



**GARDA
INSPECTORATE**

PROMOTING EXCELLENCE & ACCOUNTABILITY

Report of the Garda
Síochána Inspectorate

Responding to Child Sexual Abuse

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

December 2017

**Executive Summary
List of Recommendations**

Executive Summary:

Chapter 1

Progress on the Implementation of Recommendations Made in the 2012 Report

Introduction

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

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

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

Review Findings

Monitoring Progress

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

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

Assessment of Implementation of Recommendations

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

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

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

Of the 29 recommendations, the Inspectorate considers that:

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

Summary of Progress

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

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

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

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

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

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

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

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

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

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

Executive Summary:

Chapter 2

Child Protection and Multi-Agency Working Arrangements

Introduction

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

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

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

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

Review Findings

Organisational Structures, Policies and Practices

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

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

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

is organised into 17 service areas, whereas the Garda Síochána is structured into 28 divisions. In practical terms, senior managers in both agencies may have to deal with two different counterparts regarding child protection issues. This in itself may not always be an obstacle to effective joint-agency working but this review shows that there are often variations in the way that Tusla areas and garda divisions operate. Co-location of staff is limited to the National SORAM Office, which brings together agencies to assist in the management of sex offenders.¹ The National Child Protection Office established in November 2017 has a senior representative from Tusla co-located within the offices of the GNPSB with Garda Síochána staff.

Legislative Changes

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

Multi-Agency Working Arrangements at a National Level

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

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

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

1 SORAM stands for Sex Offenders Risk Assessment and Management

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

Tusla/Garda Síochána Working Arrangements at Divisional and District Level

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

Multi-Agency Working in Other Jurisdictions

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

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

Proposed Tusla and Garda Síochána Liaison

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

Child Protection and Welfare Notifications

Notifications of Child Abuse

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

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

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

Initial Assessment of Notifications

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

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

Strategy Meetings, Joint Action Plans and Child Protection Conferences

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

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

Information Sharing

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

Managing Child Protection and Welfare Notifications

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

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

Notification Data

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

Children First Joint Training

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

Notification Systems and Multi-Agency Response in Other Jurisdictions

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

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

The Voice of the Child

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

Out of Office Hours Services

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

Missing Children

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

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

Sex Offender Management

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

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

SORAM Model

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

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

Violent Crime Linkage Analysis System

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

Pre-Sanction Reports

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

Post-Release Supervision Orders

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

Prison Treatment Programmes

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

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

Sex Offenders Subject to Notification Requirements

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

Local SORAM Committees and Monitoring Arrangements

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

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

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

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

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

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

Other Policing Jurisdictions

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

Key Recommendations

Strategic and Operational Governance

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

Notification Process

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

Missing Children

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

Sex Offender Management

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

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

Implementation Outcomes

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

Implementation of the recommendations contained in this report will:

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

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

Executive Summary:

Chapter 3

Investigation of Child Sexual Abuse

Introduction

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

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

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

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

Review Findings

Child Sexual Abuse and Child Sexual Exploitation

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

Identifying Child Sexual Abuse and Child Sexual Exploitation Crimes

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

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

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

Crime Recording Practices

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

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

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

Victims of Child Sexual Abuse

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

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

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

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

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

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

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

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

Investigation of Child Sexual Abuse

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

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

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

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

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

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

Medical Examinations

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

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

Child Interviews

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

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

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

Obtaining Best Evidence from Victims and Witnesses

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

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

Dealing with Suspects

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

Timeliness and Quality of Investigations

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

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

Protective Services Units

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

Referral of Cases for Decisions

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

to the Office of the Director of Public Prosecutions.

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

In a sample of 170 cases examined by the Inspectorate, 17% of the cases referred to Garda Youth Diversion Office resulted in an informal or a formal caution for the young offender. While each case and the needs of each young offender require individual consideration, a large proportion of suspects received cautions for serious offences, which included 11 cases of rape. The Inspectorate is again highlighting the need to examine the role of the Garda Youth Diversion Office in the pre-charge decision-making process in serious cases. In this sample, a large number of cases were deemed to be unsuitable for the diversion programme and were returned to the original investigator to progress the case. In the *Crime Investigation (2014)* report, the Inspectorate found examples where cases returned to the original investigator were not progressed. In cases of CSA further action must be taken. A recommendation was included in that report to ensure that cases deemed as unsuitable for the diversion scheme be progressed towards prosecution.²

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

2 *Crime Investigation (2014)*: Recommendation 10.2

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

Unlike other similar jurisdictions, the Office of the Director of Public Prosecutions does not have a specialist sexual assault section, although this is under consideration. Access to pre-charge advice for garda investigators is not as developed as in other jurisdictions and there should be a process in place to provide more access for advice. This was the subject of a recommendation in the *Crime Investigation (2014)* report³. During the examination of cases that were referred, the Inspectorate found long delays in conducting some investigations and subsequently long delays in sending files to the Office of the Director of Public Prosecutions. The examination also found some cases that did not need to be sent to the Director of Public Prosecutions. This includes cases where the suspect was deceased, where no suspect was identified and where there was insufficient evidence to support a prosecution.

Criminal Justice Processes

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

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

During the examination of cases, the Inspectorate found examples where court cases were adjourned, and in some cases this was for extended periods. Many jurisdictions operate pre-trial hearings in advance of trial dates to bring parties together to discuss specific aspects of cases. In Ireland, special measures are considered once a jury is in charge. At this point, the prosecution needs to apply, in the absence of the jury, for special measures, such as requesting that the recording of the video interview with a child is used in evidence. The Inspectorate believes that these type of special measures should be agreed as part of a pre-trial hearing process and conducted much earlier so that all parties, including victims and witnesses, know well in advance what measures will be applied. In *Crime Investigation (2014)*, the Inspectorate made a recommendation in connection with pre-trial hearings.⁴

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

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

3 *Crime Investigation (2014)*: Recommendation 11.18

4 *Crime Investigation (2014)*: Recommendation 11.21

Key Recommendations

PULSE Recording Practices

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

Victim Approaches arising from Third Party Referrals

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

Garda Interview Training

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

Joint Interviewing

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

Case Referrals to the Office of the Director of Public Prosecutions

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

Support, Counselling and Tenure for Investigators

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

Divisional Protective Services Units

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

Delivering more Victim Centric Criminal Justice Services

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

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

Implementation Outcomes

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

Implementation of the recommendations will result in:

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

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

Executive Summary:

Chapter 4

Online Child Sexual Abuse and Child Sexual Exploitation

Introduction

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

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

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

Key Findings

Threats and Challenges posed by the Internet

CSE is not new but has emerged as a growing and significant threat to the safety of children. With the expansion of access to the internet and particularly social media sites, this has added an extra dimension to the risks posed to child safety. Irish children tend to use the internet more than the European Union average and 28% of Irish children have made contact online with someone they did not know.⁵ The expansion of access to the internet, particularly social media sites, has created an international space for sexual abusers to target and potentially sexually exploit children. CAM is often exchanged on networks known as Peer to Peer (P2P). There has also been an increase in the volume of exchanges carried out on platforms that allow anonymised access to Darknet networks. Many countries have reported that self-generated CAM accounts for a growing volume of the images in circulation and such images are often circulated further by a third party. This includes 'sexting', which is often used in the grooming process by an offender to threaten or blackmail a child.

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

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

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

Legislation

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

Garda Síochána Response to Online Abuse

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

Referrals

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

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

Assessment and Categorisation of Referrals

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

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

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

Victim Identification

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

Risk Assessment and Prioritisation

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

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

Investigations and Intelligence Packages

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

Processing Intelligence Packages

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

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

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

Conducting Searches

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

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

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

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

OnCE Intelligence Packages - Tracking of Referrals

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

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

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

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

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

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

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

Garda Síochána Update on OnCE Resources and Activity

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

Forensic Examination of Seized Equipment

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

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

Child Sexual Exploitation

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

Pro-active Approaches to CSE in other Jurisdictions

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

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

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

Preventing Access to Child Abuse Materials

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

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

Key Recommendations

Review Information Request Results

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

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

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

Procedures for Conducting Searches

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

Joint Strategic Assessment

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

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

Implementation Outcomes

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

Implementation of the recommendations will result in:

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

Report Recommendations

Chapter 2

Recommendation 2.1

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

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

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

Recommendation 2.2

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

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

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

Recommendation 2.3

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

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

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

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

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

Recommendation 2.4

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

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

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

Recommendation 2.5

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

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

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

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

Recommendation 2.6

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

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

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

J-ARC initiative;

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

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

Recommendation 2.7

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

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

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

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

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

Recommendation 2.8

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

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

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

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

Chapter 3

Recommendation 3.1

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

Recommendation 3.2

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

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

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

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

Recommendation 3.3

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

Recommendation 3.4

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

Recommendation 3.5

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

Recommendation 3.6

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

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

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

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

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

Recommendation 3.7

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

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

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

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

Recommendation 3.8

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

Recommendation 3.9

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

Recommendation 3.10

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

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

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

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

Recommendation 3.11

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

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

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

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

Chapter 4

Recommendation 4.1

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

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

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

Recommendation 4.2

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

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

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

Recommendation 4.3

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

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

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

Recommendation 4.4

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

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

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

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

Recommendation 4.5

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

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

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

