

Terms of Reference for an Inspection of the Treatment of Persons in the Custody of the Garda Síochána

In accordance with Section 117(2) (a) of the Garda Síochána Act 2005, as amended, the Garda Inspectorate considers it appropriate to carry out an inspection into the effectiveness and efficiency of the custody arrangements operated by the Garda Síochána. The main aim of this inspection is to examine the standard of treatment, safety and wellbeing provided to persons in the custody of the Garda Síochána. The inspection will adopt a rights based approach, with particular consideration given to the arrangements for children and adults who are vulnerable.

In particular, this review will examine:

- The organisational strategy of the Garda Síochána for the safe, effective and efficient provision of the custody process and the governance and accountability procedures in place to ensure compliance with the strategy and relevant legislation.
- The roles and responsibilities of gardaí involved in the management and delivery of custody services including the appointment, selection and training of members-in-charge, sergeants and other members of the Garda Síochána who are charged with the treatment, safety and wellbeing of persons in Garda custody.
- How the rights of persons in Garda custody are protected during the custody process, including the arrangements for the provision of healthcare, legal advice, interpreters, the use of appropriate adults and the notification of arrest and detention to a third party.
- The dignity and respect shown to persons in Garda custody and how their diverse needs are met, including the care and treatment provided to meet basic requirements such as food, clothing, hygiene and sanitary requirements, rest periods and the attention to their general safety and wellbeing.
- The use of Garda powers during the custody process including the power to take fingerprints, photographs and samples such as DNA, search a person, seize property, use force and authorise extension of periods of detention.
- The suitability and condition of custody facilities, including cells, toilet and washing facilities, facilities for medical examinations and legal consultations, as well as the availability of suitable interview rooms.
- The safety of all those in the custody area, including the identification and management of risk, both generic and individual.

Adherence to current Irish legislation and regulations will also be reviewed including the European Convention on Human Rights Act and the Public Sector Equality and Human Rights duty. The inspection will consider the best standards of custody arrangements in comparable police services and the extent to which relevant recommendations, made previously by the Inspectorate and other bodies have been implemented.

A report on the findings of this inspection will be prepared under Section 117(2) (b) and shall contain, if appropriate, recommendations for any action that the Inspectorate considers necessary.