;
- The scale of sexual coercion and blackmail of young people is unknown;
- Online offenders often live a long way from their victims and may have multiple victims at once;
- Victim identification is an important policing consideration; and
- Risk-based decision making is a major challenge facing police services.

Risk-based decision making is becoming even more important for police services faced with growing volumes of intelligence and investigation. There is a need to be able to prioritise actions and operations at all stages. Ms Brennan highlighted that she and her colleagues at University College Cork have developed a risk-based tool that profiles the paraphilic interest of an offender in CAM by using search behaviours to identify problematic offenders.³ This type of information could be used to prioritise police operations including identifying high-risk offenders involved in P2P networks and intelligence packages that should

be the focus of police activity. In terms of police activity on the internet, Ms Brennan explained that police services need a multi-tier approach, which addresses P2P networks, victim identification and youth-perpetrated offences in order to proactively generate fast-time intelligence to identify those accessing CAM.

Summary

This review has established that the Garda Síochána does not conduct a formal strategic assessment in connection with online CSA and CSE and this is a gap in identifying strategic priorities. Another gap, which is discussed in more detail later in this chapter, is the absence of a risk assessment process to identify and target those abusers who pose the greatest risk to children.

Irish Legislation

With regard to CSA and CSE offences, the Child Trafficking and Pornography Act, 1998 and the Criminal Law (Sexual Offences) Act 2017 are the most relevant to this review.

Child Trafficking and Pornography Act, 1998

The legislation for dealing with CAM is contained in the Child Trafficking and Pornography Act, 1998. This Act created offences of production, distribution and possession of indecent images of children under the age of 17 and any related sexual abuse, grooming or other exploitation of children.

The legislation provides that on the sworn information of a garda sergeant, a district court judge may issue a warrant for the search of a place, and any persons found therein, if an offence relating to child pornography is suspected. The Act also provides that a person at an address must provide their name and address to a garda member but it does not provide a power to gardaí to request a password for a computer or other device. Encryption and password-

2 CyberSafeIreland is a not-for-profit organisation, established in 2015, that works to empower children, parents and teachers to navigate the online world in a safe and responsible manner. Founders have backgrounds in cybercrime investigation, law enforcement, forensic psychology, online child protection and academia.

3 <http://www.tandfonline.com/doi/abs/10.1080/13552600.2016.1241308>

protected devices are a major obstacle to effective investigation by law enforcement agencies. A power to require such information exists in the Criminal Justice (Theft and Fraud Offences) Act, 2001, which provides authority to gardaí to operate any computer, which is being searched, or cause it to be operated by a person accompanying the member for that purpose. It also requires any person who appears to have lawful access to the computer, to provide information, such as passwords to enable the member to examine it and produce information. In Australia, a failure to provide a password when requested carries the same penalty as the offence under investigation. The Inspectorate believes that similar powers to this should be available in Ireland, which requires any person who appears to have lawful access to a computer or other device to provide a password and any encryption key or code in order to operate the device. Failure to comply with this requirement should be an offence.

The age of a child for offences in this legislation was at the time of this review under 17, which was at odds with the definition of a child for all other areas of child protection, which defines a child as a person under 18. This anomaly was addressed in the recent Criminal Law (Sexual Offences) Act 2017.

Criminal Law (Sexual Offences) Act 2017

The Criminal Law (Sexual Offences) Act 2017 provides new measures to protect children from harm and it addresses many gaps found by the Inspectorate during this review. It creates new offences to protect children from grooming and online predators and strengthens child pornography legislation.

The Act contains specific measures to strengthen existing law in the area of grooming and focuses on those who use modern technologies to engage with children for the purpose of sexual exploitation. Important measures include making it an offence to use modern communication technologies for CSA or CSE and making it an offence to meet or to arrange to meet with a child. This criminalises the initial stages of grooming to facilitate sexual exploitation. It also provides further protection to children from unwanted advances and makes it an offence to send sexually explicit material to a child by mobile or internet

communications. The seriousness of these offences is reflected in the penalties of between ten and 14 years imprisonment that may be imposed.

This legislation also includes provisions regarding testimony by victims of sexual offences, particularly children. This includes providing facilities to allow evidence to be given from behind a screen and preventing a person accused of a sexual offence from personally cross-examining a child under 14 years of age, unless the interests of justice require such cross-examination. A gap identified in this review is addressed in the Act by the creation of a new offence of exposure and offensive conduct of a sexual nature. This is important in terms of notification requirements for those convicted of certain sexual offences. There is also additional protection for victims from convicted sex offenders with the creation of harassment orders. These orders can be issued on application to the courts, in order to place restrictions on the contact that a convicted offender, who has been released from prison, can have with a victim.

The issue of defining consent in rape offences in Ireland has been the subject of much debate. Most people engaged by the Inspectorate as part of this review support the introduction of a definition in Irish law. The Inspectorate notes that a statutory definition of consent is included in the Act.

The Inspectorate welcomes the Act as it includes provisions designed to further protect the most vulnerable and it will also allow law enforcement interventions to take place at a much earlier stage in the grooming and sexual exploitation process.

Garda Síochána Response to Online Abuse

The process for dealing with online CAM is carried out by a number of different areas within the Garda Síochána. The Online Child Exploitation (OnCE) unit, which is part of the Garda National Protective Services Bureau (GNPSB), has responsibility for receiving referrals and intelligence from international police services, Interpol and other organisations in connection with CAM on the internet. The vast majority of referrals that are assessed by OnCE as having evidence of CAM are sent to garda divisions to

conduct an investigation and, where appropriate, to obtain a warrant to search an address for CAM. If any computer media is seized during the course of a criminal investigation, it is sent to the Garda Cyber Crime Bureau (GCCB), which has responsibility for the forensic examination of that device.

Most other police services visited by the Inspectorate operate similar structures to the Garda Síochána with a national or service-wide unit in place. However, the Inspectorate found that the national units in these jurisdictions tended to operate differently. For example, in the Netherlands, the national unit provides similar high-level expertise but it also has regionally based resources that conduct all investigations. These units are part of the national unit structure and have the same high level of training, as well as the same access to technology. In the West Midlands, there is a service-wide unit with responsibility for conducting all investigations into online paedophile activity including CAM. In Scotland, a national unit has responsibility for investigating more serious online offending, but additional national unit resources are located in three geographical regions. Where a case involves CAM it is managed by a number of different units including some of the regional units, divisional Public Protection Units (PPUs) and in some cases, is referred to non-specialist officers attached to divisions. Police Scotland has found that where specially trained officers are used, investigations are often far more effective, efficient and timely. In the Police Service of Northern Ireland (PSNI), they operate a similar system to the Garda Síochána.

Online Child Exploitation Unit

The OnCE unit based in Dublin has responsibility for monitoring the enforcement of the provisions of the Child Trafficking and Pornography Act, 1998.

The unit is the national single point of contact for receiving referrals from other police services, Interpol and other agencies in connection with the production, distribution and possession of CAM. It has a very important role in examining referrals containing indecent images in order to see if it can identify a child who is in need of immediate protection from abuse.

The unit does investigate some referrals and while the numbers conducted each year are low, they are likely to be more complex cases, or those which have an international perspective.

The majority of intelligence reports and referrals of CAM received by the unit are sent to garda divisions for the purpose of conducting enquiries. These are generally assigned to non-specialist members who are not trained in this type of work.

Other responsibilities include conducting proactive operations to target abusers and the coordination of intelligence concerning paedophiles and their use of technology. This review found that the unit is focused on referrals received and at the time of the inspection had limited capacity to conduct covert pro-active operations, such as online undercover activity.

Staffing Levels

At the time of the inspection visit, the OnCE unit consisted of a small team of one detective sergeant and five gardaí designated as investigators. The Inspectorate met a number of the investigators who were appointed as detectives, however, they had not received detective training. At the time of the visit, the Inspectorate found that the level of resources was preventing the unit from conducting pro-active operations and limiting important activity that it should perform. A garda competition was taking place to recruit additional investigators to this unit, primarily for pro-active work, and there is an aspirational staffing target of two detective sergeants and 18 detective gardaí. While increasing the number of assigned members would provide a pro-active capability, it was evident to the Inspectorate that there are many functions of the unit that could be performed by garda staff.

Most of the police services visited by the Inspectorate had significantly higher levels of resources deployed to online child abuse investigations. This included the Netherlands and Norway where there are approximately 150 staff dedicated to the investigation of child pornography. In the Netherlands, 40 members of staff were assigned to the national unit that comprised experts in digital and behavioural analysis and research. In addition, there are ten local teams that investigate pornography cases comprising trained investigators as well as digital

and financial specialists. In the West Midlands, the service-wide specialist unit had four supervisors and was about to move from 12 to 21 detectives. This unit also has two intelligence officers and two digital forensic experts (one police officer and one police staff). Police Scotland has significant numbers of staff assigned to its online child abuse investigation teams and, at the time of the visit, 67 staff were assigned across three regional units. Of these, 50% were police staff. The PSNI has a relatively small Child Internet Protection Team with eight officers assigned and like the garda national unit they deal with the more serious cases.

Training

Investigators in the OnCE unit generally receive specialist training for their role through Europol, and the investigators who met with the Inspectorate had attended victim identification courses in Germany. The unit has no computer forensic examiners and this was viewed by it as a skills gap. Investigators are trained in Level 2 interviewing skills and the sergeant in charge of the unit is trained to Level 4.

Referrals of Child Abuse Material

The OnCE unit is the single point of contact for the Garda Síochána for referrals in connection with online CAM. A referral is an intelligence report that indicates that a person is accessing or in possession of CAM. The unit receives, assesses and determines what action to take in relation to these referrals.

Referrals to the unit come from a number of sources including Europol and Interpol, other police services, internet providers, social media sites, garda members and other organisations such as the National Centre for Missing and Exploited Children (NCMEC). NCMEC, which is the major referrer, is a charity-based organisation in the United States that receives referrals of CAM from a variety of sources, including social media sites. NCMEC conducts enquiries to identify the internet protocol (IP) address of the device accessing images and sends a referral to the law enforcement agency in the country concerned.⁴ The referrals generated from NCMEC have

grown exponentially from 5,000 a year, when it was first established in 1984, to over four million referrals worldwide in 2017. NCMEC referrals to the Garda Síochána increased from 50 in 2014 to 1,241 in 2015. However, until late 2017, there was no increase in the staffing levels in the OnCE unit despite this significant increase. At the time of the visit, the Inspectorate found that the unit operated a spreadsheet system to record all referrals received.

There are some operational challenges relating to time delays in receiving some referrals. The referral of an image to NCMEC by a third party may take a long time to reach it and then it has to be sent to the Garda Síochána. Where a referral is significantly delayed and the IP address is inactive, the Garda Síochána is unlikely to progress that enquiry any further. Previously, referrals went from NCMEC to Interpol and onto the Garda Síochána; however, to speed up this process, the Garda Síochána developed a Virtual Private Network to allow direct referrals from NCMEC.

NCMEC also makes referrals to all of the police services visited by the Inspectorate and in the Netherlands, NCMEC referrals account for approximately 50% of the work of their investigation teams. Like the Garda Síochána, other jurisdictions have experienced delays in receiving referrals and, in some cases, they can be three to six months old. In jurisdictions such as Norway, the Netherlands and the West Midlands, they still consider taking action in delayed referrals and, in some cases, they will call on the occupants of the IP address without a warrant to seek permission to conduct a voluntary search. It was explained that occupiers of premises rarely refuse entry and a voluntary search is conducted. On many occasions this search will recover evidence of CAM. In Scotland only a small number of people in the previous four years had refused to participate with a voluntary search. The voluntary search approach is not a practice used by the Garda Síochána and these late referrals are not always progressed.

⁴ An Internet Protocol address is a numerical label attached to each device (e.g. a computer or printer) participating in a computer network that uses the Internet Protocol for communication. The IP address indicates where the device is.

Assessment of Referrals

Members of the OnCE unit perform a variety of tasks but all members complete the assessment of a referral to determine the next steps and put packages together to send to divisions. The assessment of an image or a video is firstly to decide if the material appears to involve a child under 17 years of age and then whether the content or nature of it amounts to an offence under Irish law. If neither is present, the case is effectively closed and no further investigation will take place. Estimating a child's age is not an exact science and it calls for professional judgement.

A referral to the Garda Síochána may contain a single image or it may have many thousands of images or videos. Where a referral includes a large number of images or videos, each image must be viewed and assessed against set criteria. Many images in a referral may be legal, such as family photographs, but they still need to be checked and may provide important information that could lead to the identification of a child or the abuser. Referrals are received daily and the investigators can assess between six and ten cases a day. If material meets the criteria for a crime under the legislation, the unit submits a request through another garda department to obtain the subscriber's details for the IP address.

The OnCE unit has one main encrypted computer used for storing all images and videos from referrals and anyone wishing to view these materials must attend the unit to do so. The unit explained that poor broadband speed impacts greatly on the work of the unit and the downloading of material that should take 30 minutes can take up to 12 hours.

Categorisation of Child Abuse Materials

An integral part of the assessment process is the categorisation of CAM. In Ireland, the scale used ranges from Category 1, being the most serious CAM that contains child explicit material, to Category 9, which is less serious, such as images of body parts. Categorisation is an important process as it provides an indication of both the volume and the seriousness of the material. Only material assessed as Categories 1 or 2 is considered an offence under Irish law. The unit explained that courts in Ireland are increasingly asking for CAM to be further categorised to show the seriousness

of the material, but the current scale used was not designed for such purposes.

Internationally, countries have very different legislation, such as the defined age of a child, different offences and often use different categorisation systems. The police in the Netherlands explained that the only category of offence agreed internationally through Interpol, is a sexual act with a child under 13. This level of inconsistency can create difficulties with CAM circulated worldwide where another police service has already viewed and categorised an image using a different system. For example, UK police services and agencies were using a five-point scale but, since April 2014, a new three-point scale was introduced to help with issues such as presenting evidence to courts to assist with sentencing decisions. In this system, the categorisation ranges from a Category A image, which is the most serious showing penetration, to a Category C image that includes sexually provocative images. The OnCE unit would like to see this categorisation system used in Ireland.

A significant benefit of a common categorisation system concerns the viewing of the same material by different police services and an agreement on the most appropriate categorisation for it. Having a common categorisation system removes the need for an investigator to view and categorise the same CAM on further occasions. Many of the countries visited by the Inspectorate as part of this review are using the Child Abuse Image Database (CAID) or a derivative of this system. The Home Office in the UK developed CAID in 2014 in collaboration with the police and industry partners. All police services and the National Crime Agency are connected to CAID. The database holds worldwide CAM and each image or video has a hash value applied that provides a unique identifier. Once CAM is categorised independently by three different police services to the same level, it is stored in CAID as a recognised and categorised image or video. CAID uses software to review files on devices and compares it against known data such as keywords. This database increases the speed at which devices can be analysed and allows much quicker cataloguing and grading.

Removing the need for an investigator to view images that are already recognised on CAID can reduce the need to view materials by 20% to 40%.

Not only does this save time, but it also removes the need for investigators to unnecessarily view previously assessed CAM. CAID also provides a streamlined report of the total number of recognised images by each category.

Others advantages of CAID include:

- It can be used during on-site triage or initial assessment to prioritise which of the suspect's devices need further analysis. This eases the burden on digital forensics teams;
- Early identification of images on devices allows cases to progress more quickly;
- It can be used as evidence in court proceedings;
- Sharing CAM more easily between agencies may lead to quicker identification of victims; and
- A significant amount of the worst CAM on CAID is provided to the online industry to help them in their efforts to remove these images from the internet.

Currently, investigators in the OnCE unit are not using CAID at the categorisation stage and are regularly and unnecessarily viewing and categorising CAM previously assessed by their own unit or by another police agency.

Victim Identification

Victim identification is a key priority for police services that met with the Inspectorate. Some of the OnCE unit investigators are trained in victim identification but are not assigned to this important role on a full time basis thus reducing their effectiveness. Identifying a child from an image is time consuming but it may lead to the identification of a child in need of immediate intervention and protection. Every image is a potential crime scene and detailed examination may help with identification. Interpol describes the analysis of the virtual world as a crucial part of the investigation that can take place in the physical world. The investigators in the OnCE unit believe that there should be dedicated garda resources assigned to this function and, although they would like to spend more time on this area of work, they have other duties to fulfil.

To assist with victim identification, the OnCE unit has access to the Interpol International Child

Sexual Exploitation (ICSE) image database. This uses sophisticated image comparison software to make connections between victims, abusers and locations from images. Launched in 2009, it facilitates access in real time, providing immediate responses to investigators to identify and locate perpetrators and remove victims from harm. Where an image has the potential to identify a victim of abuse, they check the image against the ICSE database. By the end of 2015, some 8,000 identified victims were included on the database. This system can only identify those child victims on the database and will not assist with new images that are found.

The OnCE unit reported that it identified a total of 13 children from images in 2014 and 17 in 2015. To achieve this, they checked 1,700 images against the ICSE database in 2015. However, at the time of the inspection visit, the Inspectorate was informed that the person who did that work was no longer working in the unit and currently that function was not being completed. During a meeting with senior gardaí from the GNPSB, the Inspectorate was initially informed that victim identification was not an activity in which the Garda Síochána intended to invest but this position has now changed.

Victim identification is a priority for Europol, Interpol and other police services. In the Netherlands, they have four people conducting this role and at the time of the Inspectorate visit, had identified a total of 850 children. In the years preceding the Inspectorate visits, the annual figure ranged from 50 to 100 identifications per year. A Dutch investigator explained that abusers are often known to the child and abusers like to keep CAM for further gratification or for sharing, so it provides good evidence of a crime. A previous investigation was outlined involving a local abuser and a large volume of photographs that were found. After extensive examination of the images, it led the investigation team to the United States and, along with a sibling, the child victim was rescued from their mother who had also participated in CSA. Not only did the image of the child lead to the identification of the victim, but the investigators also found evidence in the photographs that linked the abuser to the crime. This is an excellent example of the value of victim identification leading to the rescue of children

who lived in another country. Other police services visited have systems in place to manage cases where a victim identification is made. For example, once the online investigation unit in the West Midlands Police has identified a child, the case is assigned to their Child Abuse Investigation Team to progress.

Mutual Legal Assistance Treaties and Internet Providers

Mutual Legal Assistance Treaties (MLATs) are agreements between countries to facilitate the exchange of information relevant to an investigation. Recently, there has been a huge growth in MLAT requests to access online records. As criminals have gone online to communicate and store their data, police services and other agencies need to access this type of information to investigate and prosecute crimes. Electronic records are often held by internet service providers and social media sites for a specified period of time. As many of the market leaders in this area are located in the United States, companies treat the vast majority of their data as being located in that country and therefore subject to local jurisdiction. If an investigation or prosecution is taking place in a country outside of the country holding the data, it may be necessary to issue an MLAT request to obtain a user's online records. This includes information such as subscriber details, e-mail content or social media information. The OnCE unit explained that MLATs are significantly adding to delays in progressing cases and it can take six months to two years to obtain the required information.

The unit also reported difficulties experienced with some internet providers who can take a long time to respond to requests for information. Another issue of concern surrounds data retention by service providers for an IP address that is more than 12 months old. The Inspectorate was informed that while EU member states are required to ensure that providers keep data for between six and 24 months on areas such as the source of a communication, destination, type of device and location of equipment, not all providers do so and there is no sanction for providers who fail to retain such data.

Risk Assessment

Because of the volume of CAM in circulation and the high number of abusers accessing material online, risk assessment is essential for police services. However, the Inspectorate identified that the OnCE unit is not using a risk assessment tool to assess intelligence received

The most widely used model for assessing intelligence on CSA is KIRAT, which is also used to prioritise police operations and investigations. This system was in use in all of the police services visited by the Inspectorate to identify high-risk offenders. KIRAT considers factors such as a person's access to children, their previous criminal convictions, their predilection and their opportunity to abuse a child. The model grades intelligence from high to low, although using this model is not an exact science and all suspects potentially pose a risk, irrespective of whether the risk is assessed as high or low. However, with growing levels of intelligence on CAM, this type of model helps a police service to prioritise cases based on the risks posed. For example, in Norway, the national unit presented a case study which involved intelligence on 800 IP addresses accessing CAM. A decision was made to concentrate on those offenders who had accessed ten or more sites and this reduced the number to 200. At this point, KIRAT was used to identify offenders within those 200 cases who posed the highest risk. In total, 99 cases were prioritised for action and while still a challenging number of operations to manage, it provided a sound basis for decision making and prioritising police action.

While KIRAT is available to the Garda Síochána and the sergeant in charge of the OnCE unit is trained in its use, it is not currently used and there is no other risk assessment model used to prioritise cases. Police services need to use a risk-based approach in order to prioritise high volumes of intelligence and a formal risk assessment process, such as KIRAT, provides a good basis for such decision making.

Investigations and Intelligence Packages

Following the completion of the assessment and categorisation process, a decision is made by the OnCE unit on the next stage in the investigation process. For referrals not meeting the threshold for a crime, the case is effectively closed. This

includes cases where the image does not appear to be a child under 17. The Inspectorate found that the vast majority of referrals received by the OnCE unit are closed at this assessment stage.

For cases categorised as a crime, the OnCE unit decides whether to retain the case for investigation or whether to send it to the garda division in the area in which the IP address is located. The OnCE unit retains approximately ten cases a year for investigation and these are allocated to investigators in the unit in addition to their other roles. Sometimes locating an IP address can be difficult and this may prevent an investigation from proceeding. Many administrative functions, such as identifying IP addresses and updating the referral spreadsheet, are completed by gardaí in the OnCE unit. The Inspectorate does not view this type of activity as best use of a trained investigator's time and these types of functions should be performed by garda support staff.

When a CAM case is referred to a division, a file containing relevant information is created by the OnCE unit to assist a divisional investigator. This file is referred to as a 'package' and is regarded as providing intelligence only and not material that can be used as evidence in any subsequent prosecution. The package will include details of the IP address and brief details of the CAM found. As previously explained, the OnCE unit does not risk assess cases and therefore, in most cases, no priority is attached to a case sent to a division for action.

Joint-Agency Approaches

The OnCE unit also receives referrals that appear to involve self-generated CAM, such as 'sexting', and in the absence of any intelligence that suggests that there is any intimidation or abuse involved, the referral at this point is not treated as a potential crime. In these cases, the unit creates a package that is sent to the local garda division and to the Tusla, the Child and Family Agency office in that area, with the intention that a joint-agency approach will be made to the family and the child concerned to discuss the image. This approach is similar to action taken in other policing jurisdictions where the desire of the police is to avoid criminalising this type of behaviour. In the Netherlands, if self-generated images are shared within a school environment, the police

engage children to explain the ramifications in terms of future travel and employment if they are prosecuted for possession or distribution of an indecent image of a child. The Garda Síochána is working with the Irish Society for the Prevention of Cruelty to Children and with Tusla on an awareness campaign in schools relating to self-taken images and the implications for children who distribute CAM.

Processing Intelligence Packages

As the majority of intelligence packages are sent to divisions, garda members are assigned by those divisions to conduct investigations. Divisions have the responsibility for obtaining a search warrant and conducting a search for evidence. There is no national protocol or standard operating procedure for determining who will investigate a OnCE unit package and the 28 garda divisions allocate cases to a variety of different units for investigation.

Assignment of Packages by Divisions

Once a division has received a package, it is its responsibility to allocate it for investigation. Garda divisions have a number of competing policing priorities and this review has established that this type of investigation is not always viewed as a high priority. Additionally, divisions have no specialist unit that deals with this type of case and gardaí assigned as investigators have not generally received any specialist training. District superintendents who met with the Inspectorate explained that in the absence of specialist investigation units, packages may be allocated to inexperienced gardaí for investigation.

Currently, an investigator wishing to view the CAM referred to in a package will have to travel to the OnCE unit in Dublin as there is no technology in place to allow remote viewing. The OnCE unit sees some value in an investigator attending as it gives it an opportunity to discuss a case and to provide assistance or advice on how to best approach it, particularly if it believes that a child in Ireland may be in immediate danger of abuse. This is an area that the OnCE unit would like to address; it believes that remote access should be available to investigators.

Most of the other police services visited by the Inspectorate only use specially trained investigators to deal with these types of packages and those police services that do not use specialists have found that cases are not always progressed in a timely and effective manner. The outcome from an examination of the progress of the OnCE unit packages is discussed later in this chapter.

Feedback from District Visits

During visits to the seven garda districts that featured in this review a number of points were made to the Inspectorate in connection with online CSA, including the following:

- Many children are self-posting indecent images on social media sites or recirculating indecent images that creates additional offences;
- Dealing with social media providers can be cumbersome, complex and often frustrating;
- They are dealing with serious cases involving the blackmail of children and incidents where there are high risks that victims will self-harm;
- The Darknet was identified as a growing concern and a case was referred to where a 15 year old was accessing extreme CAM;
- Some districts are delivering schools programmes about internet risks and the Garda Síochána has an internet safety programme; and
- Offenders who have their computers seized can buy a smart phone and be back in operation immediately.

Most importantly, one of the key issues raised during district visits was the lack of training for investigators who are dealing with online CSA and child pornography offences.

Search Warrants

On assignment of a package, it is important for an investigator to obtain a search warrant and to conduct a search of an address at the earliest opportunity to locate and seize CAM or devices that may contain such material. Often, until a search is conducted, an investigator will not be able to fully establish if a person at the address is a contact abuser of children and whether they have

access to children. Other policing jurisdictions visited by the Inspectorate found that many of the intelligence packages identified people previously unknown to the police and who were in positions of authority, often with access to children in their home or workplace. It is therefore vitally important to deal with packages expeditiously, as any delay in obtaining and executing a search warrant could result in the continued sexual abuse of a child.

In order to obtain a search warrant, a garda sergeant has to be satisfied that there are reasonable grounds to suspect that there is evidence at a specified address. As the original intelligence is kept in the OnCE unit, the sergeant may also have to travel to Dublin to view the material. There is a time and cost implication with this current process for those divisions located a long way from Dublin.

Conducting Searches

On most occasions, searches are conducted by the investigating member, assisted by local colleagues and, on occasions, accompanied by a supervisor. In the majority of cases, these members have not received any formal specialist training in conducting this type of a search.

The GCCB provides the Garda Síochána with forensic examination expertise and has responsibility for conducting examinations of computers and other devices. Unless it involves a high profile case, members of the GCCB do not routinely attend searches of premises and are used at a much later stage in the process to examine devices seized. During a visit to the GCCB, the Inspectorate was informed that most gardaí conducting these types of searches do not have the technical skills to effectively deal with the initial assessment, examination and seizure of devices. On occasions, at the time of conducting a search, a suspect may be online and without the right level of technical skills, an investigator may lose the one opportunity to gather evidence such as imagery, hidden drives, chat logs or timelines.

To reduce the backlog in forensic examinations, the Garda Síochána has trained non-GCCB members to conduct mobile telephone and tablet examinations. While this training has provided investigators with good knowledge of mobile

telephone examination, it does not provide the required expertise to examine computers. Even experienced members of the OnCE unit who met with the Inspectorate did not feel that they have the necessary skills to conduct on-scene assessments of devices found at premises and importantly to ensure that all relevant devices are identified and seized.

The Inspectorate views the absence of trained GCCB examiners at these types of searches as a lost opportunity to ensure that devices are properly handled and that only necessary devices are seized. Investigators often face a dilemma during a search about what to seize, what not to seize and how a device is correctly disconnected. In these cases, caution often prevails and investigators tend to seize all devices and submit them for examination. The GCCB informed the Inspectorate that approximately 60% of devices seized and later examined by their unit contain no CAM. The unnecessary seizing of devices during searches is significantly contributing to the current backlog in examinations.

Triage Technology

Triage technology is currently available and the Garda Síochána has a preferred model called OS3Triage; however, at the time of inspection visits this equipment was not in use. This technology can display the images that are contained in a device and allow an assessment at the time of a search. There is a risk that this sort of technology might miss evidence that would be recovered during a full examination, however, with a growing volume of devices contained in a modern home, there is a need to take a risk-based approach to reduce the volume of equipment seized and subsequently examined by the GCCB. This sort of approach will also greatly reduce the time taken by the GCCB to conduct examinations. Many other police services visited use triage technology, including the Netherlands, where the triage system used can identify known and previously categorised CAM contained in a device.

Other Jurisdictions

In the majority of police services visited, intelligence packages are also produced but in most cases, they are allocated to specially trained

investigators. In the West Midlands Police, the Online Child Sexual Exploitation Unit deals with all packages where the identity of a child is unknown. KIRAT is used to risk assess all available intelligence and in high-risk cases a search of the address should be conducted at the earliest opportunity. At the time of the visit, the unit was conducting two to three searches per week.

In Scotland, one specialist police officer and one forensic expert attend each search. Where a risk assessment has identified a child protection concern, a social worker may also be asked to accompany those conducting the search. The forensic expert is available to conduct a triage process to reduce the unnecessary seizure of devices. If the triaging identifies CAM on a device, it is seized, but if no material is found, the device is left at the scene. The triage equipment identifies images already known to police services and assessed as CAM. Police Scotland described adopting a low-key approach to conducting searches to avoid compromising the address or the occupants and to prevent any community concern issues from arising.

Many police services have at some point also experienced long delays in the forensic examination of computers but those who have made significant progress have all adopted some key principles at a potential crime scene. These include sending forensic experts with investigators to ensure that only devices suspected of containing CAM are seized. Triage equipment is used to give an indication about the material that is on a device. As a result, in Norway, a two-year backlog has reduced to 12 months and in the West Midlands, the time taken for examinations has reduced from 18 months to a year. In Scotland, examination times have reduced from 13 months to six months for computers and from eight months to two months for other devices. Police Scotland described the previous process of seizing all devices as 'choking' the examination stage. In the Netherlands, there is a target to complete all examinations within six months.

Police services such as those in Norway, the Netherlands and Scotland have moved away from using only police officers as forensics examiners and have employed people from outside of the

police service with high-level technical skills. The Netherlands explained the importance of having people with software development skills that can help to develop innovative analytical tools.

The Inspectorate believes that the Garda Síochána needs to take urgent action to ensure that skilled forensic examiners attend all such searches to professionalise the action at the scene, reduce the amount of devices seized for examination and reduce the current backlog of examinations.

Dealing with Suspects During Searches

The legislation for making arrests and the use of bail in Ireland are very different to what applies to other police services. This issue was fully covered in the Inspectorate's *Crime Investigation (2014)* report.

Option of Arrest

In Ireland, following the search of an address on warrant, devices believed to contain CAM are usually seized, but the Inspectorate has found that it is very unlikely that an arrest of a suspect will be made at that time. In essence, at the time of a search, the engagement with a suspect is limited to brief questioning. During this review, the Inspectorate was informed that there are concerns about the skill levels of some garda investigators in respect of their ability to deal with a suspect who is present at the time of a search. This included the questioning of a suspect at the time of the search that was described as generic and sometimes poor quality. If the suspect is not arrested at the time of the search, they are not interviewed and a first account is not obtained. Once a search is completed and any device is seized, an examination request form should be sent to the GCCB. This request form should explain the nature of the case and, where appropriate, highlight any urgent child protection concerns that would prioritise the examination process.

Senior gardaí from the GNPSB explained to the Inspectorate that they propose to start using a triage device that will immediately identify images contained on a device and this will allow an immediate arrest.

Once devices are seized they are sent for examination, and the arrest or interviews of suspects will await the outcome of the examination. Any delay in the forensic examination of a device also extends the time taken to arrest or to conduct a formal interview of the suspect.

During the visit to the OnCE unit, a supervisor raised a concern that has featured throughout this review about the non-recording of a suspect's details in a child pornography case on PULSE.

Other Jurisdictions

In other jurisdictions, the Inspectorate found that the option of immediate arrest at the time of a search is used far more often. As regards the West Midlands Police, where there are grounds to suspect that an offence has been committed, a suspect is usually arrested at the time of a search. An immediate arrest allows an interview to take place to obtain an early account from the person detained. In most cases, the person is later released on police bail pending the examination of any devices that were seized. Police bail in England and Wales allows pre-charge and pre-court conditions to be attached that could include restrictions such as preventing access to the internet. Following examination of devices seized, the person can be re-interviewed about any CAM that is subsequently found.

In Scotland, they do not generally arrest at the time of a search and ask suspects a limited number of questions. Police Scotland informed the Inspectorate that 90% of the searches involve people with no previous convictions, but there are often child protection concerns as many come from professional backgrounds with access to children in their own home or in their work environment.

Police services recognise that a police operation of this nature can also have a dramatic impact on a potential suspect and their family and there is a risk that a suspect may consider self-harm. The West Midlands Police has adopted a safeguarding approach to suspects to reduce the risk of suicide and the National Police Chiefs Council in the UK has developed a suicide prevention risk management strategy. This includes an intervention pack containing advice and guidance that is provided to the suspect. The OnCE unit

informed the Inspectorate that it did not have an intervention approach or an information pack to provide to suspects, but viewed this type of initiative as good practice.

While other jurisdictions have different approaches to making arrests, the Inspectorate believes that early arrest should be used by the Garda Síochána in these sorts of cases.

OnCE Intelligence Packages – Tracking of Referrals

When the Garda Síochána identifies or receives intelligence about an offender producing, possessing, or distributing CAM, it is important that it has a robust process in place to action that intelligence diligently and expeditiously. This type of intelligence often identifies child abusers or offenders who are not known to the police and, most importantly, it might lead to a child who is the victim of abuse and in need of immediate protection.

Garda Inspectorate Information Request

In order to examine the efficiency and effectiveness of the Garda Síochána processes for managing referrals of CAM, the Inspectorate submitted an information request on 2 August 2016. This requested information about the actions taken and the outcomes for all referrals received by the OnCE unit between January 2014 and June 2016 and subsequently any devices that were sent to the GCCB for forensic examination.

In essence, the Inspectorate wanted to track a case from the date a referral was first received in the OnCE unit, through the sending of a package to a division, to the execution of a search warrant and finally to the forensic examination of devices seized. While this seemed to be a reasonable request, it would transpire that the Garda Síochána did not have effective systems in place to track such cases through the various processes.

The information request submitted by the Inspectorate asked for specific data including the following:

- › Date a case was referred to OnCE and the source of the intelligence;
- › Outcome of the initial assessment process;

- › Date a package was sent to a division;
- › Any outcome from a division, including the date a search warrant was obtained and executed;
- › Details of child protection cases that involved a joint approach with Tusla;
- › PULSE incident numbers, which related to search warrants and/or crimes; and
- › Date that a forensic examination request form was completed.

Senior gardaí from the GNPSB raised immediate concerns with the Inspectorate about the information request and the likely resources and time that it would take to obtain this information. However, they acknowledged that a system for tracking intelligence packages should have been in place and they did not view any of the details requested by the Inspectorate as unnecessary. At an early stage in the information request, the OnCE unit decided to create a new database to track approximately 2,000 cases that were assessed by the unit since 2014. Although not requested by the Inspectorate, the unit decided to extend the tracking of cases received before 2014 back to 2010.

During the next few months, the Inspectorate had regular contact with the unit to check on progress and was informed that there were significant difficulties in obtaining the information, primarily from garda divisions that had received the packages. In October, nearly three months after the information request was first sent, the Inspectorate met with senior managers from the GNPSB and raised concerns about the long delay in providing a response. Two reasons for the delay were identified: firstly the creation and updating of the new database; and secondly, despite repeated requests from the GNPSB, a number of divisions had failed to provide updates.

In late December 2016, nearly five months after the information request was sent, the Inspectorate made a decision to take the available information on the database, although it was still incomplete. As this analysis will show, despite repeated requests from the OnCE unit, 12 garda divisions had still not provided updates in 105 cases.

In addition to the request for information on packages, the Inspectorate submitted an information

request to the GCCB asking for the details of all forensic examinations that took place between the years 2010 and 2015, broken down by garda divisions.

The following are some of the key data sets that were requested:

- Total number of requests received to carry out a forensic examination on computer devices in connection with child protection or CSE each year;
- Total number of those requests that are still outstanding;
- PULSE incident number of a case;
- Date the device was seized;
- Date an examination was requested;
- Date computer device was examined; and
- Results of examinations.

The GCCB replied to the information request in October 2016. This consisted of raw data in respect of the number of requests received in the GCCB for examination of devices and the numbers that were still outstanding. The GCCB informed the Inspectorate that there was no unique reference number used for cases and that they would be unable to link their examination of a device to a case that originated in the OnCE unit. This response did not assist the Inspectorate in its desire to track a case from the first referral to the OnCE unit, to the final examination stage.

Garda Tracking and Monitoring

The Inspectorate met separately with the GNPSB and the GCCB to discuss the information requests. While the OnCE unit had informed the Inspectorate during a visit that a spreadsheet system was in operation to track and monitor all cases that came into the unit, this information request identified that it was not up to date and it was ineffective. At the time of making the request, the GNPSB informed the Inspectorate that the OnCE unit did not have the time or resources to track all of the packages sent out by the unit to garda divisions, although in some more serious cases, it does check on the progress of a case. In essence, at the time of the request, there was no effective system to monitor the progress of an intelligence package and this is a serious child protection issue. It also became apparent at a very

early stage of this information request, that there was no generic reference number for a case to track it from the time that an intelligence package was created to the time that a device was sent for forensic examination. The Inspectorate examined the possibility of auditing PULSE for the tracking process, but this proved to be ineffective and, at that time, there was no system available to connect packages sent out by the OnCE unit to the final part of the process in the GCCB.

Total Referrals Received in OnCE

Figure 4.1 shows the total number of referrals received in the OnCE unit in the years 2014, 2015 and to the end of June 2016. This shows that 2,184 referrals were received during this period. It also shows the number of cases either not actionable or retained by the OnCE unit, the total number of packages sent to divisions and the total number of cases where responses on progress were received or not received.

Figure 4.1 Total Number of Referrals Received – 2014 to June 2016

Referrals and Actions	2014	2015	To June 2016	Totals
Total number of referrals received in OnCE	181	1,403	600	2,184
Total number of cases not actionable or retained in OnCE	110	1,073	461	1,644
Total number of packages sent to divisions for action	71	330	139	540
Total number of responses received from divisions	51	274	110	435
Total number of outstanding responses from divisions	20	56	29	105
Proportion of outstanding responses from divisions	28%	17%	21%	19%

Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows a significant rise in the number of referrals received between 2014 and 2015. In 2016, the OnCE unit reported that there were some technical difficulties with referrals and that the actual figure to June 2016 should have been significantly higher. The Figure also shows that in 19% of all cases in this period no update was provided on cases sent to divisions and in 2014, no response was provided in 28% of all cases.

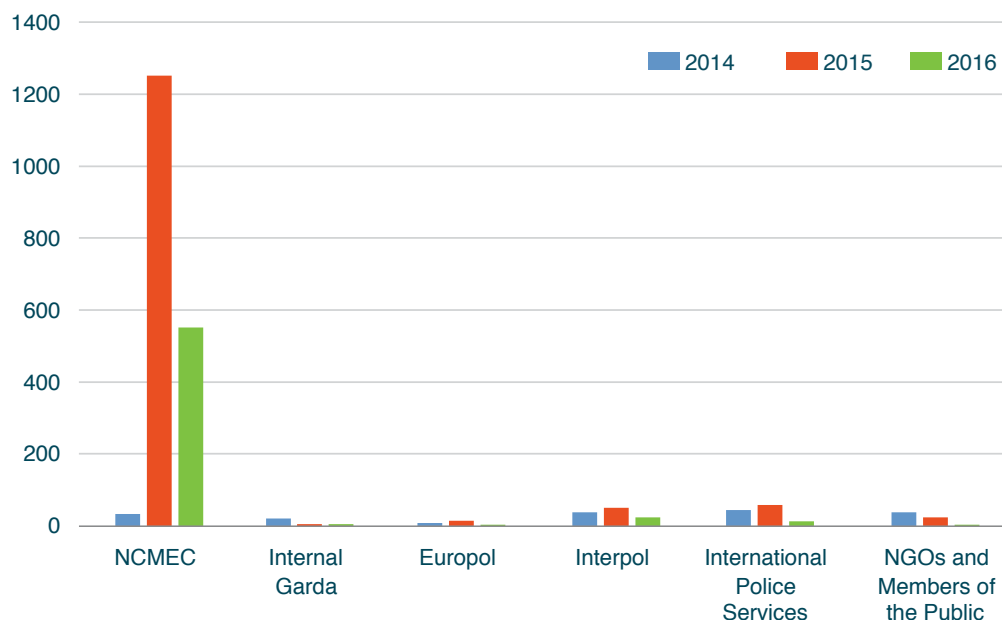
Sources of Referrals

Figure 4.2 shows the originating source of the referrals received by the OnCE unit during those same three periods.

Assessment of Referrals by the OnCE Unit

On receipt of a referral of online CAM, the OnCE unit conducts an assessment of the material. This process determines if an offence is present and, if there is evidence of a crime, who should investigate it. Figure 4.3 shows the outcomes of the assessment process. For analysis purposes, referrals are placed into several categories including those where CAM was present and those where it was not present and therefore not an offence in Irish law.

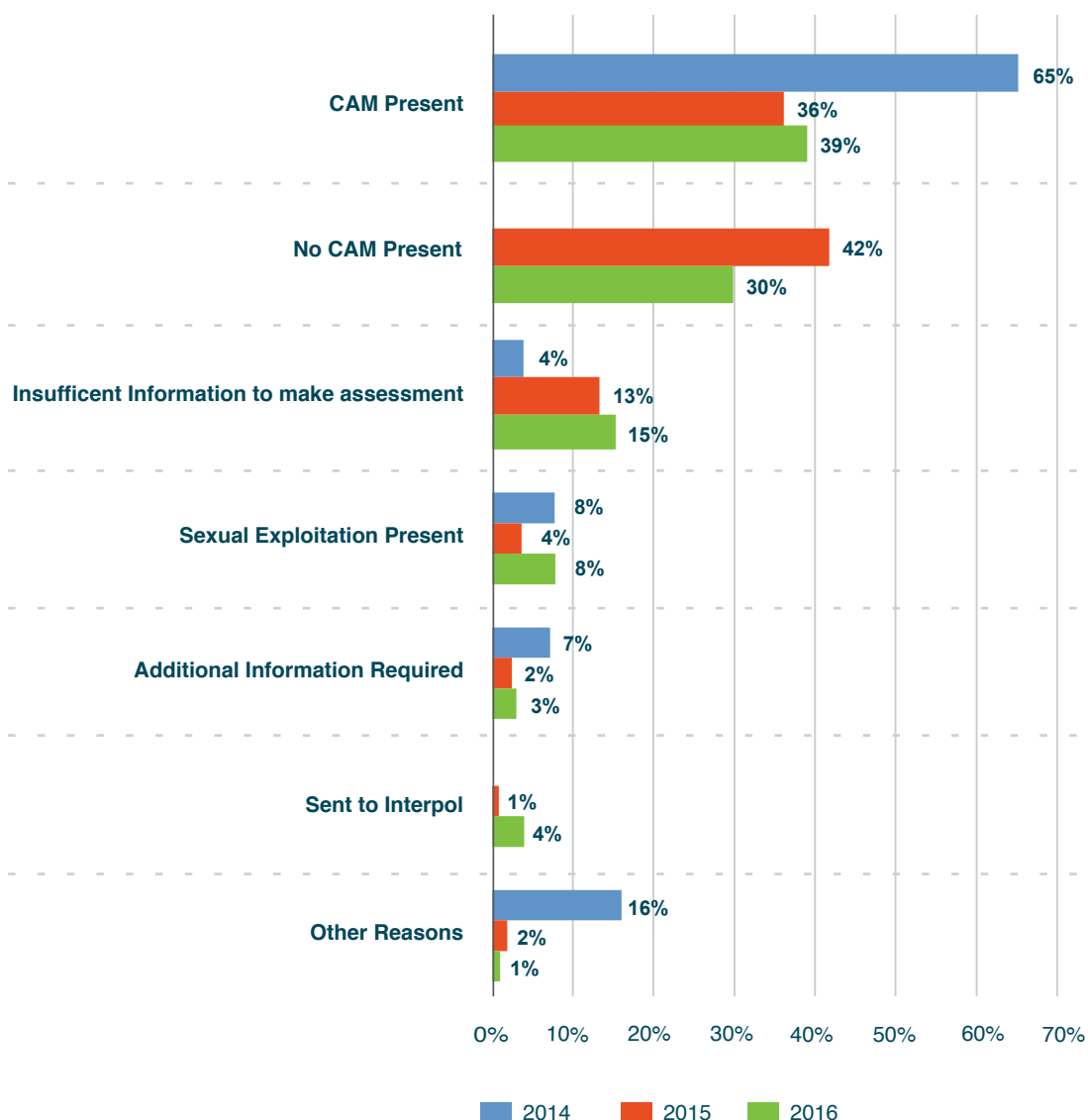
Figure 4.2 Sources of Referrals – 2014 to June 2016



Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

As the Figure shows, NCMEC was by far the biggest overall source of referrals sent to the OnCE unit in the period examined. It also shows a significant rise in NCMEC referrals since 2014 when 33 referrals were sent, compared to 1,252 in 2015. Interpol and other police services are the next highest sources of referrals with the numbers remaining fairly consistent.

Figure 4.3 Initial Assessment of Referrals received – 2014 to June 2016



Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows that in many cases, referrals are assessed as not containing an image assessed as a crime. This includes cases where the image does not appear to be of a child under 17 or the image does not meet the threshold for a crime. In these cases, no further action is taken. In cases which may involve sexual exploitation, it may be appropriate for a joint visit by Tusla and the Garda Síochána to speak to a child and their family or guardian to establish the circumstances surrounding the sharing of an image. Although numbers of referrals increased, the proportion assessed as containing CAM reduced from 65% in 2014 to 36% in 2015 and increased slightly to 39% in 2016.

In some cases, the Garda Síochána may be unable to identify the IP address and these are shown as ‘Other Reasons’.

Out of a total of 2,184 referrals in this period, 540 were assessed as CAM and sent to a garda division for action.

Figure 4.4 examines the number of cases retained for investigation by the OnCE unit.

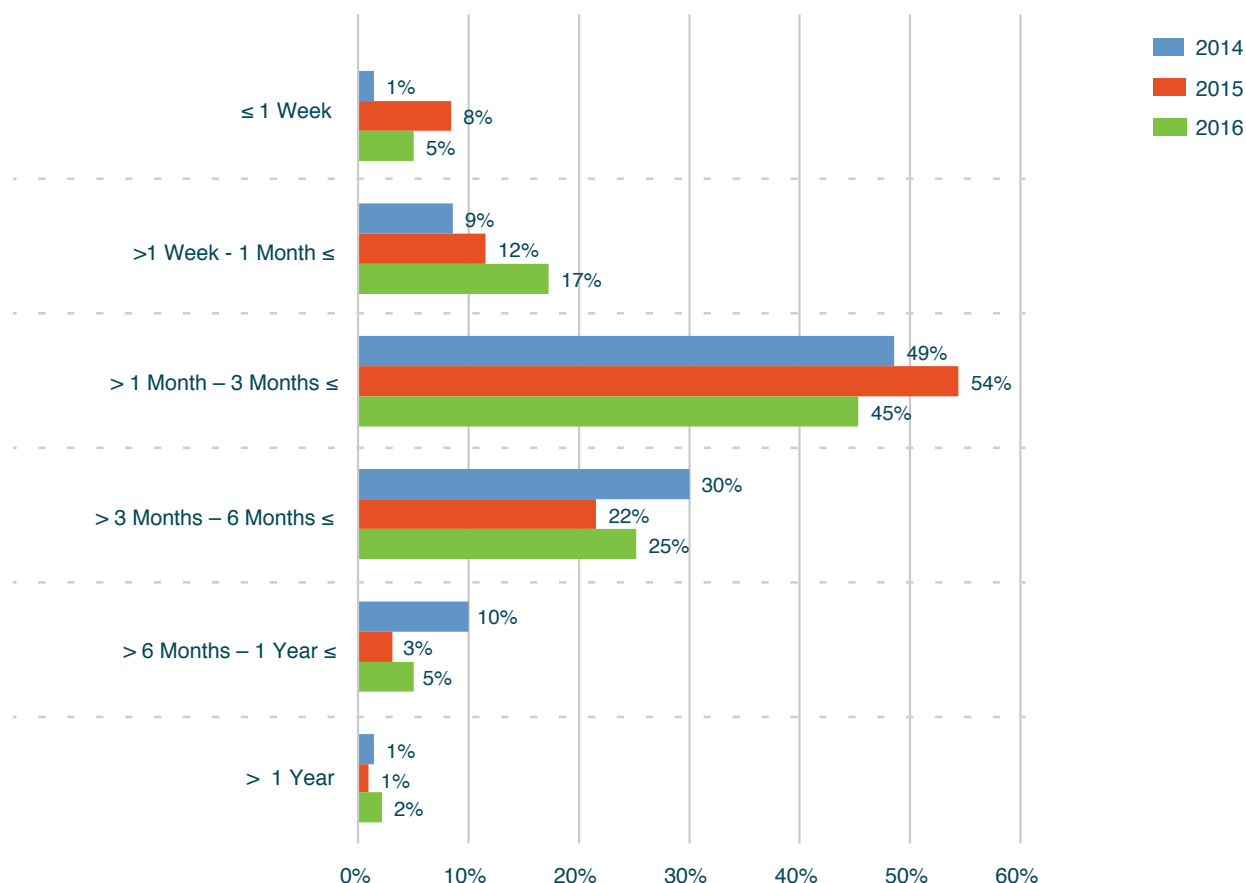
Figure 4.4 Cases Retained by OnCE unit for Investigation – 2014 to June 2016

Outcome of Cases Not Sent Out	2014	2015	2016
Total number not sent to a division	110	1,073	461
Total number retained for investigation	3	57	4
Proportion retained for investigation	3%	5%	1%

Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This Figure shows that the OnCE unit retains a small proportion of cases for investigation after the initial assessment and usually they are the more complex cases or cases with an international perspective. While the Inspectorate was told during the visit to the OnCE unit that it usually keeps about ten cases per year, the data supplied shows that it actually retained an average of 21 cases per year over the three-year period.

Figure 4.5 Duration between Date Referral Received to Date Package Sent to Division – 2014 to June 2016



Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

Time Periods for Sending Packages to Divisions

Figure 4.5 examines the time periods between receiving a referral and sending out a package to a division.

This shows that there are a number of cases where there were significant time delays in sending packages out to divisions. In some cases, this was due to delays in waiting for subscriber information to identify an address. While almost half of the cases took between one and three months to send, another third of cases took up to six months and some took over a year.

Intelligence Packages Sent to Garda Divisions

In total 540 intelligence packages were sent to garda divisions between January 2014 and the end of June 2016. These packages contained intelligence that an IP address had accessed CAM, with an expectation that a division would investigate the case and where appropriate obtain a warrant to search an address for evidence of a crime.

Figure 4.6 Intelligence Packages Sent to Divisions and Responses Received – 2014 to June 2016

Division	Total Sent	Responses Received	Outstanding Responses	Proportion Outstanding
Cavan/Monaghan	13	13	0	0%
Clare	5	5	0	0%
Cork City	44	29	15	34%
Cork North	13	5	8	62%
Cork West	10	9	1	10%
DMR Eastern	25	22	3	12%
DMR North Central	9	5	4	44%
DMR Northern	61	1	60	98%
DMR South Central	18	16	2	11%
DMR Southern	51	50	1	2%
DMR Western	27	23	4	15%
Donegal	19	19	0	0%
Galway	8	8	0	0%
Kerry	12	12	0	0%
Kildare	52	50	2	4%
Kilkenny/Carlow	12	12	0	0%
Laois/Offaly	13	13	0	0%
Limerick	26	23	3	12%
Longford/Roscommon	6	6	0	0%
Louth	12	12	0	0%
Mayo	10	10	0	0%
Meath	23	23	0	0%
Sligo/Leitrim	7	5	2	29%
Tipperary	14	14	0	0%
Waterford	8	8	0	0%
Westmeath	7	7	0	0%
Wexford	17	17	0	0%
Wicklow	18	18	0	0%
Totals	540	435	105	19%

Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

Figure 4.6 shows the total number of packages sent to the 28 garda divisions, the number of responses received and the number of cases where responses were not provided to the OnCE unit.

As this Figure shows, 435 responses were sent to the OnCE unit providing an update on the progress of a package that was sent to them at some point. It shows that 12 garda divisions failed to provide a response in 105 cases. DMR Northern

accounted for 60 of the outstanding cases and Cork City had 15. While the Inspectorate cannot say definitively that in 19% of the cases no action was taken, the failure to provide any response allows an inference to be drawn that the cases were not satisfactorily progressed.

Updates from Divisions on Packages

Figure 4.7 examines the updates provided by divisions to the packages that were sent to them across the three time periods. Out of the 540 intelligence packages sent, 435 updates were provided and grouped by the OnCE unit into a number of different categories.

In some cases, divisions sent responses to the OnCE unit that the address sent to them did not exist or that the occupier had moved from the address. The Inspectorate is unable to verify if this information is correct and, due to the passage of time in providing a response, the Inspectorate believes that the Garda Síochána should review these cases to ensure that the information supplied is correct.

Figure 4.7 Outcome for Packages Actioned by Divisions – 2014 to June 2016

Outcome Type	2014	2015	2016	Combined Totals
Possession of child pornography	43	223	87	353
Possession of child pornography–Sexual exploitation and possession/uploading of pornography	0	4	6	10
Joint approach	4	38	12	54
Sexual exploitation	0	0	2	2
No child protection concerns	0	2	0	2
Sexual assault	0	1	0	1
Harassment	0	2	0	2
Ongoing enquiries	4	4	3	11
Totals	51	274	110	435

Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

As this Figure shows, the majority of packages where action was taken identified that a crime had taken place, including 363 combined cases of child pornography, two cases of sexual exploitation and a case of sexual assault. Only two cases were shown as having no child protection concerns. This analysis shows that the intelligence packages sent out by the OnCE unit are of a high quality and likely to lead to the identification of a crime, an offender and in some cases a child in need of protection. The results also show that in 54 cases a joint Tusla and Garda Síochána approach was made. In a small number of cases, enquiries were shown as ongoing, including four cases from 2014 and another four in 2015. As this examination process concluded in late December 2016, the Inspectorate takes the view that all enquiries in these cases should have been completed and should be immediately reviewed by a supervisor.

Outstanding Responses from Garda Divisions

Figure 4.8 shows the outstanding responses to OnCE requests for updates on packages sent to divisions. This only shows those divisions that failed to provide an update; in total, there were 105 cases where a response was not received.

Figure 4.8 Outstanding Responses from Divisions – 2014 to June 2016

Division	2014	2015	2016	Total	Proportion of cases
Cork City	1	10	4	15	14%
Cork North	1	1	6	8	7%
Cork West	1	0	0	1	1%
DMR Eastern	1	2	0	3	3%
DMR North Central	2	2	0	4	4%
DMR Northern	13	35	12	60	57%
DMR South Central	1	0	1	2	2%
DMR Southern	0	1	0	1	1%
DMR Western	0	2	2	4	4%
Kildare	0	0	2	2	2%
Limerick	0	1	2	3	3%
Sligo/Leitrim	0	2	0	2	2%
Totals	20	56	29	105	100%

Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

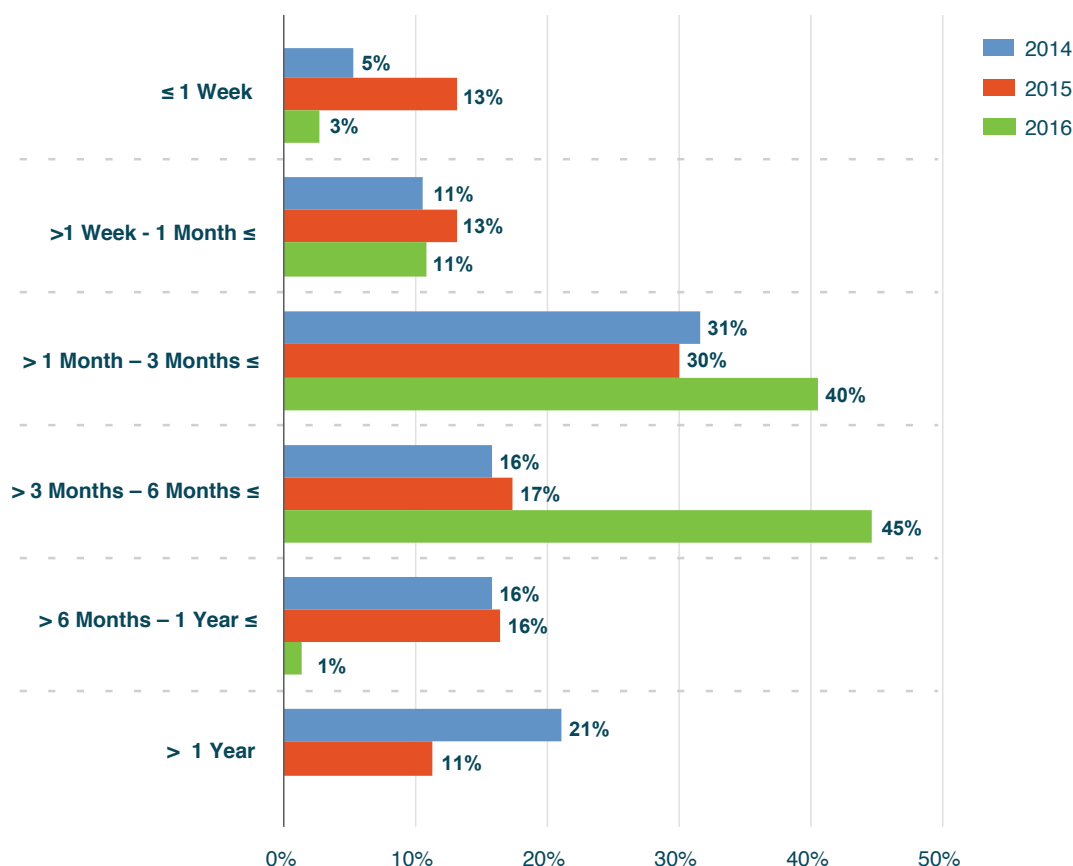
As this Figure shows, there are still 20 cases from 2014 where responses were not received on the progress of a case, 56 from 2015 and 29 from 2016. Of most concern are the cases that are now more than two years old.

It is worth noting that a response received by the OnCE unit providing an update on a case does not necessarily mean that it was progressed diligently and expeditiously and a failure to provide an update does not necessarily mean that a case was not properly actioned. However, the failure to provide any response suggests that a case was not satisfactorily progressed.

Time Taken to Search an Address

Figure 4.9 shows how long it took a division to conduct a search of an address from the time that a package was first sent to it. In this data sample, 38 addresses were searched in 2014, 213 in 2015 and 74 in 2016.

Figure 4.9 Duration Between Date Package Sent to a Division to Date Search Conducted – 2014 to June 2016



Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This data shows that only a small proportion of addresses were searched within a week of a package being sent with the highest level of 13% of cases in 2015. Of concern are those packages where it took longer than a month to search an address and on average 78% of all cases exceeded that period. In 21% of cases in 2014 and 11% in 2015, it took longer than 12 months to search an address.

Searches Conducted after the Information Request

During the examination of the data received from the Garda Síochána, it was noticeable that a number of the searches were conducted after the request for information was submitted by the Inspectorate. To check if this was a significant occurrence, the Inspectorate examined the searches completed before and after the information request date. Figure 4.10 shows the total number of searches conducted and those completed after the 2 August 2016.

Figure 4.10 Searches Conducted after the Information Request Date

Searches Conducted	2014	2015	2016	Total
Total number of searches conducted	41	228	78	347
Total number of searches conducted after 2 August 2016	2	26	59	87
Proportion of searches conducted after 2 August 2016	5%	11%	76%	25%

Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This shows that out of a total of 347 searches, 87 were conducted in the period after 2 August 2016. This included two cases sent to divisions in 2014 and 26 sent in 2015. In total, 25% of all searches conducted were completed after the information request was submitted. This response from the Garda Síochána allows an inference to be drawn

that some of these searches were only conducted as a result of the Inspectorate’s information request.

The Inspectorate believes that the Garda Síochána should conduct an internal review to establish why these cases were not progressed expeditiously. This review should also establish why a response was never received to the request from the GNPSB for information in 19% of the cases.

Requests for Examination of Devices

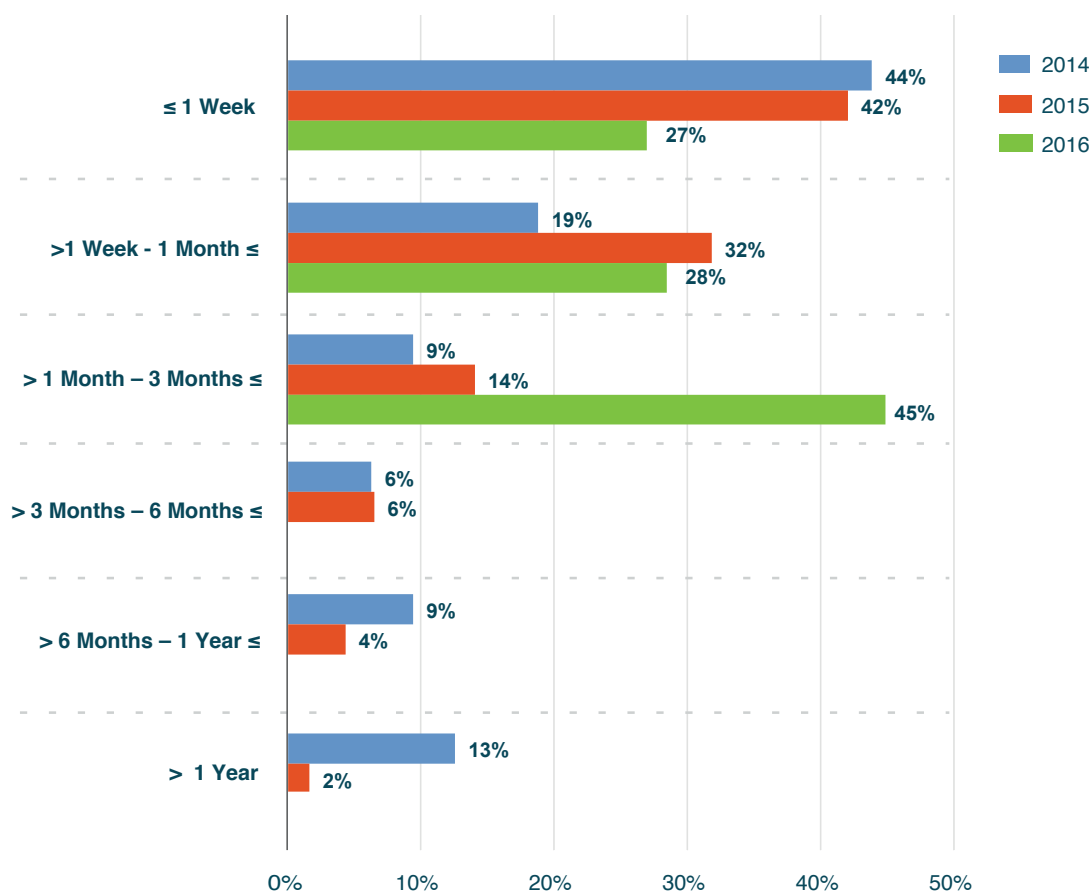
Following the search of an address, most devices seized are likely to require forensic examination. In a small number of cases involving devices such as smart phones and tablets, divisions may have members who can conduct the examination. However, if a computer or other similar device is seized it will need to be examined by the GCCB.

Due to the volume and backlog in examinations and a lack of storage space, investigators are unable

to immediately forward the device to GCCB. The process requires a Computer Examination Request Form to be sent immediately and the GCCB will consider whether the examination should be expedited. The request form requires several pieces of detailed information including whether there are child protection concerns. In cases involving CAM, the suspect’s access to children must be outlined as well as any admissions that were made at the time of the search. If the case is prioritised, the GCCB will request the device to be forwarded for examination as an urgent case. In most cases, the GCCB does not request that the device be delivered until it is ready to examine it.

Figure 4.11 shows the duration period between the date a search was conducted and the date a form was sent to the GCCB requesting the examination of a device. This analysis examined a total of 285 searches conducted between January 2014 and June 2016 where devices were seized for examination.

Figure 4.11 Duration between Date Search Conducted to Date Request Sent to the GCCB for Examination – 2014 to June 2016



Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This shows that a high proportion of the examination request forms were sent within a week of conducting the search. However, some cases had time delays of at least three months to more than a year. These delays are unnecessary and avoidable and the Inspectorate believes that they need to be reviewed to determine the reasons.

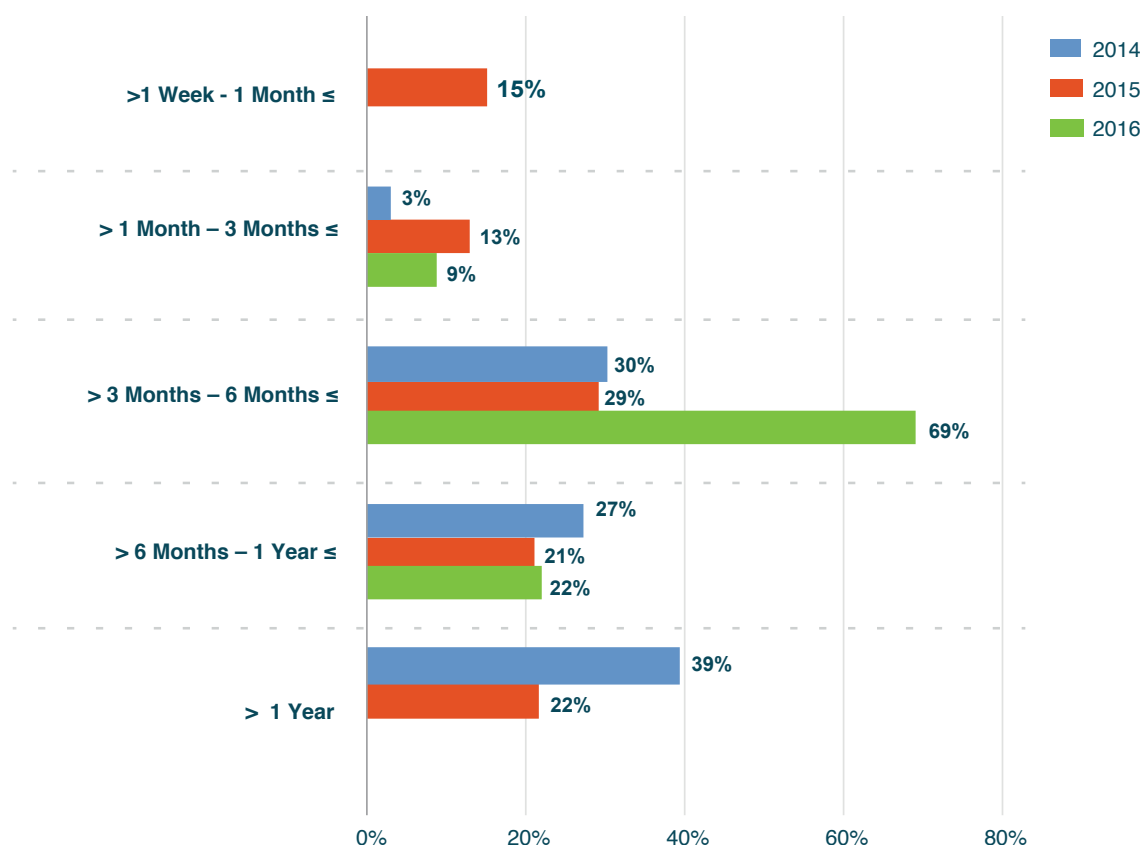
Figure 4.12 shows the process from the date of the original referral to the OnCE unit to the date that an examination request was sent to the GCCB.

days. Of the cases that took longer than a year, 14 were submitted after the information request was made by the Inspectorate.

Summary

The information request and the analysis of data provided by the Garda Síochána has identified serious failings in the process for receiving, investigating and tracking of online referrals of CAM. Each intelligence package provides an excellent opportunity to investigate and

Figure 4.12 Duration Between Date Referral Received in OnCE to Date Request Sent to GCCB for Examination – 2014 to June 2016



Source: Data supplied by the Garda Síochána; analysis by the Garda Inspectorate

This shows that there are considerable delays in the process from receipt of a referral in the OnCE unit to a request for the examination of a device. In the examination of cases from 2014, 13 took over a year to reach the stage of an examination request and, in three cases, it took more than two years. In two of those three cases, action followed the Inspectorate’s request for information. In the 2015 cases, the longest delay in a case was 620

detect an offence of CSA and, in some cases, it provides an opportunity to identify a child who may need immediate protection from abuse. The Inspectorate is very concerned that 12 divisions provided no response in 105 cases.

The Garda Síochána must assign sufficient resources to ensure that packages are dealt with expeditiously and only by specially trained officers. In all of the police services visited as

part of this review, only specialist teams are used in these types of investigations and the current model in use by the Garda Síochána is ineffective.

Recommendation 4.1

The Inspectorate recommends that the Garda Síochána conduct a review of the findings emanating from the response to the Garda Inspectorate's request for information on the management of referrals of child abuse material. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Examine why divisions did not respond to the request for information;
- › Review the packages sent to divisions from 2014 and 2015 that were still outstanding at 31 December 2016;
- › Analyse the reasons for the time taken to conduct searches by the divisions;
- › Review the searches that took place after the request date of 2 August 2016; and
- › Examine the delays in sending requests for examination of devices from divisions.

Pro-active Online Policing Operations

Waiting for referrals from organisations, such as NCMEC, is a slow, reactive approach to tackling the circulation of CAM and identifying those seeking to have contact abuse with children. To become more pro-active, police services are now using many different covert policing tactics including the use of online undercover officers. Another pro-active approach is to use available technology, which in real time can identify IP addresses accessing sites containing CAM. In order to conduct these types of covert operations, specialist resources need to be in place.

The OnCE unit is currently the only garda unit that could conduct this type of covert activity, but at the time of the visit, it was very much a reactive unit responding to intelligence received. The OnCE unit had conducted very few pro-active operations and there was an absence of undercover gardaí working online. This is an area where other police services have invested in specialist resources and are using undercover police officers to engage abusers online and to

identify networks where indecent images of children are shared. In connection with CAM, most police services that met with the Inspectorate are focusing covert activity on those who are producing and distributing material and those who are managing networks for sharing indecent material. At the time of the inspection, the Garda Síochána did not have sufficient resources in place to conduct these types of operations.

Pro-active Systems that Generate IP Addresses

Technology systems are available with the capability of identifying IP addresses that are accessing sites containing CAM. One system is called the Child Protection System (CPS). The CPS searches across networks for indecent images, geo-locates them and provides an IP address. CPS can be set to search in specific time periods, such as the last 24 hours. This provides live intelligence, which can be used to support an application for a warrant to search an address.

The Inspectorate found that CPS was generally in place in the majority of police services visited. Although CPS is available to it, the Garda Síochána has a preferred model called Round-Up, which it describes as more accurate and aggressive. The FBI has trained Garda Síochána staff in the use of Round-Up, but it has not yet made a decision to use it. In essence, both systems provide similar data and can identify IP addresses that have accessed sites where CAM is contained.

While the GNPSB has access to these types of systems, it made a decision not to use them. It was estimated that such systems could generate multiple IP addresses at a time and, as stated at the time of the visit, the GNPSB did not have the capacity to respond to this volume of intelligence. Unlike many of the delays in referrals currently received by the Garda Síochána, there is no such delay in this system as it generates real time intelligence. The Inspectorate views the decision at that time not to use a pro-active system like CPS as a significant organisational risk. It is a lost opportunity to access intelligence that could lead investigators to an abuser and, most importantly, it could identify if the abuser has access to children.

In Scotland, it was explained that CPS is constantly providing IP addresses and at the time of the visit, it had led to the creation of over 900 intelligence packages. This was in addition to nearly 800 referrals from NCMEC. Following a CPS referral, Police Scotland checks the background information of suspects, particularly those suspects with access to children, and also for groups of individuals sharing images. It also identifies the number of images viewed and how often sites are accessed. Previously, cases with 30 images or less were not pursued, but they found that people were downloading images and moving them to different servers. Now there is no threshold for the volume of images to generate police activity. Intelligence packages are developed and sent to divisional detective superintendents with targets for Red cases that need to be allocated within 48 hours and Amber cases that need to be allocated within seven days. The target for dealing with cases is set by the national unit and not by the division. CPS is also used in the Netherlands and they support this approach as it generates significant numbers of IP addresses and the intelligence is current. The West Midlands Police also uses CPS and sees many benefits including the identification of like-minded abusers and people who share images. CPS accounts for nearly 90% of their specialist units' work and they prefer it because it generates intelligence with very little police activity and without the abuser knowing that the police have identified their IP address.

Police services using this system are identifying several types of offenders that pose significant risk to children including known and unknown abusers who may have access to children in their own home or in the workplace. This system facilitates real time intelligence that may lead to the rescue of children who are being abused or who are in danger of such harm.

The Inspectorate believes that the Garda Síochána must adopt an operating system that generates real time intelligence on those who are accessing CAM.

Online Undercover Operations

While Irish legislation exists to allow garda members to work undercover on the internet to

engage abusers who are accessing and sharing CAM, there is currently no garda activity of this type taking place. The OnCE unit has organisational responsibility for conducting these types of pro-active operations. As this review has established, the unit currently has insufficient staffing levels to conduct operations using undercover officers.

At the time of the visit, the GNPSB informed the Inspectorate that it was in the process of recruiting additional staff with the intention of creating a P2P investigation team that will conduct covert activity online, but focusing on networks where people come together to share CAM. To achieve this aim, the unit would need a significant increase in resources. The Inspectorate was informed that it already has the technical capability and equipment to run P2P investigations and the new staff will concentrate on these types of operations. With regard to targeting specific online groomers, the GNPSB informed the Inspectorate that it did not currently have the capacity to target these types of offenders.

Other Jurisdictions

Many of the other police services visited by the Inspectorate are using undercover investigators to target online groomers and those who are seeking to have contact with children. In Scotland, the National Internet Investigation Unit has two detective sergeants, 15 detective constables and five full-time online undercover investigators. At the time of the visit by the Inspectorate, all of the staff in the unit were police officers (for legacy reasons only) but it was explained that up to 50% could be police support staff. In the Netherlands, the national unit targets those on the Darknet and in networks such as P2P. The internet has no boundaries for groomers and in one case a groomer had engaged 4,000 young girls worldwide. In the Netherlands, the national unit has two full-time officers who create false profiles to engage abusers.

As with many other countries, the Netherlands has noticed an increase in live streaming and an increase in Dutch nationals travelling to international locations to engage in CSA. The Netherlands has full-time liaison officers based overseas with the function of disrupting travelling sex offenders from the Netherlands who want

to go to South East Asia. The Netherlands has developed significant international co-operation with countries where children are being abused. In general, these countries provide the Netherlands with financial data and allow investigations to proceed. A financial investigation unit is tasked to track payments in cases where individuals are paying online for live screening of child abuse, although there are challenges in identifying the type of material being viewed. The national unit has a number of analysts and software developers who are focused on identifying offenders involved in the management and co-ordination of networks with a view to pro-actively disrupting the circulation of CAMs on hosted forums. The West Midlands Police also uses officers to target online abusers and it is trying to identify those seeking to groom children.

Garda Síochána Update on OnCE Resources and Activity

In November 2017, the Inspectorate met with a senior representative of the GNPSB who provided an update on the staffing levels in OnCE and other related matters relevant to the review. The following are the key issues raised:

- Additional staff have been assigned to the OnCE unit;
- A victim identification unit has been established;
- The process of placing entries on the ICSE victim identification database has recommenced;
- Additional resources have been put in place to address the backlog of ViCLAS (Violent Crime Linkage Analysis System) e-booklets (covered in Chapter 2);
- A P2P online investigation team has been established;
- Testing of Round-Up has taken place and pro-active operations will take place in 2018; and
- The Administration Office in OnCE has been civilianised.

While the Inspectorate welcomes the investment of additional resources, as they were only recently assigned the Inspectorate has not been able to determine if the staffing levels are sufficient to address its desire to see an effective pro-active

online garda presence. This is an area which the Inspectorate intends to revisit in the future to assess the impact of the additional resources and the new pro-active policing practices

Summary

The Inspectorate found that international police services and other law enforcement agencies routinely use a range of pro-active overt and covert tactics to target online child abusers, identify victims of online CSA and generate real time intelligence relating to CAM. These organisations use risk assessment tools to inform their decision making and to prioritise cases for investigation.

The Inspectorate identified that, although relevant technology is available to the Garda Síochána, it is not used. It also found that there are no dedicated resources tasked with victim identification and there is limited pro-activity to target abusers using social networks to groom and sexually exploit children. By taking a more pro-active approach, the Garda Síochána could significantly increase the amount of available intelligence that, if actioned promptly, could prevent harm or further harm to children. To manage this increase in intelligence, the Garda Síochána also needs to develop risk-based systems to prioritise cases for action.

Recommendation 4.2

The Inspectorate recommends that the Garda Síochána implement a standard operating procedure for assessing, managing and investigating child abuse material referrals and for tackling online child sexual abuse. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- Review the resourcing needs for pro-active operations and re-active investigations;
- Develop a new image categorisation system in line with international best practice;
- Develop a risk-based assessment process using a model such as the Kent Internet Risk Assessment Tool for use at all stages of investigations into CAM;
- Activate a pro-active system such as Child

Protection Systems or Round-Up that generates real time intelligence on offenders accessing CAM;

- Ensure that Child Abuse Image Database or a derivative of this system is developed for use in CAM assessment;
- Develop a dedicated pro-active investigation unit to tackle online abusers operating in P2P networks and those seeking to have contact abuse with children;
- Develop a dedicated victim identification unit; and
- Develop an information pack for suspects that includes information on suicide prevention support.

Forensic Examination of Devices

This part of the chapter looks at the Garda Síochána process for conducting forensic examinations of devices suspected of containing CAM.

Garda Cyber Crime Bureau

The GCCB, formerly known as the Computer Crime Investigation Unit, is a relatively new national unit.

The key functions of the GCCB are to:

- Carry out cybercrime investigations as directed;
- Investigate or assist with complex investigations;
- Provide forensic retrieval and examination services for evidence stored on computer media;
- Advise and assist investigators and members of the public who encounter computer networks;
- Provide training and crime prevention advice to law enforcement and government agencies in cybercrime security; and
- Liaise with international law enforcement, academic and industry partners in the area of cyber forensics, cybercrime and training.

The GCCB is engaged with industry partners but more in connection with fraud and cybercrime

prevention rather than in connection with the prevention of online CSA and circulation of CAM.

While there is a clear link between the work of the GCCB and the activity in the OnCE unit they are separate units, working in different parts of the Garda Síochána organisational structure. Members of staff working in both units did not feel that the working relationship was sufficiently strong and many people expressed a view that they should be brought together under the same unit. Other policing jurisdictions visited by the Inspectorate operate a number of different structures. For example, in the Netherlands, investigators and forensic examiners are within the same command structure and they have plans to co-locate investigators with forensic experts. In Scotland, they are reviewing where forensic examiners are located within the organisation and are considering whether they should be within the same business area.

The detective superintendent in charge of the GCCB would like to develop a Cybercrime Centre of Excellence with two separate units, including a forensic branch and a cybercrime investigation branch.

Staffing Levels

At the time of a visit to the GCCB, it was led by a detective superintendent supported by an inspector, five sergeants, 17 gardaí and three garda staff. The garda members are a mixture of detectives and uniform gardaí. Garda support staff are assigned to the Forensic Liaison Office, which acts as the reception point for telephone enquiries and for receiving exhibits and other correspondence. Unlike most other police services visited by the Inspectorate, there are no garda staff used in the forensic examination of devices. The detective superintendent does have a garda staff member with a high-level qualification in computer science and declared an intention to move that person into forensic examination in the near future. The superintendent also saw further scope for civilianisation in the GCCB. In most of the police services visited, civilian forensic examiners are now widely used and this included the Netherlands where regional forensic examination teams have an equal balance of police officers and police staff. Police Scotland also uses support staff and finds that the mix of police

officers and support staff provides a better blend of skills and experience.

Training of Staff

Many staff in the GCCB hold high-level qualifications in computer sciences, which they have personally funded. Newly selected staff should attend University College Dublin for a two-week introductory course in the basic tools used for forensic examination. Other training opportunities for staff include courses delivered through Interpol, Europol and OLAF, the European Commission Anti-Fraud Office, which organises free digital forensics training for law enforcement officers. There is also an organisation called the International Association of Computer Investigative Specialists (a non-profit organisation) that provides accredited training. Some GCCB examiners, but not all, have completed the Garda Síochána fraud training course.

During the visit to the GCCB, the Inspectorate met a number of examiners of various ranks who raised concerns about the quality and timeliness of the training provided and the different levels of skills and training of the examiners. Three years ago, temporary staff were recruited into the GCCB with basic skills, and no training was provided for eight months. At present, there is no standard training course for GCCB staff and much of the training provided is delivered in-house by more experienced examiners. Examiners who met with the Inspectorate explained that it takes at least two years to achieve expert status as an examiner and they were concerned about the lack of accreditation or certification to support this status.

The GCCB provides training and delivers presentations to a wide range of audiences, including internally to recruit foundation and promotion courses, as well as externally to the Director of Public Prosecutions (DPP) and cybercrime industry groups.

Attendance at Searches

GCCB staff confirmed that generally they do not attend searches of addresses unless it is a high profile case. Examiners felt that this is a gap and there are occasions where garda members conduct searches and find that a person is online at the time. In these cases, evidence could be downloaded immediately, but most garda

members do not have the skills to do this and poor decisions at searches could result in lost opportunities for data captures including chat logs. It was also raised that investigating members conducting searches are unnecessarily seizing equipment and, in approximately 60% of cases, devices are seized that do not contain any CAM. This is unnecessarily putting pressure on GCCB examiners. Another growing issue for examiners is the use of passwords and encrypted devices, and while gardaí do request passwords, they are rarely given.

Other police services that met with the Inspectorate identified the attendance of forensic examiners at searches and the use of triage equipment to be key contributing factors in the reduction in time taken to forensically examine devices. Most police services send an investigator and a forensic expert on searches to ensure that there is a professional on scene to capture all available evidence and to seize only devices that are suspected of containing CAM. In the Netherlands, they provided examples where forensic experts had found hidden devices during searches that an untrained officer would not have discovered. They also provided examples of cases where suspects were online at the time of the search and the experts were able to capture live evidence. All of the police services visited use triage equipment and while recognising that it only provides an indication of the content on a device, it is a risk-based approach to dealing with this type of crime.

The Inspectorate is concerned that while it is testing various triaging systems, the Garda Síochána is not using this type of equipment at this time and it has no plans to send forensic examiners on searches.

Outstanding Examinations

As of 25 July 2016, the GCCB had 665 requests awaiting forensic examination, which was reported as a reduction from 1,000 outstanding cases over the previous two years. At the time of the Inspectorate visit, there were still three outstanding examinations from 2010. The detective superintendent in the GCCB said that they would like to reach a point where examinations are completed within three to six months.

Tracking of Referrals

Figure 4.13 shows the results from the information request made by the Inspectorate to the GCCB in August 2016 as part of the case tracking of CAM referrals received in the OnCE unit. The data includes all requests for examination between the years 2010 and 2015.

It also shows the number of outstanding cases that still require examination. While the GCCB was unable to provide the outcomes for specific cases received in the OnCE unit and eventually sent to the GCCB for examination, it was able to provide information on the number of child protection cases (including CAM) received each year and how many of those cases are still awaiting examination.

conducted three years later, an image was found showing an indecent assault on a child. The delay in the examination prevented the earlier identification and rescuing of that child.

At the time of the Inspectorate’s visit to the GCCB, the detective superintendent informed it of a target to clear the 2010 to 2013 backlog by the end of 2016. Even if this target is achieved, it still leaves outstanding cases that are three years old. The GCCB goal is to clear approximately 650 cases a year, but it may well receive 450 new cases a year. The number of new cases could also significantly increase when the Garda Síochána activates Round-Up, which is likely to generate significant volumes of intelligence packages.

The detective superintendent in the GCCB wants to make more expertise available to the

Figure 4.13 Requests for GCCB Forensic Examinations – 2010 to 2015

Requests for Examinations and Outstanding Matters	2010	2011	2012	2013	2014	2015	Totals
Number of examination requests received	645	447	446	351	317	440	2,646
Number of examination requests that are outstanding	0	4	37	70	64	191	366
Number of child protection examination requests received	258	211	183	138	117	176	1,083
Number of outstanding child protection examinations	0	4	31	60	45	134	274
Number of urgent requests for child protection examinations	8	16	20	16	12	15	87

Source: Data supplied by the Garda Síochána, analysis by the Garda Inspectorate

This Figure shows that child protection examinations accounted for 41% of all requests made to the GCCB; 8% of those child protection cases were assessed as urgent. Of the total number received, 366 cases were still awaiting examination and, of those, 274 were child protection cases. Over the six years of this analysis, 25% of all child protection cases are awaiting examination and there are four cases from 2011 that are still outstanding.

The risk to a child caused by the delay in forensically examining a device is clearly evidenced in a case from 2011 that was caught up in the backlog of outstanding cases at the GCCB. When the forensic examination was eventually

operational divisions. To achieve this he has introduced two regional pilots, placing GCCB examiners in New Ross and Ballincollig. The intention is to develop six regional examination units with a sergeant and four gardaí in each while still retaining the current staffing levels in Dublin. The Inspectorate clarified that these new units would not be attending searches, which it believes is a lost opportunity to reduce the volume of devices that are unnecessarily seized and to provide GCCB expertise at searches.

GCCB Examination Stages

This section examines the system for receiving and assessing requests for GCCB services and the examination processes in operation. The GCCB sees its role as providing evidential proofs of production, possession and distribution of CAM in court cases

Assessment Process

The Forensic Liaison Office is the main reception point for examination requests and it receives approximately ten new cases a week. In 2015, the Forensic Liaison Office received 440 requests of which 176 were in connection with child protection cases. Requests can be received electronically or on paper and are tracked on an internal database. Not all of the CAM cases requesting examination originate from a OnCE unit intelligence package, as some may be generated by investigations or operations conducted in garda divisions.

Requests are logged and assessed by the Forensic Liaison Office using a prioritisation matrix adapted from a process used by the PSNI. This assesses cases as low, medium, high or urgent. Urgent requests include cases where a suspect is in custody for murder or a case that involves contact CSA. In urgent cases, the GCCB tries to conduct examinations within one to three months. When a request is made to the GCCB, the physical devices are not sent to Dublin until the GCCB is ready to conduct an examination. This is due to the limited storage space available in the GCCB and, as this section will later show, this impacts on the quality of the devices that are eventually received for examination. In addition, requests for examination from divisions are not always sent at the time that a device is seized and this unnecessarily adds delays to the examination process.

While GCCB staff reported a perception that 80% of their work involves indecent images of children, statistics provided by the GCCB shows that only 40% of the requests involve these types of cases. However, the time and amount of work involved in a case of CAM is often significant and, in some cases, there can be thousands of images on a device. Therefore, although CAM amounts to 40% of the cases received, it is likely that it accounts for a significantly higher proportion of examiners' time. In other jurisdictions such as

Scotland and the Netherlands, CAM accounted for 90% of examiners' work.

At the time of the visit, the GCCB was prioritising cases in 2011, but staff reported that they had insufficient resources to clear the backlog. Their workload is often affected by other serious incidents that occur, such as homicides, which would usually take precedence over other cases.

Once an assessment is completed, the next stage is to request the delivery of a device(s) to the GCCB in Dublin for the forensic examinations to take place. This can take an extended period of time and in some cases up to four years.

The GCCB is structured into two separate units that deal with the different stages of the forensic examination process.

Forensic Examination – Stage 1

The first part of the forensic examination process is called Stage 1 and consists of an initial triage to see if a device contains any CAM. Examiners explained that, in some cases, there may only be one device to examine, whereas there may be multiple devices requiring examination in other cases. As mentioned earlier, in many cases this triaging identifies that a device does not contain any CAM. Each examiner is dealing with four to five cases at a time and depending on the number and quality of the devices, it can take from a week to a month to conduct the examination.

About 95% of examiners' current work is focused on the backlog of cases and they informed the Inspectorate that they are still working on three cases from 2010. Unlike the OnCE unit, the GCCB uses a system to check for known CAM. The examiners explained that examinations can be more protracted when an initial search does not find any CAM. In these cases, examiners conduct further examinations to make sure that they have not missed any potential evidence.

In more dated cases that are waiting for examinations to take place, hard drives may be damaged or have deteriorated by the time they are received in the GCCB. In many of these cases, it is not unusual to have to repair broken hard drives before an examination can take place. The Inspectorate visited an examination room and saw an exhibit sent for examination that contained a number of devices placed in a box and not

properly sealed in anti-static bags. This case was several years old at this stage and it was suspected that the exhibits had been stored in that way since they were first seized. If a device is broken, gardaí have a dilemma as to whether to spend a significant amount of money to repair a device that may or may not contain CAM. Had a triage process taken place when the device was first seized, it would be known if it contained CAM.

Once an indecent image is found on a single device, the examination Stage 1 stops and it moves to Stage 2 for a full examination of all devices seized.

Forensic Examination – Stage 2

Once a case has moved to Stage 2, the examiners in this unit run a programme to extract any videos or pictures. The GCCB has access to a system, used in the UK, that is able to identify an image previously categorised as CAM by other police services, but this categorisation system is not used in Ireland. As a result, images need to be recategorised against Irish law. The GCCB believes that the issue of a national categorisation system such as the A–C process that operates in the UK should be established in Ireland.

Encryption was identified as a major challenge that has not yet fully surfaced in the backlog of devices awaiting examinations, but will become more problematic when they start to examine recent seizures. Currently, the GCCB does not have the software to enable examination of encrypted devices and it has to send them to an encryption suite in Europol. Encryption is impacting on other police services, and the Netherlands explained that an encrypted device could take a week to access. The Netherlands also explained that this is an issue that Europol is examining. This is an area where garda examiners believe that investments in technology and training are urgently required. It is also important to address this issue now, as encrypted devices will only add delays to the examination process and will increase the backlog of outstanding cases. The GCCB also raised concerns at the time of the visit that there was no power under the Child Trafficking and Pornography Act, 1998 to request a password from the person in possession of a device. The Inspectorate believes that gardaí should have

the power to require any person who appears to have lawful access to a computer or other device to provide a password and any encryption key or code in order to operate that device. Consideration will need to be given as to whether this power should be attached to a warrant.

Once all of the CAM has been extracted and placed on a DVD/CD it needs to be viewed, assessed and categorised. Unlike the initial referral received by the OnCE unit that contained one image or one video, the GCCB examination may discover many thousands of images. Each image or video needs to be individually viewed. In most cases, the GCCB does not have the resources to complete this task and, as remote viewing is not an option, it requests the investigating member to attend the unit to conduct the viewing. The GCCB believes that investigators should be able to carry out this function remotely without the need to travel to Dublin. When an investigator comes to the GCCB to view the material, they are provided with a room, training material and advice on the categorisation process. The categorisation process was described as straightforward and, in most cases, will only take a couple of days. The GCCB said that in cases involving large numbers of images it has helped with the categorisation process.

The end product of the GCCB is an evidential package consisting of the CAM found and a report and a statement from the examiner. The GCCB also raised concerns about the MLAT process as it can take from two weeks to six months to obtain it.

The GCCB explained that it is far easier to deal with specialists, such as the investigators in the OnCE unit as they have far more expertise in this field. They raised concerns about the skills levels of divisional non-specialist investigators. This includes members who are not trained in victim identification; this is a risk to child protection. The GCCB also raised concerns about the standard of questioning of suspects when a search is being carried out and the ability of investigators to conduct effective interviews with suspects about the materials seized during searches.

Prosecutions and Court Cases

The examiners who met with the Inspectorate explained that they write statements in all cases and although they are requested to attend most trials, they are rarely required to give evidence at court. If required at court, it is usually to explain the examination process and to show the CAM. They also said that there are long delays in getting cases to court, but they were not aware of any cases that were discontinued due to delays in conducting examinations.

The GCCB referred to an agreement between the Garda Síochána and the DPP where it is proposed that the viewing of images can stop after 200 explicit images are found. While this may be an evidential proof process, it could stop the viewing of images that could lead to the identification of a child at risk.

At the time of completing this review, there were a number of court cases that evidence the delays in the current system:

- A case involving the father of a one year old child and the seizure of a laptop in 2012. He was charged in 2014 and the case finally went to court in October 2016;
- An investigation that commenced in 2009 that was later remanded to the Circuit Court in 2016; and
- A case in the Dublin Circuit Court in October 2016 where it took three and a half years to arrest and charge a suspect who had possession of 25 videos and 80 photographs and who had distributed more than 10,000 images. This offender had also used chatrooms with others to talk about their interest in boys.

District Feedback on Examinations

During Inspectorate visits to garda districts, a number of important issues were raised by local gardaí in connection with the examination of devices by the GCCB including:

- There are insufficient skills at a local district and divisional level to conduct effective searches and seizures in connection with child pornography;

- While some local investigators are trained in the examination of mobile telephones and tablets, there are insufficient numbers trained;
- There are still significant backlogs in conducting examinations and the longer the delay, the greater the risk of reoffending; and
- GCCB delays are significantly impacting on investigation timescales.

Summary

Concerns raised by the Inspectorate about extended delays in forensic examinations of devices across all crime types were included in the *Crime Investigation (2014)* report with a recommendation to conduct an urgent review and significantly reduce the time taken to provide evidence to investigators.⁵ More than three years on from the publication of that report, there are still unacceptable delays in conducting examinations, particularly in connection with offences that may involve a child who is being sexually abused.

The Inspectorate found several practices used by other police services visited to reduce delays including:

- Use of specialist investigators in CAM cases;
- Deployment of regionally based examination units;
- Attendance of forensic examiners at searches; and
- Use of triage equipment.

All of the police services visited raised concerns about delays, despite the fact that they were between three and eight times faster than the Garda Síochána in the examination of devices. The Garda Síochána believes that it needs additional resources to address this issue, but the Inspectorate believes that changes in operating practices would also dramatically reduce the current time taken to conduct examinations. For example, the first action should be to reduce the high volume of devices that are currently seized for examination. Another issue to consider is the deployment of forensic examiners and whether they would be best placed working alongside investigators as part of the GNPSB.

5 *Crime Investigation (2014)*: Recommendation 6.24

Recommendation 4.3

The Inspectorate recommends that the Garda Síochána implement a standard operating procedure for conducting searches of addresses in child abuse material cases and other cases where devices are likely to be seized. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Implement triage technology to assist with initial assessments;
- › Utilise the skills of forensic examiners at searches;
- › Provide accreditation for forensic examiners;
- › Acquire encryption technology and develop the specialist skills of examiners; and
- › Consider the assignment of forensic examiners to the Garda National Protective Services Bureau.

Policing Approaches to Child Sexual Exploitation

The issue of CSE has featured throughout this review. As previously highlighted, CSE is not new but has emerged as a significant and growing threat to the safety of children. With the expansion of access to the internet and particularly social media sites, this has added an extra dimension to the risks posed to child safety. Understanding the scale of CSE and adopting preventative and investigative strategies is posing new and significant challenges to police services and other partner agencies.

Many police services visited by the Inspectorate, such as the West Midlands Police, Police Scotland and the Netherlands Police have identified CSA and CSE as key policing priorities and have deployed significant numbers of additional resources to these areas.

Garda Síochána Response to Child Sexual Exploitation

This review has identified that currently, there is very little available data to identify how many children in Ireland are victims of CSE or how many are at risk of sexual exploitation. This review has also established that there are limited numbers of garda members and garda staff currently assigned to the area of CSE. The only dedicated garda resources with a specific role in connection with CSE are those assigned to the national OnCE unit. Apart from this unit, there are no dedicated garda units specifically assigned to CSE and no resources are assigned to CSE at a divisional level.

During a meeting with senior gardaí from the GNPSB, it was explained that the National Steering Group for Sexual Abuse Services created an Exploited Children sub-group in 2016.⁶ This sub-group was established following a number of high profile cases in England in connection with children in care who were the victims of organised sexual exploitation. In particular, the sub-group is focusing on what happens when a child in care goes missing. As previously highlighted, the Garda Síochána and other partner agencies are considering a number of projects including the development of CSE awareness training for front-line agency staff and a media and schools campaign to highlight the risks of sexting.

Pro-active Approaches to CSE in other Jurisdictions

This section examines some of the pro-active policing approaches to CSE found by the Inspectorate during visits to other police jurisdictions.

Strategic Assessments and Problem Profiles

As discussed at the start of this chapter, many of the police services visited as part of this review complete an annual strategic assessment that provides an overview of the current and long-term issues affecting or likely to affect a police

6 Organisations represented on this committee include Tusla, the Garda Síochána, the HSE, the Probation Service and the Department of Children and Youth Affairs.

service. It is used to draw inferences and make recommendations for prevention, intelligence, enforcement and reassurance priorities as well as future policing strategy. The strategic assessment is an integral part of the business planning process and is a living document that must be current and relevant. Information collection and analysis in support of the assessment must be ongoing and include problem profiles, trends and developments.

Problem profiles are generated to provide detail on crime trends, emerging issues or hot spots that require greater analysis, and assist with:

- › Identification of suspects, victims and locations;
- › Identifying and addressing intelligence gaps;
- › Identification opportunities for prevention, intelligence, enforcement and reassurance; and
- › Prioritisation of resources and actions.

The West Midlands Police Strategic Assessment 2016/17 coincided with a change programme that has shifted the policing focus from 'place' to 'vulnerability' to concentrate efforts on preventing crime committed against vulnerable people. The assessment highlights the need to encourage victims to report more crime so that the police and other agencies can begin to understand the underlying causes, particularly for sex, hate, domestic or child abuse crime. It specifically looks at the issues of online safety and the risks of exploitation, sexting and bullying.

For police services, an important aspect of the strategic assessment process is the engagement with partner agencies and the analysis of multi-agency data. A strategic assessment allows a police service and partner agencies to determine joint priorities and to agree joint actions to address those priorities.

Assignment of Resources

In all of the police services visited as part of this review, dedicated resources for CSE were in place at both national/service levels and at more local policing levels. In the PSNI, each of the five PPUs has a Child Abuse Investigation Team that investigates CSE. Online CSE is investigated by the Child Internet Protection Team, a centralised

unit within the Public Protection Branch. In the West Midlands Police, each Local Policing Unit also has a dedicated police officer acting as a single point of contact for promoting CSE awareness and there are five CSE co-ordinators based in each local authority. A key role for these officers is to work with other agencies and to co-ordinate all information on CSE.

Intelligence Picture

In England and Wales, police services have responded to the threat of CSE following the very public failures by agencies in Rotherham and Rochdale to protect children in care who were subject to sexual exploitation and abuse. During visits to other police services, it was reported to the Inspectorate that the intelligence picture on CSE is still developing and that police services are still trying to understand both the scale and the severity of CSE. This creates an intelligence gap on victims, locations and suspects.

Following the Soham murders in Cambridge in 2002, a positive development was the establishment of the Police National Database. This system ensures that police services in England and Wales now have access to national intelligence. Most police services have developed good intelligence on offenders, but have less information on those who are at risk of exploitation. To address this issue, many police services are creating intelligence flags on those children identified as at risk of exploitation. One of the police services that had conducted several pro-active operations to target CSE described a significant challenge of dealing with high volumes of information and intelligence that requires analysis. In many cases, CSE has a clear link to social media, telephone and text contact between victims and suspects. In an investigation, it is important that any contact between victims and abusers is identified and thoroughly examined. One of the investigators who met with the Inspectorate described the level of analysis that is required in some cases as overwhelming.

In Police Scotland, a strategic intelligence assessment was completed which confirmed an intelligence gap in CSE offences. One of the challenges, in common with Ireland, is that CSE can be difficult to identify as it is not a separate crime category and as such, it may be associated

with crimes such as cybercrime. Police Scotland has a number of projects in place to develop intelligence including an initiative to increase the quality and quantity of intelligence from partner agencies.

In most police services visited, they are using and/or adapting traditional policing tactics to identify those who are at risk and those who seek to exploit children. The use of traditional methods, such as Covert Human Intelligence Sources and surveillance, is an approach that police services have examined. However, particularly with Covert Human Intelligence Sources, these methods can pose a number of dangers and challenges in these types of investigations.

Victims of Child Sexual Exploitation

Many of the police services visited identified a number of challenges in relation to children who are sexually exploited including:

- Not all victims are aware that they are exploited;
- Not all children see themselves as victims; and
- Some children are willingly participating in sexual activity.

CSE is presenting major challenges to police services as victims do not always come forward to report a crime and when they are approached, many children are unwilling to engage with the police. For example, the West Midlands Police has challenges with CSE victims who do not disclose crimes quickly and it has concerns that boys are often not disclosing when they are victims. In some cases, parents or guardians concerned about their child's behaviour are approaching police services for advice.

Early identification of CSE is very important in child protection. As a result, police services visited by the Inspectorate are taking a proactive approach to early identification of CSE and ensuring that front-line staff from all agencies are aware of hidden crimes such as CSE. All of the police services visited have programmes in place to raise front-line staff's awareness of the threat of CSE and other hidden crimes.

CSE also often takes place outside of the family setting and children who are in care or who have

a disability can be more vulnerable to exploitation or abuse. The West Midlands Police are involved in a regional initiative that is focused on identifying children in care who have been exploited or who are at risk of sexual exploitation.

Suspects in Child Sexual Exploitation

Some of the police services that met with the Inspectorate have found a number of specific age categories of offender that are involved in organised CSE. This includes groups of offenders who are young males, usually under 20, who are engaging young females through social media and enticing them with alcohol, drugs and gifts to meet at hotels or other similar places for the purpose of sexual activity. The second category contains groups of older males who are often far more organised and predatory and are also luring groups of young females to hotels for similar purposes.

To help identify the scale of CSE, Thames Valley Police in England introduced a flagging process on its crime recording system. Analysis found some interesting indicators, such as that CSE-related crimes were more likely to take place between 9am and 6pm, identifying that truancy and exclusions from schools may be a contributory factor. It also identified that the profile of an offender in CSE cases was on average ten years younger than in CSA cases.

Police Operations

During visits to other police services, the Inspectorate found some innovative policing methods that were used in dealing with both victims and suspects. Police services have also looked at many of the tactics traditionally used to target other crime types and have adapted those methods to target CSE. To protect some of the tactics used, the Inspectorate has not included all of the information received.

In the West Midlands, a police operation called Red Admiral was conducted which proved to be a test case for investigating and prosecuting CSE. The case involved a 13 year old female in care who was frequently reported as missing and who had previously refused to engage with police. This child had thousands of friends on social media and was using forums to discuss sexual activity and to arrange meetings with groups of males. A number

of different policing tactics were used to identify those males who were engaging and exploiting the child and eventually it led to the arrest of ten men. While extremely time consuming, it was clear from an early stage that analysis of social media and telephone contact was crucial to prove many of the elements of criminal behaviour. Early engagement with the Crown Prosecution Service was identified to the Inspectorate as a key process to secure agreement for prosecutions.

Also in the West Midlands, a different type of operation was conducted to respond to concerns from parents and guardians of a number of 12 to 14 year old girls who were considered at high risk of sexual exploitation. A number of different policing tactics were employed to address this issue and nine suspects aged between 19 and 22 were identified. These operations provided the basis for trying some traditional and innovative policing tactics and provided lots of organisational learning.

In addition, a number of CSE enablers were also identified during these operations, such as the organised use of taxis to ferry young girls to meetings with men, the use of hotels for parties and for sexual purposes and the use of social media by victims and suspects to arrange meetings.

In 2016, Police Scotland conducted Operation Lattise an investigation into online child abuse that uncovered more than 500 potential victims (aged three to 18) of online sexual abuse. Police Scotland described the operation as ‘shining a light’ on the scale of this issue and it focused on activity to tackle the many forms of online CSA. This included identifying those who pose a risk to children online, identifying victims of online sexual abuse and exploitation, and preventing more youngsters becoming victims. The operation resulted in 77 arrests and 390 charges as well as the recovery of 30 million indecent images of children and the assessment of over 100,000 chat logs.

In Northern Ireland, the police co-ordinated Operation Owl, which was an initiative that examined the circumstances surrounding 22 children who had gone missing from care. Outcomes from this operation included the need for front-line officers to identify and risk assess

those who are most vulnerable and to look for the signs of CSE.

In Norway, the police have focused operations on tackling contact abusers and those offenders who seek to share CAM on the internet. By using available technology to identify IP addresses that are accessing indecent images, the police have monitored activity and have noticed a significant reduction in those accessing images, from a high of 15 to 18 IP addresses per day down to two or three per day.

Lessons Learnt

Learning lessons from CSA investigations is important for any police service. In the UK, Operation Hydrant was launched and funded by the Home Office in 2014 to co-ordinate multiple non-recent CSA investigations around the country. Relevant investigations included those involving people of public prominence or abuse which has taken place in an institution. In most cases, the victims, now adults, reported abuse which took place when they were children. The operation was introduced to ensure that senior investigating officers in different police services were not investigating crimes against the same offenders and to ensure that best practice was shared and implemented.

Partnership Working and Initiatives

In the other jurisdictions visited, the Inspectorate found far more multi-agency activity to identify and tackle CSE. This included the co-location of police officers in some police services with other agency staff. In the West Midlands, the appointment of a regional CSE co-ordinator brought together four different police services and 14 local authorities to develop and implement a regional framework. This initiative was launched to support and protect vulnerable victims including those children at risk of CSE.

In Scotland, web constables (schools campus officers/community constables) are in place to share good practice and make suggestions on internet safety. Police Scotland also holds ‘Keep Safe’ public cyber events to provide the public with an opportunity to speak to online experts. In Northern Ireland, the Safeguarding Board has developed an internet ‘Safer to know’ safety campaign on behalf of the Government and all

agencies including the police have staff who are trained to deliver consistent safety advice. Other initiatives include developing an app for schools to help to keep children safe in the digital environments that they engage with every day.

Training

In most of the police services visited, multi-agency training is delivered to front-line staff across a number of agencies to raise awareness of hidden crimes, such as CSE. In the West Midlands, an initiative called Operation Sentinel focuses on raising awareness of CSE, and a simple but effective aspect is that all training courses in the West Midlands Police start with a short reminder of a theme from Operation Sentinel.

Preventing Access to child abuse materials

There are a number of approaches available to prevent access to CAM, of which filtering, take down and blocking are the main ones in use.

The strategy of blocking access to CAM has been operating in several countries for many years, with very good results. However, an international initiative is necessary, given the global nature of the Internet and the fact that some countries may have difficulties introducing national blocking.

Blocking and Take Down

Interpol has taken responsibility for providing a list of domains containing CAM to any internet provider that is willing to participate in reducing the availability of such material on the Web. Interpol's 'Worst of' list includes those domains that contain the most severe material including sites where the ages of the children depicted in sexually exploitative situations are (or appear to be) younger than 13 years. Participation in this initiative is free of charge and completely voluntary, and will see internet traffic redirected away from CAM to a 'stop page'. Interpol believes that a policy of redirecting traffic away from severe CAM will make this a less profitable business to pursue commercially. Blocking CAM in as many networks and countries as possible will also dramatically reduce the customer base of CAM content providers.

The Garda Síochána has signed a Memorandum of Understanding with some but not all internet service providers to block customers accessing

specified sites on Interpol's 'Worst of' list. The Garda Síochána has engaged 280 providers, but due to confidentiality concerns would not disclose how many have signed up to blocking. The Inspectorate was advised that there was an expectation that more agreements would be in place by the end of 2016 but following the update received in November 2017 little progress had been made. This appears to be a slow process and it requires individual Memoranda of Understanding to be agreed with providers. It was raised with the Inspectorate that many of the internet providers who are not blocking sites in Ireland also operate in the UK where they do block such sites. The Inspectorate believes that internet providers have a corporate social responsibility and that blocking access to the Interpol 'Worst of' list is considered a minimum standard that they should all adhere to.

Police Generated Warning Signs

In Norway, the Inspectorate found that there is an agreement with the main internet providers to block access to certain sites. When someone attempts to access sites deemed to contain CAM, a mid-screen warning box appears on their device from the Norwegian Police. This started 12 years ago and provides instantaneous warning to a person's device. This warning system is not in place in Ireland or the other jurisdictions visited by the Inspectorate, although in the UK they are working towards a similar system.

Filters

Many search engines offer users the option of turning on a safety filter. When this option is activated, it filters out inappropriate links from search results. However, if users know the actual URL of a website that features explicit or adult content, they still have the ability to access that content without using a search engine. Other search engines offer child-oriented versions of their engines that only permit access to child friendly websites.

Content-control software is designed to restrict or control the content a reader is authorised to access, especially when utilised to restrict material delivered over the internet via the Web, e-mail or other means. Content-control software determines what content will be available or be blocked.

Such restrictions can be applied at various levels, including:

- › Governments applying them nationally;
- › Internet service providers applying them to their clients;
- › Employers applying them to their personnel;
- › Schools applying them to their students;
- › Parents applying them to a child's computer; or
- › Individual users applying them.

When imposed without the consent of the user, content control can be characterised as a form of internet censorship. Some content-control software includes time control functions that empower parents to set the amount of time that a child may spend accessing the internet or playing games or other computer activities.

In the UK, the Government is considering the adoption of a filter system that is automatically switched on for all new computers that are purchased.

During visits to other jurisdictions, it was explained that in the past internet companies were slow to get involved in filtering, however, that is now changing and it is seen by some as a unique selling point.

The Internet Service Providers Association of Ireland operates a hotline for complaints about material on the internet. The hotline provides an anonymous facility for internet users to report suspected illegal content, particularly CAM, accidentally encountered online, in a secure and confidential way. It is co-financed by the European Union's Connecting Europe Facility and works in collaboration with the Garda Síochána and the Department of Justice and Equality (Office for Internet Safety).

The Internet Service Providers Association of Ireland can request the removal from the internet of any material hosted by an internet provider that is found to constitute an offence associated with CSA or other offences such as incitement to hatred or financial fraud.

Four mobile telecommunications operators in Ireland, which are members of the Mobile Alliance Against Child Sexual Abuse Content, block access to those sites listed by the Internet Watch Foundation of the UK. In 2016, the Swiss Institute of Comparative Law published a comparative study of blocking, filtering and take down of illegal internet content in the 47 member states of the Council of Europe. This identified that there is no Irish legislation specific to internet content and the blocking and taking down of internet content, which breaches Irish criminal law, can only be done under soft law mechanisms created by commercial operators of internet access and/or hosting services.⁷ This study identified that only three of the mobile telecom operators block access by Irish subscribers to a list of IP addresses at which CAM has been found.

Summary

Conducting a joint-agency strategic assessment is viewed by the Inspectorate as a good first step in identifying the scale and severity of CSE. This process will assist in the development of preventative, enforcement and reassurance priorities to address the CSE threat posed by the internet.

With regard to preventative action, such as blocking and filtering, the experience of other jurisdictions is that gaining the voluntary agreement of service providers provides a far quicker and less complex option than developing legislation. Providers have corporate social responsibilities and preventing access to extreme CAM should be a minimum and standard operating practice.

The Inspectorate believes that this threat to child safety needs a multi-agency approach to prevent online access to CAM.

⁷ In the context of international law, soft law refers to guidelines, policy declarations or codes of conduct that set standards. However, they are not directly enforceable.

Recommendation 4.4

The Inspectorate recommends that the Garda Síochána, in consultation with key partner agencies, conduct an annual joint strategic assessment process on the threats posed by the internet to the safety of children. (Short term)

To achieve the above recommendation, the following key actions need to be taken:

- › Develop problem profiles and plans for CSE and internet-related CSA crimes;
- › Develop crime prevention plans including opportunities to promote the use of blocking, take down and filtering;
- › Develop pro-active policing approaches to tackle online CSE;
- › Combat the live streaming of on-demand abuse;
- › Target groups that produce CAM on the Darknet; and
- › Tackle the misuse of legitimate online platforms for CSE-related crimes such as the dissemination of child abuse material, grooming and child sexual exploitation.

Consider whether this recommendation and associated actions should be included as part of Recommendation 2.1 to develop a national strategy.

Recommendation 4.5

The Inspectorate recommends that the Department of Justice and Equality consider introducing legislation in child sexual abuse related cases to provide power to compel any person who appears to have lawful access to a computer or other device to provide a password and any encryption key or code in order to operate that computer. Failure to comply with this requirement should be an offence. (Medium term)

To achieve the above recommendation the following key action needs to be taken:

- › To consider whether these powers should be provided with or without the authority of a warrant.

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