

Garda Inspectorate Report

“Responding to Child Sexual Abuse – A Follow-up Review December 2017”

THIRD PROGRESS REPORT OF THE INTER-AGENCY IMPLEMENTATION GROUP

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1. INTRODUCTION

1.1 Establishment of Implementation Group

This is the third progress report of the independently chaired inter-agency Implementation Group established to examine and drive forward the implementation of recommendations in the Garda Síochána Inspectorate's report "Responding to Child Sexual Abuse – A Follow-up Review."

The Implementation Group's terms of reference specified that the Group would operate for an initial period of 12 months from the date of its first meeting on 11 June 2018, and submit quarterly progress reports to Cabinet Committee B. The Group's first progress report was completed on 11 October 2018 and submitted to Cabinet Committee B on 22 October 2018. The Group's second progress report was completed on 8 May 2019.

1.2 First and Second Stage Findings

The Implementation Group's First Progress Report reflected the Group's initial findings, having examined and assessed all recommendations and key actions in the Garda Inspectorate's Report, including timeframes for implementation. Recommendations and key actions were categorised as;

- Accepted in full (Green)
- Accepted with modification (Amber)
- Not accepted – further evaluation needed (Blue)
- Not accepted – clarification required (Grey)
- Rejected (Red)

The Second Progress Report set out the Group's findings arising from work carried out from October 2018 to January 2019, and categories were amended and updated accordingly. These second stage findings were informed by a series of meetings, discussions and crucially, the verification process undertaken to confirm what recommendations were already implemented or significantly underway at that time.

It became apparent during the evaluation stage that particular time and consideration would have to be given to Recommendation 2.1 (pertaining to the development of a National Strategy for Child Sexual Abuse, Child Sexual Exploitation and Online Risks to Child Safety). The majority view of the Group was that a national approach would be required. While this was given some consideration during the second stage of work, a definitive view had not yet been formed as to how this should manifest itself.

The Implementation Group had also agreed, in addition to its original terms of reference, to examine Section 3 of the Child Care Act 1991 and its implications for Tusla and An Garda Síochána in relation to allegations of child sexual abuse. Having regard to the considerable amount of work involved in carrying out this task, it was decided that this matter would be substantively addressed in the Group's fourth (final) progress report.

1.3 Third and Fourth Stages of Work

From February 2019 to October 2019, the Group continued its assessment of the implementation of recommendations and key actions, informed by bilateral meetings and discussions between the Chair and relevant stakeholders. Further and detailed consideration was given to Recommendation 2.1 and the review of section 3 (as referred to above).

The substantive work of the Implementation Group was carried out in 2018 and 2019, with the last in-person meeting of the Group taking place in October 2019. Some updates were required at that stage to ensure that the Third and Fourth Progress Reports would fully and accurately reflect the progress made by various agencies and departments, and these were duly requested. The Covid-19 pandemic introduced an unavoidable delay into the process of updating and finalising the texts of those two reports. Since October 2019, significant progress has been made in some areas covered in the Third and Fourth Progress Reports, and it was decided to include relevant developments up to October 2020. A few more recent major updates were also included up to July 2021, when the Group agreed the report, in order to provide an accurate overview of the implementation of the Garda Inspectorate Report. To omit these developments would risk giving a misleading impression of what has been accomplished to date, and indeed, of the recommendations and actions which will remain under review. These updates will allow for the fullest picture of what has and has not been implemented to date, and their inclusion allows for the conclusion of the Implementation Group's original mandate.

This progress report finds that progress has been made in a number of areas, but further steps are required in some cases to fully implement the recommendations and key actions contained in the Garda Inspectorate's report. Additional measures and revised procedures have been instituted to advance child protection efforts, including in relation to missing children. The Implementation Group recognises increasing coordination and steps taken to ensure a more joined-up approach being taken by Tusla and An Garda Síochána, though there are outstanding steps to be taken before all recommendations and key actions can be regarded as implemented, for example, in relation to data sharing. Similarly, progress has been made in taking a more joined-up approach to sex offender management, with further action still required in some areas. In relation to the courts, among other measures, the Director of Public Prosecutions has announced her intention to establish a Sexual Offences Unit in her office, a move which the Implementation Group welcomes. The publication of the Tom O'Malley report represents a significant development in this area and will shape the implementation of some of the outstanding measures relating to victims and witnesses. The national roll-out of Garda Divisional Protective Services Units is also to be welcomed, and has served as the final step required to complete the implementation of some of the recommendations below. This progress report finds that An Garda Síochána's response to the Garda Inspectorate's request for information on the management of referrals of child abuse material failed to meet expected standards, but did not impact investigations. Steps have since been taken to avoid a repeat of this occurrence. The digital world and expansion and evolution of communications technologies presents serious and novel risks, but the Implementation Group was heartened to find that some good progress had been made in tackling child sexual abuse and exploitation online and facilitated by new technologies. This includes the provision of additional resources, greater international cooperation, and growth of the Garda Blocking Initiative, amongst other

measures. However, the scale of this issue and the swift rate of developments means that further action is needed to keep pace with rapid changes.

2. TASKS COMPLETED FEBRUARY 2019 - OCTOBER 2019

2.1 Meetings and Work Schedule

The Chair, accompanied by the Secretary to the Implementation Group, consulted and met with additional offices, agencies and officials to explore the key issues around the recommendations and key actions. As with the previous stage of meetings, the issues identified in this process were conveyed to the Group for consideration and discussion, in order to reach a definitive view. A list of the Implementation Group's meetings and the Chair's consultative meetings with relevant agencies/offices/officials during this period is set out the Group's fourth report.

2.2 Verification Process

In its Second Progress Report, the Implementation Group reported on recommendations and key actions that were implemented or significantly underway at that time. This verification process continued during the next stages of work, and is reflected in the updated spreadsheet in Appendix 1 showing recommendations and key actions.

3. THIRD STAGE FINDINGS BY RECOMMENDATION AND KEY ACTION

3.1 Garda Inspectorate's Recommendations – Chapter 2

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.

The Implementation Group accepted Recommendation 2.2 in its October 2018 Progress Report, noting that while it agreed with the principle behind the recommendation, it should fit into existing structures as outlined in the Joint Working Protocol and the two Liaison Forums (Senior Manager Liaison Forum and Liaison Management Team). On the basis that the national roll-out of Divisional Protective Services Units implements the spirit of this Recommendation, this Recommendation is considered implemented.

Key Actions 1-5

Ensure the remit of the local safeguarding committees includes:

1. Assessing whether the agencies are fulfilling their statutory and non-statutory obligations;
2. Assessing the delivery of the Children First National Guidance;

3. Introducing quality assurance practices, including joint auditing of cases and identifying lessons learnt;
4. Monitoring and evaluating the effectiveness of training, including multi-agency training; and
5. Functions identified in the Garda Síochána/Tusla Joint Working Protocol for the Senior Local Management Liaison Forum

The Implementation Group accepted these Key Actions in its October 2018 Progress Report and undertook to verify their implementation. The National Children First Liaison Management Committee (NCFLMC) of the Garda Síochána and Tusla is chaired by the Head of Policy and Research, Tusla. The Garda Síochána is represented by Detective Superintendent Child Protection, GNPSB and his staff. This Committee implements actions arising from the National Child Safeguarding Strategic Liaison Committee (NCSSLC) and responds to operational issues arising in relation to policy and procedure. Safeguarding is being addressed locally and regionally on a case-by-case basis.

The NCFLMC is also overseeing the review of the Joint Working Protocol for An Garda Síochána/Tusla – Child and Family Agency Liaison. The Joint Working Protocol for An Garda Síochána/Tusla has been implemented across all 17 operational areas and is being monitored at a national level.

As part of its role, the NCFLMC has advised all Chief Superintendents and Area Managers of the operation and agenda for the Senior Local Management Liaison Forum (SLMLF) meetings. This agenda incorporates the recommendations of the Inspectorate in regard to the remit of local child safeguarding committees. With the implementation of the Functional Policing Model, the Garda Síochána will be represented on each SLMLF by the Superintendent Community Engagement.

The national roll-out of SLMLFs as per the Joint Working Protocol has facilitated policy and procedure implementation review, case audit, and prioritisation of joint training targets. SLMLFs have been operating remotely through Covid-19 health crisis period.

The Implementation Group found that Key Actions 1-5 were implemented, though some geographical issues remain which need to be resolved. The multi-disciplinary element of the Safeguarding Committees will be looked at once they are bedded down. To ensure continuing implementation, ongoing review of these Key Actions will be required. This will be the responsibility of the relevant agencies and government Departments.

Key Action 6: Consider whether the national and local committees should operate on a statutory footing

The Implementation Group accepted this key action in its October 2018 Progress Report. The Group considers that if there is an appropriate mechanism in place for governance and oversight, there is no added benefit to putting these Committees on a statutory footing. In order to ensure that focus is maintained, the Group proposes that an update on the Committees be provided to the Children First Interdepartmental Group (CFIDG) on a biannual basis. Progress has been made but this Key Action is not yet implemented.

Key Action 7: Ensure senior management representation at the Children and Young People's Services Committees and at local committee meetings

The Group found that the current Garda Síochána representation on the Children and Young People's Services Committees, which is at Superintendent level, is the most appropriate Garda representative. This is in addition and separate to the SLMLF as noted above. The Group therefore considers that this Key Action is implemented.

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.

The Implementation Group accepted recommendation 2.3 in its October 2018 Report. Extensive consultation between An Garda Síochána and Tusla has been undertaken since January 2018 with a view to developing a Data Sharing Agreement and model for co-located working. Regular meetings were held with representatives of the Data Protection Offices of Tusla and the Garda Síochána and the Tusla and Garda representatives of the National Child Protection Unit. This work is continuing with a view to reaching agreement, and this matter will be kept under ongoing review until implemented. Progress has been made but this Recommendation is not yet implemented.

Key Action 1: Develop a joint single electronic notification and tracking system

This key action was accepted by the Implementation Group and the Group understands that implementation of the Garda PULSE- Tusla NCCIS integration project has been recommended at the highest level in both organisations. This project will allow for notifications created in accordance with Children First by either agency to automatically populate the other agencies' computer system. The Group understands that this project has been delayed because of the Covid crisis, as An Garda Síochána have had to incorporate new emergency legislative requirements onto PULSE.

In the Garda Síochána these notifications will be received by the Administration hub in the Divisional Policing Model and thereafter appropriately assigned to the Community or Crime hub. The notifications will appear on the relevant Performance Accountability Framework screen to ensure they are monitored and followed up. In addition, access will be given to restricted sections of each computer system (PULSE and NCCIS) allowing for immediate update of actions carried out by Tusla or the Garda Síochána. This will save time and resources normally used in seeking updates from each agency and eliminate the need for the "Child and Family Agency – An Garda Síochána Actions Form (formerly "joint actions sheet).

This process will not be impacted by the Garda Síochána – Tusla Data Sharing Agreement as the information to be shared in this process is information which is already shared through the Children First process. This project will streamline and improve the current process, saving time, improving data quality and ensuring child protection concerns are appropriately followed up.

The Group understands that the Garda Executive has given approval for scoping meetings in relation to this project and that implementation will be determined by resource/funding availability in the Garda ICT section. The Group is of the view that implementation of this key action has progressed but is not yet achieved and must be kept under review. Progress has been made but this Key Action is not yet implemented.

Key Action 2: Develop a unique reference number for each case

The Implementation Group accepted this Key Action in its October 2018 progress report. The Group has ascertained that the PULSE-NCCIS integration will negate the need for any unique reference numbers, as each case notification will have a unique identifier shared between Tusla and AGS. The Implementation Group therefore considers that, with the PULSE-NCCIS integration outlined in Key Action 1, this Key Action should be rejected.

Key Action 3: 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.

The Implementation Group accepted this Key Action in its October 2018 progress report and noted that this would be subject to a verification process. The Group is satisfied that this is included in the Joint Working Protocol for An Garda Síochána/Tusla – Child and Family Agency Liaison and has been incorporated in all Children First training. The Group considers this Key Action to have been implemented.

Key Action 4: Develop a clear framework for strategy meetings and Child Protection Conferences to record decisions and attendance

The Implementation Group accepted this Key Action in its October 2018 progress report and noted that this would be subject to a verification process. The process and structure of strategy meetings is outlined in the Joint Working Protocol for An Garda Síochána/Tusla. The framework for Child Protection Conferences is set out in the Tusla Child Protection and Welfare Practice Handbook and in additional guidance available on the Tusla website. The Liaison Management Teams (LMT) monitor the implementation of these structures and any local difficulties are escalated to the Senior Local Management Liaison Forum.

The Group is advised that monitoring and oversight will further improve with the introduction of PULSE-NCCIS integration, as it is proposed to include a method of recording attendance and outcomes of strategy meetings and Child Protection Conferences on this system.

The Implementation Group acknowledges that the Joint Working Protocol came into effect in December 2017 and that this Action has been implemented, however the framework would be further enhanced by an electronic system with the introduction of the PULSE-NCCIS integration. This action should be kept under review until such a functional system is in place, though as noted above, this has been delayed because of the Covid crisis. Progress has been made but this Key Action is not yet implemented.

Key Action 5: Ensure that only specially trained personnel and professionals make key decisions on the management of notifications

The Implementation Group accepted the principle of this recommendation in its October 2018 progress report but noted that clarification was required regarding the agency or agencies to which this recommendation referred. The Implementation Group has ascertained that the Garda Síochána and Tusla are appropriately trained to make such decisions under the respective roles. Oversight by the LMT is included in the Joint Working Protocol and the Divisional Protective Services Units (DPSU) also have a role in oversight. The Joint Working Protocol sets out the various levels of oversight for Children First notifications and the joint working carried out as a result of such notifications. The LMT meets every six weeks to review open cases and discuss issues with specific cases. The LMT is made up of the local child protection Inspector or Sergeant and Tusla Principal Social Worker or Team Leader with knowledge of these cases. At these meetings, any issues regarding specific notifications or child protection matters are reviewed and this provides oversight and an opportunity to flag matters to be addressed. The Senior Local Management Liaison Forum (SLMLF) meets quarterly to review local management issues relating to Children First and child protection. The local Garda Divisional Officer (or their representing Superintendent) meets with the Tusla Area Manager, along with other personnel they deem appropriate. Matters which cannot be resolved at the LMT are raised at the SLMLF meeting. The SLMLF identifies local training needs and raises this at a national level through senior meetings of both agencies. The SLMLF also provides oversight to monitor good and bad practice and any issues arising in relation to Children First notifications, including data quality. The senior attendance from each agency allows for specific instructions to issue locally to each agency which will improve management of notifications and follow up actions.

This will further improve with the introduction of PULSE – NCCIS integration, as the decision making process will be recorded in one place which will be easily accessed and monitored by management in both Tusla and the Garda Síochána.

The Group therefore considers this Key Action to be implemented.

Key Action 6: Develop a standard process for closing cases

The Implementation Group accepted this Key Action in its October 2018 progress report and noted that this would be subject to a verification process. The Implementation Group is satisfied that this process is included in the Joint Working Protocol and will be further improved with the introduction of the PULSE-NCCIS integration, as cases will be closed automatically when closed on the relevant agency's computer system. This Key Action is considered to be implemented.

Key Action 7: Develop a national protocol for the sharing of information

The Implementation Group accepted this Key Action in its October 2018 progress report. The validation of this requires finalisation of the Data Sharing Agreement between An Garda

Síochána and Tusla. The Group therefore considers that this Key Action must be kept under review. Progress has been made but this Key Action is not yet implemented.

[Key Action 8: Deliver joint-agency training to improve the quality of notifications](#)

The Implementation Group accepted this Key Action in its October 2018 progress report and noted that this would be subject to a verification process. The Group has ascertained that Tusla trainers assisted in the development of the Garda Síochána Children First training. Tusla trainers are also brought in to DPSU training. Tusla present to DPSU's and Child Protection training courses, outlining the actions Tusla take on receipt of a notification to improve Garda understanding of what information is required in a notification. The importance of data quality is emphasised in all training and additional training is to be considered by the Joint Oversight Training Committee. Initiatives such as eLearning could be leveraged where appropriate.

Joint agency training is being developed by Tusla and staff from the GNPSB. This training will be piloted in one area before being brought before the Joint Oversight Committee for National roll-out. Course modules currently under development. The Group considers this Key Action to be implemented but it should be kept under review to ensure that it is maintained.

[Key Action 9: Develop a joint-agency data/metrics on notifications and actions such as attendance rates at meetings.](#)

The Implementation Group accepted this key action in its October 2018 Progress Report, but with modification on the basis that this would be subject to feasibility. The Implementation Group has ascertained that this will be achieved in the longer term as it will be part of the PULSE-NCCIS integration. The recommendation will be deemed to be fully implemented when this is in place and should be kept under review until that point. Progress has been made but this Key Action is not yet implemented.

[Key Action 10: Ensure that there is a full evaluation of the out of office hours service provided in child protection matters](#)

The Implementation Group accepted this key action in its October 2018 Progress Report. Tusla has confirmed the redevelopment of the out-of-office-hours service, which now extends throughout the country with identified social workers on call. This Key Action is considered implemented.

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.

The Implementation Group accepted this recommendation in its October 2018 Progress Report, noting that it was likely to be in the medium term. While KPI reports are still used at local level for monitoring and managing cases, a full review of their current use and relevance is required. A request for review is with the Assistant Commissioner, Special Crime Operations,

and as of the time of writing the review had not commenced. Consequently, this Recommendation is not yet implemented and is to be kept under review.

Key Action 1: Review the use of the metrics on prosecution of sexual incidents in light of PULSE 6.8

This Key Action will need to be considered as part of the review referred to above. This Key Action is not yet implemented.

Many of the investigation metrics will be made redundant by the investigation management system (IMS). IMS is a separate system to PULSE, but it can be accessed through PULSE, so updates in IMS will update the “Investigation Status” tab of PULSE. As incidents are updated on the IMS they will automatically be updated on the PULSE incident which is linked to the KPI. The KPI report is updated from specific sections of PULSE. Therefore it will not be necessary to update the KPI reporting process. The IMS will allow for in-depth monitoring of the investigative steps for each sexual crime and child welfare incident.

Key Action 2: If the KPI report is retained, PULSE should be updated to record additional data such as attendance rates at Child Protection Conferences

The Implementation Group accepted this recommendation in its October 2018 Progress Report, subject to operational feasibility. The Group is advised that attendance at strategy meetings and Child Protection is to be included in the PULSE-NCCIS integration project. This Key Action is not yet implemented and is to be kept under review.

Key Action 3: Ensure that strategy meetings held and joint action plans arising out of meetings are accurately recorded on PULSE for production in the KPI reports

The Implementation Group accepted this recommendation in its October 2018 Progress Report, subject to operational feasibility. The Group is advised that the recording of the joint actions discussed and decided upon at various meetings between Tusla and An Garda Síochána will be included in the PULSE – NCCIS integration project. This should improve monitoring and management of those meetings and actions. The Group is of the view that once this happens this Key Action will be achieved and should be kept under review until that point. Progress has been made but this Key Action is not yet implemented.

Key Action 4: Provide full access to Sexual Incident and Child Welfare KPI reports and training for those sergeants and inspectors designated to monitor and update KPIs.

The Implementation Group accepted this recommendation in its October 2018 Progress Report. The Group is advised that full access is available, as required, on completion of an electronic ICT application form on the Garda Síochána Portal, and that training in the use of these KPI reports is provided by the NCPU on request. The Group is satisfied that this Key Action has been implemented.

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.

This recommendation was accepted in the Implementation Group's October 2018 Progress Report. The Tusla – Garda Síochána protocol and guidance on Organised Exploitation of Children has been drafted and forwarded for approval by both organisations, but is not yet finalised. This outlines the internationally identified indicators of exploitation and makes recommendations to care managers and service providers on how to address concerns in this regard. The NCPU will work with the Criminal Intelligence Office (CIO) GNPSB as a central repository to receive and record reports of concerning behaviour around the country. It is envisaged that this will assist in identifying trends and/or persons involved in the exploitation of children around the country. The Missing Persons Protocol is also to be updated as soon as resources allow. Key Action 1 of the appointment of missing person officers in all DPSUs was rejected by the Implementation Group in its October 2018 Progress Report. It is considered that Missing Persons Officers fit better into Divisions. However, when the cause is identified as being an abuse/exploitation issue, the matter will be taken on by the DPSU. This Recommendation is to be kept under review, as progress has been made but this Recommendation is not yet implemented.

Key Action 2: Ensure that all high-risk cases are reviewed by a detective supervisor and investigation strategies are completed

The Implementation Group accepted this Key Action in its October 2018 Progress Report but with a modification, indicating that the rank of Sergeant is considered sufficient for the task of reviewing all high-risk cases. The Implementation Group is satisfied that all missing person cases are subject to review by a Sergeant. This Key Action is considered as implemented.

Key Action 3: Ensure that the Garda Missing Persons Bureau has a more intrusive supervisory role in checking the quality of investigations conducted

The Implementation Group accepted this Key Action in its October 2018 Progress Report. The Group is advised that the Missing Persons Bureau liaises with local investigators. A number of missing person reports are available via the Garda Síochána portal to assist in the supervision of missing person investigations by local management. Such supervision and review is outlined within the "Guidance on the Recording, Management and Investigation of Missing Persons" (2012). The focus of this review is not solely to ensure the quality of the investigation but also that of the PULSE incident. Further to the above reports, the governance KPI includes information for District Officers regarding missing person incidents where a review is required/outstanding in accordance with the timeframes as preferred by the relevant guidance document.

With a view to ensuring compliance with oversight at a District level the current Policing Plan 2019 includes the following target: "We will reduce the numbers of missing person incidents with overdue District Officer review to no more than 60 nationally".

An application for an increase in resources has been made to expand the Missing Persons Unit. Such expansion will allow for additional oversight of high-risk cases.

The Implementation Group is satisfied that Key Action 3 has been implemented but progress is to be kept under ongoing review.

Key Action 4: Ensure that return interviews are always conducted

The Implementation Group accepted this Key Action following clarification from the Garda Inspectorate as to who should conduct such interviews. The Inspectorate suggest that Social Workers interview children in care and the Garda Síochána carry out all other interviews. The Group is advised that interviews can only be conducted on a case by case basis. The child may not engage with any interview. In cases where a risk has been identified, a Children First notification will be sent to Tusla and this will precipitate actions from a child protection perspective. If there is an indication that a crime has been committed (either to the Garda or Social Worker) a Garda investigation will be initiated which will include interview of the child. The Garda Síochána will utilise experience, expertise and instinct on a case-by-case basis in order to identify concerns. The Group is satisfied that this Key Action can be considered implemented.

Key Action 5: Review the approach for conducting interviews with children missing from care, particularly those children who are at high risk of exploitation

The Implementation Group accepted this Key Action following clarification from the Garda Inspectorate as to why the approach to conducting these interviews was to be reviewed. The Group has been advised that a review of the approach for conducting interviews with children missing from care has taken place, and only those who are suitably trained can interview a person under 18.

The Group has been informed that a recent review of systems for reporting and joint working on missing children from care demonstrated that that joint arrangements across the country are working well.

The “Children Missing from Care – a Joint Protocol between An Garda Síochána and the Health Service Executive Children and Family Services (now Tusla)” states at paragraph 5.4: “The HSE Children and Family Services (now Tusla) or its agencies are responsible for ensuring that an effective interview is conducted when child returns.” This Joint Protocol is currently being updated, and is due for completion in Q1 2021.

The Group considers this Key Action implemented, but the provision of training should be kept under review.

Key Action 6: Identify those children who go missing that are at high risk of sexual exploitation and develop early preventative interventions

This Key Action was accepted in the Implementation Group’s 2018 Progress Report. The Tusla – Garda Síochána protocol and guidance on Organised Exploitation of Children has been drafted

and forwarded for approval by both organisations, but is not yet finalised. This will incorporate guidance for carers in this regard. The collation of data on suspected exploiters will aid prosecutions for these offences.

An Garda Síochána have established a National Operation to respond to Child Sexual Exploitation of children in care. A new CSE Tusla Procedure document includes instructions for Tusla reporting directly to national AGS operation.

In cooperation with An Garda Síochána, Tusla have drafted a Procedure for Child Sexual Exploitation which is to be implemented in January 2021.

Pending the finalisation of the protocol and guidance, this Key Action is to be kept under review. Progress has been made but this Key Action is not yet implemented.

[Key Action 7: 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](#)

This Key Action was accepted in the Implementation Group's 2018 Progress Report. The Group is advised that Garda Information Service Centre (GISC) review and quality control all incidents in accordance with GISC Standard Operating Procedures. The basic description of the missing person and the circumstances of disappearance are all mandatory fields within the missing persons tab, and the creator of the incident cannot finalise/save a missing person incident without populating it. The location of where the person is found must also be added to an incident along with the reporter's details in order to save the incident. The Implementation Group is satisfied that this Key Action has been implemented.

[Key Action 8: 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](#)

This Key Action was not accepted by the Implementation Group on the basis that further evaluation was needed to compare the Australian system with the Irish system. Having reviewed the description of the functionalities offered by both applications, the Group is satisfied that the CRI alert app allows for collection and storage of this relevant information and that this Key Action has been accepted and implemented.

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.

The Implementation Group rejected this recommendation in its October 2018 Progress Report and its May 2019 Progress Report. This recommendation remains rejected on the basis that the National SORAM Steering Group carries out this role. Nonetheless, the Group found that a number of key actions associated with this recommendation were standalone and could be

considered separately. Key Action 1 was rejected in the May 2019 Progress Report, and Key Action 3, Key Action 5, Key Action 6, and Key Action 7 were considered to be implemented.

[Key Action 2: Develop Violent and Sex Offenders Register \(ViSOR\) or a similar e-type information sharing system](#)

This Key Action was accepted by the Group with modification in its May 2019 Progress Report. The Group agreed that an e-sharing information system would be beneficial, as the systems currently used by SORAM agencies are not integrated. The Group was of the view that a Sex Offenders Register should be managed and operated separately to a Violent Offenders Register, and that this was a legislative matter. The Group has been advised that An Garda Síochána has sought approval to develop a dedicated Sex Offender Management Screen within PULSE. The Action Plan for the Joint Management of Offenders 2019-21 includes a commitment to develop an electronic information-sharing platform for SORAM. This Key Action is therefore to be kept under review until this information-sharing platform is rolled out. Progress has been made but this Key Action is not yet implemented.

[Key Action 4: 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](#)

The Implementation Group accepted this Key Action and found that each agency involved in SORAM had their own standard operating procedure (SOP). The Group recommended a SOP for managing pre-release meetings from prison. The Group notes that the Action Plan for the Joint Management of Offenders 2019-21 contains a commitment that the Irish Prison Service will convene SORAM meetings in prisons within the last three months of sentence, preparing for the integration and management of soon-to-be-released sex offenders who are subject to supervision. Progress has been made but this Key Action is not yet implemented, so it should be kept under review.

[Key Action 8: Provide ongoing SORAM refresher training as well as training for those criminal justice representatives involved in cases at court](#)

This Key Action was accepted by the Implementation Group in its May 2019 Progress Report, having received clarification from the Garda Inspectorate on what was required. The National SORAM Office has ongoing training as part of their annual work plan. Nine workshops were completed around the country with Local SORAM Teams in 2018, and two in 2019 (as of October 2019). This Key Action is considered implemented.

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.

The Implementation Group accepted this recommendation in its October 2018 Progress Report, but with medium timeframe. While the Group agreed that a review of legislative issues in connection with managing sex offenders could have merit, it was noted that proposed

legislative changes were already underway that could potentially address many of the issues raised in the substance of the report. To conduct a review of the procedures now would therefore bring being no benefit. It is anticipated that the new Sex Offenders (Amendment) Bill which is being drafted by the Office of the Parliamentary Counsel will provide for further strengthening of the management of sex offenders. Key Action 5 was considered to be implemented in the May 2019 Progress Report.

[Key Action 1: Ensure that Gardaí deployed to sex offender management are part of the new Protective Services Units](#)

The Group accepts the spirit of this recommendation; however, it is of the view that the SORAM process is well established and operating successfully, with a cohort of trained Gardaí of various ranks around the country separate to the DPSU system. It is not necessary to change this model at this time. It may be appropriate to incorporate sex offender management in the DPSU at a later stage, once the system has bedded in and more resources are made available. However, as noted SORAM management is operating effectively, and the spirit of this recommendation is therefore considered implemented.

[Key Action 2: Promote the updating and use of Violent Crime Linkage Analysis System \(ViCLAS\) as an important source of offender information](#)

This Key Action was not accepted by the Implementation Group in its May 2019 Progress Report as further evaluation was needed. A report has been prepared for the Commissioner of the Garda Síochána outlining the history of ViCLAS and the current operation of the system. This Key Action has been accepted but not yet implemented and should be kept under review.

[Key Action 3: Ensure that all outstanding booklets are entered on the ViCLAS system](#)

The Implementation Group accepted this recommendation in its October 2018 Progress Report. The Criminal Intelligence Office of the GNPSB is undertaking this process on a continuing basis. The Implementation Group accepts that the spirit of this Key Action has been implemented.

[Key Action 4: Conduct a review of the use of Sex Offenders Orders](#)

Following clarification from the Garda Inspectorate, this recommendation was accepted in the Implementation Group's May 2019 Progress Report.

Sex Offender Orders are reviewed by the Sex Offender Management and Intelligence Unit on a continuous basis. The application process and prosecution for non-compliance form part of the delivery of seminars on both a regional and national basis. As part of the oversight process, all intended applications for a section 16 Order require advance discussion with the Sex Offender Management & Intelligence Unit. The Implementation Group is satisfied that a robust review process for the use of Sex Offender orders is already in place. This Key Action is considered implemented.

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.

The Implementation Group accepted this Recommendation in its October 2018 Progress Report, but with modification and a medium-term timeframe. The Group's analysis of this Recommendation and associated Key Actions is included in greater length in their May 2019 progress Report. In that report, the Group agreed that a review of legislative issues in connection with managing sex offenders could have merit, but took note that proposed legislative changes were already underway which could potentially address many of the issues raised. In this context, the Group notes that the new Sex Offenders (Amendment) Bill is still being drafted by the Office of the Parliamentary Counsel and consequently the status of this Recommendation is unchanged and it remains unimplemented.

Key Actions 1, 2, 3, 4, 5 and 6 were all dealt with in the Group's second report and are not considered here, and the appended table reflects the current status of the Key Actions.

3.2 Garda Inspectorate's Recommendations – 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.

The Implementation Group accepted this recommendation in its October 2018 Progress Report, subject to operational feasibility. The Implementation Group has been given to understand that these incidents are relatively easily identified on PULSE and further updates to PULSE have been requested from Garda ICT in relation to child pornography offences. These updates have been agreed and will be completed in accordance with Garda ICT processes. The Garda Síochána Analysis Service will be able to extract detail of offences involving children at risk on request. This Recommendation is to be kept under review. Progress has been made but this Key Action is not yet implemented.

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.

The Implementation Group accepted this recommendation in its October 2018 Progress Report, but acknowledged that it was long-term in nature. The only offences not recorded as sexual are child pornography offences, as referred to in Recommendation 3.1. An update in this regard has been requested from Garda ICT section and will be completed in accordance with ICT processes.

The Garda Information Systems Centre (GISC) has standard operating procedures in relation to the creation of all PULSE incidents. These are updated in consultation with relevant Garda sections, including the Garda National Protective Services Bureau (GNPSB). GISC has a Quality Control section which reviews all incidents to ensure they are recorded correctly in accordance with National standards. Progress has been made but this Recommendation is not yet implemented, and should be kept under review until these updates are completed.

[Key Action 1: 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 Implementation Group accepted this Key Action in its October 2018 Progress Report. A request has been submitted to Garda ICT to move “Child Pornography” incidents in to “Sexual Offences” category. This update has been agreed and will be completed in accordance with ICT processes. “Child Pornography” incidents currently have the same anonymity measures as all sexual offences, so the information is not available to all PULSE users. Progress has been made but this Key Action will not be considered implemented until the updates have been completed.

[Key Action 2: The Central Statistics Office and the Garda Síochána to agree a single categorisation system for all sexual offences](#)

[Key Action 3: Address the recurring theme of over-counting of sexual offences](#)

The Implementation Group considers these two Key Actions to be for long-term consideration, and accepts that for that reason, they have not been significantly progressed or implemented thus far.

Recommendation 3.3

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

This recommendation was accepted in the Implementation Group’s October 2018 Progress report. The Garda Síochána will amend this policy as part of the ongoing review of the “Garda Síochána Policy on the Investigation of Sexual Crime, Crimes against Children and Child Welfare”. In the interim, National Guidance is to issue providing detail of best practice on approaching adult victims of childhood sexual abuse, taking all relevant views and concerns into consideration, in particular taking account of the rights of victims. The removal of the procedure is already being included in relevant training courses. Progress has been made but this Recommendation is not yet implemented and is to be kept under ongoing review.

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

The Implementation Group accepted this Recommendation in its October 2018 Progress Report, with modification on the basis that bespoke training would not be feasible. The Group stood over its initial finding in its May 2019 report, when it was agreed that this Recommendation would be implemented once the roll-out of DPSUs on national level had taken place, ensuring that only specially trained members of AGS are involved in the investigation of child sexual abuse. This roll-out has been completed and therefore this Recommendation is implemented.

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.

The Implementation Group accepted this recommendation recommendation in its October 2018 Progress Report. A Joint Working Protocol on Specialist Interviewing by Tusla and the Garda Síochána has been prepared but is dependent on the data-sharing agreement between Tusla and An Garda Síochána, and consequently is on hold until that agreement can be finalised. Training in Specialist Interviewing is supposed to be provided by the Garda Síochána College to members of the Garda Síochána and Tusla staff on a 50-50 basis, with equal numbers of places offered to each agency on each course. However, the Garda response to Covid-19 has necessitated putting joint Specialist Interview Training on hold.

Progress has been made but this Recommendation is not yet implemented and is to be kept under ongoing review.

Key Action 1: Ensure that sufficient numbers of social workers are trained as specialist interviewers to allow joint interviews to take place

The Implementation Group accepted this recommendation recommendation in its October 2018 Progress Report. Training in Specialist Interviewing is supposed to be provided by the Garda Síochána College to members of the Garda Síochána and Tusla staff on a 50-50 basis, with equal numbers of places offered to each agency on each course. Six places are supposed to be offered to Tusla in every course of twelve trainees. It will take time to train sufficient numbers of social worker staff to meet capacity.

However, the Group has been informed by Tusla that a review of the Joint Specialist Interview Training is now urgently required. Tusla's access to training places was reduced by Templemore College before the Covid crisis began, without notice to Tusla. An exploration of future Specialist Interviewer training intentions with Templemore indicated a divergence of priorities between Templemore and Tusla.

More recent discussions between Tusla and An Garda Síochána Operations have indicated a need for substantial joint review of the Joint Specialist Interviewing programme. The Barnahus model has been accepted at Government level as the future national approach to responding to victims of CSA, and this requires a strong joint specialist interviewing approach.

Progress has been made but this Key Action is not yet implemented. The Group believes that there would be value to joint review of specialist interviewing to ensure training is fit for

purpose and appropriate to the future use of the Barnahus model. Consequently, this Key Action to be kept under review.

Key Action 2: 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

The Implementation Group accepted this Key Action in its October 2018 Progress Report. A high-level group has been established to consider the specialist interviewing training course. This group will consider joint interviewing, joint training and recommendations to amend this process. Any changes in training will require a review of the Good Practice Guidelines. Given the personnel who originally drafted these guidelines, such a review must be completed by a qualified panel selected by the Department of Children, Equality, Disability, Integration and Youth. The Implementation Group understands that the Departments and Agencies involved in the Barnahus project intend to apply for funding from the Council of Europe to explore and strengthen interviewing, including reinforced capacities and a framework for joint forensic interviews. This Key Action has not been implemented and is to be kept under review.

Key Action 3: Review the use and conduct of clarification interviews

The Implementation Group accepted this Key Action in its October 2018 Progress Report. A committee has been established with active interviewers from the Garda Síochána and Tusla and representatives of the Garda Síochána College in order to review the purpose of the “Clarification meeting” with a view to recommending amendments to same, and providing input into the review of the Good Practice Guidelines. Progress has been made but this Key Action is not yet implemented and is to be kept under review.

Key Action 4: Develop metrics and quality assurance processes for interviews

The Implementation Group accepted this Key Action in its October 2018 Progress Report. This is to be incorporated into the review of the Good Practice Guidelines (see 3.6(2) above). It will include a strategy on oversight with regard to quality assurance and establish minimum required standards. This Key Action is not yet implemented and is to be kept under review.

Key Action 5: Ensure that all specialist interviewers are attached full-time to investigation units or are released on a rotational basis for immediate deployment

The Implementation Group accepted this Key Action in its October 2018 Progress Report. Garda Specialist Interviewers are to be attached to DPSUs. Tusla Specialist Interviewers are a regional resource. It has provisionally been agreed that Tusla Specialist Interviewers will be part of a co-located Garda – Tusla Unit, but with no specific date set. The Implementation Group considers this Key Action as implemented but it should be kept under review to ensure it is operating effectively.

Key Action 6: Encourage more male Gardaí to become specialist interviewers

The Implementation Group accepted this Key Action in its October 2018 Progress Report, acknowledging that it was difficult to enforce in practice. As of October 2019, 15% of all Garda Interviewers are male, as are 15% of all Tusla Interviewers. The Implementation Group understands that no strategies have been identified as to how to implement this recommendation. This Key Action is not yet implemented and is therefore to be kept under review.

Key Action 7: Ensure that investigating officers view the victim interviews

The Implementation Group accepted this Key Action in its October 2018 Progress Report. The S.I.3 form is completed by all Specialist Interviewers to certify that they have reviewed the verbatim record of salient points (transcription) of the interview, with the DVD recording, and have highlighted any discrepancies between the two. The S.I.3 must also be signed off by the investigating Garda to the effect that they have viewed the DVD. This training is provided at all Senior Investigating Officers (SIOs) courses and Detective Garda courses. The Implementation Group is satisfied that this Key Action is implemented.

Key Action 8: Develop a programme of refresher training for specialist interviewers

This Key Action was accepted by the implementation Group in its October 2018 Progress Report. Refresher Training for Specialist Interviewers has always been a feature of Specialist Interviewer Training. Furthermore, the Crime Training Faculty Governance Board have recommended an examination into the current training structure surrounding Specialist Interviewers. A sub-group has been established and may review the idea of refresher training. Progress has been made but this Key Action is not yet implemented.

Key Action 9: Remove the need for specialist interviewers to create transcripts of interviews

This Key Action was accepted in principle by the Implementation Group in its October 2018 Progress Report. Transcription kits with foot pedals have been obtained and supplied to all DPSUs for use by Garda staff in creating transcripts. These foot pedals are provided to specialist interviewers on request.

Options to utilise various software transcription packages are being considered by the National Crime Prevention Unit (NCPU). At present, none of these packages meet the needs of specialist interviewing, but they are evolving rapidly and will continue to be considered as new options are developed.

In the DPSU, a position at Clerical Officer grade has been created to facilitate transcription. When fully rolled out, there should be no need for any specialist interviewer to transcribe interviews. This Key Action will be considered fully implemented when the Clerical Officers are fully rolled out. Progress has been made but this Key Action is not yet implemented.

Key Action 10: Review the issue of parents/guardians who refuse to allow a child to be interviewed or medically examined

The Implementation Group accepted this Key Action in its October 2018 Progress Report. A report on this matter, in relation to specialist interviewing, rests with the Attorney General's Office. The HSE explain the medical concerns and benefits of examination to parents/guardians. This information and reassurance should improve with the roll-out of the Barnahus (child and adolescent Sexual Assault Treatment Unit) project.

In the absence of permission for children in care, Section 47 of the Child Care Act 1991 (as amended) may and has been considered for carrying out specialist interviews with children in care. Progress has been made but this Key Action is not yet implemented and is to be kept under review.

[Key Action 11: Review the referral process to units such as St Clare's and St Louise's and in particular resolve the use of credibility assessments](#)

The Implementation Group accepted this Key Action in its October 2018 Progress Report. The Garda Síochána regard this as being outside their remit. Tusla staff are to meet with St Clare's and St Louise's regarding the assessment process, and representatives of the Garda Síochána are to be invited as appropriate. These meetings had not taken place as of August 2020, and so this Key Action is not yet implemented and is to be kept under review.

Recommendation 3.7

The Inspectorate recommends that the Garda Síochána in conjunction with the DPP review the processes and develop joint protocols and approaches for the management of child sexual abuse cases.

The GNPSB is to continue high-level liaison with the office of the Director of Public Prosecutions (DPP) with a view to developing formal protocols and best practice in all cases. The establishment of the Divisional Protective Services Units and a Sexual Offences Unit in the Office of the DPP will go a long way to giving effect to the spirit of this recommendation, but it should be kept under review.

[Key Action 1: Clarify the types of cases that should be referred to the Director of Public Prosecutions](#)

The Implementation Group accepted this Key Action in its October 2018 Progress Report. Garda Headquarters Directive 24/2012 states files on all sexual crime investigations are to be sent to the DPP for direction in accordance with General Direction 3 arising from section 8 of the Garda Síochána Act 2005. The Implementation Group understands that a new HQ Directive is to issue, from Legal and Compliance section of the Garda Síochána, with more detailed clarification regarding the specific files to be sent to the DPP. Progress has been made but this Key Action will not be considered implemented until a new HQ Directive issues and is to be kept under review until then.

[Key Action 2: 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.](#)

The Director of Public Prosecutions has reviewed this report and considered its findings and recommendations. The Implementation Group considers that this Key Action has been implemented.

Key Action 3: Develop a best practice model for providing early investigative advice

This Key Action was accepted with modification in the Implementation group's October 2018 Progress Report. Advice is provided internally by the Garda Síochána through Legal and Compliance Section and the GNPSB. The national roll-out of the DPSUs will improve the availability and dissemination of such advice and information. The process will be included in the review of the "Garda Síochána Policy on the Investigation of Sexual Crime, Crimes against Children and Child Welfare". As referred to above, the establishment of a dedicated Sexual Offences Unit in the office of the Director of Public Prosecutions is a positive development. Progress has been made and once this dedicated Unit is established, the Group considers that the spirit of this Key Action will have been implemented, so this Key Action is to be kept under review until then.

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.

This Recommendation was accepted in the Implementation Group's October 2018 Progress Report. An independent telephone counselling service is available for all members of the Garda Síochána through "Inspire wellbeing", with an additional service available for more complex cases. Counselling is provided at entry, on departure, and four times throughout the year. A specific protocol for use by staff in GNPSB and GNCCB has been submitted to the Garda Síochána Chief Medical Officer for consideration. Progress has been made but this Recommendation is not yet implemented and is to be kept under review.

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.

This Recommendation was accepted by the Implementation Group in their October 2018 Progress Report, with the understanding that this was an undertaking with a medium-term timeline. As of September 2020, this roll-out was completed, and there is now a Divisional Protective Service Unit (DPSU) in operation within every Garda division. There are 27 DPSUs that are operational across Ireland. Approximately 320 personnel are assigned to DPSUs including members of Inspector, Sergeant and Garda rank. Personnel assigned to DPSUs have been provided with bespoke training consisting of a number of modules addressing issues such as investigating sexual crime, child protection, investigating domestic abuse, online child exploitation, and sex offender management. This training course has been developed by the Garda National Protective Services Bureau (GNPSB), in conjunction with the Garda College. The Implementation Group considers this Recommendation implemented.

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 notification and implementation of the revised Policy on the Investigation of Sexual Crime, Crimes against Children and Child Welfare.

This Recommendation was accepted with modifications by the Implementation Group in their October 2018 Progress Report. All DPSUs hold the remit for the investigation of child sexual abuse and all such units come within the direction of the Detective Superintendent or the Divisional Crime Superintendent in the Functional Model of Policing which is being rolled out across the country.

The crime types covered by the DPSUs are under regular review and updated as appropriate, taking capacity issues into consideration. The Case Allocation Guide is complete and is with Assistant Commissioner Special Crime Operations for consideration. Now that the DPSUs have been rolled out nationwide, the Implementation Group considers this action to be implemented. However, detailed oversight of An Garda Síochána's progress in relation to this recommendation will be required to ensure that the DPSUs are functioning in an efficient and effective manner. The Implementation Group agrees with the views expressed by the Policing Authority in this regard, and a letter outlining the Policing Authority's views on this matter has been appended to this report.

Key Action 1: 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

This Key Action was agreed as accepted in the Implementation Group's October 2018 Progress Report. Under the Functional Policing Model, the investigation of sexual crime comes within the remit of the Superintendent Crime, so this Key Action can be considered implemented.

Key Action 2: Ensure that each divisional unit has a dedicated detective inspector in charge

This Key Action was accepted with modification in the Implementation Group's October 2018 Progress Report on the basis that each divisional unit would have an Inspector in charge, but not all would be Detective Inspectors. This has been approved by the Commissioner of the Garda Síochána and Detective Inspectors will be assigned as the DPSUs are rolled out. An application for the conduct of a competition has been made to the Commissioner. This Key Action is considered implemented.

Key Action 3: Ensure that all investigators assigned to the unit are fully trained and complete specific training in the investigation of sexual offences and child protection

This Key Action was agreed by the Implementation Group in their October 2018 Progress Report. All members assigned to the DPSUs receive a mandatory full training package including the investigation of sexual offences, domestic abuse and child protection. This Key Action is therefore implemented.

Key Action 4: 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

This Key Action was accepted with modification by the Implementation Group in their October 2018 Progress Report, on the basis that the original Key Action was unduly prescriptive. Not all investigative roles or tasks require specialised training. Specialised sexual offences and child protection training is provided to all trainees on Part 3 of their basic training in the Garda College.

In addition, in the competition stage, a panel of successful candidates is maintained, and as needed resources are drawn into the Units. All panel candidates receive training. This Key Action is therefore implemented, with modifications.

Key Action 5: Identify opportunities for the assignment of garda support staff

This Key Action was agreed by the Implementation Group in their October 2018 Progress Report. The Implementation Group understands that the Garda Síochána have identified that a complement of two Garda staff are required for each DPSU. With the national roll-out of the DPSUs, this Key Action is deemed implemented.

Key Action 6: 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

This Key Action was agreed by the Implementation Group in their October 2018 Progress Report. The updating and publication of this policy is part of the core work plan for the GNPSB. The GNPSB will also have a significant role in providing training to all Garda members on this updated policy. This Key Action is not implemented, pending the publication of the revised policy, and will need to be kept under review.

Key Action 7: Consider attachments for probationary gardaí to divisional units

This Key Action was accepted with modification by the Implementation Group in their October 2018 Progress Report. While specialised sexual offences and child protection training is provided to all trainees on Part 3 of their basic training in the Garda College, the Implementation Group understands that the Garda Síochána are not considering this recommendation as of October 2019. This Key Action should be revisited in the future if circumstances change. This Key Action is not implemented.

Key Action 8: Develop a process for sharing learning and good practice between units

This Key Action was agreed by the Implementation Group in their October 2018 Progress Report. DPSU training provides the opportunity to share best practice to all DPSUs. A process for further information sharing via seminars or an intranet (Garda Portal) team website will be created once all DPSUs are fully established. In addition, once roll-out is complete, a biennial conference will be held for all DPSU personnel. Areas of good and best practice will be

discussed and delivered at this event. It has not been practicable to determine yet whether this Key Action has been implemented, but progress has been made. This Key Action, along with others, is one that will require supervision and monitoring by the Policing Authority.

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.

This Recommendation was accepted by the Implementation Group in its October 2018 Progress Report. The Implementation Group also accepted the associated Key Actions, noting however that actions are broad in nature and the timeframe for their implementation is long-term, as legislative amendments are required. In the Group's May 2019 Progress Report, an overview is given of the existing legislative landscape as it relates to this area and further measures for improvement are suggested.

Since the drafting of that Report, the most significant development in the areas covered by this Recommendation and associated Key Actions was the publication of the report of the working group chaired by Tom O'Malley BL to review the investigation and prosecution of sexual offences. The Implementation Group welcomes the recommendations made in the report, which contains four overarching recommendations:

1. Promoting better awareness of victims' rights legislation;
2. Promoting education about the meaning and importance of consent;
3. Improving inter-agency co-operation and exchange of information, especially in relation to services for victims; and
4. Ensuring consistency in service delivery.

On 28 October 2020, the Tom O'Malley Review Implementation Report entitled "Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases" was published. This publication built upon recommendations made in the O'Malley Review itself and seeks to introduce new and strengthen existing supports for vulnerable victims and witnesses in the criminal justice system.

An interdepartmental and interagency Working Group, chaired by the Department of Justice, drafted the implementation plan to give effect to the recommendations of the O'Malley review. The group met on three occasions in September and also met with the NGO representatives on the Monitoring Committee for the National Strategy on Domestic, Sexual and Gender-Based Violence, representatives of frontline refuge services, the Bar Council and the Law Society, and received submissions from a number of these organisations.

The Working Group included representatives from the Departments of Health; Children, Equality, Disability, Integration and Youth; Further and Higher Education, Research, Innovation and Science; Education; An Garda Síochána; Tusla; the Higher Education Authority; Courts Service; Probation Service; Office of the Director of Public Prosecutions; Judicial Council and the Legal Aid Board.

The Implementation Plan sets out the actions that will be taken to give effect to the 57 recommendations in the report and the timescale for those actions.

The Minister for Justice has committed to convene and chair an Implementation Oversight Group of all relevant Departments and agencies (i.e. all those participated in the Working Group, except the DPP and the Judicial Council) to drive implementation of the agreed actions. Regular consultations with the NGO sector are also to take place.

Following publication of Supporting a Victim's Journey the Department of Justice established three specific sub-groups to work on implementing some of these recommendations. The sub-groups are:

- 1) A review of the supports and funding of civil society organisations providing frontline services/map the journey that faces the victim (these will be linked and carried out as one subgroup)
- 2) The use of Intermediaries and establishment of a pilot
- 3) Development of an approach to meeting training needs of a wide range of front-line staff and professionals, including legal professionals.

The Implementation Group notes with approval that the Director of Public Prosecutions has arranged bespoke mandatory training for all Chief State Solicitors and County Prosecutors on the treatment of vulnerable witnesses and the Criminal Justice (Victims of Crime) Act 2017. This training was given to Dublin practitioners in November 2019.

There have been a number of other developments in this area since the Implementation Group's May 2019 Progress Report was written. The Chair of the Implementation Group met with the Courts Service in June 2019 and discussed the implementation of the provision in the Criminal Justice (Victims of Crime) Act 2017 and the challenges facing the Courts Service particularly in relation to the use of screens. There are "one-way" polarised screens in the Criminal Courts of Justice, and where this is not possible, cameras may provide a solution: as of June 2019 there were five courtrooms where this was being done, Drogheda, Mullingar, Letterkenny, Cork and Wexford. It seems that the Courts Service is using practical methods to give effect to this aspect of the 2017 Act.

In October 2019, the Chair met with the Director of Public Prosecutions' office to discuss prioritisation, amongst other issues. She agreed that children's cases do receive priority and will continue to receive priority in terms of seeking trial dates within her office.

Following communications with the Bar Council, the Implementation Group understands that Justice White has confirmed that priority is and will continue to be given to CSA and vulnerable witness cases where possible. Both the Court and Bar Council are aware of and concerned about the late disclosure from Tusla which often requires trial dates to be adjourned. With a view to managing this issue, Justice White will be listing cases three months in advance of trial for hearing where Tusla or HSE disclosure is outstanding, in order to ensure that full disclosure is made in a timely fashion and to avoid delays in getting cases on.

The Implementation Group also welcomes the research conducted by Dr Susan Leahy and funded by the Irish Research Council on 'The Realities of Rape Trials in Ireland: Perspectives from Practice', which seeks to uncover the realities of Irish rape trials by interviewing legal professionals and those who provide court accompaniment services for rape victims in court. The central objective this research is to fill the current gap in knowledge regarding the practical operation of Irish rape law. A one-day conference on this subject was hosted by the University of Limerick in January 2020.

An Interdepartmental Group (IDG) was established in February 2018 to bring together representatives from the key Departments (Children, Equality, Disability, Integration and Youth; Health; Justice) and State Agencies (Tusla; An Garda Síochána; the HSE; Children's Health Ireland) responsible for child protection, policing, medical, health and therapeutic services, to co-ordinate a child centred response to sexual abuse allegations, and to develop an appropriate governance framework for a multiagency service. The IDG agreed that the Icelandic Barnahus model of service provision was appropriate, with adaptation, in the Irish context. Barnahus is a child-friendly, interdisciplinary and multiagency model of service for children who have been sexually abused. The model establishes a set of principles and operational protocols to facilitate the different agencies working together in a consistent and child centred way. It works on the basis that the child and family have all their meetings with the various professionals in the Barnahus. The Barnahus has a small permanent team based onsite, with other professionals visiting as required

The IDG identified Galway as the appropriate location for the first Barnahus-model service and the Galway pilot project was launched in September 2019 and is expected to open its doors in June 2021. When Barnahus is established as a national service, it is anticipated that full shared services will be provided in three locations: Galway, Cork and Dublin.

The Implementation Group consider this Recommendation implemented given the work outlined above, however this recommendation will need to be supervised and monitored to ensure the views of the group are implemented and a more child-centred services is provided to child abuse victims.

[Key Action 1: Consider the extension of pre-trial hearings](#)

The Implementation Plan for the recommendations in the O'Malley report, Supporting a Victim's Journey, commits that the recommendations on legislation for Preliminary Trial Hearings (4.1 and 8.2) will be progressed with draft legislation to be published before the end of December 2020. This Key Action is therefore considered implemented.

[Key Action 2: Reduce unnecessary and repeated court appearances by witnesses](#)

[Key Action 3: Develop joint-agency monitoring of data on case timeliness and factors affecting the outcome of criminal cases](#)

The Implementation Group accepts that these Key Actions are long-term undertakings which would require legislative change. The Criminal Procedure Bill 2020 is currently being drafted by the Office of the Parliamentary Counsel. Once enacted, the provisions of this Bill will have

some impact on these Key Actions. However, in the meantime, they must remain under review and are not implemented.

Key Action 4: Develop pre-trial evidence for children, vulnerable victims and witnesses

Section 16 (1) (b) of the Criminal Evidence Act 1992 has allowed for pre-trial recording of examination in chief for victims of sexual or violent crime under the age of 14 or with intellectual disability, this section of the Act came into force in 2008. As a consequence of the Victims of Crime Act 2017, this has now been extended for victims and witnesses under the age of 18 or persons with intellectual disability. In addition, the Barnahus project detailed above is a milestone which may also lead to future positive advances.

Significant progress has therefore been made in relation to this key point, time is now required to allow these changes in process to become bedded in and it should therefore be kept under review.

Key Action 5: Include the provision of special measures as part of a pre-trial hearing process

The case of the Director of Public Prosecutions v. V.E.¹ has been a major development in relation to the pre-trial hearing process as it marks the first time that the Court of Appeal has endorsed the concept of a “ground rules hearing” to address the manner in which the questioning of the complainant would take place. The Criminal Procedure Bill 2020 is currently being drafted by the Office of the Parliamentary Counsel and an update on this is being sought from the Criminal Legislation team in the Department of Justice.

3.3 Garda Inspectorate’s Recommendations – 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

This recommendation and its associated Key Actions were accepted in the Implementation Group’s October 2018 Progress Report. The Implementation Group has ascertained that this matter was reviewed within the Garda Síochána and discussed with the Divisional Officers for the areas which provided the least amount of information. It should be noted that any failure did not impact the investigation of cases. The Implementation Group notes that this request came towards the end of 2016 at a seasonally busy period for An Garda Síochána. The return required the provision of information relative to child abuse imagery investigations over a number of years, which was found to be challenging. It is nonetheless clear that there was a failure by An Garda Síochána to meet the standard of the return required, both in terms of quality and quantity. In some cases, disciplinary action was taken against members. The main reasons for this failure were:

- Lack of resources

¹ DPP v V.E. [2021] IECA 122

- Seasonal commitments
- Retirement of personnel
- Poor record keeping
- Neglect of duty by members

Now, a system for tracking cases forwarded to different Divisions for investigation has been in place since January 2017 and there is a dedicated resource for tracking cases of child abuse imagery. Each and every case involving child pornography is tracked monthly until conclusion. In addition to these measures, the establishment of DPSUs has ensured dedicated units are assigned to online Child Abuse investigations and manage timely investigations and follow up of same. The Implementation Group deems this Recommendation implemented.

Key Action 1: Examine why divisions did not respond to the request for information

As per the more detailed explanation above, the Implementation Group considers this Key Action implemented.

Key Action 2: Review the packages sent to divisions from 2014 and 2015 that were still outstanding at 31 December 2016

The Group has ascertained that the review was instigated in 2017 and that as part of the corrective mechanism put in place to monitor such investigations, all cases going back to 2014 and even prior to that are included in the tracking process. This Key Action is deemed implemented.

Key Action 3: Analyse the reasons for the time taken to conduct searches by the divisions

As referred to above, the Implementation Group recognises that this request came towards the end of 2016 at a seasonally busy period for An Garda Síochána. The return required the provision of information relative to child abuse imagery investigations over a number of years, which was found to be challenging. It is nonetheless clear that there was a failure by An Garda Síochána to meet the standard of the return required, both in terms of quality and quantity. The Implementation Group considers this Key Action implemented.

Key Action 4: Review the searches that took place after the request date of 2 August 2016

The tracking mechanism introduced in 2017 undertook this function, ensuring the robust oversight existed, and this Key Action is therefore considered implemented.

Key Action 5: Examine the delays in sending requests for examination of devices from divisions

The Implementation Group accepts An Garda Síochána's explanation that delays were largely the result of a backlog at the Garda Computer Crime Bureau and considers this Key Action implemented.

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.

This Recommendation was agreed by the Implementation Group in their October 2018 Progress Report. A Standard Operating Procedure has been drafted by the Online Child Exploitation (OnCE) Unit and is with the Garda Legal Section for proofing. The DPP has provided advice relating to the questioning of persons in their residence, and the SOP will be adjusted in line with this advice. This Recommendation is not yet implemented but will be considered implemented once the Standard Operating Procedure is agreed and implemented.

Key Action 1: Review the resourcing needs for pro-active operations and re-active investigations

This Key Action was accepted in the Implementation Group's October 2018 Progress Report and the Implementation Group is satisfied that the resourcing needs of the GNSPB as a whole are under constant review. Consequently, this Key Action is regarded as implemented.

The forensic case-load continues to place a significant burden on GNCCB resources. At the start of December 2020, there were 685 cases on hand, and it is envisioned that the number will continue to rise in the short term. The increased storage capacity of the devices to be examined also has workload implications, as many now contain terabytes of data, whereas only a few years ago, capacity was measured in megabytes. Currently, the maximum case time frame is approximately 34 months.

GNCCB has benefitted from new software and work-flow processes. However, the Bureau is operating at full capacity in terms of forensic examination of electronic devices and since October 2019, the Bureau has lost three fully trained analysts. Additional resources are now required to adequately respond to increasing demand and to eradicate the residual case backlog.

The Implementation Group notes that while time frames for having devices analysed have improved, they are still too long and an interim measures should be put in place to assist in clearing the backlog.

Looking at GNCCB's resourcing needs more broadly, the Implementation Group notes that GNCCB has over the past two years been intensively engaged in the strategic and operational planning of an expansion project to build additional capacity and capability. This includes an increase in the number of human resources allocated to GNCCB to over 100, including Garda Staff.

The overall vision was outlined for consideration by the Garda Executive in a detailed strategy document, and this and a detailed project plan including timescales was approved. The initial completion date for this project was end 2019, but this deadline has not been met.

The Bureau intends to increase its national footprint through a network of six strategically located satellite hubs, which will operate around a national centre of excellence based in

Harcourt Square. These hubs will be staffed by one Divisional Detective Sergeant, five Divisional Gardaí and one Clerical Officer. These hubs will provide a locally accessible forensic capacity and their level of capability will be developed, on a phased basis, over time. The hubs will be supported by a top-tier forensic capability within the existing GNCCB based in Harcourt Square. This unit will have expanded capacity in both forensics and investigations.

The establishment of four satellite hubs is near completion. Accommodation is complete and furnished in Wexford, Mullingar and Galway, while Cork is expected to be completed by the end of December 2020. The networking and installation of ICT equipment to the hubs is due to be completed by the end of 2020. The purchase of forensic ICT equipment for the expansion of GNCCB and the cybercrime satellite hubs has been published for tender and it is anticipated that the contract will be awarded in early 2021.

A recruitment competition for 50 vacancies for Detective Inspectors, Detective Sergeants and Detective Gardaí to be assigned to the satellite cybercrime hubs and GNCCB is in progress and it is anticipated that staff will be appointed by the end of 2020 or early in January 2021. The recruitment of 20 civilian forensic analysts is currently with the Public Appointments Service and it is anticipated that a recruitment campaign will commence in 2021.

The training programme for the new staff has been developed in line with the GNCCB Training Matrix and will commence as soon as staff are appointed to their positions. The expansion project will include training and equipping an initial batch of 200 First Responders who will provide assistance and guidance at district level in the conduct of searches and will be trained to do basic live data forensics.

In the view of the Implementation Group, this increase of the GNCCB's national footprint through a network of six strategically located satellite hubs which will operate around a national centre seems to be in accordance with best practice evidenced in other jurisdictions and as referred to in the Inspectorate's report.

Approval has been given to spending €13 million over the next four years on improving the GNCCB ICT infrastructure. This funding has been approved by the Department of Justice, and is only awaiting final sanction from the Department of Public Expenditure and Reform. However, it is anticipated that this expansion process will be supported from an ICT perspective. The Implementation Group takes note of the excellent levels of support GNCCB has received from the Garda IT Section over the past number of years and hopes that this will continue.

The delivery and completion of this GNCCB expansion process is expected to have a significant impact on how the forensic service is delivered and provide increased capacity for GNCCB to deliver this service. It is envisaged that this will result in a very significant reduction in the GNCCB case back-log and will in turn facilitate the more timely identification of children who are subject to CSE.

[Key Action 2: Develop a new image categorisation system in line with international best practice](#)

This Key Action was accepted in the Implementation Group's October 2018 Progress Report. GNCCB has made significant in-roads in terms of its categorisation processes by introducing software called Griffeye, which the Implementation Group considers as implementing this Key Action. This is a much more robust, efficient and effective hash database manager than the one previously in use, namely C4All. (A hash value is an image's unique digital signature and when new content is compared with existing hashes, it can identify them without the need to visually inspect them.) Griffeye is a very good categorisation tool, possibly the best available at this time. However, as with any tool of this type, it is only as good as the database supporting it. In addition to Griffeye, GNCCB are trying to get access to the UK's Child Abuse Image Database (CAID), which is discussed below at 4.2.5.

Separately, there is an ongoing issue relating to categorisation of CAM, which the Implementation Group considers unresolved and this part of the recommendation is not implemented. The GNCCB use a categorisation process where content is placed in categories 1-3, with category 1 content being the most serious, whereas the courts use the Loving scale which categorises content 1-5, with 5 being the most serious content. To be in line with good practice, a common categorisation scale should exist in this jurisdiction and judicial intervention may be needed to resolve this

[Key Action 3: 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](#)

The Group considers that the methodology employed by An Garda Síochána which involves personal review of CAM is a better and safer method of assessment than using a model such as the Kent Internet Risk Assessment Tool, and consequently rejects this Key Action.

[Key Action 4: Activate a pro-active system such as Child Protection Systems or Round-Up that generates real time intelligence on offenders accessing CAM](#)

The Implementation Group understand that An Garda Síochána currently use Round-Up and consequently this Key Action is deemed implemented.

[Key Action 5: Ensure that Child Abuse Image Database or a derivative of this system is developed for use in CAM assessment](#)

The Implementation Group initially sought further evaluation without accepting this Key Action. Having considered this Key Action further, the Group is now satisfied to accept it.

Government approval was secured on 9 July 2019 on a Memorandum seeking approval for the Garda Commissioner to sign an Information Sharing Agreement (ISA) between UK Law Enforcement and An Garda Síochána for Sharing of Indecent Images of Children (IloC) and Data Related to IloC. The UK's national IloC library is hosted on the Child Abuse Image Database (CAID). CAID contains the most proactive and extensive hash-set library available to law enforcement. CAID is contributed to by all of the UK police forces and computer forensic laboratories, and others within Europe and Canada.

Under the ISA, the Garda National Cyber Crime Bureau (GNCCB) intend to access and contribute to the CAID, ensuring its growing library is available to examiners to pre-categorise abusive content. This will facilitate quicker turnaround in examinations of content and ensuing investigations. In addition to assisting investigative work, access to the CAID will help maintain the welfare of Garda members. Repeated exposure to graphic imagery of abuse and trauma can have a detrimental impact on the welfare of those who carry out the forensic examinations. Access to CAID will minimise exposure to such content and reduce negative impacts on members.

Following on from Government approval, the text of the draft information-sharing agreement has since been reviewed by both parties with a view to sign-off by the Garda Commissioner in accordance with Section 28 of the Garda Síochána Act 2005. The Implementation Group will regard this Key Action as implemented once the Garda Commissioner has signed off on the information-sharing agreement.

[Key Action 6: Develop a dedicated pro-active investigation unit to tackle online abusers operating in P2P networks and those seeking to have contact abuse with children](#)

Operation Ketch, set up in early 2018, is a proactive, intelligence-led policing operation led by the Online Child Exploitation Unit (OnCE), co-ordinated by the Garda National Protection Services Bureau (GNPSB), and is discussed further under Recommendation 4.4 Key Action 3.

[Key Action 7: Develop a dedicated victim identification unit](#)

As recorded in the Second Progress report, the Implementation Group is satisfied that this key action has been implemented. A dedicated Victim Identification Unit was established within OnCE in September 2017. For the year ending 2018, a total of 52 children were identified, exceeding the target set under the GNPSB Policing Plan by 30%.

[Key Action 8: Develop an information pack for suspects that includes information on suicide prevention support](#)

This Key Action was accepted with modification in the Implementation Group's October 2018 Progress Report. Suspects are currently made aware of the "Phoenix" programme operated by One-in-Four. A more comprehensive and tangible information pack is under consideration by OnCE. This Key Action has not been implemented and is therefore to be kept under review.

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.

This Recommendation was accepted in the Implementation Group's October 2018 Progress Report.

[Key Action 1: Implement triage technology to assist with initial assessments](#)

This Key Action was accepted in the Implementation Group's October 2018 Progress Report. GNCCB triage all exhibits received, using various methods and forensic software, in line with best practice. However rather than a GNCCB member going to the exhibit, the exhibit is brought to the member. While this can give rise to longer timescales, the approach has the advantage of ensuring that the process is subject to supervision and quality review, and it is much less likely that evidence will be missed. Given that much of the work currently undertaken by the Bureau relates to the sexual exploitation of children, the Bureau considers it appropriate that the current GNCCB system places a far greater emphasis and value on quality examination over time taken. The Implementation Group considers that the spirit of this Key Action has been implemented, but suggests that this should be kept under review as triage technology evolves.

Key Action 2: Utilise the skills of forensic examiners at searches

The Implementation Group accepted this Key Action with modification in its October 2018 Progress report, noting that there was a resourcing issue. It is envisaged that the strategic positioning of trained GNCCB personnel in satellite hubs nationwide will ensure that a higher level of search site capacity is more readily available.

The training of 220 Digital Evidence First Responders who will be able to provide a local response to cyber complaints and investigations began in January 2020, in conjunction with UCD. The final two training courses were postponed in March 2020, due to Covid-19. The theoretical part of these courses was held online in early autumn but the practical part had to be postponed due to Covid-19. The Group has been informed that this practical case study and exam will be completed as soon as practicable. Each participant was issued with a forensic first responder toolkit and a forensic tool to assist with some basic live forensics.

The Digital Evidence First Responders are located in stations across the country. These First Responders will assist in searching premises where digital devices, used in the commission of crime, are believed to be present. The imminent allocation of trained GNCCB personnel to the cybercrime satellite hubs will ensure a higher level search site capacity.

Progress has been made but this Key Action is not yet implemented. This Key Action will be considered implemented when the First Responder Training has been delivered in full.

Key Action 3: Provide accreditation for forensic examiners

This Key Action was accepted in the Implementation Group's October 2018 Progress Report. A detailed training matrix, which includes accreditation, and the associated business plan, have been completed and submitted for consideration by Garda Management. A decision is awaited.

In the interim, GNCCB are pursuing the progressive training pathway for each member of the Bureau. Appropriate training courses are completed regularly by members following the programme. However, many training courses have moved on line during the pandemic or have been postponed and this has impacted on the practical exercises in some courses. Progress has been made but this Key Action is not yet implemented.

Key Action 4: Acquire encryption technology and develop the specialist skills of examiners

This Key Action was accepted in the Implementation Group's October 2018 Progress Report. Funding is available for provision of an encryption device to An Garda Síochána. This Key Action is not yet implemented and will be regarded as implemented once encryption technology is acquired and staff are trained to use it.

Key Action 5: Consider the assignment of forensic examiners to the Garda National Protective Services Bureau

Forensic examination of electronic devices is a skillset which takes some years to accumulate. The forensic process is subject to a high degree of supervision and the outcome is subject to two separate levels of peer review. The allocation of forensic analysts to GNPSB would represent a dilution of skills. The Implementation Group therefore rejects this Key Action.

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.

The Implementation Group accepted this Recommendation in its October 2018 Progress Report, with the understanding that further evaluation was required. The Implementation Group recognises that this is a complex area with multiple stakeholders, and consequently any action in this regard must be linked to an overall national strategy. The substantive recommendation has been dealt with in the section of the Implementation Group's report dealing with recommendation 2.1.

The Implementation Group notes that the first Action Plan for Online Safety, which runs for 18 months, was launched by the Taoiseach in July 2018, with the primary objective of setting out and implementing the actions that are both practicable and which will have the greatest impact on online safety for every user of the internet.

The Implementation Group is cognisant of the fact that the Inspectorate's Report is more than two years old, yet the pace of change in relation to technology is very swift, and in light of the enormous challenges which face all jurisdictions in this area, the Group elected to seek out the views of Professor Geoffrey Shannon, then Special Rapporteur on Child Protection. Prof. Shannon has highlighted that the scale and scope of cybercrime constitute an unprecedented challenge for child protection. Prof. Shannon identified a number of important areas which need to be addressed, in particular, the ratification of the Budapest Convention; the need to monitor international instruments, with particular regard to the ePrivacy Regulation which is due to replace the ePrivacy Directive; and the ratification of the Lanzarote Convention

The Budapest Convention is intended to ensure the harmonisation of national legislation to facilitate international cooperation. Evolving technologies mean that it is not always clear in which jurisdiction data is being stored, and as a result there can be questions about which legal regimes apply and determine how data can be accessed by investigating authorities. The 2nd

Additional Protocol to the Budapest Convention is intended to address these difficulties. Prof. Shannon anticipates that once finalised, the Protocol will make provision for mandatory production orders aimed at service providers, meaning governments will no longer rely on their consent or willingness to cooperate or share the data in question. The 2nd Additional Protocol will have far reaching consequences for the sharing of data.

Although not yet ratified, the vast majority of the provisions of the Budapest Convention are already covered in Irish law by way of the Criminal Justice (Offences Relating to Information Systems) Act 2017, which gives effect to provisions relating to offences against information systems and their data, and search and seizure powers in relation to such data. Furthermore, the Department of Justice recently completed an exercise to identify those provisions yet to be transposed in national legislation, and the current Government Legislative Programme makes provision for the drafting of a new Cybercrime Bill to give effect to those remaining provisions of the Budapest Convention not already provided for in national law in order to enable ratification.

Similarly, progress has also been made in relation to the Lanzarote Convention. In 2017, the Criminal Law (Sexual Offences) Act was enacted, and this legislation ensures the State's compliance with criminal law provisions in the Lanzarote Convention. Part 2 of the Act strengthens existing law relating to the sexual exploitation of children, including child sexual abuse material, and ensures Ireland's compliance with the criminal law provisions of the Convention. Following the enactment of the 2017 Act, a comprehensive, final review was undertaken of Ireland's compliance with the Convention with a view to identifying any final barriers to ratification. The review included consultation with the Department of Children, Equality, Disability, Integration and Youth and other relevant stakeholders, such as the Garda Síochána and HSE, regarding the child protection, prevention and victim support aspects of the Convention. The review encompassed the operational as well as the legislative aspects of the Convention. The review is now complete and the matter has been referred to the Attorney General who will advise as to whether it is now in order for Ireland to ratify.

The Implementation Group also takes note of the ongoing European Commission review of Member States' implementation of article 25 of the 2011 Directive combating the sexual abuse and sexual exploitation of children and child pornography. Following the Justice and Home Affairs meeting in October 2019, draft conclusions were published on combating the sexual abuse of children: in these conclusions, the Council reaffirmed the EU's and Member States' commitment to combatting the sexual abuse and exploitation of children, both online and offline. The Council also reiterated that reducing the number of children who fall victim to sexual abuse and increasing the proportion of successful investigations remains a key political and operational priority.

The discussion document 5731/20 'Follow up to the Council conclusions on combating the sexual abuse of children' was presented at the Law Enforcement Working Party meeting in February 2020. The aim of the document was to prepare a follow-up to the October 2019 Council conclusions to ensure that they were translated into concrete and tangible actions at national and EU level. The document proposed that Member States engage in a reflection process to identify best practices, gaps and priority actions (both legislative and non-

legislative) at national and EU level with a view to effectively implementing the Council conclusions.

The priority actions shared by the Member States were forwarded to the Commission so that it could take them into account in the drafting of the EU strategy, and ensure that they translated into an EU-level action plan that supports Member States with the implementation of the Council conclusions at national level. The Department of Justice coordinated the Irish submission and the EU Strategy for a more effective fight against child sexual abuse was published in July 2020².

The first key action of this EU strategy focuses on ensuring all Member States implement Directive 2011/92/EU “as a matter of priority”. Ireland has implemented this directive by transposing Article 25 of Directive 2011/92/EU (on combatting child sexual abuse and exploitation) by means of administrative methods. As a result, Ireland has no statutory laws obliging internet service providers to take down illegal content. Service providers do so on a voluntary basis, with Hotline.ie playing a role in facilitating this removal.

The EU Strategy also sets out other legislative objectives which will complement the 2011 Directive. The second key action in the Strategy states that the European Commission will propose the necessary legislation to ensure that providers of electronic communications services can continue their current voluntary practices to detect in their systems child sexual abuse after Electronic Communications Code (Directive 2018/1972) comes into force in December 2020. The third key action states that the Commission will propose legislation to require relevant online service providers to detect known CSAM and require them to report it to authorities, with a target date of Q2 2021.

The Department of Justice has been a member of WPGA since 2016. The WPGA combines two major initiatives: the Global Alliance, led by the US Department of Justice and the European Commission, and WePROTECT, which was convened by the UK. The two initiatives were merged in 2016 to create a single global initiative dedicated to national and global action to end the sexual exploitation of children online. Ireland is one of 85 countries working towards coordinated national responses to online child sexual exploitation with a common set of aims, and in this respect incorporated membership of this Alliance as an action under the Online Safety Action Plan 2018-19. The Department of Justice participated in the WPGA Global Summit to tackle online child sexual exploitation in Addis Ababa in December 2019. The key message from the Summit was that the battle against these crimes is being lost and there is a need to take concrete action.

The Implementation Group welcomes a number of positive legislative changes in this area in the last couple of years, in particular, the Criminal Justice (Offences Relating to Information Systems) Act 2017, the main purpose of which is to give effect to provisions of EU Directive 2013/40/EU on attacks against information systems, and the Criminal Law (Sexual Offences) Act 2017, which amends the Child Trafficking and Pornography Act 1998 and which addresses

² The EU Strategy for a More Effective Fight against Child Sexual Abuse is available online here: <https://www.europarl.europa.eu/legislative-train/api/stages/report/current/theme/promoting-our-european-way-of-life/file/eu-strategy-to-fight-child-sexual-abuse>

the use of modern technologies as a method that can lead to child sexual exploitation and further creation of new offences.

Also relevant to this Recommendation is the work done by Hotline.ie, which was established in 1999 to provide an anonymous reporting service to internet users who accidentally uncover illegal content on the Internet, particularly child sexual abuse material. Hotline.ie is funded by the Internet Service Providers Association of Ireland (ISPAI) and by grant funding under the European Commission's Safer Internet Programme. Actions in the Online Safety Action Plan require Hotline.ie to review and update its Code of Ethics and to expand its corporate membership base in line with counterpart services in other jurisdictions. Earlier this year, the Department of Justice completed action 13.1 of the Action Plan for Online Safety, with the publication of the new Code of Practice for Hotline.ie.

The Chair of the Implementation Group met with Ana Niculescu, the Chief Executive of Hotline.ie, in September 2019. Ms Niculescu expressed her organisation's support for exploring the feasibility of proactively engaging in searches for images and videos of child sexual abuse material online, which is one of the actions included in the Online Safety Action Plan 2018-19. The Implementation Group notes that this would require legislative change.

From 1999 to 2006, Hotline.ie received 10,250 reports from the public, representing an average of 1,281 reports per year. Between July 2014 and December 2016, 12,815 reports were submitted to Hotline.ie, and there was a further increase to 25,900 reports submitted between 1 January 2017 to 30 June 2019 – this represents an increase of 102% over the previous two-and-a-half year period.

Notably, in addition to the stark increase in the overall volume of reports received by Hotline.ie between January 2017 and June 2019, the proportion of reports classified as "child pornography" has also markedly increased. Between January 2017 and June 2019 Hotline.ie recorded an increase of 277% in the overall number of reports classified by Hotline.ie's Content Analysts as "child pornography" when compared to the two-and-a-half year period. In most cases, a single report consists of tens to hundreds of items of child sexual abuse images and/or videos.

However, the proportion of reports classified as "child pornography" where content was actually located within the Irish jurisdiction remains low, accounting for 0.72% of the total number of reports to Hotline.ie which were classified as "child pornography" between January 2017 to June 2019. The Implementation Group notes that the hosting figure is only indicative of the geographical internet location of the content at a particular moment in time; it is not an indicator of the offence being carried out, or of production or distribution within the country. When the reported content does not meet the threshold set out by Irish law, namely the Child Trafficking and Pornography Act 1998 (as amended by the Criminal Law (Sexual Offences) Act 2017), and is classified as "Not Illegal", no further action is taken to locate its origin on the internet.

Hotline.ie traced "child pornography" to 37 countries worldwide between January 2017 and June 2019, in addition to the material which was being hosted in Ireland. All instances hosted

outside of the Irish jurisdiction have been actioned for removal in conjunction with the Hotlines (members of the INHOPE network) in the host-country.

Hotline.ie directly notifies the Paedophile Investigation Unit of the Garda National Protective Services Bureau of all reports classified as “child pornography”, as well as informing the EU-funded ICCAM solution, which enables the secure forwarding of reports to Hotlines in other jurisdictions so that they may effect Notice and Takedown of the specified CSAM at source. The EU-ICCAM solution also facilitates the secure transmission of identified CSAM to INTERPOL for inclusion in INTERPOL’s International Child Sexual Exploitation Database (ICSE) in hope that it would assist law enforcement investigations and their efforts to identify both child victims and offenders.

In summary, the Group accepts the spirit of this recommendation and takes the view that significant progress has been made over the last two years, although this Recommendation is not yet implemented. This progress must continue, and consequently this Recommendation is to be kept under review.

Key Action 1: Develop problem profiles and plans for CSE and internet-related CSA crimes

The Implementation Group sought clarification from the Garda Inspectorate on this Key Action, and the following response was received:

“As highlighted in our report, 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.

With regards to the information provided about Europol, [their] understanding is that Europol carries out an Internet Organised Crime Assessment that includes an assessment of online child sexual exploitation. [They] believe that this focuses on general trends across member states, rather than providing a strategic assessment and problem profile for individual countries. As such, this is not a strategic assessment of the specific trends in Ireland.”

The Implementation Group accepts this Key Action. The Implementation Group understands that currently this work is carried out by Europol and other related International Law Enforcement Agencies. The Garda Síochána support the work of Europol. An annual strategic assessment of this would be welcomed by the Garda Síochána. The Implementation Group considers that this Key Action has not implemented and needs to be kept under review.

Key Action 2: Develop crime prevention plans including opportunities to promote the use of blocking, take down and filtering

The Implementation Group has accepted this Key Action. The Garda Blocking Initiative (GBI) was established in order to implement Article 25.2 of Directive 2011/93 on combating the sexual abuse and sexual exploitation of children and child pornography. Under the GBI, a

participating internet service provider (ISP) is provided with a list of internet addresses (URLs) which are known by An Garda Síochána to contain illegal child sexual abuse material. The ISP then blocks access to these URLs on its services, redirecting subscribers who attempt to access a URL on the list to a 'Stop Page'. This page is provided by An Garda Síochána and provides details for the subscriber to contact them in relation to any questions or complaints.

The GBI operates on the basis of a Memorandum of Understanding (MoU) between An Garda Síochána and the ISP in question. As such, the GBI implements Article 25.2 by administrative, rather than legislative means. The launch of the expansion of the GBI took place on 10 February 2020. Following this expansion, the GBI now applies to approximately 96% of internet users in Ireland. The Department of Justice have completed action 13.2 of the Action Plan for Online Safety, with the issuing of letters of support from the Minister of Justice to all relevant companies in Ireland encouraging sign up.

There are also concerns at the development and roll-out of 'DNS over HTTPS' browser-based encryption to impair ISPs' ability to block access to illegal child sexual abuse material under the GBI, and the Department of Justice is currently considering this issue. In the UK, developers of this encryption protocol have been criticised for their proposed approach to introduce DNS-over-HTTPS in such a way as to bypass UK filtering obligations and parental controls, which may be undermining internet safety standards in the UK. In advance of the October 2019 Council conclusions, Ireland made a submission raising concerns over the possible impact of new technological developments (i.e. DNS-over-HTTPS) on initiatives to block access to child sexual abuse material online, where these are rolled out without consultation with relevant stakeholders, including governments, law enforcement agencies, and organisations such as the Internet Watch Foundation. Other Member States shared these concerns, and paragraph 13 of the Council conclusions reflects this submission in its emphasis on "the importance of ensuring that new technological developments do not adversely impact on the ability to block child sexual abuse material online" and the urging "industry to engage with relevant stakeholders as appropriate".

DNS-over-HTTPS is available through a number of browsers. In February 2020, Mozilla launched a version of Firefox that encrypts domain names by default for US-based users.

Progress has been made and this Key Action can be considered implemented but should be kept under review.

[Key Action 3: Develop pro-active policing approaches to tackle online CSE](#)

Operation Ketch, set up in early 2018, is a proactive, intelligence-led policing operation led by the Online Child Exploitation Unit (OnCE), co-ordinated by the Garda National Protection Services Bureau (GNPSB). The objectives of this operation are to target persons suspected of possessing, importing and distributing online child sexual abuse material; identify child protection concerns at suspect addresses and engage with Tusla; send out a message to other persons who are distributing this material that An Garda Síochána will actively identify and pursue them. Over the course of 2018 and 2019 over 200 addresses were searched under Operation Ketch.

The Implementation Group is satisfied that pro-active policing approaches are being used to tackle online child sexual exploitation, but this must continue. This Key Action is implemented but is to be kept under review to ensure it continues.

Also relevant to this action is the European Commission 'Study Framework of the best practices to tackle child sexual abuse online'. This study, published in summer 2020, examines in detail the operation and future needs of national reporting hotlines across Europe. Report recommendations included a role for national hotlines in relation to proactive search. The Department of Justice is currently examining the report findings and recommendations.

Key Action 4: Combat the live streaming of on-demand abuse

While this Key Action was agreed in principle in the Implementation Group's October 2018 Progress Report, this recommendation is difficult to put into effect. OnCe work with financial services companies to target payments to areas known for live streaming. Paypal and Western Union are currently proactive in identifying suspicious payments and communicate directly with OnCE. Two Detective Sergeants have received European Union Agency for Law Enforcement Training (CEPOL) training on financial investigations into child sexual exploitation.

According to the most recent Internet Organised Crime Threat Assessment (IOCTA) report, online streaming of child sexual abuse has increased since the beginning of the COVID-19 pandemic, as abusers unable to travel have turned to this mode of abuse.

As a transnational issue, this requires international collaboration and coordination. The EU strategy for a more effective fight against child sexual abuse, published in July 2020, puts forward a number of key actions which will be relevant in this area over the medium term, and which will involve multi-stakeholder cooperation, including the proposed European centre to prevent and counter child sexual abuse and the proposed Innovation Hub and Lab, to be set up by Europol to will develop and coordinate cutting edge technical capacities in this area.

The implementation Group notes that while progress has been made, this Key Action has not been implemented efforts to combat the live streaming of on-demand abuse must continue and evolve. Consequently, this Key Action must remain under review.

Key Action 5: Target groups that produce CAM on the Darknet

This Key Action was agreed in the Implementation Group's October 2018 Progress Report, where it was acknowledged as a resource-intensive undertaking. It is also an international issue. Specific cases are addressed by the Garda Síochána when they are made aware of them. The undercover programme being developed by the OnCE Unit will be in a position to specifically target these particular groups.

From 1 March to 31 May 2020, during the COVID-19 crisis, An Garda Síochána's OnCE Unit observed a 29% increase in traffic on sites being monitored on the Dark Web exclusively dedicated to online child sexual exploitation. An Garda Síochána currently use open-source investigation (OSINT) tools for investigative purposes in this regard. The increase highlights the

need to invest in technology to support these investigative activities, particularly in response to the increasing availability of sophisticated encryption technologies.

The Europol Innovation Hub and Lab, proposed under the EU strategy for a more effective fight against child sexual abuse, proposes to utilise cutting edge technical capacities in investigative efforts, including for online undercover investigation. Consideration will be given to making this capability available across the EU to more effectively target these offenders without being dependent on other partners.

While progress has been made, the Implementation Group does not consider this Key Action to be implemented and it must be kept under review.

[Key Action 6: Tackle the misuse of legitimate online platforms for CSE-related crimes such as the dissemination of child abuse material, grooming and child sexual exploitation](#)

This Key Action was agreed in principle in the Implementation Group's October 2018 Progress report, where it was acknowledged that this action is aspirational and resource intensive. The Implementation Group views the establishment of a cybercrime unit within the Crime and Security Directorate of the Department of Justice as a positive step in this regard. OnCE work closely with online platforms and receive numerous daily notifications from the National Centre for Missing and Exploited Children (NCMEC), which has a statutory remit to receive and disseminate reports of online child abuse. 6800 notifications were received by OnCE from NCMEC in 2018.

COVID-19 has had an impact in this area, with a marked increase of 26% in notifications issued from NCMEC to An Garda Síochána between 1 March and 31 May of this year.

The Department of Justice continues to provide oversight for Hotline.ie, and for Ireland's Safer Internet Centre, of which Hotline.ie is a member. In this oversight role, the Department of Justice has facilitated the development of Hotline.ie's new Code of Practice, published in July 2020. This new Code of Practice updates the processes by which Hotline.ie receives reports of suspected illegal content online, primarily child sexual abuse material, and issues 'Notice and Takedown' requests to internet service providers when appropriate. These Notice and Takedown requests are simultaneously issued to An Garda Síochána, for further investigation where required.

This new Code of Practice provides for the swift removal of child sexual abuse material from companies who have taken up a membership option with Hotline.ie. In July 2020 the Minister for Justice and Equality wrote to all non-member companies, encouraging them to consider taking up membership of this service. The Department of Justice continues to support efforts to expand this membership in order to tackle the misuse of legitimate online platforms.

The Department of Justice is also closely monitoring outcomes of the EU strategy for a more effective fight against child sexual abuse, which includes the recommendation to require making the detection and reporting of child sexual abuse material mandatory for online service providers. This recommendation will see the Commission propose relevant legislation in Q2 2021, and reflects the need for a clearer legal definition of the responsibilities of online service

providers. It is expected that there will be an obligation imposed to report, block and remove content, and exchanging information on these actions with law enforcement authorities in a timely manner.

The Department of Justice is an active participant in the EU Internet Forum, a tech industry cooperation and coordination structure that has been examining operational and regulatory challenges in the area of illegal content online.

While progress has been made, the Implementation Group does not consider this Key Action to be implemented and it must be kept under review.

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 the computer. Failure to comply with this requirement should be an offence.

The Implementation Group accepted this recommendation in principle in its October 2018 Progress Report, but noted that there are broader implications to consider as it would be intended that such powers would also be applicable in the investigation of other categories of crime including fraud. In their May 2019 report, the group considered some of the implications of this legislation in more detail.

In June 2019, the Government approved the preparation of a General Scheme of a Police Powers Bill to implement the recommendation of the Commission on the Future of Policing in Ireland to codify powers of search, arrest and detention. The Group understands that the development of the General Scheme is well advanced, and it is expected to be submitted to Government for approval in Q1 2021.

It is intended that the Part of the General Scheme relating to search warrants will be largely based on the Law Reform Commission's 2015 Report, including the power for members of AGS to execute search warrants to compel persons to facilitate access to information on a computer by providing passwords, and so on. This would apply to all indictable offences and any summary offences for which there is already a search warrant provision in force. As such, it would apply to offences such as possession of child pornography under section 6 of the Child Trafficking and Pornography Act. The Group notes that this is subject to Government approval. The Group considers this recommendation to be implemented.

Key Action 1: Consider whether these powers should be provided with or without the authority of a warrant

This is subject to the same considerations as Recommendation 4.5.

**Caroline Biggs SC
Chair to the Implementation Group**

ANNEX 1: RECOMMENDATIONS AND KEY ACTIONS SPREADSHEET