

CIGIREACHT AN GHARDA SÍOCHÁNA  
GARDA SÍOCHÁNA INSPECTORATE

Report of the Garda  
Síochána Inspectorate

# Transnational Organised Crime

A Review of the Structures, Strategies and Processes  
in the Garda Síochána

June 2024

**The objective of the Garda Síochána Inspectorate is:**

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

(s. 117 of the Garda Síochána Act 2005)

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# Foreword

This comprehensive inspection report reflects the ever-changing and complex nature of domestic and transnational organised crime. In Ireland, there are multiple organised crime groups in existence, some of which operate across divisional policing boundaries, and others on a national and transnational basis.

The Garda Síochána has had considerable success in targeting high-profile crime groups and seizing large volumes of drugs and other criminal assets, often through working with other agencies in Ireland and abroad. However, fully understanding the impact of organised crime on Irish communities presents a significant challenge. While the Garda Síochána has recently introduced an assessment tool to assist in developing this picture, it does not include information gathered by other law enforcement agencies or assess the impact on local communities. The absence of this important information makes it difficult to fully determine the threat and harm caused. To address this, the Garda Síochána should conduct an organised crime Strategic Threat and Risk Assessment to include transnational organised crime.

Due to the very nature of domestic and transnational organised crime in Ireland many organised crime groups operate across both sides of the border. To address this, the Joint Agency Task Force was established in 2015 and, consisting of relevant agencies from Ireland and Northern Ireland, has had considerable success in tackling cross-border crime. The Inspectorate believes that it is necessary to have an all-island approach to organised crime supported by the development of a joint strategy.

Domestically, the absence of an established forum for agencies to meet and share

information on organised crime is a weakness. The establishment of a National Crime Centre would provide a strong platform for relevant agencies to conduct joint operations.

Delays in implementing a national intelligence model and incomplete crime data make it difficult to understand the demand presented by organised crime groups, prioritise them for action, and to determine what skills, technology and equipment are needed to do so. To effectively disrupt and dismantle organised crime groups, the Garda Síochána needs to become more data-informed, intelligence-led and technology-enabled. In addition, the absence of a garda workforce plan and a human resource information system hampers effective decision-making on how many resources are required, what skills they need, and where they should be allocated.

Internationally, the Garda Síochána has a strong presence and has developed excellent relationships with many agencies such as Interpol and Europol. While its network of garda liaison officers has contributed to many successful operations, there are still opportunities for additional deployments to other locations. Expanding the network would strengthen the Garda Síochána's international presence and increase opportunities for further success against organised crime groups.

Given the complex and cross-jurisdictional nature of transnational organised crime, it is critical that the Garda Síochána has access to all of the legal instruments available to its European counterparts. A number of recommendations are made to address legislative gaps, maximise international co-operation and enable sharing of information.

Despite garda successes in targeting high-profile crime groups, disruption to their operations is often temporary and does not address the underlying issues that affect the everyday lives of local people. Preventing organised crime should be a priority and this requires a strategic cross-government approach to enhance community safety and reduce recidivism through diversion and disengagement from organised crime. The development of a national crime prevention and reduction strategy is needed to achieve this. At a local level, communities want to see a more visible garda presence as well as action taken to tackle drug dealing, intimidation and anti-social behaviour. Properly resourced community policing units, trained in problem solving, were not always in place and this needs to be addressed.

The recruitment and exploitation of young people by crime groups helps these groups to operate and, once embroiled in organised crime, there is no easy exit from this life. To change the path taken by young people, the Inspectorate believes that a youth justice agency needs to be in place to meet the needs of those involved in or at risk of committing crime or anti-social behaviour. A multi-agency organised crime unit should also be established to intervene and support young people engaged in crime groups.

Often, victims of organised crime feel unable to report their experience to the Garda Síochána. Reasons for this include fear of retaliation on themselves or their families, the fact that they may have been coerced into committing crimes, or concerns about their immigration status. Victims and agencies that work with victims of serious crime highlighted inconsistencies in the availability and provision of support services. A National Victims' Strategy should be developed to deliver enhanced and more consistent services.

This report contains 68 recommendations and, if fully implemented, they will help the Garda Síochána and other agencies to work more collaboratively to prevent transnational organised crime, tackle the crime groups that cause most harm in communities, and better support the victims of these crimes.

In conclusion, I would like to thank the members of the garda workforce, representatives from other agencies, local advocates and community representatives for their significant contributions to this inspection. I also want to express my appreciation to those victims of trafficking, exploitation, intimidation and violence who shared their deeply personal experiences with the inspection team. It was critically important that this report captured the experiences of those who are affected by domestic and transnational organised crime.

*Mark Toland*

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*Chief Inspector*

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The Inspectorate would like to thank the Garda Representative Association, the Association of Garda Sergeants and Inspectors at both national and local levels through meetings and submissions.

In addition, the Inspectorate is grateful for the input of the following key official stakeholders who contributed to this Inspection.

- > Companies Registration Office
- > Crime Victim's Helpline
- > Criminal Assets Bureau
- > Director of Public Prosecutions
- > Dublin City Council
- > Garda Síochána Ombudsman Commission
- > Hotline.ie
- > Irish Human Rights and Equality Commission
- > Irish Prison Service
- > Joint Policing Committees (Louth, Wexford, North Dublin, Cork City)
- > Law library
- > National Cyber Security Centre
- > Oberstown Children Detention Campus
- > Office of the Revenue Commissioners
- > The Department of Justice
- > The Health Service Executive

- > The Probation Service
- > TUSLA

The Inspectorate also consulted and met with voluntary groups, non-governmental organisations', representative groups and international organisations. The Inspectorate is grateful to the following for their input.

- > Association for Criminal Justice Research & Development
- > Banking and Payments Federation of Ireland
- > Belfast and Lisburn Women's Aid
- > Cyber Ireland
- > Dr. Jane Mulcahy
- > Global Initiative Against Transnational Organised Crime
- > UK Independent Anti-slavery Commissioner's Office
- > Inner City Organisations Network (ICON)
- > Irish Council for Civil Liberties
- > Irish Pharmacy Union
- > Irish Transport Federation
- > Joint Agency Response to Crime (JARC)
- > MECPATHS
- > Migrant Rights Centre of Ireland
- > North Dublin City Local Community Safety Partnership
- > North Dublin Region Drug and Alcohol Task Force
- > Northern Ireland Department of Justice
- > Red Door Project
- > Ruhama
- > Scottish Government
- > Small Firms Association



- > UK Home Office
- > University College Cork; Dr Ursula Kilkelly
- > University of Limerick; Prof. Sean Redmond
- > Victoria University of Wellington; Dr Nessa Lynch
- > Young People at Risk (YPAR)

To understand comparative local policing practice in other jurisdictions, the Inspectorate met the organisations listed below. The Inspectorate would like to thank them for their input.

- > Australian Federal Police
- > UK Border Force
- > Eurojust
- > Europol
- > Federal Bureau of Investigation
- > Interpol
- > Metropolitan Police Service
- > Merseyside Police
- > National Crime Agency
- > New Zealand Police
- > Police Scotland
- > Police Service of Northern Ireland
- > Scottish Government
- > Spanish Policía Nacional
- > Swedish Policing Authority

The Inspectorate would like to thank the victims of transnational organised crime who engaged with the inspection team and who shared their experiences. We are grateful to *North Dublin Region Drug and Alcohol Task Force* and *Ruhama* for facilitating these engagements.

# Glossary

|               |  |
|---------------|--|
| <b>CAB</b>    | <b>Criminal Assets Bureau</b>  |
| <b>CAD</b>    | <b>Computer Aided Despatch</b>                                       |
| <b>CFE1</b>   | <b>Computer Forensic Examiner Level 1</b>                            |
| <b>CFE2</b>   | <b>Computer Forensic Examiner Level 2</b>                            |
| <b>CHIS</b>   | <b>Covert Human Intelligence Source</b>                              |
| <b>CIFAS</b>  | <b>Credit Industry Fraud Avoidance System</b>                        |
| <b>CPO</b>    | <b>Crime Prevention Officer</b>                                      |
| <b>CSSO</b>   | <b>Chief State Solicitor's Office</b>                                |
| <b>DOCB</b>   | <b>Drugs and Organised Crime Bureau</b>                              |
| <b>DPP</b>    | <b>Director of Public Prosecutions</b>                               |
| <b>DRIVE</b>  | <b>Drug Related Intimidation and Violence Engagement</b>             |
| <b>EAW</b>    | <b>European Arrest Warrant</b>                                       |
| <b>ECHR</b>   | <b>European Convention on Human Rights</b>                           |
| <b>ECI</b>    | <b>Enhanced Cognitive Interview</b>                                  |
| <b>ECtHR</b>  | <b>European Court of Human Rights</b>                                |
| <b>EDIT</b>   | <b>Evidential Drugs Identification Testing</b>                       |
| <b>EIO</b>    | <b>European Investigation Order</b>                                  |
| <b>EMPACT</b> | <b>European Multi-disciplinary Platform against Criminal Threats</b> |
| <b>EPPO</b>   | <b>European Public Prosecutor's Office</b>                           |
| <b>ETOC</b>   | <b>Economic, Transnational and Organised Crime Unit</b>              |
| <b>EU</b>     | <b>European Union</b>  |
| <b>FIU</b>    | <b>Financial Intelligence Unit</b>                                   |
| <b>FSI</b>    | <b>Forensic Science Ireland</b>                                      |
| <b>GATE</b>   | <b>Gaining Access to Employment</b>                                  |
| <b>GDPR</b>   | <b>General Data Protection Regulation</b>                            |
| <b>GIM</b>    | <b>Garda Information Message</b>                                     |
| <b>GLO</b>    | <b>Garda liaison officer</b>   |
| <b>GNBCI</b>  | <b>Garda National Bureau of Criminal Investigation</b>               |

|               |   |
|---------------|---|
| <b>GNCCB</b>  | <b>Garda National Cyber Crime Bureau</b>                              |
| <b>GNCSIS</b> | <b>Garda National Crime &amp; Security Intelligence Service</b>       |
| <b>GNECB</b>  | <b>Garda National Economic Crime Bureau</b>                           |
| <b>GNIB</b>   | <b>Garda National Immigration Bureau</b>                              |
| <b>GNTB</b>   | <b>Garda National Technical Bureau</b>                                |
| <b>GRETA</b>  | <b>Group of Experts on Action against Trafficking in Human Beings</b> |
| <b>GSOC</b>   | <b>Garda Síochána Ombudsman Commission</b>                            |
| <b>HEAR</b>   | <b>Higher Education Access Route</b>                                  |
| <b>HTICU</b>  | <b>Human Trafficking Investigation and Coordination Unit</b>          |
| <b>IASIO</b>  | <b>Irish Association for the Social Integration of Offenders</b>      |
| <b>IHREC</b>  | <b>Irish Human Rights and Equality Commission</b>                     |
| <b>INHOPE</b> | <b>International Association Of Internet Hotlines</b>                 |
| <b>IRC</b>    | <b>Incident Room Co-ordinator</b>                                     |
| <b>IRPU</b>   | <b>International Relations and Policy Unit</b>                        |
| <b>ISA</b>    | <b>Information Sharing Agreements</b>                                 |
| <b>ISD</b>    | <b>Immigration Service Delivery</b>                                   |
| <b>JARC</b>   | <b>Joint Agency Response to Crime</b>                                 |
| <b>J-CAT</b>  | <b>Joint Cybercrime Action Taskforce</b>                              |
| <b>JIT</b>    | <b>Joint Investigation Team</b>                                       |
| <b>JLO</b>    | <b>Juvenile Liaison Officer</b>                                       |
| <b>JPC</b>    | <b>Joint Policing Committee</b>                                       |
| <b>LCSP</b>   | <b>Local Community Safety Partnership</b>                             |
| <b>MAOC-N</b> | <b>Maritime Analysis and Operations Centre – Narcotics</b>            |
| <b>MAPPA</b>  | <b>Multi-agency Public Protection Arrangements</b>                    |
| <b>MLA</b>    | <b>Mutual Legal Assistance</b>  |
| <b>MoRiLE</b> | <b>Management of Risk in Law Enforcement</b>                          |
| <b>MOU</b>    | <b>Memorandum of Understanding</b>                                    |
| <b>NCA</b>    | <b>National Crime Agency</b>  |
| <b>NCIF</b>   | <b>National Criminal Intelligence Framework</b>                       |
| <b>NGO</b>    | <b>Non-governmental organisation</b>                                  |

|               |   |
|---------------|---|
| <b>NIM</b>    | <b>National Intelligence Model</b>                            |
| <b>NRM</b>    | <b>National Referral Mechanism</b>                            |
| <b>NSMU</b>   | <b>National Source Management Unit</b>                        |
| <b>OCEANZ</b> | <b>Online Child Exploitation Across New Zealand</b>           |
| <b>OCG</b>    | <b>Organised Crime Group</b>                                  |
| <b>OECD</b>   | <b>Organisation for Economic Co-Operation and Development</b> |
| <b>OnCE</b>   | <b>Online Child Exploitation</b>                              |
| <b>OSCE</b>   | <b>Organisation for Security and Cooperation in Europe</b>    |
| <b>OSS</b>    | <b>Operational Support Services</b>                           |
| <b>PDT</b>    | <b>Presumptive Drugs Test</b>                                 |
| <b>PSNI</b>   | <b>Police Service of Northern Ireland</b>                     |
| <b>ROCU</b>   | <b>Regional Organised Crime Unit</b>                          |
| <b>SIS</b>    | <b>Schengen Information System</b>                            |
| <b>SOCTA</b>  | <b>Serious and Organised Crime Threat Assessment</b>          |
| <b>SORAM</b>  | <b>Sex Offender Risk Assessment and Management</b>            |
| <b>SQL</b>    | <b>Structured Query Language</b>                              |
| <b>STPO</b>   | <b>Slavery and Trafficking Prevention Order</b>               |
| <b>STR</b>    | <b>Suspicious Transaction Reports</b>                         |
| <b>STRA</b>   | <b>Strategic Threat and Risk Assessment</b>                   |
| <b>STRO</b>   | <b>Slavery and Trafficking Risk Order</b>                     |
| <b>TFIU</b>   | <b>Terrorist Financing Intelligence Unit</b>                  |
| <b>THB</b>    | <b>Trafficking of Human Beings</b>                            |
| <b>UK</b>     | <b>United Kingdom</b>   |
| <b>UNTOC</b>  | <b>UN Convention against Transnational Organized Crime</b>    |
| <b>WRC</b>    | <b>Workplace Relations Commission</b>                         |
| <b>YJARC</b>  | <b>Youth Joint Agency Response to Crime</b>                   |

# Executive Summary

## Introduction

The purpose of this self-initiated inspection was to establish how effective the Garda Síochána is at preventing transnational organised crime and disrupting and dismantling transnational organised crime groups.

For this inspection, the Inspectorate used the following definition:

*‘Transnational crimes are violations of the criminal law by organised crime groups that involve more than one country in their planning, execution, or impact and which involve the provision of illicit goods or services. Examples of which include, trafficking in people, drugs and firearms, money laundering and document or identity fraud’.*

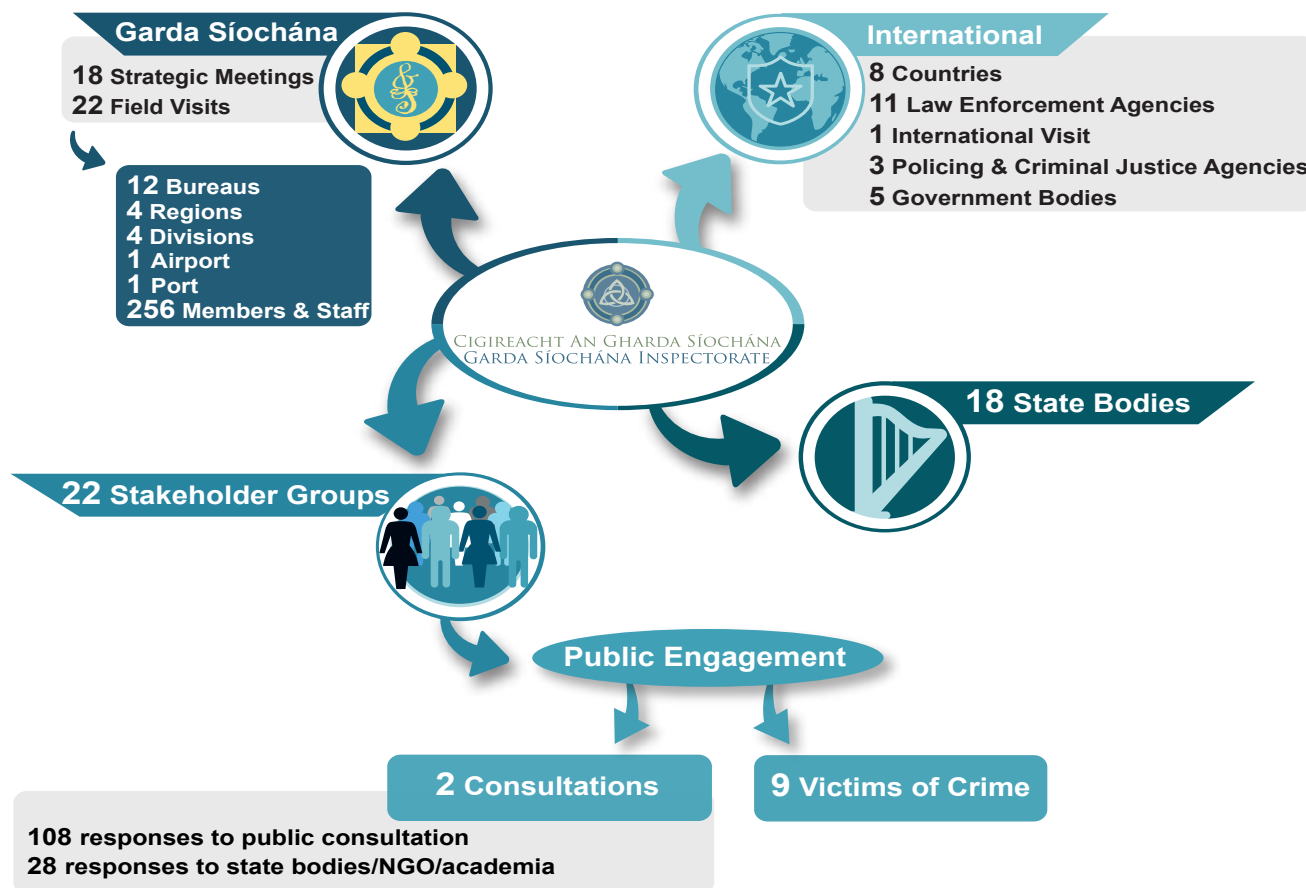
Given the international dimension of transnational organised crime, this inspection adopted the approach of reviewing the strategic leadership provided within the Garda Síochána, the available resources, the investigation capabilities and how investigation teams worked in co-operation with others and shared information. The approach also involved developing an understanding of the impact of transnational organised crime on victims and how they were supported through their traumatic experience, as well as exploring what is in place and what is required to prevent organised crime, enhance community safety and reduce recidivism through diversion and disengagement from organised crime groups (OCGs).

The inspection also examined the effectiveness of the Garda Síochána at preventing transnational organised crime and disrupting and dismantling transnational OCGs. The Garda Síochána has conducted a number of successful operations across the spectrum of transnational organised crime types. These include the seizure of illegal drugs worth €157m following the interception of the MV Matthew off the Irish coastline, multiple arrests of suspects linked to the cyber-enabled fraud activity of the Black Axe organised crime group and the disruption and dismantling of the Conti Ransomware group. The common denominator in these and most operations is the extent and quality of the interaction between the Garda Síochána and domestic and international law enforcement agencies.

The methodology used for this inspection involved extensive outreach to explore best standards of comparable practice and multiple meetings within the Garda Síochána and its domestic partners including those within government departments.

Figure A summarises the level of engagements with the Garda Síochána and other key stakeholders during the course of the inspection.

Figure A: Garda Síochána and stakeholder engagement for the inspection



Source: Garda Inspectorate

## Chapter 1 Strategy and Governance

This chapter looks at the strategies and governance processes that need to be in place to help the Garda Síochána to better understand the scale and scope of transnational organised crime. It also examines how intelligence is used to prioritise and target actions against those criminals causing most harm.

### Identifying Threats and Risks Caused by Organised Crime Groups

To tackle organised crime effectively, the Garda Síochána needs to first identify and assess the threat and risk that OCGs cause. There are a number of tools used in other jurisdictions to do this. These

analyse information available from all law enforcement agencies and the community to assess the level of threat, risk and community harm presented by OCGs.

The main findings in this area were:

- > The Garda Síochána uses the Organised Crime Group Threat Assessment Tool to measure the threat and risk presented by OCGs.
- > An internal evaluation of the assessment tool found universal support for its use.
- > The assessment tool does not include information from across the law enforcement community or an assessment of the impact of organised crime on local communities. This misses the opportunity to analyse and assess the full picture.

To improve the assessment of threat and risk, the Inspectorate recommends that the Organised Crime Group Threat Assessment Tool is enhanced to include information from relevant agencies and an assessment of the impact on local communities.

### **Strategic Threat and Risk Assessment**

A Strategic Threat and Risk Assessment process helps police services to identify the most significant threats and risks facing them, including the nature and scale of the threat presented by transnational organised crime.

The main findings in this area were:

- > While some garda national units conducted internal risk assessments, the Garda Síochána had not conducted a Strategic Threat and Risk Assessment for organised crime.
- > Risk assessments did not take account of information from external partners and other garda units and were not used at an organisational level.
- > The current approach prevents the Garda Síochána from having a holistic view of organised crime threats.

To address this gap, the Inspectorate recommends that the Garda Síochána conduct an organised crime Strategic Threat and Risk Assessment that includes transnational organised crime.

### **Creating a Transnational Organised Crime Strategy**

A transnational organised crime strategy would consider the emerging and identified trends holistically, prioritise them and ensure that finite resources are directed towards the greatest risks. It provides a focus on a single mission, an understanding of gaps in

existing capabilities and a structure to track progress towards achievement of the longer-term goals.

The main finding in this area was:

- > The Garda Síochána has neither an organised crime nor a transnational organised crime strategy.

To address this, a recommendation is made for the Garda Síochána to develop, publish and implement a transnational organised crime strategy.

### **Operating an All-Island Approach to Tackle Transnational Organised Crime**

The Garda Síochána operates in an environment which means that some of those involved in organised crime may reside in Ireland or Northern Ireland and use the free movement across the border to commit crime in one or both jurisdictions. To address the threat, the Garda Síochána works with the Police Service of Northern Ireland and other partners as part of a Joint Agency Task Force, which is governed by a joint protocol and memorandum of understanding. The task force works to six agreed priority areas that include Drugs, Rural Crime, Trafficking in Human Beings and Organised Immigration Crime.

The main findings in this area were:

- > There was no joint Strategic Threat and Risk Assessment or joint strategy to tackle transnational organised crime on the island of Ireland.
- > Although the rural crime priority was supported with a joint tactical assessment completed by garda and Police Service of Northern Ireland analysts, a similar analytical assessment was not produced to support the other five priority areas.

- > The impact of transnational organised crime has grown significantly since the establishment of the Joint Agency Task Force and the 2015 roadmap for tackling organised crime and criminality has not been reviewed post-Brexit.

To enhance collaborative working, the Inspectorate recommends that the Garda Síochána engage with the Department of Justice, the Police Service of Northern Ireland and the Northern Ireland Department of Justice to develop an all-island Strategic Threat and Risk Assessment and strategy to tackle transnational organised crime.

### Developing Strategic Partnerships

In order to tackle transnational organised crime effectively, it is necessary for a range of relevant partner agencies to work closely together at international, national and local levels.

The main findings in this area were:

- > The Garda Síochána is a committed partner with a strong reputation for working and sharing collaboratively in situations where an enabling structure is created.
- > There are good examples of multi-agency collaborations to prevent and detect transnational organised crime and to protect victims of crime, but agencies tended to meet on a case-by-case basis to focus on a specific issue.
- > Some partners were frustrated with the reluctance of some garda members to share information or to discuss subjects of mutual interest.
- > There was no structure or forum that brings all agencies together or enables collaborative partnership working to tackle organised crime.

The Inspectorate seeks to enhance partnership working to tackle transnational organised crime by recommending the establishment of a National Crime Centre designed to deliver a co-located collaboration between all agencies and create an environment where all agencies are empowered to appropriately share information.

### Management of Intelligence

Intelligence-led policing is a forward-looking, proactive process that assists police managers to make evidence-based decisions about their operational policing priorities and how they deal with them. It is important for a police service to ensure that investigators have access to good intelligence, while ensuring that there are strong safeguards in place to protect the source of the information. All of the international police services engaged as part of this inspection use a business model for managing all intelligence.

The main findings in this area were:

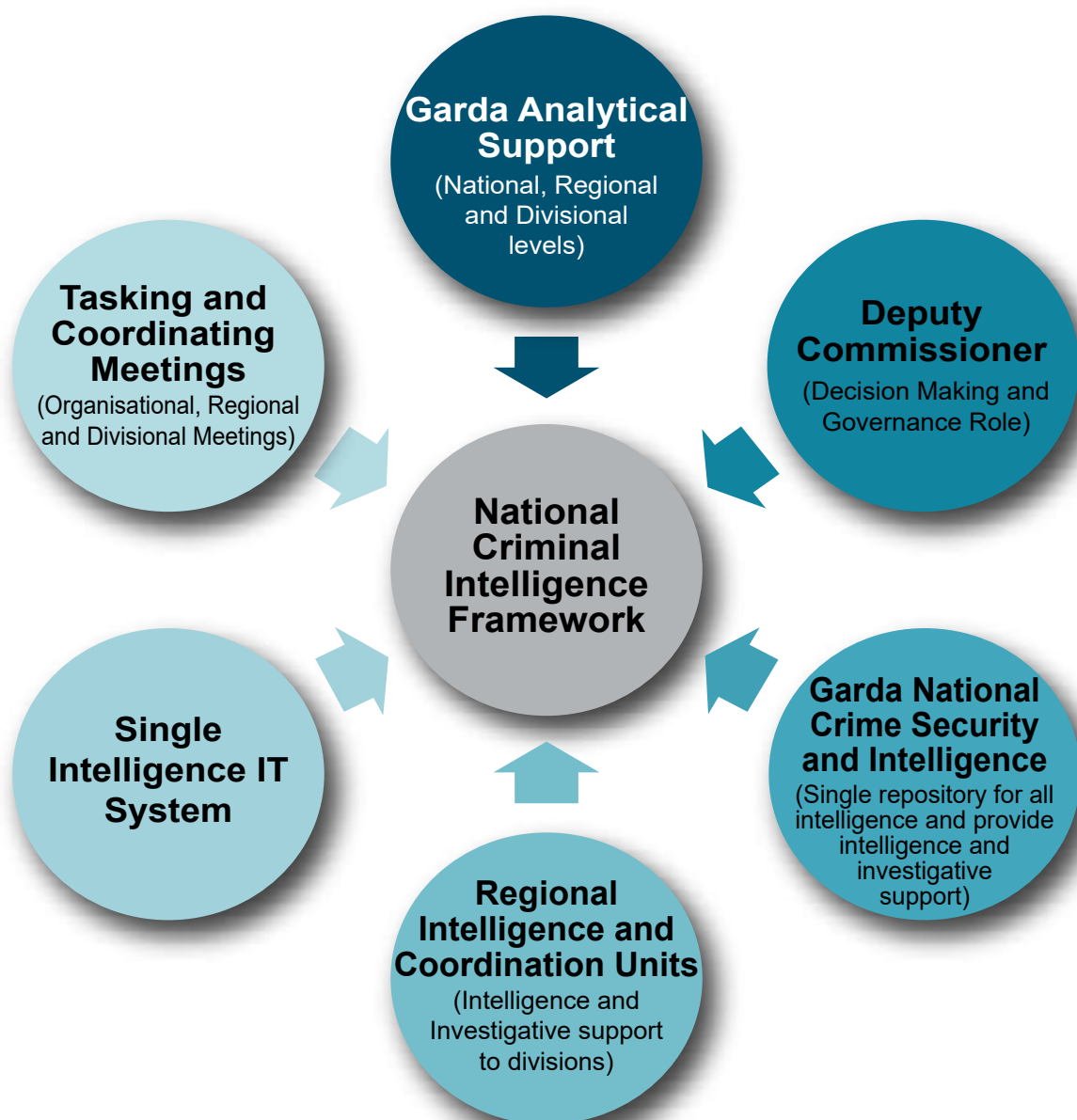
- > While the Garda Síochána has undertaken work to develop an intelligence model on a number of occasions over the past 12 years, it is still not yet in place.
- > Since 2020, the Garda Síochána has been developing a model known as the National Criminal Intelligence Framework which is considered by the Inspectorate to be a good model capable of delivering efficient and effective intelligence-led policing.
- > The model was first piloted in the Eastern Region.
- > The model separates the collection and assessment of intelligence from its use in operations and investigations by the creation of a firewall.



- > The garda evaluation of the pilot found many positive developments; however, early signs of inconsistency emerged between the original National Criminal Intelligence Framework model and some attempts to implement alternative versions.
- > Strategic and tactical co-ordination meetings were absent at all levels of the Garda Síochána.
- > There is a potential for conflict between two different garda units deployed on inter-linked operations.
- > The Garda Operating Model and the National Criminal Intelligence Framework change programmes appear to be taking place on a parallel but separate basis and without the necessary choreography.

Figure B shows the key elements that should be present in the Garda National Criminal Intelligence Framework.

**Figure B: Key elements of the National Criminal Intelligence Framework**



Source: Garda Síochána adapted by the Garda Inspectorate

The Inspectorate recommends the implementation of the National Criminal Intelligence Framework as a matter of urgency including a standardised approach to the management of intelligence and incorporation into the Garda Operating Model.

### Management and Oversight of Covert Policing Operations

Covert policing is a collective term for a variety of types of surveillance and involves collecting information and assessing and developing it into evidence. To effectively tackle the complex and serious threat posed by organised criminal networks, law enforcement agencies need the full range of covert tactics, including the recruitment and retention of registered Covert Human Intelligence Sources (CHIS) who are authorised to engage in criminal behaviour.

The main findings in this area were:

- > Technical surveillance through a tracking device or listening equipment was only available for allocation on a priority basis through the National Surveillance Unit.
- > There is an absence of legislation to investigate open and encrypted communication platforms and international convention prevented the Inspectorate from reviewing what action was taken in relation to specific information received by the Garda Síochána.
- > The only types of undercover deployments permitted at the time of the inspection were drug test purchasing and covert surveillance.
- > In 2017, the European Court of Human Rights criticised Ireland for having no formal system for authorising and supervising undercover police operations.

- > The Garda Síochána did not have a policy for undercover deployments.

To address this, the Garda Síochána should develop and implement a policy that controls and guides all operations that require undercover deployments. With regards to encrypted communications, recommendations are made to the Department of Justice to address legislative and oversight gaps.

### Covert Human Intelligence Sources

The National Source Management Unit is responsible for oversight of all CHIS activity which includes the registration process for assessing and approving a person for use as a CHIS.

The main findings in this area were:

- > The registered CHIS process is thorough and legislatively, procedurally and European Court of Human Rights ECHR compliant.
- > Concerns were raised by garda members that the approval process was too slow.
- > In some cases people were only referred into the assessment process after all the information they had to give was drawn from them by the referring garda member.
- > Some CHIS were not referred for registration but were still managed by individual investigators.

The Inspectorate seeks to address these compliance issues by recommending the introduction of a system of reviews for unexplained operational seizures or arrests that occur in the absence of formal intelligence or information provided by a registered source.

## Involvement of CHIS in Crime

The ability to infiltrate criminal organisations is key to understanding the way in which organised criminal networks operate and helps to formulate strategies and operations to target them.

The main findings in this area were:

- > Gathering intelligence through a CHIS can provide insider information about those involved in organised crime.
- > Irish legislation does not enable or permit authorisation of any CHIS to participate in criminal activity. This significantly limits the tactical options for targeting serious crime and offences committed by transnational organised crime groups.

In order to enhance the ability of the Garda Síochána to protect communities from transnational organised crime, the Inspectorate recommends the introduction of legislation, authority and oversight to enable registered Covert Human Intelligence Sources to participate in crime.

## Investigating Corrupt Officials

One of the most serious enablers of organised crime is a corrupt official and it is important to target not only those who are corrupt, but also those OCGs seeking to recruit a person in a position of authority. Integrity testing is a controlled operation to detect, investigate, and develop intelligence and evidence on transnational organised crime. It consists of either random checks on anyone within an agency, department or organisation or intelligence-led targeted checks on a person. This is an important tool used to uncover corrupt behaviour by public officials.

The main findings in this area were:

- > At the time of the inspection, there was no integrity testing of officials in Ireland as both parties involved in an act of bribery or corruption would be guilty of an offence.
- > Without proactive testing, investigations tend to be retrospective.
- > The Inspectorate believes that legislation is required to enable the Garda Síochána and other law enforcement agencies to conduct undercover operations (including integrity testing).

## Chapter 2 Understanding Demand and Delivering Workforce Planning, Training and Technology

This chapter explores the recording practices used by the Garda Síochána to understand the scale and scope of transnational organised crime and how this impacts on their ability to fully understand the demand on their services and respond appropriately.

### Understanding the Demand of Organised Crime

There is a need to understand the current and future demands associated with organised crime, this includes the collection of raw data which incorporates the recording of crime and analysis of trends. For analysis to be effective, the data must be accurate. There is also a need to identify the capabilities required to address these demands and to assess and measure the capability gaps.

This should focus not only on staff numbers, but the mix of skills, processes and technology that will deliver the best outcomes for the public.

The main findings in this area were:

- > There was no structured or systematic activity undertaken by the Garda Síochána to understand organisational demand, particularly how it relates to domestic or transnational organised crime.
- > There was no specific PULSE category to classify transnational organised crime, therefore accurate data was not available.
- > The modus operandi feature on PULSE was under-used.

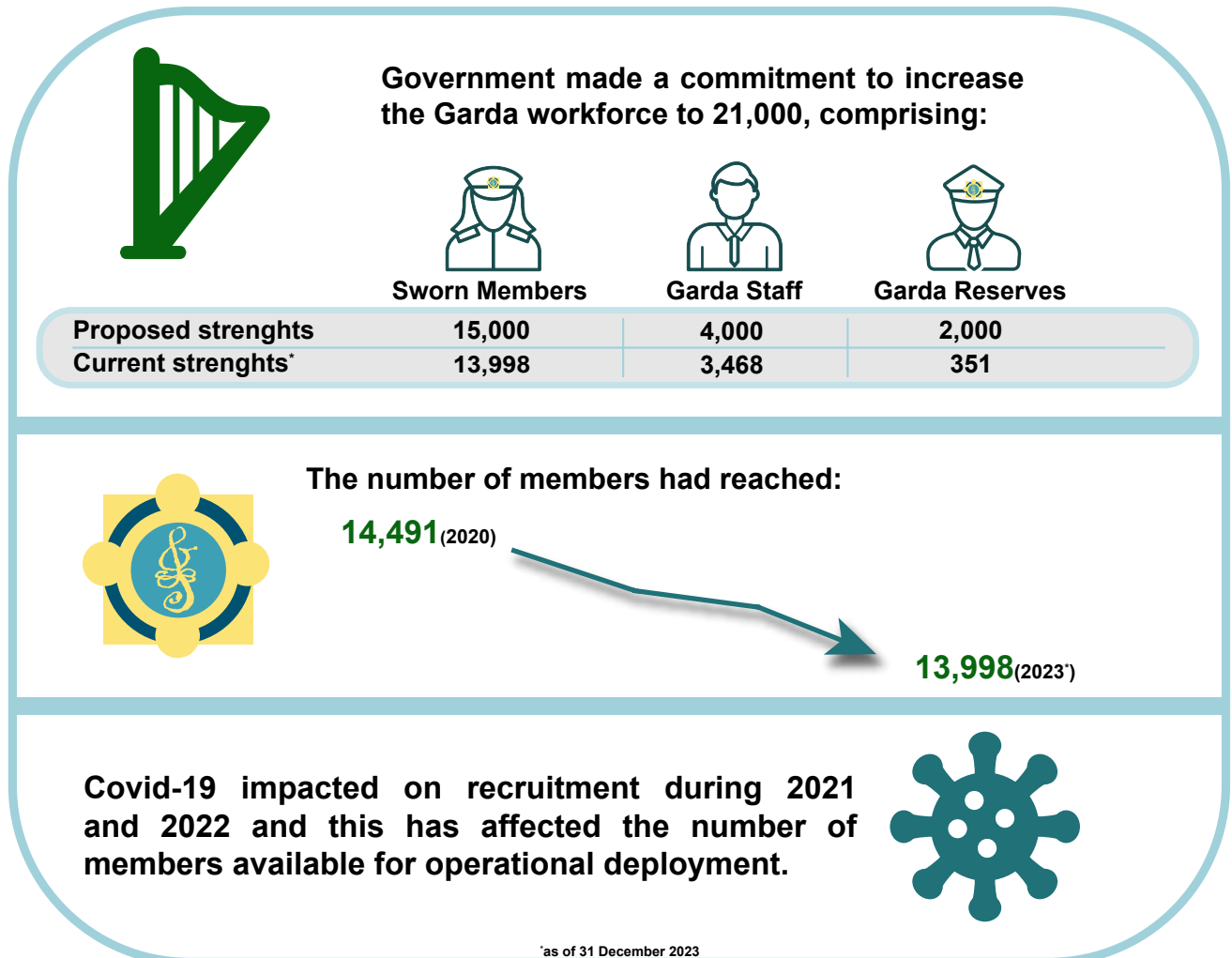
to identify and understand the demand on their resources, from domestic and transnational organised crime.

### Workforce Plan, Civilianisation and Succession Planning

A comprehensive and evidence-informed workforce plan would enable the Garda Síochána to allocate appropriate resources to address policing and security demands at national, regional and divisional levels. The workforce plan should include carefully considered succession planning and the effective use of all resources. Garda resourcing levels are shown in Figure C.

In order to ensure demand is properly understood, the Inspectorate recommends that the Garda Síochána undertake a process

**Figure C: Garda Workforce Proposed and Current Strengths**



The main findings in this area were:

- > While the Garda Síochána has undertaken considerable work to prepare and implement a workforce plan, at the time of this inspection it was still in draft stage awaiting completion.
- > A number of positions were staffed by sworn garda members which, in the opinion of the Inspectorate, could be performed by garda staff.
- > Some roles had been civilianised, however when staff left they were replaced by sworn garda members.
- > An internship programme had been developed by the Garda Síochána, to provide experience from working in a variety of organisational support roles, for graduates and school leavers from traditionally under-represented communities.
- > All of the national units, regions and divisions engaged by the Inspectorate were operating below their recommended resource levels.
- > Across the national units in Organised and Serious Crime, the vacancy rates ranged from 3% to 70%.
- > The absence of effective succession planning, in particular linked to promotion processes and retirements, was contributing to a considerable loss of knowledge and expertise for key specialist roles.

To address this gap, the Inspectorate recommends that the Garda Síochána implement the workforce plan as a matter of urgency. Recommendations are also made in relation to succession planning for key specialist roles and the civilianisation of roles which do not require sworn powers.

## Training and Development

The implementation of needs-led training is integral to building organisational capacity and capability. The complexity of transnational organised crime highlights the need for tailored and specialist training and development packages to enable members to deliver better performance.

The main findings in this area were:

- > As some parts of the organisation were late or failed to respond to the annual Priority Training Needs Assessment issued by the Garda College, it was not possible for the college to gain an accurate picture of training needs.
- > It was unclear how the allocation of training places was managed at an organisational level and the training plan did not identify what prioritisation process was used or how success would be measured.
- > The Covid-19 pandemic created delays in members and staff accessing key training, and a number of members involved in specialist units, such as surveillance teams were not trained or accredited appropriately.
- > There were insufficient trained fraud investigators in divisional crime units.
- > Outside of specialist units, many garda members lacked knowledge of what constituted human trafficking and in particular, the coercive behaviours which result in victims being exploited and traumatised.
- > There was limited availability of qualified interviewers at divisional level.

To appropriately meet the training and development needs of the garda workforce, the Inspectorate recommends that the Garda Síochána make completion of the Priority Training Needs Assessment compulsory. Other recommendations relate to ensuring staff in specialist units are accredited appropriately, and that interview skills, human trafficking and trauma-informed training relating to transnational organised crime is delivered.

## Technology

In order for the Garda Síochána to ensure that no part of their service delivery operates as an analogue police service in a digital era, enhanced focus on technology is critical. The Garda Síochána needs to introduce technology to support human resource management, the collection and use of intelligence, and specialist investigations such as cyber-crime.

The main findings in this area were:

- > There was no human resource information system to facilitate the storage of data on all members of the garda workforce and their training records.
- > Multiple IT systems were in place to manage different streams of intelligence and this created gaps in knowledge and a lack of coordination.
- > The essential technology to enable effective data mining was no longer available to the Garda Síochána.
- > The garda IT system could not automatically upload data to European or other global systems.

To address this gap, the Inspectorate recommends that the Garda Síochána implement a human resource information

system, in addition to a single national system for recording and managing criminal intelligence. Other recommendations relate to appropriately resourcing specialist units with the relevant technology to enhance investigative capacity relating to cyber-enabled crime.

## Chapter 3: Investigation of Transnational Organised Crime

In order for criminal investigations to yield successful outcomes, appropriate resources, structures and policies need to be in place. This chapter examines the need for a clear crime investigation allocation policy for assigning investigations to the most appropriate unit at national, regional or divisional levels. It also examines the Garda Síochána organisational structure and the resources that are in place to prevent transnational organised crime and to disrupt and dismantle organised crime groups, the crime types most associated with transnational organised crime and the use of domestic and international legislation as instruments that can be used to tackle OCGs.

### Crime Investigation Allocation Policy

For all crime types including transnational organised crime, it is important for the Garda Síochána to have a clear crime investigation allocation policy in order to ensure that cases are only assigned to the most appropriate unit for investigation.

The main finding in this area was:

- > There was no organisational policy for the allocation of investigations, resulting in inconsistency in the assignment of crimes for investigation.

To ensure clarity, the Inspectorate recommends that the Garda Síochána develop and implement a policy for the allocation of criminal investigations.

## Drugs & Organised Crime

While the Garda National Drugs and Organised Crime Bureau investigates serious and organised crime such as drug trafficking and importation, the majority of incidents relating to the supply and use of drugs in communities is investigated by divisional gardaí.

The 2021 Eurojust report on drug trafficking estimated the value of the EU drugs market as €30 billion. The Eurojust report refers to the impact on law enforcement agencies and judicial authorities as finding ‘themselves overwhelmed by the steep increase of drug trafficking cases. Many EU Member States struggle to allocate sufficient resources to the fight against highly flexible organised crime groups acting across borders’.

Figure D shows some of the successful multi-agency drug trafficking operations conducted.

**Figure D: Drugs Enforcement Successes**



**Engagement with international law enforcement partners resulted in the seizure of €8.4m of cocaine seized from a small aircraft intercepted in Co. Longford.**

**Supported by the Army Ranger Wing the MV Matthew was intercepted off the Irish coastline resulting in seizure of cocaine worth €157m. This was the largest drugs seizure ever in the Irish State.**



**The Joint Task Force of the Garda Síochána, Revenue and the Naval Service participated in an operation with law enforcement in the Netherlands which led to the recovery of €35m worth of cocaine disguised as charcoal.**

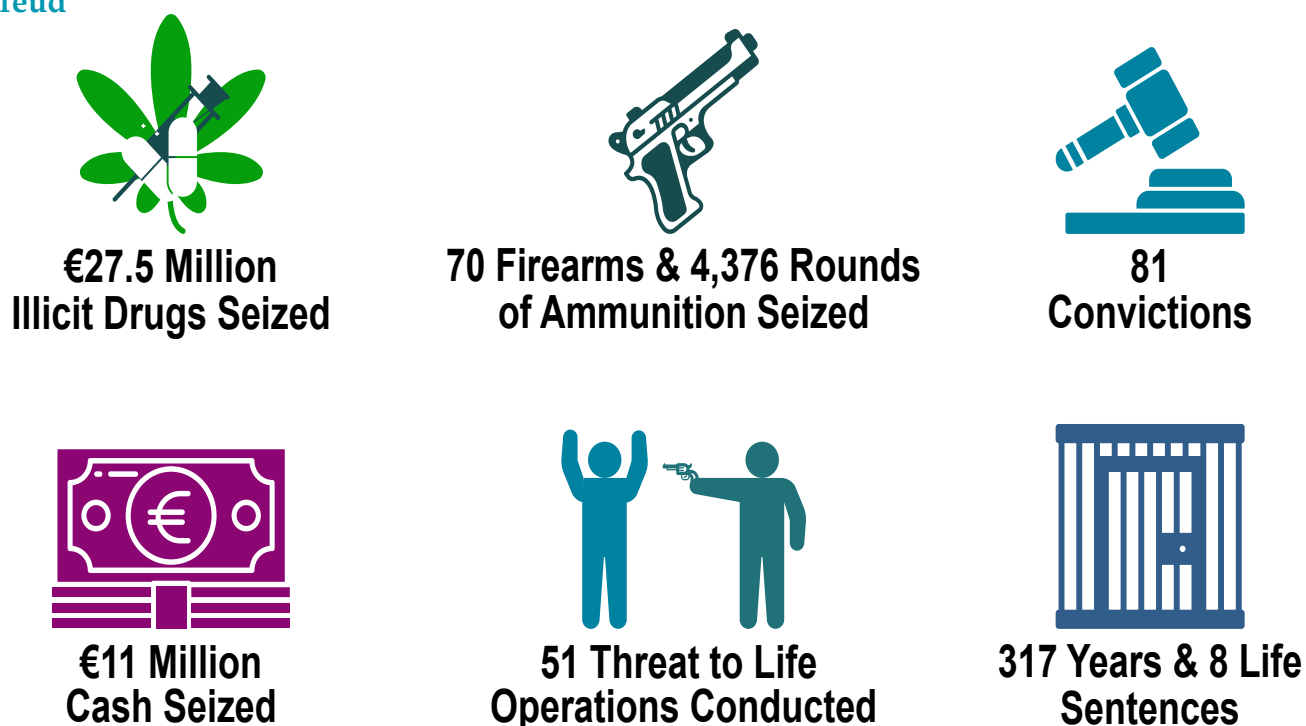
Source: Garda Inspectorate

The main findings in relation to this were:

- > Six out of ten people have experience of drug addiction in Irish communities.
- > In July 2021, the Garda Síochána commenced a national anti-drugs strategy on tackling street-level dealing in cities, towns and villages, called Operation Tara.
- > While the Garda Síochána has had considerable success in terms of the high volumes of drugs seized, it has in fact made little impact to the daily lives of many local communities.
- > The impact of drugs on communities manifests itself in many ways, from those selling drugs in the street to those operating from properties, all activity which brings people into communities for the sole purpose of buying drugs which can also lead to other crimes.

- > The number of incidents of drug related intimidation are growing and debts are incurred not only by those buying drugs for their own use, but also by drug dealers who owe money to those who supply drugs to them.
  - > Young people are used by crime groups to intimidate people, to carry out arson attacks and to collect debts.
  - > There is also a clear link between Criminal networks involved in drug trafficking and the commission by them of serious crimes, such as assaults, firearm discharges, threats to kill, organised prostitution and homicides.
  - > Investigators were constantly frustrated with the presumptive drug test process used for possession cases only and the equipment is not accepted for evidential purposes in criminal justice proceedings.
- The success against the Kinahan OCG and in relation to the Hutch and Kinahan OCGs feud is shown at Figure E.

**Figure E: Results of proactive investigations into Hutch and Kinahan OCGs and their feud**



Source: Information supplied by the Garda Síochána, adapted by the Garda Inspectorate

Although the Garda Síochána has had considerable success in tackling the Hutch and Kinahan OCGs they are not yet fully dismantled. It is important that the learning from this is applied to other OCGs operating in Ireland. Many of the recommendations contained in this report are designed to tackle drugs trafficking and other serious crimes associated with it.

## Cybercrime

In modern policing where imagery and a digital record of messages and phone calls can be the key to solving crime, police services need to be able to retrieve and examine devices and content relating to investigations in a timely and efficient manner. Cyber-enabled crime is where the use of technology can facilitate other crimes such as sexual grooming, harassment or



various types of fraud including romance fraud. Cyber-dependent crime can only be committed by the use of technology where the device is both the tool to commit the crime and the target of the crime.

The Convention on Cybercrime, known as the Budapest Convention was the first international treaty that sought to address internet and computer crime by improving investigative techniques and increasing cooperation between countries.

The main findings in relation to this were:

- > The global cost of cyber-attacks is estimated to reach €10.5 trillion by 2025.
- > The work of the Garda Síochána in relation to cybercrime is well regarded internationally. Their work with international law enforcement partners, to disrupt and dismantle the Conti Ransomware Group is a good example of the high regard in which they are held.
- > In January 2022, there was a backlog of 750 cases awaiting forensic examination dating back to 2018. Subsequent updates indicate a significant reduction in outstanding cases to 235 however, while this reduced backlog is welcomed, there is still an organisational risk in having extended delays in the examination of devices.
- > There were no cybercrime units in divisions but some had created digital media units which collected and reviewed CCTV in addition to downloading and analysing data from mobile devices. Divisional digital media units is an effective way of dealing with a growing demand.
- > Roles in digital media units vary across divisions due to inconsistent access

to equipment and training. There was no standard process for tasking these resources, as well as a lack of consistency in the equipment available and the training provided to those who operate it.

- > Ireland is the only member of the Council of Europe to have signed but not yet ratified the Budapest Convention. A number of elements remain outstanding including the creation of a 24/7 point of contact network for international cooperation on cybercrime.

To enhance technological support for investigations, the Inspectorate recommends that the Garda Síochána formally establish, train and equip digital media units in all divisions and that the Department of Justice complete the process of transposing the final elements of the Budapest Convention into domestic legislation.

## Economic Crime

Economic crime, which includes fraud, money laundering, bribery and terrorist financing, has become one of the most prevalent forms of criminal activity as it is considered to be low risk with high profits. It is estimated that the global impact of money laundering alone is up to €1.87 trillion, which is approximately 5% of global GDP. Due to its complex nature, economic crime is difficult to detect and prevent and requires specialist skills to do so.

A significant amount of fraud offences are cyber-enabled. This type of offence requires early assessment to establish if a crime has actually occurred, and if so, is it linked to a series of other crimes. In some cases, early intervention to remove or block an email address or a domain could prevent further offences.

Financial Intelligence Units (FIUs) were established to support the fight against money laundering and terrorist financing by enabling a connection between law enforcement agencies and the financial bodies within the private sector. They have a key role in receiving, analysing and transmitting reports of suspicious transactions identified and filed by the private sector in relation to financial activity.

The main findings in relation to this were:

- > Fraud and economic crime in Ireland increased by 53% from 2020 to 2021 and decreased again in 2022 by 32%. Detections decreased by 34% in 2021 and a further 41% in 2022. This reduction coincides with the decrease in recorded fraud offences, which are less complex crimes and may be easier to solve.
- > Many economic crimes are more complex in nature and there is a need for a specialist approach to investigating and detecting these types of crimes.
- > In addition to the Garda National Economic Crime Bureau (GNECB), divisions and some national units had created a number of mini-specialist economic crime or fraud investigation teams.
- > Many of the garda investigators who were assigned fraud cases to investigate had not been trained to a national standard.
- > In the UK, a non-police organisation works alongside the National Fraud Intelligence Bureau to assess and analyse reports of fraud to identify patterns and refer viable lines of enquiry to the relevant police service.

>

- > In the past three years, the number of referrals from Irish financial institutions ranged from 1,800 to 2,400; however, in March 2023, a financial institution with over two million Irish customers became a bank. As a result GNECB are already recording almost 1,000 extra referrals each month and this is expected to increase.
- > In the years 2020 to 2022, an average of 66% of reports of fraud were classified as not constituting a crime. Of those classified as a crime, an average of 6% were retained for investigation by GNECB due to the scale and complexity of the case and the remainder were passed to divisions for investigation.
- > While the Garda Síochána retains the responsibility for assessment and intervention activity it is drawing garda members trained in fraud investigation away from their work on investigations.
- > The Garda Síochána FIU is staffed by a blend of garda members and garda staff. Revenue or Department of Social Protection staff are not assigned to the FIU, unlike the Criminal Assets Bureau which has staff from those organisations assigned to it.
- > There is a unique dual reporting system in Ireland, with all reports submitted to the FIU and the Office of the Revenue Commissioners. In 2023, the FIU received approximately 70,000 suspicious transactions reports. Approximately 80% are revenue related, such as tax evasion and undeclared and unexplained income.

Some of the results of proactive investigations into economic crime are shown in Figure F.

Figure F: Results of proactive economic crime investigations



Source: Information supplied by the Garda Síochána, adapted by the Garda Inspectorate

In order to ensure consistent practices, the Inspectorate recommends that the Garda Síochána conduct an urgent review of the allocation of fraud and economic crime offences for investigation and the availability of resources, training and equipment required to deliver a single standard of investigation at local and national level. In addition, the Department of Justice should work with the Garda Síochána to divert some of this demand by developing a new process for triaging reports of fraud including cyber-enabled fraud.

As most transnational organised crimes are cyber-enabled and financially driven, closer collaboration between relevant agencies is required. Therefore, the Inspectorate recommends that the Department of Justice and the Garda Síochána work to secure the appointment of representatives from the Office of the Revenue Commissioners and the Department of Social Protection to the Financial Intelligence Unit.

## Human Trafficking, Exploitation and Organised Prostitution

The United States Department of State, which produces the annual *Trafficking in Persons Report*, estimates that at any given time there are approximately 27.6 million human trafficking victims worldwide. In 2021, the International Labour Organisation estimated that 6.3 million people had been subjected to forced commercial sexual exploitation with women and girls accounting for 4.9 million of these. Sexual exploitation and in many cases forced prostitution are considered to be the most common motivations for trafficking human beings, primarily as it is also believed to be one of the most profitable for transnational OCGs.

There are a number of legislative supports in place in other jurisdictions to prevent exploitation and support victims. These include post-release prevention or risk orders, access to compensation and a requirement for companies to make an

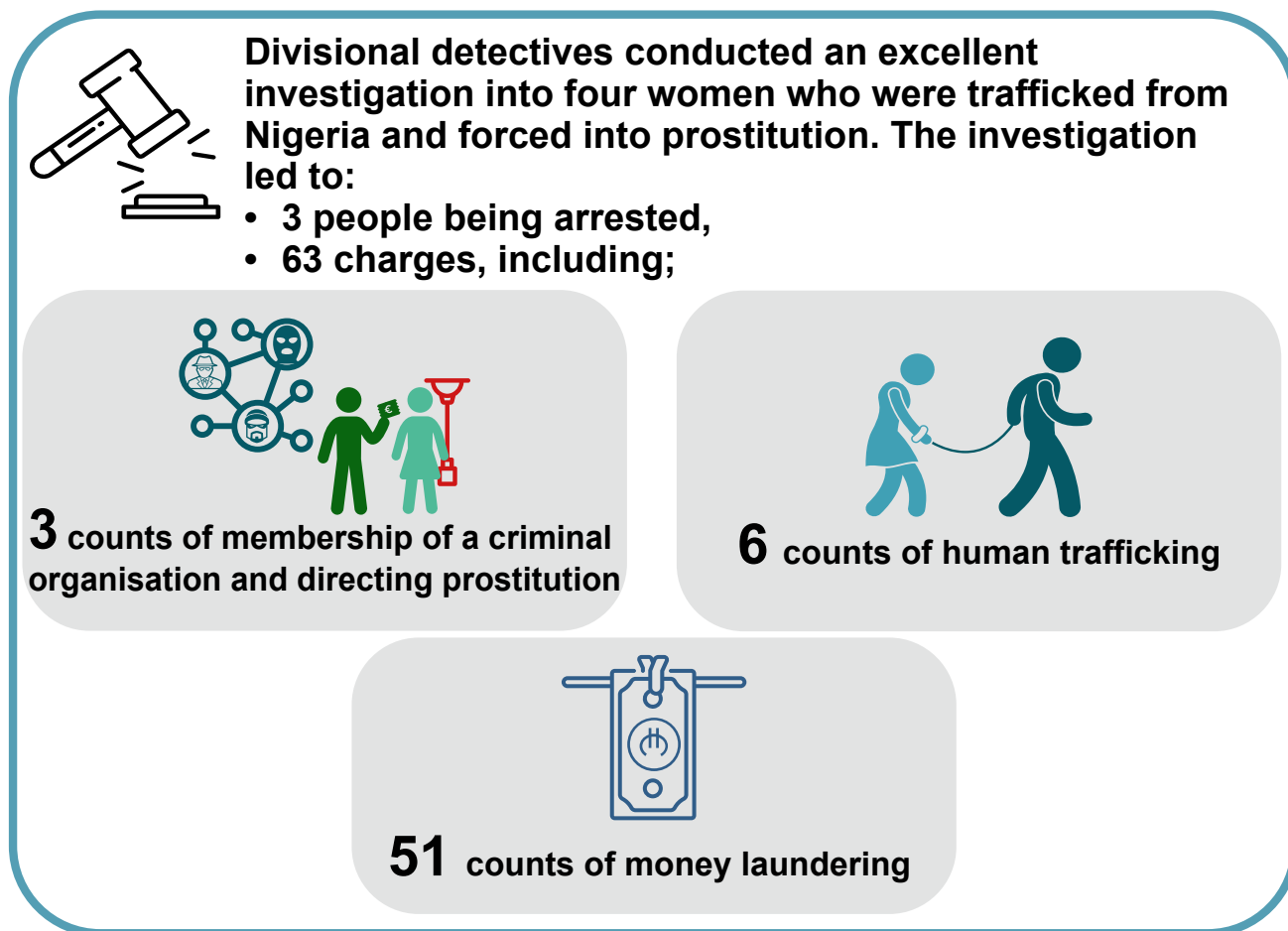
annual declaration affirming that slavery and human trafficking is not taking place in any part of their business or their supply chain.

In the case of a victim who is a non-Irish citizen, they will be supported into the National Referral Mechanism, which is the process to consider if they should be granted protection and support as a victim of human trafficking.

The main findings in relation to this were:

- > In 2022, 42 people were recorded as victims of human trafficking by the Garda Síochána. Of these, 17 cases were investigated by the Garda Human Trafficking Investigation and Co-ordination Unit and 25 by divisional units. In seven of the cases investigated by divisions, the national unit provided direct assistance.
- > The Group of Experts on Action against Trafficking in Human Beings (GRETA) noted with concern in its 2022 report that *'the number of investigations into human trafficking offences has been decreasing over the years, and the number of prosecutions is very low'*.
- > GRETA highlighted that there have been no convictions for trafficking for the purpose of labour exploitation in Ireland, despite the increasing number of identified cases.
- > Irish companies are required to publish due diligence statements in other jurisdictions affirming that slavery or human trafficking is not taking place in any part of their business or supply chain, but not in Ireland.
- > Outside of the probation process, there are no post-conviction orders specifically relevant to any aspects of serious organised crime in Ireland.
- > Without these orders, sentencing judges are unable to place constraints on the activities or behaviour of the convicted person in a way which would seek to enhance the safety of their victims or other people.
- > Although the Criminal Justice (Victims of Crime) Act 2017 makes provision for victims to access compensation in Ireland, it is exceptionally difficult for victims of human trafficking to secure a financial settlement.
- > Legislative amendments are required in order to prevent victimisation and provide follow-up compensation.
- > At the time of this inspection, Ireland did not have a visa stamp for victims of human trafficking.
- > A victim will be granted temporary immigration status, which must be reviewed every six months. This review will be guided by information provided by or on behalf of the investigator.
- > The transfer of immigration functions from the Garda Síochána has not progressed to the level envisaged.
- > The first conviction for human trafficking was secured in a case that was investigated in Mullingar. The outcome of the case is shown in Figure G.

Figure G: The Mullingar human trafficking case



Source: Garda Inspectorate

It should be noted that as a result of the Mullingar case some staff in the Office of the Director of Public Prosecutions have since gained further experience in human trafficking and are now subject-matter experts.

In order to better support victims of human trafficking and labour exploitation, the Inspectorate recommends that the Department of Justice review the Criminal Law (Human Trafficking) Act 2008, as amended, and work with the Department of Enterprise, Trade and Employment where appropriate, to consider legislative changes. The Inspectorate recommends that further support can be provided through reviewing the immigration status of human trafficking

victims, extending the immigration permissions and expediting the transfer of non-policing-related immigration roles.

### Forensic Support

The Garda National Technical Bureau (GNTB) provides expert investigation support to all divisions and regions including photography and mapping at crime scenes as well as specialist explosive, ballistics and firearms investigation. A number of functions have been divested from the Garda Síochána to Forensic Science Ireland and an agreement exists for forensic scientists to deploy to scenes of serious crime. In non-serious cases, garda members who are trained as crime scene examiners conduct examinations.

The main findings in relation to this were:

- > For new members of staff entering GNTB without a prior specialism, it takes five years before they can be classified as an expert in the field of ballistics and forensic investigation.
- > GNTB members, including trained detectives, continue to perform roles in ballistics, mapping, photography, crime scene examination, biometrics and controlled drugs disposal.

Forensic Science Ireland's forensic scientists have accredited expertise in a variety of techniques relevant to crime scene investigations, including blood pattern analysis.

The Inspectorate recommends that the Garda Síochána assess all functions within the GNTB to identify which roles can be divested to Forensic Science Ireland and which remaining functions can be filled by suitably qualified garda staff.

## Chapter 4: Co-operation and Exchange of Information

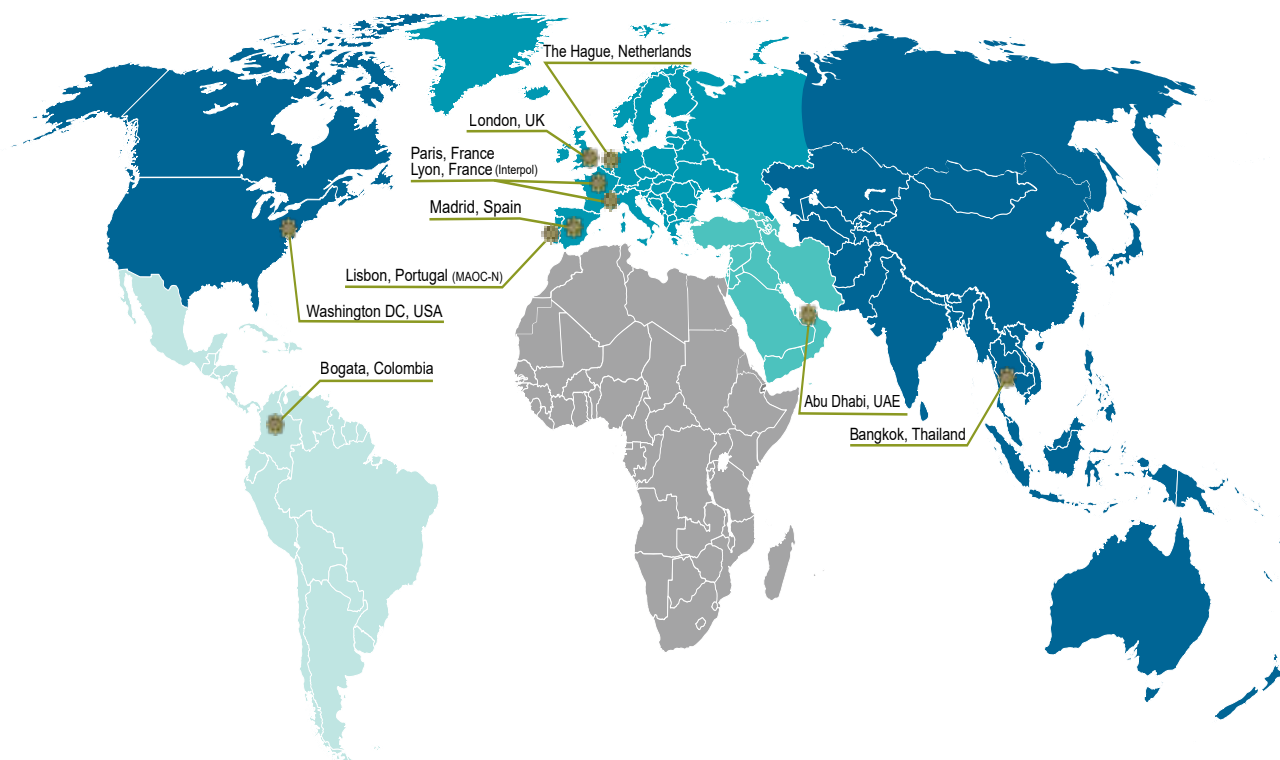
This chapter explores the evolution of global efforts to tackle cross-jurisdictional criminality in a co-ordinated manner and examines the co-operation necessary and legal instruments available to facilitate efficient and effective investigation.

### International Engagement

In recognition of the transient nature of criminals and their willingness to move between jurisdictions in order to avoid detection, a range of international arrangements exist and others are required. It is internationally recognised good practice for countries to deploy members of their police service in embassies or consulates as law enforcement representatives.

The deployment locations for liaison officers from the Garda Síochána are shown in Figure H.

**Figure H: Deployment locations for garda liaison officers**



Source: Information provided by the Garda Síochána, adapted by the Garda Inspectorate

The main findings in this area were:

- > The Garda Síochána has a strong and respected international reputation in terms of collaborative working, reflected through the positive relationships with Europol, Interpol and Eurojust. In 2014, the Irish Eurojust desk supported investigations in 40 cases, and by 2022 this had risen to 440.
- > The garda liaison officer (GLO) network is a good example of effective international collaboration. While additional GLO appointments reflect an understanding of where the threats to Ireland emanate from, the inspection also found evidence of OCGs based in Africa and South American countries which are affecting Ireland. These groups are involved in cybercrime, economic crime and human trafficking.
- > The Garda Síochána has enhanced its access to all levels of international law enforcement through the deployment of higher-ranking members.
- > The Joint Cybercrime Action Taskforce is a significant demand on the GLO deployed to Europol, who already has a challenging role.
- > The EU has proposed legislation to protect children against sexual abuse, online and offline, and the establishment of an EU Centre to Prevent and Combat Child Sexual Abuse.

To further enhance international collaboration, the Inspectorate recommends that the GLO network is expanded to cover a range of relevant geographical locations. Additionally, Ireland should ensure representation on the proposed EU Centre to Prevent and Combat Child Sexual Abuse.

## Legal Instruments

In order for international law enforcement agencies to effectively collaborate, enabling legal instruments need to be in place.

The main findings in this area were:

- > Police-to-police exchange of information by the Garda Síochána with international peers was good but the Mutual Legal Assistance (MLA) process for exchanging evidence was slow and bureaucratic.
- > Processing MLA requests (issued from or received by Ireland) required co-operation from across the criminal justice sector.
- > The number of MLA requests received by Ireland had increased by 110% from 2018 to 2022.
- > The time taken to process each request had increased by almost 100 days or 31% over the five-year period.

To enhance the efficiency of the MLA process, the Inspectorate recommends the establishment of a working group to conduct a review of the incoming and outgoing processes. It should comprise a group of subject-matter experts from all organisations currently involved in MLA. This group should conduct an end to end review of the incoming and outgoing processes and make recommendations to the Department of Justice identifying the most efficient central authority structure compatible with the Irish criminal justice system.

## European Investigation Order

The European Investigation Order (EIO) Directive is an EU legal instrument introduced in 2014 to further enhance co-operation between European law enforcement agencies. It is designed to streamline information and evidence sharing between Member States in criminal investigations and is based on the EU principle of “mutual recognition”, through which a judicial decision made in a Member State is recognised and treated with the same value in another Member State. It is based on trust that the issuing state’s request is legal, necessary and proportionate. Under the directive, an issuing state’s request to obtain evidence or conduct investigative measures, must be complied with by the executing state.

Joint Investigation Teams were introduced in 2001 by the EU as a legal facility to empower Member States and non-Member States, through a co-operation agreement, to work together to investigate serious crime.

The main findings in relation to this were:

- > At the time of this inspection, Ireland had not transposed the EIO Directive, but European Court rulings have resolved initial concerns which prevented Ireland from opting-in.
- > Since 2019, and at the time of completing this report, Ireland had participated in nine Joint Investigation Teams.
- > Unlike other European police services and without access to EIOs, the Garda Síochána cannot draw evidential material from a Joint Investigation Team and use it in a criminal prosecution case in Ireland.

To address this, the Inspectorate recommends that the Department of Justice review the decision made in 2014 and now opt-in to the

EIO Directive. In addition, other forthcoming international instruments should be transposed as expeditiously as possible.

## Information Sharing Agreements

The sharing of information between the Garda Síochána and relevant partners in Ireland is integral to effective investigation of transnational organised crime.

The main findings in this area were:

- > The Garda Síochána had a number of draft information sharing agreements that had been years in development but were not yet finalised.
- > Some agreements, such as the memorandum of understanding with Revenue, had been in place for a considerable amount of time but had not been reviewed or enhanced.
- > The lack of formalised agreements with some key partners, such as Tusla, is a major barrier to effective interagency working.
- > There was an absence of knowledge in relation to how to develop information sharing agreements.
- > To address this gap, the Inspectorate recommends that the Garda Síochána appoint a strategic lead to develop a process for developing and monitoring information sharing agreements. Additionally, the Garda Síochána should review, update and formalise agreements with its key partners.



## Chapter 5 The Rights and Experiences of Victims

This chapter explores the support provided to victims of crime in Ireland, and the basic requirements necessary to create a victim support system which is holistic, victim-led and sufficiently dynamic to withstand the transient nature of transnational organised crime and the wider victim landscape in Ireland. As part of this inspection, the Inspectorate met with a number of human trafficking and drug-related intimidation victims who shared their disturbing experiences of exploitation, violence and intimidation. These interactions are presented in a number of case studies.

### Strategic Approach to Victim Support

In order to holistically meet the complex needs of victims of crime, a co-ordinated, strategic, multi-agency response is required.

The main findings in this area were:

- > At the time of this inspection, Ireland did not have a national strategy specifically for victims.
- > While the Garda Síochána was the lead agency for offering victim support, it was not possible or appropriate for it to meet the needs of all victims.
- > According to the Garda Public Attitudes Survey 2022, 53% of victims who reported their crime to the Garda Síochána were satisfied with the way the incident was handled. This was a decrease from 59% in 2021 and 61% in 2019.
- > In terms of initial contact with the Garda Síochána, victims reported a range of experiences. Some victims

spoke about the kind, patient response they received from members on initial contact, while other victims shared experiences where they didn't receive the support they felt they needed.

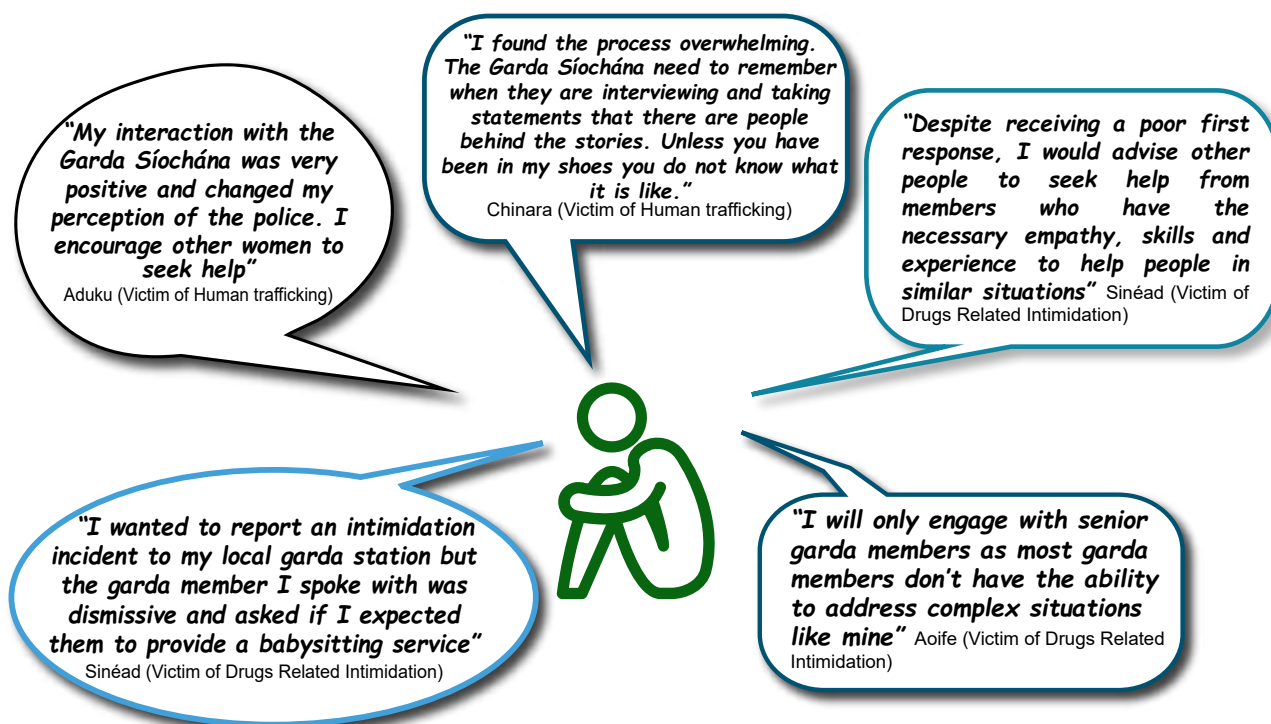
- > The lack of privacy at some stations for those wishing to report crimes or discuss matters of a sensitive nature deters some victims from reporting their crimes.
- > While non-governmental organisations praised the skills and expertise of some of the specialist units, such as the human trafficking team, it was highlighted that the vast majority of victims come into contact with divisional garda members first. While some victims of human trafficking and drug-related intimidation received a good response from the Garda Síochána, others reported a poor a service.
- > A range of agencies were providing support to victims across Ireland; however, access to and availability of support was inconsistent and unco-ordinated. Services available or offered to victims depended on a number of factors including location, local awareness of support services and the response of the investigating garda member.
- > Some victims require an additional level of protection and support through protective and special measures. The availability and provision of protective and special measures was inconsistent, resulting in some victims not receiving the level of protection and support they needed.
- > The absence of effective national monitoring had contributed to the inconsistent provision of victim support services by the Garda Síochána.

To enhance support for victims of crime, the Inspectorate recommends the development of a National Victims' Strategy and review of victim support services both within the Garda Síochána and externally. Additionally, the Inspectorate recommends the development of guidelines to support the standardisation of provision of protective and special measures.

## Trauma-informed and Responsive Approaches

Victims of transnational organised crime often experience complex trauma which can impact on multiple facets of their lives. As a result, a trauma-informed response is required in order to avoid re-traumatisation and enable victims to engage with the criminal justice process. Some of the experiences of victims of crime that were shared with the Inspectorate are shown in Figure I.

**Figure I: Victim experiences of transnational organised crime and the Garda Síochána**



Source: Garda Inspectorate

The main findings in this area were:

- > The Garda Síochána did not have a trauma-informed framework or a programme to train its workforce in trauma-responsive approaches.
- > Many victims and victim services perceived that some members of the garda workforce were not sufficiently trained or suitably equipped to effectively identify, respond to and support victims of serious and complex crimes.
- > There were significant training and awareness gaps in the Garda Síochána in relation to transnational and organised crime and understanding the trauma experienced by victims.
- > Victims of transnational organised crime highlighted a need for not only a deeper level of understanding of the impact of trauma, but also a mechanism for assessing the risks to and needs of victims.

- > Some victims of transnational organised crime held a dual victim/offender status and there was no process in place which formally acknowledged this complexity.
- > While counselling and peer support programmes were in place to support members of the Garda Síochána who face a high level of complex and often distressing incidents, there is no process to identify and address the impact of an incident on a garda member in the immediate aftermath.

To address this gap, the Inspectorate recommends the development of trauma-responsive framework which would encompass a review of organisational policies and training for the Garda Síochána workforce. Additionally, the Inspectorate recommends that the Department of Justice conduct a review into how victims with dual status are managed and supported in the criminal justice system.

### Barriers to Prosecution

Due to a range of factors such as personal risk and fear of incrimination or retribution, a significant proportion of transnational organised crime victims are reluctant to engage with the criminal justice process. Despite international research indicating that transnational organised crime has increased in recent years, some crime types, such as human trafficking and labour exploitation have seen significantly fewer prosecutions and convictions than others.

The main findings in this area were:

- > GRETA found that Ireland has taken some positive steps, such as appointing the Irish Human Rights and Equality Commission as National Rapporteur for trafficking human beings and the

establishment of a human trafficking stakeholder's forum.

- > The planned changes to the National Referral Mechanism will facilitate a more holistic identification, referral and support system for victims of trafficking and are in line with changes made in other jurisdictions.
- > While the Garda Síochána referred 14 cases of labour exploitation to the Office of the Director of Public Prosecutions between 2018 and 2022, there had been no successful convictions for labour exploitation in Ireland.
- > There are challenges in relation to securing successful convictions in Ireland for human trafficking and labour exploitation cases.
- > Professionals working in the labour exploitation field attributed the lack of successful convictions partly to a gap in understanding among garda members about what constitutes labour exploitation, and how it presents differently to human trafficking.
- > Investigative techniques in Ireland rely heavily on the testimonies of victims and witnesses and other supporting evidence is not always secured, making successful prosecutions less likely should the victim disengage with the criminal justice process.
- > The use of digital and technical evidence is under-utilised, particularly in cases where the main source of evidence is a vulnerable victim or witness.
- > Standardised processes are required to address emerging trends to ensure victims are not further disadvantaged through their engagement with the criminal justice process.

- > One example of this is ‘cuckooing’, the practice whereby a vulnerable individual’s home is taken over for the purpose of criminal activity.

To address this gap, the Inspectorate recommends a review of human trafficking and exploitation cases referred for prosecution, in addition to the development of guidelines to enable better use of digital and technical evidence.

## Chapter 6 Prevention and Diversion

This chapter examines the crime prevention strategies and practices of the Garda Síochána and other agencies who have responsibility for preventing transnational organised crime and enhancing community safety. It also explores how individuals at risk of offending may be identified, supported and diverted away from criminality.

### Crime Prevention

Prevention of crime and disorder should always be the number one priority for any police service. Effective crime prevention can reduce the number of victims of crime as well as the demands on policing services. In its 2021 Serious and Organised Crime Threat Assessment, Europol highlighted the use of enablers by OCGs. These include people who use legal and illegal companies to launder money, create counterfeit documents, and allow illicit goods or people to be placed in their vehicles or vessels for transportation in and out of the country and those in positions of authority who are corrupt.

The main findings in this area were:

- > Europol found that more than 80% of the criminal networks active in the EU use legal business structures for their criminal activities.
- > Examples of enablers include social media platforms used to groom children; company registration; local transport systems; estate agents for accessing properties; and lawyers involved in the criminal economy, knowingly and unknowingly.
- > Ireland currently does not have a national crime prevention strategy or any policy framework, which draws together the whole of government to focus collectively on the risk factors relating to crime, and which sets out targeted interventions to prevent and reduce crime including domestic and transnational organised crime.
- > While in prison, many members of OCGs continue to direct their criminal enterprise as well as operating within the prison environment. Garda crime prevention officers were not routinely used in designing local and national responses to address and prevent organised crime.
- > Some of the business, neighbourhood and community alert watch schemes established by the Garda Síochána in local communities were dormant.
- > Raising public awareness is a critical crime prevention component and there have been a number of impactful national initiatives, such as the domestic abuse ‘Still here’ campaign.
- > The Garda Síochána’s Crime Prevention and Reduction Strategy 2021–2024 does not appropriately reference or acknowledge the threat posed by domestic and transnational organised crime.

To address this gap, the Inspectorate recommends the development of a national, cross-government crime prevention and reduction strategy. The Inspectorate also recommends the development of a new Garda Síochána crime prevention and reduction strategy which addresses domestic and transnational organised crime with appropriate monitoring mechanisms.

## Community Safety

The work to make communities safer is evidently more effective when it involves the police working in partnership with other public and voluntary agencies in a strategic and co-ordinated manner. Figure J illustrates some of the views shared by non-governmental organisations and service providers in relation to community-based experiences of organised crime.

**Figure J: Community based experiences of organised crime shared with the Garda Inspectorate**



Source: Garda Inspectorate

The main findings in this area were:

- > Transnational organised crime has a significant adverse impact on communities across Ireland.
- > Significant developments are underway in Ireland regarding community safety with the planned establishment of the Policing and Community Safety Authority and the National Office for Community Safety.
- > The development of a national community safety strategy and local

community safety plans presents an opportunity for agencies and organisations to work together to address the threat and harm caused by domestic and transnational organised crime.

- > Agencies, departments and organisations designated to work alongside the Garda Síochána have their own priorities and there is a risk that the requirement to commit resources to community safety initiatives may, on occasions, compete against the demands from individual agency plans.

To address this, the Inspectorate recommends that the Department of Justice develop a process to ensure that the national community safety strategy and local community safety plans address the threat and harm caused by domestic and transnational organised crime.

## **Diversion and Disengagement from Organised Crime**

In considering how to effectively divert people from committing crime, it is first important to understand why people commit crime and how they become involved in criminal networks. It is also important to understand the environment needed in order for a person to change their lifestyle and disengage from criminal behaviour long-term.

The recruitment of children as young as eight in Irish criminal networks typically follows a grooming process where they are gradually coerced into criminal exploitation. This typically involves the manipulation, coercion, trafficking and exploitation of children and young people for many purposes such as drug dealing, child trafficking and sexual exploitation.

The main findings in this area were:

- > According to a survey of garda juvenile liaison officers, approximately 1,000 young people under the age of 17 are at risk of being recruited and used by criminal networks for the purpose of organised crime.
- > The growing recruitment and subsequent exploitation of children, young people and vulnerable adults in Ireland by OCGs has presented as a worrying trend in recent years.

- > Young people's engagement in criminal networks gradually escalates to the point where their disengagement may no longer be a viable option due to fear of incrimination or retaliation.
- > There is a cohort of young people who are at the highest level of risk of engaging in organised crime and whose involvement in criminality is likely to escalate, but who are unlikely to engage with support services.
- > While supports were available, at the time of this inspection there was no dedicated service to meet the needs of young people involved in organised crime.
- > The needs of young people engaging in criminal behaviour are complex and often span the remit of multiple government departments. While examples of collaborative working were highlighted, this was inconsistent and could result in uncoordinated service provision for vulnerable young people.
- > PULSE does not provide an accurate representation of the scale of involvement of young people in domestic and transnational organised crime.
- > The involvement of young people in drug-related offences and money laundering cases has seen a marked increase in recent years.
- > Many external stakeholders identified the inconsistent approach taken by the Garda Síochána in relation to children involved in organised crime and the lack of awareness of youth-related issues across the wider organisation.
- > While the Garda Síochána was engaged in a number of research and

community-based initiatives to better understand and address the impacts of transnational organised crime, there was no process in place to assess or disseminate the learning from these initiatives across the organisation.

To address these issues, the Inspectorate recommends the establishment of a cross-departmental youth justice agency and organised crime unit for young people engaged with criminal networks. Additionally, the Inspectorate recommends the development of an evaluation and implementation framework to assess and incorporate learning across the Garda Síochána.

### Child Criminal Exploitation

While the concepts of human trafficking and child exploitation are not new, only in recent years have conversations taken place regarding the exploitation of children for the purpose of criminal activity.

The main findings in relation to this were:

- > The process to enact new legislation relating to engaging children in criminal activity is underway. This will make it an offence for an adult to compel, coerce, induce or invite a child to engage in criminal activity.
- > Despite developments in other jurisdictions, at the time of this inspection, Ireland did not have a legal definition for child criminal exploitation.
- > Without the appropriate identification of young people as victims of criminal exploitation, it is difficult to establish a support structure or protect them from victimisation or criminalisation.

- > The Inspectorate recommends that the Department of Justice convene a working group of criminal justice partners to assess how the Criminal Justice (Engagement of Children in Criminal Activity) Bill 2023 and Criminal Law (Human Trafficking) Acts 2008 and 2013 can be best operationalised to support child trafficking and criminal exploitation victims.

### Reducing Recidivism

Supporting an individual to reduce their offending and refrain from engaging with a criminal network is complex and incredibly difficult. A range of measures and supports is required to ensure the safe disengagement for the individual and their family. It is important to have a range of pre- and post-release support services in place for adults who are imprisoned as a result of organised crime.

The main findings in this area were:

- > While the Prison Service had a good working relationship with the Garda Síochána, it tended to engage on a case-by-case basis, and there was no established forum for the two organisations to discuss organised crime.
- > Disengagement from criminal networks for individuals in prison can be very difficult, given the close proximity of living conditions and the reliance on the network for safety or financial security.
- > Young people involved in organised crime in Ireland are most likely to be recruited by older family members, continuing a cycle of inter-generational crime.

- > Individuals leaving prison require support from a range of agencies such as housing, social welfare and medical services; however, provision of these was often disjointed and could result in isolation or a lack of appropriate support.
- > Post-release, difficulties relating to re-entering the community were heightened further for individuals involved in organised crime and they were often targeted for re-engagement with the criminal network.
- > Electronic monitoring was being used in other jurisdictions to prevent individuals from reconnecting with a criminal network.

To address these issues, the Inspectorate recommends the development of a multi-agency pre-release and post-detention support model for individuals with connections to organised crime. This includes family support and interventions to address and prevent inter-generational crime. The Inspectorate also recommends that the Department of Justice review the use of electronic monitoring, particularly in the context of organised criminal networks.



# Report Recommendations

| <b>Chapter 1 Strategy and Governance</b>  |   |
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| <b>Recommendation 1.1</b><br><b>Organised Crime Group Threat Assessment Tool</b>            | The Inspectorate recommends that the Garda Síochána enhance the Organised Crime Group Threat Assessment Tool by including information from relevant agencies and assessing the impact on local communities.   |
| <b>Recommendation 1.2</b><br><b>Strategic Threat and Risk Assessment</b>                    | The Inspectorate recommends that the Garda Síochána conduct an organised crime Strategic Threat and Risk Assessment to include transnational organised crime.   |
| <b>Recommendation 1.3</b><br><b>Transnational Organised Crime Strategy</b>                  | The Inspectorate recommends that the Garda Síochána develop, publish and implement a transnational organised crime strategy.  |
| <b>Recommendation 1.4</b><br><b>An All-Island approach to Transnational Organised Crime</b> | The Inspectorate recommends that the Garda Síochána engage with the Department of Justice, the Police Service of Northern Ireland and the Northern Ireland Department of Justice to develop an all-island Strategic Threat and Risk Assessment and strategy to tackle transnational organised crime.  |
| <b>Recommendation 1.5</b><br><b>National Crime Centre</b>                                   | The Inspectorate recommends that the Department of Justice establish a National Crime Centre designed to deliver a co-located collaboration between all agencies which can contribute to preventing transnational organised crime and disrupting and dismantling organised crime groups. The Department of Justice should ensure that legislation is in place to facilitate appropriate information sharing between agencies. |
| <b>Recommendation 1.6</b><br><b>National Criminal Intelligence Framework</b>                | The Inspectorate recommends that as a matter of urgency the Garda Síochána implement the National Criminal Intelligence Framework. This should include a robust tasking and co-ordination process at strategic and tactical levels.   |
| <b>Recommendation 1.7</b><br><b>Management of Intelligence</b>                              | The Inspectorate recommends that the Garda Síochána implement a standardised approach to the management of intelligence that clearly identifies which functions sit on the intelligence side of the firewall. In addition, it should:   |

| <b>Chapter 1 Strategy and Governance</b>                               |  |
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|  | <ul style="list-style-type: none"> <li>&gt; Where possible, co-locate the Regional Criminal Intelligence Unit with the Regional Co-ordination and Tasking Unit;</li> <li>&gt; Conduct a review of the role and responsibilities of the detective superintendent in charge of the Regional Co-ordination and Tasking Unit; and</li> <li>&gt; Ensure that the National Criminal Intelligence Framework is incorporated into the Garda Operating Model change programme.</li> </ul> |
| <b>Recommendation 1.8</b><br><b>Undercover Policing Policy</b>         | The Inspectorate recommends that the Garda Síochána should expedite the development, publication and implementation of a policy that establishes a formal structure for the management and governance of undercover policing deployments.  |
| <b>Recommendation 1.9</b><br><b>Encrypted Digital Communications</b>   | The Inspectorate recommends that the Department of Justice expedite its review of existing legislative arrangements to ensure that Irish law enforcement agencies have sufficient powers to investigate encrypted and open digital platforms.  |
| <b>Recommendation 1.10</b><br><b>Oversight of Intelligence</b>         | The Inspectorate recommends that the Department of Justice ask the Independent Examiner to conduct a full review of the action taken by the Garda Síochána on receipt of information in connection with a specific encrypted communications platform.  |
| <b>Recommendation 1.11</b><br><b>Intelligence Source Reviews</b>       | The Inspectorate recommends that the Garda Síochána enhance the system of reviews for unexplained operational seizures or arrests that occur in the absence of formal intelligence or information provided by a registered source.   |
| <b>Recommendation 1.12</b><br><b>Covert Human Intelligence Sources</b> | The Inspectorate recommends that the Department of Justice introduce legislation, authority and oversight required to enable registered Covert Human Intelligence Sources to participate in crime. This would require enabling legislation and appropriate safeguards to be put in place.  |
| <b>Recommendation 1.13</b><br><b>Integrity Testing Legislation</b>     | The Inspectorate recommends that the Department of Justice should introduce legislation to enable law enforcement agencies to conduct integrity testing to support an investigative process.   |

## Chapter 2 Understanding Demand and Delivering Workforce Planning, Training and Technology

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| <p><b>Recommendation 2.1</b></p> <p><b>Understanding the Demand of Domestic and Transnational Organised Crime</b></p> | <p>The Inspectorate recommends that the Garda Síochána undertake a process to identify and understand the demand on their resources from domestic and transnational organised crime. This should include an urgent review of crime recording and categorisation practices to ensure that the modus operandi classification is correctly applied in all cases of domestic and transnational organised crime.</p> |
| <p><b>Recommendation 2.2</b></p> <p><b>Workforce Plan</b></p>   | <p>The Inspectorate recommends that as a matter of urgency the Garda Síochána finalise the development and implementation of a workforce plan to deliver the allocation of appropriate resources to deal with policing and security demands at national, regional and divisional level.</p>   |
| <p><b>Recommendation 2.3</b></p> <p><b>Civilianisation</b></p>  | <p>The Inspectorate recommends that the Garda Síochána actively progress the release of sworn members from non-warranted roles through a renewed civilianisation plan. This should include exploring opportunities for recruitment of garda staff with skills to support specialist investigations and appropriate remuneration levels to compete with other employers seeking similar expertise.</p>           |
| <p><b>Recommendation 2.4</b></p> <p><b>Succession Planning</b></p>  | <p>The Inspectorate recommends that the Garda Síochána implement a process to deliver succession planning for key specialist roles.</p>   |
| <p><b>Recommendation 2.5</b></p> <p><b>Garda Reserves with Specialist Skills</b></p>                                  | <p>The Inspectorate recommends that the Garda Síochána recruit garda reserves with specialist skills to support investigations.</p>   |
| <p><b>Recommendation 2.6</b></p> <p><b>Training Needs Assessment</b></p>  | <p>The Inspectorate recommends that the Garda Síochána make completion and response to the priority training needs assessment compulsory for all regions, divisions and national units.</p>   |
| <p><b>Recommendation 2.7</b></p> <p><b>Training in Covert Policing</b></p>  | <p>The Inspectorate recommends that the Garda Síochána ensure that all garda members involved in Covert Human Intelligence Source management or surveillance duties are trained and accredited .</p>  |

## Chapter 2 Understanding Demand and Delivering Workforce Planning, Training and Technology

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| <p><b>Recommendation 2.8</b><br/><b>Human Trafficking Training</b></p>               | <p>The Inspectorate recommends that the Garda Síochána finalise and launch the new interactive human trafficking training as a matter of urgency. The training should include:</p> <ul style="list-style-type: none"> <li>&gt; Information to improve the victim’s experience;</li> <li>&gt; Awareness of exploitation of victims to commit crime;</li> <li>&gt; Guidance on how to deliver trauma-informed support for victims; and</li> <li>&gt; Criminal justice partners as a means of enhancing their awareness.</li> </ul> |
| <p><b>Recommendation 2.9</b><br/><b>Passport Verification Awareness Training</b></p> | <p>The Inspectorate recommends that the Garda Síochána work with the Irish Passport Office to develop an online training package to enhance awareness of the role of a garda member verifying an Irish passport application.</p>   |
| <p><b>Recommendation 2.10</b><br/><b>Asset Profilers</b></p>                         | <p>The Inspectorate recommends that the Garda Síochána introduce a requirement for asset profilers to complete a minimum number of profiles per year.</p>  |
| <p><b>Recommendation 2.11</b><br/><b>Continuous Professional Development</b></p>     | <p>The Inspectorate recommends that the Garda Síochána conduct a review of the training required for specialist roles and establish an annual schedule for providing continuous professional development.</p>  |
| <p><b>Recommendation 2.12</b><br/><b>Interviewing Skills</b></p>                     | <p>The Inspectorate recommends that the Garda Síochána conduct an audit of investigative interview-trained resources at national, regional and divisional levels to establish what the organisation needs. This should be used to deliver a training programme to address identified shortfalls.</p>   |
| <p><b>Recommendation 2.13</b><br/><b>Human Resource Information System</b></p>       | <p>The Inspectorate recommends that the Garda Síochána expedite the introduction of a networked human resource information system that holds all personnel and training records for the garda workforce.</p>   |
| <p><b>Recommendation 2.14</b><br/><b>Intelligence IT System</b></p>                  | <p>The Inspectorate recommends that the Garda Síochána develop and implement a single national IT system for recording and management of criminal intelligence.</p>  |
| <p><b>Recommendation 2.15</b><br/><b>Cybercrime Technology</b></p>                   | <p>The Inspectorate recommends that the Garda Síochána prioritise the introduction of technology to enable data mining and blockchain analysis.</p>  |

## Chapter 2 Understanding Demand and Delivering Workforce Planning, Training and Technology

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| <p><b>Recommendation 2.16</b></p> <p><b>Online Child Sexual Exploitation Technology</b></p> | <p>The Inspectorate recommends that the Garda Síochána prioritise the provision of necessary technology to enable the Online Child Exploitation Unit authorised access to open source data.</p> |
| <p><b>Recommendation 2.17</b></p> <p><b>Updating Stolen Vehicle Records</b></p>             | <p>The Inspectorate recommends that the Garda Síochána develop an automated process for updating records of vehicles stolen in Ireland on the Interpol I-24/7 system.</p>                       |

## Chapter 3 Investigation of Transnational Organised Crime

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| <p><b>Recommendation 3.1</b></p> <p><b>Crime Investigation Allocation Policy</b></p> | <p>The Inspectorate recommends that the Garda Síochána develop and implement a policy for the allocation of criminal investigations to the most appropriate resource.</p>   |
| <p><b>Recommendation 3.2</b></p> <p><b>Presumptive Drugs Testing</b></p>             | <p>The Inspectorate recommends that the Department of Justice work with the Garda Síochána, Forensic Science Ireland and the Office of the Director of Public Prosecutions to formalise the evidential status of the Presumptive Drugs Test process. The Garda Síochána should also urgently review the Presumptive Drugs Test directive.</p> |
| <p><b>Recommendation 3.3</b></p> <p><b>Digital Media Units</b></p>                   | <p>The Inspectorate recommends that the Garda Síochána formally establish, train and equip Digital Media Units in all divisions.</p>  |
| <p><b>Recommendation 3.4</b></p> <p><b>The Budapest Convention</b></p>               | <p>The Inspectorate recommends that the Department of Justice complete the process of transposing the final elements of the Budapest Convention into national legislation.</p>  |
| <p><b>Recommendation 3.5</b></p> <p><b>Economic Crime</b></p>                        | <p>The Inspectorate recommends that the Garda Síochána conduct an urgent review of the allocation of fraud and economic crime offences and the availability of trained resources to ensure a single standard of investigation at local and national level.</p>  |
| <p><b>Recommendation 3.6</b></p> <p><b>Triaging Reports of Fraud</b></p>             | <p>The Inspectorate recommends that the Department of Justice work with the Garda Síochána to develop a new process for triaging reports of fraud including cyber-enabled fraud.</p>  |

| <b>Chapter 3 Investigation of Transnational Organised Crime</b>                              |  |
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| <b>Recommendation 3.7</b><br><b>Financial Intelligence Units</b>                             | The Inspectorate recommends that the Department of Justice and the Garda Síochána work to secure the appointment of representatives from the Office of the Revenue Commissioners and the Department of Social Protection to the Financial Intelligence Unit. The Department of Justice should ensure that legislation is in place to enable their appointment and to facilitate appropriate information sharing.   |
| <b>Recommendation 3.8</b><br><b>Human Trafficking Legislation</b>                            | The Inspectorate recommends that the Department of Justice review the Criminal Law (Human Trafficking) Act 2008 as amended and work with the Department of Enterprise, Trade and Employment where appropriate, to consider the following proposed legislative changes: <ul style="list-style-type: none"> <li>&gt; Inclusion of the European Commission proposal for Sustainable Corporate Governance by introducing: <ul style="list-style-type: none"> <li>» Transparency legislation requiring companies to make an annual declaration affirming that slavery and human trafficking is not taking place in any part of their business or their supply chain; and</li> <li>» A requirement that companies tendering in State procurement processes make such a declaration</li> </ul> </li> <li>&gt; Provision of post-release Serious Crime Prevention Orders; and</li> <li>&gt; Provision for victims of exploitation or human trafficking to receive compensation through a power of seizure and use of assets from those convicted of related offences.</li> </ul> |
| <b>Recommendation 3.9</b><br><b>Reviewing Immigration Status</b>                             | The Inspectorate recommends that in the short term the Garda Síochána remove the responsibility for reviewing the immigration status of victims in human trafficking investigations from the investigating officer. In the longer term the Garda Síochána should consult with the Department of Justice to determine where this responsibility sits.   |
| <b>Recommendation 3.10</b><br><b>Immigration Permission for Victims of Human Trafficking</b> | The Inspectorate recommends that the Department of Justice extend the initial immigration permission provided to victims of human trafficking from six months to five years.   |
| <b>Recommendation 3.11</b><br><b>Transfer of Non-police-related Immigration Roles</b>        | The Inspectorate recommends that the Department of Justice expedite the transfer of non-police-related immigration roles, such as the registration of non-nationals and border controls at all ports of entry to Immigration Service Delivery.   |

## Chapter 3 Investigation of Transnational Organised Crime

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| <p><b>Recommendation 3.12</b></p> <p><b>Divestiture of Functions to Forensic Science Ireland and use of Garda Staff</b></p> | <p>The Inspectorate recommends that the Garda Síochána assess all functions within the Garda National Technical Bureau to identify which roles can be divested to Forensic Science Ireland and which remaining functions can be filled by suitably qualified garda staff.</p> |
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## Chapter 4 Co-operation and Exchange of Information

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| <p><b>Recommendation 4.1</b></p> <p><b>Garda Liaison Officer Network</b></p>                      | <p>The Inspectorate recommends that the Garda Síochána extend its garda liaison officer network to include:</p> <ul style="list-style-type: none"> <li>&gt; The continent of Africa;</li> <li>&gt; An additional deployment to South America; and</li> <li>&gt; The Joint Cybercrime Action Taskforce.</li> </ul>  |
| <p><b>Recommendation 4.2</b></p> <p><b>EU Centre to Prevent and Combat Child Sexual Abuse</b></p> | <p>The Inspectorate recommends that the Department of Justice appoint a representative to the proposed EU Centre to Prevent and Combat Child Sexual Abuse.</p>   |
| <p><b>Recommendation 4.3</b></p> <p><b>Establishment of a Central Authority Working Group</b></p> | <p>The Inspectorate recommends that the Department of Justice establish a working group comprising representatives from all organisations involved in processing outgoing and incoming Mutual Legal Assistance requests. This group should conduct a review of the incoming and outgoing processes and make recommendations to the Department of Justice identifying:</p> <ul style="list-style-type: none"> <li>&gt; The most efficient Central Authority structure compatible with the Irish criminal justice system and with Ireland's EU and international obligations, including the possible operation of the European Investigation Order with EU partners;</li> <li>&gt; The changes required to the processes involved which should include performance monitoring mechanisms; and</li> <li>&gt; The resources required to ensure Mutual Legal Assistance effectively supports the work to investigate domestic and transnational organised crime.</li> </ul> |
| <p><b>Recommendation 4.4</b></p> <p><b>European Investigation Order Directive</b></p>             | <p>The Inspectorate recommends that the Department of Justice review the decision made in 2014 and now opt-in to the European Investigation Order Directive.</p>   |

## Chapter 4 Co-operation and Exchange of Information

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| <p><b>Recommendation 4.5</b></p> <p><b>Information Sharing Agreements – Training, Awareness and Development</b></p>     | <p>The Inspectorate recommends that the Garda Síochána appoint a strategic lead to create an awareness programme for developing information sharing agreements and introduce a monitoring system to ensure that agreements are subject to regular review. This should include:</p> <ul style="list-style-type: none"> <li>&gt; The availability of subject-matter experts to support the drafting and negotiation of agreements with partner agencies;</li> <li>&gt; Raising awareness through the provision of guidelines and assistance for developing agreements; and</li> <li>&gt; Creating a database of all agreements.</li> </ul> |
| <p><b>Recommendation 4.6</b></p> <p><b>Memorandum of Understanding with the Office of the Revenue Commissioners</b></p> | <p>The Inspectorate recommends that the Garda Síochána work with the Office of the Revenue Commissioners to review and update the current Memorandum of Understanding and ensure that information sharing is a core component.</p>   |
| <p><b>Recommendation 4.7</b></p> <p><b>Information Sharing Agreement with Tusla</b></p>                                 | <p>The Inspectorate recommends that as a matter of urgency the Garda Síochána work with Tusla to finalise and implement an information sharing agreement and publish and updated Joint Working Protocol.</p>   |

## Chapter 5 The Rights and Experiences of Victims

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| <p><b>Recommendation 5.1</b></p> <p><b>National Review of Victim Support</b></p> | <p>The Inspectorate recommends that the Department of Justice along with criminal justice partners complete a further assessment of the availability, accessibility and quality of victim support services across Ireland. This review should include but not be limited to:</p> <ul style="list-style-type: none"> <li>&gt; The format, availability and provision of protective and special measures;</li> <li>&gt; Access to communication, translation and interpretation services; and</li> <li>&gt; Housing/placement of vulnerable victims and witnesses.</li> </ul> |
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## Chapter 5 The Rights and Experiences of Victims

### Recommendation 5.2

#### Guidelines on Protective and Special Measures

The Inspectorate recommends that the Department of Justice along with criminal justice partners develop guidelines to support the standardised and consistent provision of protective and special measures. These guidelines should ensure that:

- > Victims and witnesses are made aware, on first contact with the criminal justice system, of the protective and special measures available to them throughout the criminal justice process;
- > A standardised process is established to share information with relevant criminal justice partners in relation to what measures are required for each victim or witness and why. This should inform any subsequent stage of the criminal justice process and any legal challenges raised; and
- > A process is established to ensure that any decision regarding the appointment of protective and special measures should be made at a preliminary trial hearing.

### Recommendation 5.3

#### National Victims' Strategy

The Inspectorate recommends that the Department of Justice establish a multi-agency working group to develop a National Victims' Strategy. This should inform the development of a universal victim support framework to ensure standardised service delivery across the country, including:

- > A sustainable and accountable multi-agency victim support model;
- > A multi-agency outreach programme to engage socially isolated and vulnerable victims and ensure that all victims have the best chance of receiving support, irrespective of their contact with the criminal justice system; and
- > Standardised referral processes with the Garda Síochána.

### Recommendation 5.4

#### Victim Support Structures

The Inspectorate recommends that the Garda Síochána conduct an assessment of the services provided by it to victims of crime to ensure that:

- > The standard of victim assessments is in line with the obligations outlined in the Criminal Justice (Victims of Crime) Act 2017;

## Chapter 5 The Rights and Experiences of Victims

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|  | <ul style="list-style-type: none"> <li>&gt; Supports identified through the assessment process are provided consistently;</li> <li>&gt; All members and staff are appropriately trained and equipped to assess the needs of victims/witnesses and provide supports;</li> <li>&gt; Suitable facilities are available for victims/witnesses to report their experience of crime or to discuss a sensitive matter; and</li> <li>&gt; Policies and procedures are in place to enable referrals to external services.</li> </ul>   |
| <p><b>Recommendation 5.5</b><br/><b>Trauma-responsive Framework</b></p>                        | <p>The Inspectorate recommends that the Garda Síochána develop and implement a trauma-responsive framework. This should encompass:</p> <ul style="list-style-type: none"> <li>&gt; Reviewing organisational crime policies and practices to incorporate trauma-informed principles and ensure any approaches are trauma-responsive;</li> <li>&gt; Developing a culture of staff wellness incorporating trauma-responsive support for members and staff; and</li> <li>&gt; Developing trauma-responsive training for all members of the Garda Síochána workforce.</li> </ul> |
| <p><b>Recommendation 5.6</b><br/><b>Victimless Prosecutions</b></p>                            | <p>The Inspectorate recommends that the Department of Justice convene a review by relevant stakeholders to explore the use of digital and technical evidence to support victimless prosecutions and develop guidelines to support this approach.</p>  |
| <p><b>Recommendation 5.7</b><br/><b>Review of Human Trafficking and Exploitation Cases</b></p> | <p>The Inspectorate recommends that the Department of Justice commission an independent expert to conduct a review of both human trafficking and exploitation cases referred for prosecution. This person should be supported by the relevant agencies involved in the criminal justice process and the review should encompass an exploration of:</p> <ul style="list-style-type: none"> <li>&gt; The identification and categorisation of trafficking and exploitation;</li> </ul>  |

## Chapter 5 The Rights and Experiences of Victims

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|   | <ul style="list-style-type: none"> <li>&gt; The appropriateness and use of current legislation, including the definitions under the Criminal Law (Human Trafficking) Acts;</li> <li>&gt; Quality of evidence secured through investigation;</li> <li>&gt; Request and provision of pre-prosecutorial advice;</li> <li>&gt; Application of decision-making thresholds for referral before the courts; and</li> <li>&gt; Identification of corrective action to be taken to better support victims.</li> </ul> |
| <p><b>Recommendation 5.8</b></p> <p><b>National Framework for ‘Cuckooing’</b></p> | <p>The Inspectorate recommends that the Department of Justice works with the Department of Housing, Local Government and Heritage, Garda Síochána and other housing and support agencies to develop a national framework to address the issue of cuckooing.</p>  |
| <p><b>Recommendation 5.9</b></p> <p><b>Victims with Dual Status</b></p>           | <p>The Inspectorate recommends that the Department of Justice commission research to explore how individuals with dual victim/offender status are managed and supported in the criminal justice system.</p>  |

## Chapter 6 Prevention and Diversion

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| <p><b>Recommendation 6.1</b></p> <p><b>National Crime Prevention and Reduction Strategy</b></p> | <p>The Inspectorate recommends that the Department of Justice lead a cross-government working group to develop, implement and evaluate a National Crime Prevention and Reduction Strategy incorporating domestic and transnational organised crime. The following are some of the areas connected to organised crime that need to be addressed:</p> <ul style="list-style-type: none"> <li>&gt; Designing out opportunities for organised criminals to operate;</li> <li>&gt; Developing national public awareness campaigns;</li> <li>&gt; Preventing recruitment into organised crime groups;</li> <li>&gt; Reducing reoffending, including those who continue to operate in prison;</li> <li>&gt; Tackling the enablers of organised crime; and</li> <li>&gt; Progressing the statutory instrument into legislation in an effort to prevent fraud and money laundering.</li> </ul> |
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## Chapter 6 Prevention and Diversion

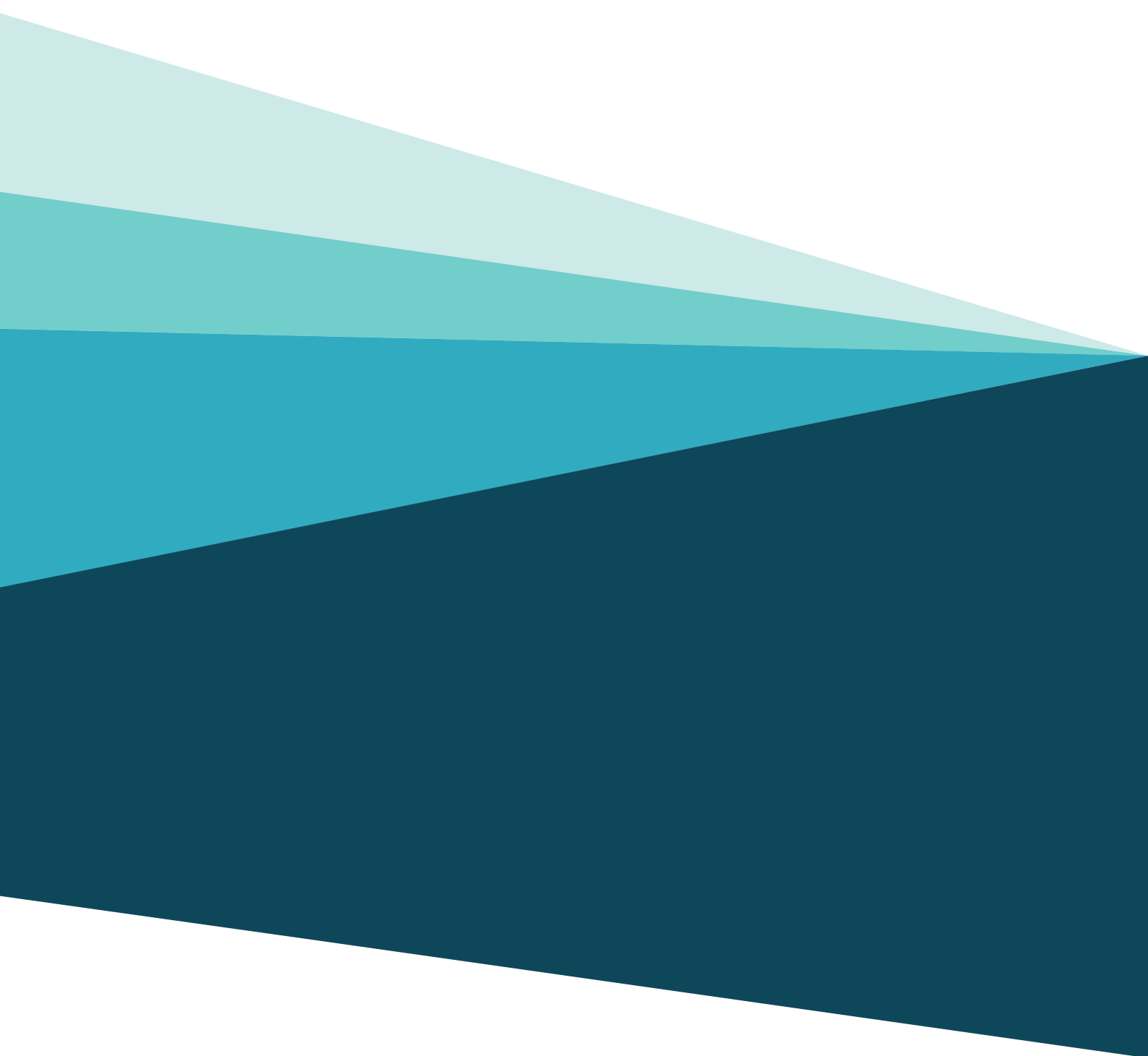
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| <p><b>Recommendation 6.2</b></p> <p><b>Garda Síochána Crime Prevention and Reduction Strategy</b></p>  | <p>The Inspectorate recommends that the Garda Síochána develop and publish a new Crime Prevention and Reduction Strategy to reflect the threat posed by domestic and transnational organised crime and outline the type of crime prevention activity that will be used to address it. This should include:</p> <ul style="list-style-type: none"> <li>&gt; Education and awareness-raising activities, such as explaining the consequences of being a money mule to potential victims by embedding it within the garda schools programme; and</li> <li>&gt; A training package on the new Crime Prevention and Reduction Strategy delivered to all crime prevention officers and community policing units.</li> </ul> |
| <p><b>Recommendation 6.3</b></p> <p><b>Monitoring Crime Prevention and Reduction Activity</b></p>      | <p>The Inspectorate recommends that the Garda Síochána monitor deliverable outcomes and report annually in relation to:</p> <ul style="list-style-type: none"> <li>&gt; The effectiveness of community watch schemes and other community-based crime prevention and reduction initiatives;</li> <li>&gt; The utilisation of crime prevention officers in the process of designing out domestic and transnational organised crime; and</li> <li>&gt; The training and utilisation of crime prevention officers in the prevention of crime associated with all points of entry, where this is relevant to their role.</li> </ul>  |
| <p><b>Recommendation 6.4</b></p> <p><b>Working Collaboratively to Deliver Community Safety</b></p>     | <p>The Inspectorate recommends that the Department of Justice ensure that the National Community Safety Strategy and local community safety plans address the threat and harm caused by domestic and transnational organised crime.</p>   |
| <p><b>Recommendation 6.5</b></p> <p><b>Diversion of Young People – A Cross-Departmental Agency</b></p> | <p>The Inspectorate recommends that the Department of Justice work with other departments to establish a youth justice agency to holistically meet the needs of young people involved or at risk of involvement in criminal or anti-social behaviour. This agency should be staffed appropriately by the Garda Síochána, other key departments and agencies and should have responsibility for:</p> <ul style="list-style-type: none"> <li>&gt; Overseeing the implementation of governmental policies relating to youth justice;</li> </ul>  |

## Chapter 6 Prevention and Diversion

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|   | <ul style="list-style-type: none"> <li>&gt; Co-designing, implementing and evaluating research and practice development initiatives to improve outcomes for young people and families; and</li> <li>&gt; Monitoring the national delivery of community-based supports.</li> </ul>  |
| <p><b>Recommendation 6.6</b></p> <p><b>Youth Organised Crime Service</b></p>                                  | <p>The Inspectorate recommends that the Department of Justice establish a youth organised crime service to support young people engaged in criminal networks. This unit should be staffed appropriately by the Garda Síochána, other key departments and agencies and specifically focus on developing and operationalising:</p> <ul style="list-style-type: none"> <li>&gt; Initiatives to prevent young people’s recruitment and engagement in criminal networks;</li> <li>&gt; An evidence-based framework for identifying at-risk young people at the earliest opportunity to enable multi-agency intervention and diversion from organised crime;</li> <li>&gt; Structured mechanisms to support young people to engage in pro-social education and employment opportunities;</li> <li>&gt; A welfare-focused, multi-agency intervention model to address the needs identified; and</li> <li>&gt; A structured after-care and family support framework to ensure long-term diversion from criminal networks.</li> </ul> |
| <p><b>Recommendation 6.7</b></p> <p><b>Evaluation and Implementation of Community-based Interventions</b></p> | <p>The Inspectorate recommends that the Garda Síochána develop an evaluation and implementation framework to assess and incorporate learning from organisational initiatives and community-based interventions. This should enable:</p> <ul style="list-style-type: none"> <li>&gt; Identification of examples of effective or innovative practice;</li> <li>&gt; Assessment of suitability for engagement in academic and community-based initiatives;</li> <li>&gt; Evaluation of learning from involvement in initiatives;</li> <li>&gt; Development of a mechanism for disseminating learning across the organisation; and</li> <li>&gt; Allocation of appropriate resources to new and ongoing initiatives.</li> </ul>  |

## Chapter 6 Prevention and Diversion

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| <p><b>Recommendation 6.8</b></p> <p><b>Supporting Victims of Child Criminal Exploitation</b></p> | <p>The Inspectorate recommends that the Department of Justice convene a working group of criminal justice partners to assess how the Criminal Justice (Engagement of Children in Criminal Activity) Act 2024 and Criminal Law (Human Trafficking) Acts 2008 and 2013 can be best operationalised to support child trafficking and criminal exploitation victims. The working group should develop guidance for the sector in relation to:</p> <ul style="list-style-type: none"> <li>&gt; A clear legislative definition of child criminal exploitation;</li> <li>&gt; A standardised victim identification framework;</li> <li>&gt; Clearly identified referral pathways to appropriate supports; and</li> <li>&gt; Protected reporting mechanisms for young people involved in criminal networks.</li> </ul>  |
| <p><b>Recommendation 6.9</b></p> <p><b>Pre- and Post-release Support Model</b></p>               | <p>The Inspectorate recommends that the Department of Justice lead on the development and implementation of a cross-Departmental pre-release and post-detention support model for individuals with connections to organised crime. This should include:</p> <ul style="list-style-type: none"> <li>&gt; Development of an evidence-based, multi-agency mechanism to prepare individuals for leaving detention and provide continued support on release; and</li> <li>&gt; Establishment of a dedicated family support service for family members including: <ul style="list-style-type: none"> <li>» Tailored multi-agency support relating to involvement with criminal networks such as drug-related intimidation, financial support, housing placements and physical and mental health issues; and</li> <li>» Evidence-based interventions and support for children to address and prevent intergenerational crime.</li> </ul> </li> </ul> |
| <p><b>Recommendation 6.10</b></p> <p><b>Electronic Monitoring</b></p>                            | <p>The Inspectorate recommends that the Department of Justice resume and expand the use of electronic monitoring in the pre-sentence and post-release stages of the criminal justice process.</p>   |



CIGIREACHT AN GHARDA SÍOCHÁNA  
GARDA SÍOCHÁNA INSPECTORATE

# Introduction

## Background to the Inspection

The Garda Síochána Inspectorate is an independent statutory body established under the Garda Síochána Act 2005 with the objective of ensuring that: *'The resources available to the Garda Síochána are used to achieve and maintain the highest levels of efficiency and effectiveness in its operation and administration, as measured by reference to the best standards of comparable police services'*.

An inspection can commence under any of the following circumstances:

- > If the Inspectorate considers it appropriate to do so;
- > At the request of the Policing Authority in respect of a matter relating to policing services; or
- > If requested by the Minister for Justice.

In consultation with key stakeholders, the Inspectorate developed a work plan for 2019–2021. A number of distinct areas of operation and administration of the Garda Síochána were prioritised for inspection based on an assessment of various considerations including the level of risk to human rights, public safety, public confidence, reputation and resources. This examination of the Garda Síochána response to transnational organised crime is the third such inspection.

## Terms of Reference

In accordance with Section 117(2) (a) of the Garda Síochána Act 2005, as amended, the Garda Síochána Inspectorate considers it appropriate to carry out an inspection into the policing response to transnational organised

crime. The primary aim of the inspection will be to establish how effective the Garda Síochána is at preventing transnational crime, as defined below, and disrupting and dismantling transnational organised crime groups.

The inspection will examine how the Garda Síochána protects communities from the impacts of transnational crime and ensures that their rights are upheld. The inspection will also review the safeguards and oversight arrangements that are in place.

Specifically, the inspection will examine the effectiveness of the Garda Síochána in relation to the following aspects of transnational crime, with particular reference to international policing standards and practices, and the relevant factors affecting:

- > The structures strategies and processes in place. In particular, the understanding and management of the associated threats, risks and harms and how intelligence and analysis are used to inform strategies and policies;
- > The operational effectiveness of the Garda Síochána in terms of the availability and deployment of specialist training, skills and tools. Also, how organisational and cross-agency learning is captured and shared so as to adapt and respond to environmental shifts in crime;
- > The effectiveness of the Garda Síochána at working in partnership with others, including access to global information and intelligence systems, international liaison,



contributing to international initiatives and interacting with statutory and non-statutory bodies; and

- > How the Garda Síochána identifies, understands and responds to the key enablers, including technology, financial and transport systems. This includes the types of operations and investigations conducted to prevent, disrupt and dismantle transnational crime groups, as well as how the Garda Síochána assesses and manages the impacts these operations might have on local communities and public confidence.

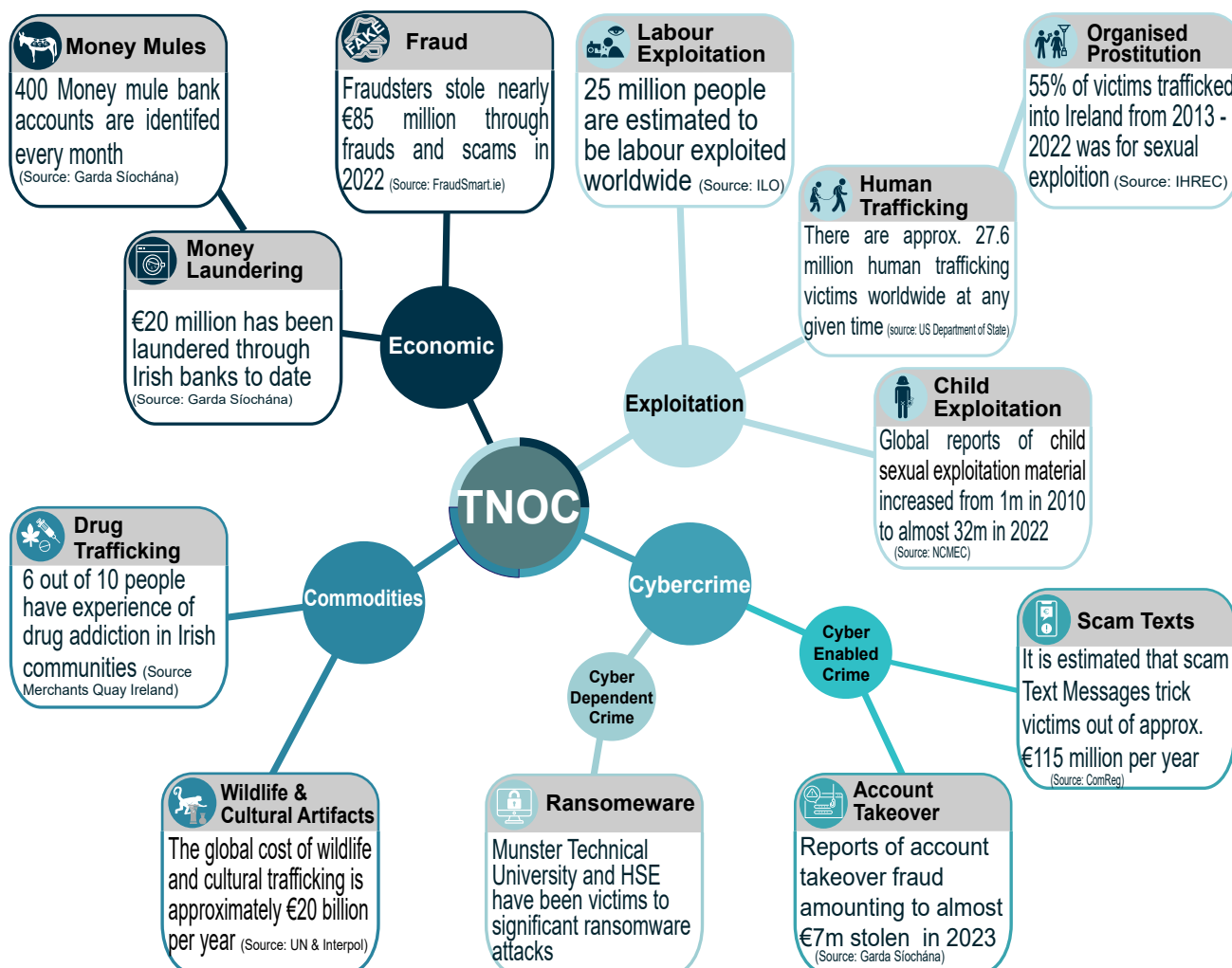
*Transnational crimes are violations of the criminal law by organised crime groups that involve more than one country in their planning, execution, or impact and which involve the provision of illicit goods or services. Examples of which include, trafficking in people, drugs and firearms, money laundering and document or identity fraud.*

## The Context of Transnational Organised Crime

While not all victims may recognise the connection, transnational organised crime is far reaching and touches almost every corner of society and every type of crime. The types and scale of crime involved are reflected in Figure i.

For the purpose of the inspection, the Inspectorate will use the following definition for transnational crime:

**Figure i: Transnational organised crime types and scale**



Source: Garda Inspectorate

## Garda Síochána Operations against Transnational Organised Crime

The Garda Síochána is an active partner in its commitment to and delivery of work alongside its international law enforcement partners. It actively participates in work against every transnational organised crime type identified as a Europol priority. It leads or supports multiple actions within the European Multidisciplinary Platform Against Criminal Threats (EMPACT) which is the operational delivery structure for law enforcement action against the identified priorities. In practice, its operational delivery has resulted in successes such as the following.

### Drugs

- > Engagement with international law enforcement partners resulting in the seizure of €8.4m drugs recovered from a small aircraft intercepted in Co. Longford.
- > Participation in the Joint Task Force with the Office of the Revenue Commissioners and the Irish Naval Service resulting in the recovery of €35m drugs disguised as charcoal, during an operation with law enforcement in the Netherlands.
- > Interception of the MV Matthew off the Irish coastline in an operation supported by the Army Ranger Wing resulting in the seizure of drugs worth €157m.

### Economic Crime

- > The Financial Intelligence Unit, supported by other Garda National Economic Crime Bureau units,

has enabled the Garda Síochána to act as the worldwide lead in disrupting the cyber-enabled financial fraud activities of the Black Axe transnational organised crime group. In addition to a number of other successful fraud investigations resulting in the conviction and imprisonment of Black Axe members, 34 people were arrested and charged as part of an Interpol operation.

- > The Criminal Assets Bureau returns an average of €5m to the exchequer each year as a direct result of work to seize the proceeds of criminal conduct.

### Human Trafficking

- > The first conviction for human trafficking offences in Ireland emanated from an investigation centred in Mullingar, which resulted in the conviction of three people for offences of human trafficking, money laundering and directing prostitution.

### Organised Crime

- > The introduction of international sanctions against members of the Kinahan organised crime group following collaboration with law enforcement agencies in North and South America, United Arab Emirates and various European countries.
- > Proactive investigations conducted into the Hutch and Kinahan organised crime groups and their feud. This delivered significant successes such as the seizure of over €27.5m illicit drugs, 70 firearms

and €11m cash as well as securing 81 convictions resulting in those involved receiving a combined 317 years imprisonment and 8 life sentences.

## Rationale for Inspection

Despite the success of the Garda Síochána in targeting high-profile crime groups, the disruption to their operations is often temporary and most importantly does not improve the lives of local people. The level of risk, threat and harm caused by domestic and transnational organised crime continues to impact on every community across Ireland. In some instances, the level of risk will result in loss of life, loss of liberty and, in a lot of cases, financial loss for individuals and families who fall victim to criminality which is organised on a global scale. Some examples of the ongoing harm from organised crime are:

- > The impact of drugs on the streets of the cities, towns and villages of Ireland is witnessed on a daily basis by communities and in reporting through the media. This means the seizures celebrated as successes are only a small proportion of the drugs being imported into Ireland.
- > New fraud trends and threats of cyber-attacks are emerging with concerning regularity. This means those perpetrating these types of crimes are increasingly active and becoming more creative.
- > On average, the Garda Síochána identifies over 40 victims of human trafficking each year, but support groups report that the actual number of victims is considerably greater. At the time of this inspection, only

one successful prosecution had been achieved and no prosecutions had succeeded against those people who are inflicting sexual or labour exploitation on vulnerable human beings.

- > Despite the enormous success against the Hutch and Kinahan organised crime groups, both groups are still not classified as having been dismantled.

## Operational Policing Context

The structure of the Garda Síochána flows from Garda Headquarters and national units based in Dublin, to geographical regions and divisions. Garda Headquarters (through the Garda Commissioner and Executive and Senior Leadership Teams) provides policy guidance, strategic direction, decision-making, resource allocation and performance monitoring. The national units have a key role in preventing transnational organised crime and disrupting and dismantling organised crime groups. While most of these units conduct operations and criminal investigations, they have limited capacity and, as such, tend to investigate more complex or high-profile cases. As a result, the majority of investigations are conducted by divisions. In some of these cases, national units may provide support in the form of intelligence packages, investigative expertise and technical support.

There are four geographic regions, each having responsibility for five or six divisions. Regions have no capacity to investigate transnational organised crime but they do provide assistance to operations and investigations. This can include deploying covert policing resources to further develop intelligence before sending it to the relevant division for action. Regions play an important

co-ordination role in relation to organised crime groups that operate across multiple divisions or at national or international levels, such as by co-ordinating action with other regions or with a national unit.

Most crimes reported in Ireland are investigated by the division in which the crime occurred. At the time of writing, the Garda Síochána was moving towards an operating model of 21 divisions, a reduction from the previous number of 28. This process involves the amalgamation of some existing divisions and the implementation of a new Garda Operating Model. Under this model, each division has a crime functional area led by a detective superintendent, which investigates serious crime including homicide, threats to life and fraud.

Other investigative units in divisions include Divisional Protective Services Units, which have responsibility for investigating specific crimes such as human trafficking, and Divisional Drugs Units that undertake planned drug-related operations and investigations. Members of divisional regular units investigate most of the crimes they respond to and are supported by specialist trained crime prevention officers and juvenile liaison officers. All divisions have Victim Service Offices and while they provide a central point of contact for all victims of crime, victims of more serious crime are usually supported by the investigating member. Criminal intelligence officers are in place and they have an important role in assessing and disseminating intelligence. Although there are plans to assign garda analysts to divisions, none had been assigned at the time of this inspection.

An important part of delivering local policing services is making people and communities feel safer. At a divisional level this includes community policing units and garda reserves

who have an important role in providing reassurance and disrupting the activity of organised crime groups through high-visibility patrolling in local communities and dealing with quality-of-life issues.

## Methodology

The inspection involved an in-depth examination of the effectiveness of the Garda Síochána at preventing transnational crime and disrupting and dismantling transnational organised crime groups. The inspection had a number of key phases:

- > Planning and information requests;
- > Legislation and literature review;
- > Stakeholder engagement;
- > Field work;
- > Engagement with victims;
- > Public consultation;
- > International research; and
- > Structure of the report.

## Planning and Information Requests

The inspection commenced with a scoping exercise, which involved meeting with a number of garda national units, international law enforcement agencies and human and civil rights bodies. This phase provided a better understanding of the current structures in place in the Garda Síochána to tackle transnational organised crime, in addition to the threats and risks for both the Garda Síochána and wider society. The Inspectorate also made a number of requests for relevant documents, data and information from the Garda Síochána. This included requesting PULSE data relating to domestic and transnational organised crime.

## Legislation and Literature Review

The Inspectorate carried out a thorough review of domestic and international legislation associated with transnational organised crime.

The team also carried out an extensive literature review exploring academic publications and research papers; strategies and policies; reports published by other police inspection bodies; and other relevant publicly available information.

## Stakeholder Engagement

At an organisational level, the Inspectorate engaged extensively with key garda personnel including the Garda Commissioner and the Garda Executive and Senior Leadership Teams. Engagement also took place with the Garda Síochána Analysis Service, Legal Services, the Garda College and staff associations. The Inspectorate also met with a wide range of external stakeholders, including human rights experts, international policing experts, other state agencies, and advocacy and support groups.

## Field Work

Interviews were conducted over two phases in order to establish the Garda Síochána approach to transnational organised crime at divisional, regional and national levels. To provide background information for field visits, the Inspectorate requested the completion of pre-visit self-assessment questionnaires.

The first phase was conducted in garda divisions and regions representing urban and rural areas, geographic transit routes or places that had experienced significant impact from organised crime. Field visits took place in all four regions and in the following divisions: Louth, Wexford, Cork

City, and the North Central Division of the Dublin Metropolitan Region. This phase of the inspection also included meetings with each of the four regional hubs from the Garda National Cyber Crime Bureau. During these visits, the Inspectorate conducted rank and grade-specific interviews and focus groups.

The second phase of field work focused on the work of the national units which specialise in tackling transnational organised crime. National units provide a number of services, such as investigating more serious crimes and providing investigative support and advice, gathering and disseminating intelligence, conducting and supporting proactive operations and providing technical assistance. The inspection team conducted rank and grade-specific interviews and focus groups with representatives from: Operational Support Services; Technical Support Bureau; Immigration Bureau; Economic Crime Bureau; Bureau of Criminal Investigation; Drugs and Organised Crime Bureau; Cyber Crime Bureau; Protective Services Bureau; and the Crime & Security Intelligence Service. It also visited Dublin Port and Dublin Airport.

## Engagement with Victims

In order to hear the experiences of people who were directly affected by transnational organised crime, the Inspectorate met with three victims of human trafficking. In addition, the Inspectorate met with seven victims of drug-related intimidation. The meetings were arranged by Ruhama, the Red Door Project and North Dublin Regional Drugs and Alcohol Task Force and facilitated by Inspectorate staff in a trauma-informed and responsive manner. The Inspectorate also attended a number of events held by victim support agencies during the course of the inspection to gain a further understanding of victims' experiences of transnational organised crime.

## Public Consultation

The Inspectorate ran two parallel consultations. The first sought engagement with members of the public to establish their views on the impact of transnational organised crime, both on their community and nationally. The second consultation focused on state bodies, non-governmental organisations, support services and academics in relation to the impact of transnational organised crime on people and communities. Understanding people's experience was at the core of this engagement and conducting a survey enabled members of the public to directly participate in the inspection. The survey attracted 104 responses from members of the public and 24 from state agencies, victim organisations and academics.

## International Research

To explore international practices in relation to transnational organised crime, the Inspectorate engaged with police services from New Zealand, Australia, Spain, Sweden, Denmark, Northern Ireland and Scotland. In addition, numerous meetings were held with other law enforcement agencies and bodies including the National Crime Agency and the Federal Bureau of Investigation. The Inspectorate also met with international policing and criminal justice bodies such as the United Nations Office on Drugs and Crime, Europol, Eurojust and Interpol.

## Structure of the Report

This report contains six chapters that examine:

- > Strategy and Governance
- > Understanding Demand and Delivering Workforce Planning, Training and Technology

- > Investigation of Transnational Organised Crime
- > Co-operation and Exchange of Information
- > The Rights and Experiences of Victims
- > Prevention and Diversion.

Each chapter contains a number of sections detailing the relevant legal and policy requirements, the Inspectorate's findings, an assessment of those findings and, where appropriate, recommendations for change. Where relevant, legislation and practices from other jurisdictions are reported. Of the 68 recommendations contained in the report, 39 are directed at the Garda Síochána and 29 at the Department of Justice or other areas of Government.

The recommendations strive to achieve a strategic vision where the Garda Síochána understands the threats and risks posed by transnational organised crime and has a strategy and business model to tackle them, supported by a workforce plan which provides the necessary resources and technology. This should be accompanied by national strategies and enhanced legislation, a multi-agency crime centre, and a holistic framework for victim support and diversion from organised crime.

# 1

## *Chapter 1* *Strategy & Governance*



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# Chapter 1 Strategy and Governance

## Introduction

This chapter looks at the strategies and governance processes that need to be in place to help the Garda Síochána to better understand the scale and scope of transnational organised crime. It also examines how intelligence is used to prioritise and target actions against those criminals causing most harm.

In particular, this chapter examines the following areas:

- > Identifying the threats and risks caused by transnational organised crime groups;
- > Developing a Strategic Threat and Risk Assessment;
- > Creating a transnational organised crime strategy;
- > Operating an all of island approach to tackle transnational organised crime;
- > Developing strategic partnerships;
- > Strategic management of intelligence;
- > Developing a national crime intelligence model;
- > Managing the flow of intelligence; and
- > Management and oversight of covert policing operations.

## A Strategic Approach to Tackling Transnational Organised Crime

While most organised crime groups (OCGs) are established on a national basis in a single jurisdiction, some operate on a transnational basis engaging in criminal activities across multiple jurisdictions. It is the case that not all OCGs operate across international borders but for the purposes of this inspection, any reference in this report to transnational organised crime should be read to include organised crime and vice versa. The definition of transnational organised crime used for the purpose of this inspection is provided in the introduction to this report and OCGs are defined in Irish legislation.<sup>1</sup> To effectively tackle the complexity of criminal networks requires the application of a structured business process.

Figure 1.1 shows the policy cycle adopted by the European Union (EU) to address key crime threats and illustrates how such a process works. It starts with policy development through an independent Serious and Organised Crime Threat Assessment (SOCTA), which is used to guide the policy setting stage where priorities and strategic goals are identified.<sup>2</sup> From this process, operational actions are developed, implemented and monitored leading to an assessment stage where performance is independently evaluated to inform a review of the policy. This is the start of another rotation of the cycle.

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1 [Part 7, Section 70\(1\) of Criminal Justice Act 2006](#); “criminal organisation” means a structured group, however organised, that (a) is composed of 3 or more persons acting in concert, (b) is established over a period of time, (c) has as its main purpose or main activity the commission or facilitation of one or more serious offences in order to obtain, directly or indirectly, a financial or other material benefit. [Accessed on 31 May 2024].

2 Europol, 2023. [EU Policy Cycle - EMPACT](#). [Accessed on 31 May 2024]



Figure 1.1: The EU Policy Cycle



Source: Europol, 2023

## Identifying Threats and Risks Caused by Organised Crime Groups

In Ireland, many OCGs operate across multiple policing boundaries at divisional and regional level and some operate nationally and internationally. Therefore, it is important to identify those OCGs causing most harm to communities and to determine who will lead an investigation to tackle them. Analysis of all of the information available in relation to crime attributed to OCG activity allows a police service to assess the level of threat, risk and community harm presented by groups. Analysts play an important role by processing information and presenting it in intelligence products, such as strategic or tactical assessments of the threat posed by OCGs. This allows a police service to prioritise groups presenting the highest risk. It also creates a baseline of the threat and risk from OCGs against which future assessments can be compared. The following section looks at how this can be accurately and consistently conducted.

## International and Comparable Practice

There are a number of tools used in other jurisdictions to identify, assess and calculate the threat and risk caused by OCGs. Europol uses the SOCTA as a strategic measurement tool to assess OCGs on a transnational basis across Europe.<sup>3</sup> SOCTA draws information from law enforcement agencies and other relevant organisations and uses it to assess vulnerabilities and opportunities for crime. It includes findings specific to regions and Member States and recommends priorities for action by law enforcement agencies during the policy cycle. This approach has been used or adapted by many police services to shape their own assessment models. Europol recognises the need to review the SOCTA process regularly and to update it as new methodology becomes available. The analysis for the assessment focuses on OCGs, serious organised crime areas and the environment in which they are embedded. This process is used to identify the most harmful OCGs and prioritise them for action.

3 Europol is the European Union Agency for Law Enforcement Cooperation.

Across the United Kingdom (UK), the National Crime Agency (NCA) leads on serious and organised crime and aims to protect the public by targeting and pursuing those criminals who pose the greatest risk. The NCA and a significant number of UK police services and agencies, including Police Scotland, use the Management of Risk in Law Enforcement (MoRiLE) system to assess the threat, harm and risk presented by an OCG. It is likely that all UK police services will eventually adopt this methodology. Importantly, MoRiLE assesses the impact of organised crime on communities and determines the next steps in an investigation. OCGs assessed as high risk are allocated to the NCA for action, with support from Regional Organised Crime Units (ROCU) and local police services, if necessary.<sup>4</sup> Medium risk OCGs are usually allocated to ROCUs while those categorised as low risk are actioned by ROCUs or local police services, depending on available resources and the context of the risk they present.

## Findings

The Garda Síochána uses the Organised Crime Group Threat Assessment Tool to measure the threat and risk presented by OCGs. This assessment tool was first piloted in the Eastern Region but later used to assess the impact across all regions. A guidance document explains that the development of the assessment tool from the original SOCTA model aimed to more accurately reflect the OCG and crime landscape in Ireland. The assessment tool is designed to deliver:

- > An understanding of the profile and attributes of OCGs operating within the jurisdiction, an overview of the threat level posed, and how they impact on local communities;

- > A standardised approach to prioritise OCGs which will inform strategic decision making at all levels. It will take account of priorities set out by the EU and the Garda Síochána;
- > The ability to assess the impact of individual OCGs which will inform decision making around the allocation and deployment of resources;
- > The ability to assess at a national level, the support needed by divisions and regions in order to deliver national priorities. It also provides autonomy to divisions and regions, where possible, allowing them to prioritise and make decisions based on data-driven information; and
- > Adherence to EU Treaties/Directives. As a Member State, Ireland is required to contribute to SOCTA. Designing the assessment tool to draw on the SOCTA methodology enables this contribution.

The process begins with the collation and assessment of all information relating to OCGs operating in the four regions. This assessment is supported by contributions from national units to ensure that all available information has been considered. An analyst conducts a validation process to ensure accuracy and consistency in the assessments.

While models in other jurisdictions also include an assessment of information from across the law enforcement community, this is not part of the garda process. An assessment of the impact of organised crime on local communities is also missing from the garda process.

<sup>4</sup> Regional Organised Crime Units are cross-police service collaborative units providing specialist surveillance, analysis, cyber, armed policing and investigation support to tackle serious and organised crime.

At the time of the inspection, 52 assessments had been completed. These were assessed and calibrated through a process of assigning values to the threat level indicators. This is compatible with the SOCTA methodology. Assessments were scored on a threat level from 1 (highest) to 5 (lowest) to prioritise the investment of resources at national, regional or divisional level. Of the 52 assessments, three were high risk, four were medium to high, and the majority were scored as medium risk. A small number were assessed as low risk. The next stage involved a number of groups chaired by senior gardaí. The groups reviewed the assessments and, where necessary, made recommendations as to who should conduct an investigation.

An internal evaluation of the assessment tool found universal support for its use with detailed briefings and training contributing positively to the effectiveness and accuracy of the assessments. It was also noted that assessments provided clarity about which unit was conducting an operation on a particular OCG and helped to avoid situations where two garda units were independently targeting the same group.

## Assessment

The use of the threat assessment tool has delivered an informed list of OCGs tiered according to the threat they present. The use of groups chaired by senior gardaí should ensure that OCGs that cause most harm are prioritised for action.

The absence of an assessment of information from across the law enforcement community results in a missed opportunity to analyse and assess the full picture which can then enable a more informed decision-making process and action plan. For example, information held by the National Cyber Security Centre would have relevance to those OCGs that pose a cybercrime threat. In addition,

inclusion of the impact of organised crime on local communities would help the gardaí in divisions and the community policing partnerships they work with to understand the link. This would inform development of prevention activity to protect the most vulnerable in society. This connectivity is easily understood when considered in the context of shipments of imported illegal drugs being distributed and sold on street corners or internationally based cybercrime groups defrauding vulnerable members of the community out of their life savings. Both of these missing elements need to be included in the garda assessment tool.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.1

#### Organised Crime Group Threat Assessment Tool

The Inspectorate recommends that the Garda Síochána enhance the Organised Crime Group Threat Assessment Tool by including information from relevant agencies and assessing the impact on local communities.

## Developing a Strategic Threat and Risk Assessment

The assessment of OCGs should contribute to the preparation of an organisational Strategic Threat and Risk Assessment (STRA). This would identify the most significant threats and risks facing the Garda Síochána, which should include those threats and risks emanating from OCGs.

Using the results of the OCG assessment to understand the nature and scale of the threat presented by transnational organised crime is central to informing the Garda Síochána's approach to tackling it. Those experienced in delivering security and policing services will have an instinct for identifying emerging crime trends. However, the nuances of modern transnational OCGs are so complex and rapidly evolving that a business process is required to properly:

- > Identify and understand the threats posed by transnational organised crime;
- > Assess the risks emanating from those threats; and
- > Mitigate the risks.

This is the process required to deliver a STRA. For transnational organised crime, it should consider the international reach of crime groups in and out of Ireland, and into organisations which can enable or influence their activity.

### International and Comparable Practice

Europol conducts a SOCTA and an Internet Organised Crime Threat Assessment every four years, with annual update reviews to consider progress in countering threats and if amendments are necessary in response to evolutions in criminal methodology. This helps to inform national threat assessment processes across the EU. For example, in Sweden the national threat assessment is published by the Swedish Police Authority in a Multi-Agency Situation Report on Organised Crime, conducted every two years and updated annually.<sup>5</sup> It references

the national and international influence of organised crime affecting Sweden and contains the majority of SOCTA elements.

The NCA carries out a National Strategic Assessment of serious and organised crime each year to identify the major crime trends and uses it to drive its activity over the coming year. It also enables identification of its strategic priorities and informs its annual plan which sets out how it will deliver operational performance against those priorities.<sup>6</sup>

Police Scotland conducts an annual organisational STRA that looks at multiple crime areas. There is a parallel process to assess the specific threat from organised crime and this is used to inform the STRA. New Zealand Police also conducts a risk assessment process to inform a five-year organised crime strategy which incorporates transnational organised crime. An important part of these processes is the inclusion of information held by partner agencies.

### Findings

The Garda Síochána has not conducted a formal organised or transnational organised crime STRA. However, some national units have conducted a risk assessment for their individual area of business and use it to focus their resources on target areas. The inspection team reviewed the completed risk assessments and found that they were solely internal documents prepared within the unit. As such, there was no evidence of input from external partner agencies, or from other garda units and they were not used at an organisational level. They were also tactical in nature, themed to the work of the individual unit and did not reflect how the

5 Swedish Police Authority *et al.*, 2021. [Multi-Agency Situation Report on Organised Crime 2021](#). [Accessed on 31 May 2024].

6 National Crime Agency, 2022. [Annual Plan 2022–2023](#). [Accessed on 31 May 2024].

identified risks posed a strategic threat for the Garda Síochána or how the organisation should mitigate any risks.

The Inspectorate met with a number of other statutory and non-governmental organisations involved in preventing crime, protecting victims and in some cases enforcement activity against OCGs. These organisations have information that would be useful in any assessment of threat and risk.

## Assessment

It is important to have a holistic view of all of the threats and risks from domestic and transnational organised crime when making decisions about deploying resources. While the completion of risk assessments by individual national units is a good first step, this approach means that the Garda Síochána does not have a strategic view of all threats. Equally, the absence of a formal process to draw on information held by external statutory or non-governmental organisations misses an opportunity to ensure that any assessment process fully considers all the threats and risks that exist.

The Inspectorate believes that the findings from the threat assessment tool process and information from other agencies should be used as the basis for completing an organised crime Strategic Threat and Risk Assessment that includes transnational organised crime.

## Recommendation

In light of these findings, assessment and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.2

#### Strategic Threat and Risk Assessment

The Inspectorate recommends that the Garda Síochána conduct an organised crime Strategic Threat and Risk Assessment to include transnational organised crime.

## Creating a Transnational Organised Crime Strategy

A strategy is needed to tackle organised crime as it brings and maintains a sense of focus. The completion of the threat assessment tool by all relevant parts of the organisation and its use in developing a STRA are all essential steps leading to the development of a transnational organised crime strategy. The benefits of a strategy include:

- > **Identifying a focused vision for tackling transnational organised crime** – aligning the STRA with the annual policing plan to provide a clear view of what the future should look like. This focuses all of the organisation on a single mission. Having a strategy which aligns identified threats and risks with the priorities in the annual policing plan and is informed by accurate data enables goals to be clearly defined;
- > **Understanding strengths and weaknesses** – it is important to have a clear understanding of the existing capabilities and what needs to be done to fill any identified gaps. Such decisions should be informed by accurate data or analysis to prevent cognitive bias, such as reverting constantly to a pattern of behaviour; and

- > **Tracking progress** – the strategy should track progress towards achievement of the longer-term goals and ensure that every level of the organisation is contributing effectively.

### International and Comparable Practice

The New Zealand Police has a five-year transnational organised crime strategy informed by their risk assessment process. They describe it as a dynamic process which is constantly under review as crime trends evolve. The strategy contains a programme aimed at addressing the social issues that drive organised crime and seeks to tackle them through a co-ordinated response that involves government, law enforcement agencies and communities.

Processes followed by the Swedish Police Authority, Police Scotland and the NCA all mirror the New Zealand approach and use a threat and risk assessment to inform an organised crime strategy, which incorporates transnational organised crime. While different terminology is often used, without exception the process involves understanding the strategic threats and risks presented by organised crime and using it to inform the strategy. Strategies are designed to prevent organised crime and disrupt and dismantle the groups involved. The Northern Ireland Assembly has an Organised Crime Strategy 2021–2024 prepared by the Organised Crime Task Force. This is a cross-governmental strategy involving a large number of agencies.<sup>7</sup> The strategy provides a vision with six strategic objectives.

### Findings

While a number of national units have conducted individual risk assessments for their business area, the Garda Síochána has

not developed an organised crime strategy. In the absence of a strategy, it is unclear how priorities are identified and what formal process is used as a basis for allocating resources to tackle the OCGs that cause most harm.

### Assessment

The absence of an organised and transnational organised crime strategy is a weakness. Efforts to accurately identify resource requirements to prevent organised crime and to disrupt and dismantle criminal networks are undermined by the absence of a specific strategy, informed by a strategic assessment. A strategy supported by an evidence-based resource allocation process would consider the emerging and identified trends holistically and prioritise them strategically. This would ensure that finite resources are directed towards the greatest risk. In the interests of openness and transparency, the Garda Síochána should publish the strategy on its external website, with only operationally sensitive material excluded from publication.

### Recommendation

In light of these findings, assessment and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 1.3

#### Transnational Organised Crime Strategy

The Inspectorate recommends that the Garda Síochána develop, publish and implement a transnational organised crime strategy.

<sup>7</sup> Organised Crime Taskforce, 2021. [Organised Crime Strategy: Northern Ireland 2021–2024](#). [Accessed on 31 May 2024].

## Operating an All-island Approach to Tackle Transnational Organised Crime

The geography within which the Garda Síochána operates means that some of those involved in organised crime may reside in Ireland or Northern Ireland and use the free movement across the border to commit crime in one or both jurisdictions. In simple terms, this act by an OCG of crossing an international border to commit crime qualifies as transnational organised crime. It is also the case that criminal networks based abroad use Irish borders to traffic people and transport illicit goods.

### International and Comparable Practice

International co-operation between sovereign jurisdictions is not a new phenomenon. The co-operation between the Nordic countries is one of the world's oldest regional partnerships.<sup>8</sup> The Nordic Council is a forum for inter-parliamentary co-operation. One of the policy areas identified for co-operation is legislation and justice. This has delivered a Nordic Police Agreement which enables police services to share intelligence and work collaboratively to tackle serious and organised crime.

In 2015, the British and Irish governments agreed a roadmap for tackling organised crime and criminality on the island of Ireland. The road map recognised the benefits of an open border between Ireland and Northern Ireland as well as the risk such freedom of movement created. The following agreement was reached; *'In a concerted and enhanced effort to tackle cross-jurisdictional organised crime and to bring to justice those involved in it, a Joint*

*Agency Task Force will be established under this Agreement. The Task Force will be led by senior officers from the PSNI, An Garda Síochána, the Revenue Commissioners and HM Revenue and Customs'.<sup>9</sup>* In doing so, this agreement established the political and legislative mandate for what could be interpreted as an all-island approach to tackling organised crime.

### Findings

The Joint Agency Task Force was established in 2015 with a Strategic Oversight Group jointly led by a deputy commissioner from the Garda Síochána and an assistant chief constable from the Police Service of Northern Ireland (PSNI). This group does not have a specific strategy but has drawn upon the crime-focused aspects of the *Cross Border Policing Strategy*, first published in December 2010. This provides strategic direction to the Co-ordination and Operations Group. The group is jointly led by an assistant commissioner from the Garda Síochána and the Head of the PSNI Organised Crime Branch. It co-ordinates joint front-line operational activity and the cross-border focus has delivered some highly successful investigations and operations.

The Joint Agency Task Force works to six agreed priority areas: Rural Crime, Drugs, Financial Crime, Trafficking in Human Beings including Children, Excise Fraud and Organised Immigration Crime. The Strategic Oversight Group continues to meet regularly and every two years a Cross Border Organised Crime Threat Assessment is prepared; this requires significant analytical input on emerging trends and modus operandi in Ireland and Northern Ireland. The Strategic Oversight Group

8 Nordic Co-Operation, n.d. [Official Nordic Co-operation](#). [Accessed on 31 May 2024].

9 Northern Ireland Executive, 2015. [A Fresh Start. The Stormont Agreement and Implementation Plan](#). [Accessed on 31 May 2024].

keeps the agreed priorities under review and provides operational progress reports every six months to the Justice Ministers in both jurisdictions. The inspection team was told that operational progress reports serve as an interim Joint Strategic Assessment. The priorities had not changed since the Joint Agency Task Force was established. The Inspectorate recognises that a continued threat exists from these crime types and that the next Cross Border Organised Crime Threat Assessment is due to be launched during 2024.

Although the rural crime priority was supported with a joint tactical assessment completed by Garda Síochána and PSNI analysts, a similar analytical assessment was not produced to support the other priority areas. While those in the Garda Síochána with good knowledge and experience of the Joint Agency Task Force stated that it was more border focused, others expressed a view that it had an influence in other parts of Ireland. While there was no formalised process in place, border divisions have on occasions shared information relating to cross-border OCGs with divisions along the south coast of Ireland that were dealing with crimes involving the same modus operandi. This sharing of information was focused on highlighting the mobile and transient nature of some OCGs who are prepared to travel the length and breadth of the island.

All-island co-operation delivered through the Joint Agency Task Force was highlighted by the Group of Experts on Action against Trafficking in Human Beings (GRETA) in their 2022 report on Ireland: *'GRETA was informed that Brexit had not had an effect on international co-operation with the UK. Co-operation with law*

*enforcement agencies in Northern Ireland has reportedly been strengthened, with a number of cross-border operations and investigations into organised prostitution, THB (Trafficking of Human Beings) and migrant smuggling. An Garda Síochána aims to ensure a 'whole of island' approach to organised criminal activity and joint specialised training with the Police Service of Northern Ireland takes place.'*<sup>10</sup>

The third *National Action Plan to Prevent and Combat Human Trafficking* published in October 2023 recognised the need for an all-island approach with an objective that *'the strong relationship with the relevant authorities in Northern Ireland at both policy and operational level, will be maintained with joint projects developed and information sharing mechanisms continued.'*<sup>11</sup>

The PSNI highlighted that it had started to see some cross-over between domestic OCGs and international groups with better co-operation between them. Therefore, they would like to see an all-Ireland assessment and to review what is done jointly.

## Assessment

The ability of the Joint Agency Task Force to deliver across all six priority headings is a significant achievement. The Cross Border Organised Crime Threat Assessment, which is produced every two years, should be expanded to include a specific focus on transnational organised crime. It is important that this assessment and its contents complement the work carried out in supporting other threat assessment processes, such as the EU Serious and Organised Crime Threat Assessment, as opposed to duplicating it.

10 Group of Experts on Action against Trafficking in Human Beings (GRETA), 2022. [Evaluation Report Ireland. Third Evaluation Round: Access to justice and effective remedies for victims of trafficking in human beings. Para 149.](#) [Accessed on 31 May 2024].

11 Government of Ireland, 2023. [National Action Plan to Prevent and Combat Human Trafficking 2023–2027.](#) [Accessed on 31 May 2024].



The joint analytical tactical assessment for rural crime is good practice that should be applied to the other five strands. However, the impact of transnational organised crime has grown since 2015 in both jurisdictions and the 2015 roadmap for tackling organised crime and criminality has not been reviewed post Brexit. As such, the task force needs to evolve to meet new demands, such as the impact of crime in communities more distanced from the border. The process to inform the task force of the strategic threats and risks that face the island of Ireland, requires as a first step, that each jurisdiction conduct a STRA. Once completed, assessments should be used to inform a joint cross-border STRA and develop a strategy to tackle transnational organised crime.

## Recommendation

In light of these findings, assessment and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.4

#### An All-Island approach to Transnational Organised Crime

The Inspectorate recommends that the Garda Síochána engage with the Department of Justice, the Police Service of Northern Ireland and the Northern Ireland Department of Justice to develop an all-island Strategic Threat and Risk Assessment and strategy to tackle transnational organised crime.

## Developing Strategic Partnerships

In order to tackle transnational organised crime, it is necessary for a range of relevant partner agencies to work closely together at international, national and local levels.

### International and Comparable Practice

In 2012, the EU recognised the need for collaboration in order to effectively resource the fight against transnational organised crime. As a result, the European Multidisciplinary Platform against Criminal Threats (EMPACT) was introduced. It is driven by the Member States and involves the co-operation of a large number of public and private organisations, including law enforcement agencies and a number of relevant non-EU countries. EMPACT provides a preventative as well as a proactive focus and is guided by a strategy agreed and implemented every four years. EMPACT is used as a vehicle to address EU crime priorities, including high-risk criminal networks, cyber-attacks and trafficking in human beings.<sup>12</sup>

The Organisation for Security and Cooperation in Europe (OSCE) has developed a guidebook for intelligence-led policing.<sup>13</sup> This draws upon learning from across the United Nations to identify best practice in countering serious and organised crime and the ever-increasing complexities and transnational nature of crime. The OSCE recommended that each country should have a National Criminal Intelligence Department staffed by members of various agencies who are empowered by law to share data and information with other entities or authorities represented within the department.

<sup>12</sup> Further information on EMPACT is available on the website of the [Council of the European Union](#) [Accessed on 31 May 2024].

<sup>13</sup> Organisation for Security and Co-operation in Europe (OSCE), 2017. [OSCE Guidebook Intelligence-Led Policing](#). [Accessed on 31 May 2024].

Sweden has developed a collective of 12 co-operating authorities, legally empowered to share data and information within the group. The structure comprises a National Intelligence Centre and seven Regional Intelligence Centres. The Swedish Police lead the centres and each co-operating agency is represented, as shown in Figure 1.2.

It is estimated that 15% of all operations against organised crime involve collaboration with co-operating authorities, the remaining 85% are police only operations. While co-operating authorities are not always directly involved in an operation, the information they have is invaluable to other partners.

**Figure 1.2: The 12 Swedish Co-operating Authorities**



Source: Swedish Police Authority

Similarly, Police Scotland established a Crime Campus with 15 government bodies jointly located or represented. The work of the campus is led by a police-informed organised crime strategy and a Scottish multi-agency strategic threat assessment. The assessment contains contributions from all represented bodies and focuses the partnership against organised crime. The campus operates a

Multi-Agency Tasking and Delivery Board chaired by the Assistant Chief Constable Serious Crime. Agencies use their own IT systems but a common communications network enables information sharing. Co-location was identified as a critical enabler for more effective joint working and data sharing. Individual agencies ensure their staff know what information can be shared.

The Crime Campus has proved to be of particular benefit in operations where Police Scotland required the support of other agencies. For example, disrupting OCGs through Revenue staff investigating undeclared income, and the Food Standards Commission targeting fast food establishments used to launder money. Of particular note was the ability of the campus to respond quickly to information obtained from encrypted digital communications networks. The information included conversations between individuals discussing plans to commit crimes, such as drug trafficking and homicide. The ability of agencies to immediately convene, discuss options and take action was identified as a key strength. This included an operation to target a money laundering facility used by an OCG.

The Crime Campus has also enabled innovative joint operations to take place. For example, an operation was conducted to tackle OCGs profiteering from illegal disposal of waste. Co-location of agencies enables more fluent information sharing, efficient planning and effective operational control. This was evidenced during a multi-agency environmental day of action where the following actions were taken:

- > The disconnection and investigation of illegal electricity supply;
- > Seizure of vehicles and penalties for fuel duty offences; and
- > Investigations into potential landfill tax evasion.

## Findings

The Garda Síochána is a committed partner with a strong reputation for working and sharing collaboratively in situations where an enabling structure is created. A good example of this is the Criminal Assets Bureau, established through the Criminal Assets Bureau Act 1996. The bureau co-locates staff from the Garda Síochána, Revenue Commissioners and Social Protection. Its role is to deny and deprive criminals of assets acquired through criminal conduct. Europol has recommended that a similar structure should be created across all Member States.

Another good example is the Sex Offender Risk Assessment and Management (SORAM) structure. This was designed to support enhanced levels of co-operation and co-ordination between key statutory organisations involved in managing the risks posed to the community by convicted sex offenders. To enable more effective partnership working, a National SORAM Office was established. This office has co-located staff from Tusla, the Probation Service, the Irish Prison Service, the Garda Síochána and a representative from the Local Authority (Housing).

In its 2022 report, GRETA commented on the importance of managing data sharing appropriately. It noted the importance of data collection and research for an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, and considered that *'the Irish authorities should give the IHREC [Irish Human Rights and Equality Commission] a statutory remit to request and receive appropriate information from relevant actors'*.<sup>14</sup>

The Hamilton Review Group was established by the government and published a report in

November 2020.<sup>15</sup> The group recommended that comprehensive analysis be conducted as to the precise nature and scope of any legislation necessary to facilitate the optimal exchange of information and intelligence between investigative agencies, under a joint agency task force model. This would ensure the necessary clarity on the respective roles and powers of agency personnel working in a task force.

This inspection found that where an enabling structure was not in place, the Garda Síochána was often reluctant to share information or intelligence. It was also found that some partners were frustrated with the reluctance of some garda members to share information or to discuss subjects of mutual interest. This cautious approach is a consequence of at least two factors. Firstly, the General Data Protection Regulation (GDPR) 2018, which has contributed to an apprehension around what can be shared and how this can be done legally. Secondly, there are cases where members of the garda workforce have been disciplined, and in some cases prosecuted, for inappropriate disclosure of information. It is also the case that other agencies are reluctant to share information with the Garda Síochána and this impacts on garda investigations. Information sharing is further discussed in Chapter 4.

## Assessment

While there are good examples of multi-agency collaborations to prevent and detect transnational organised crime and to protect victims of crime, it is often the case that agencies tend to meet on a case-by-case basis to focus on a specific issue. As such, there is no structure or forum that brings all agencies together or enables collaborative partnership working to tackle organised crime.

The success of the Criminal Assets Bureau and SORAM relies on co-location and an enabling structure with clear guidelines on appropriate sharing of information. Once this type of structure is in place, the Garda Síochána and other partners are more willing to fully engage. By creating a legal basis to share intelligence within a collaborative environment, partnership work to prevent transnational organised crime and disrupt and dismantle OCGs could be significantly enhanced.

The threat and harm caused by domestic and transnational OCGs operating in Ireland is significant and the impact of their activities has devastating consequences for individuals, families and communities. Tackling this type of threat requires a new and innovative approach in Ireland and one that provides a strong platform for relevant agencies to come together, to share information and conduct joint operations with a common purpose of dismantling OCGs. As such, the Inspectorate believes that a National Crime Centre approach, based on the Scottish and Swedish partnership models should be developed. This would address many of the gaps identified to the Inspectorate by some of the agencies that have an important role in tackling organised crime. This needs to be a formal arrangement and co-location of agency representatives will be critical to its success.

The strategic partnerships in Sweden and Scotland are making significant contributions to tackling transnational organised crime and are models that could work well in Ireland. A recommendation relating to the development of information sharing agreements is made in Chapter 4.

15 Department of Justice, 2021. [A Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption: Implementation Plan](#). [Accessed on 31 May 2024].

## Recommendation

In light of these findings, assessment and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.5

#### National Crime Centre

The Inspectorate recommends that the Department of Justice establish a National Crime Centre designed to deliver a co-located collaboration between all agencies which can contribute to preventing transnational organised crime and disrupting and dismantling organised crime groups. The Department of Justice should ensure that legislation is in place to facilitate appropriate information sharing between agencies.

## Strategic Management of Intelligence

This section looks at how the Garda Síochána manages the flow of intelligence within the organisation and examines how intelligence is collected, assessed and developed to prevent and detect organised crime. Information or intelligence gathering takes many forms and can range from conversations with members of the public to conducting covert surveillance.

### Garda National Crime & Security Intelligence Service

The role of Garda National Crime & Security Intelligence Service (GNCSIS) is to identify and analyse the threat to the State from terrorists, OCGs and other hostile actors. Within GNCSIS, Security & Intelligence is the Garda Síochána’s central point of contact for all external law enforcement and intelligence agencies and it has an extensive portfolio. The units within Security & Intelligence that have a key intelligence role are shown in Figure 1.3.

Figure 1.3: Garda National Crime & Security Intelligence Service



Source: Garda Síochána, adapted by the Garda Inspectorate

## Findings

GNCSIS is designated as the single repository within the Garda Síochána for all intelligence. When information is received by GNCSIS, a decision is made as to whether it relates to crime or security. Where ambiguity exists, the National Crime Intelligence Unit (NCIU) and the National Security Intelligence Unit (NSIU) will determine who takes the lead. This decision will include a commitment to ensure that any information of mutual interest will be shared. There should never be a case where the safety of a member of the public or a garda member is compromised because the two intelligence units did not appropriately share information. Surveillance and technical experts within GNCSIS are used to develop information and support investigative action in relation to it. The approach within GNCSIS to assess and allocate intelligence appropriately for development and dissemination as well as to engage with surveillance and technical support specialists is comparable with the approach used in other jurisdictions.

Once a strand of information has been assessed and allocated to either the NCIU or NSIU, it is sanitised to remove any risk to the source of the information and allocated to the most appropriate investigative resource. For example, information relating to money laundering is usually sent to the Garda National Economic Crime Bureau for action. Depending on the nature and quality of the information, the unit receiving the information may appoint a member to investigate it or make additional enquiries to develop the information further. The receiving unit is not told the origin of the information.

The NCIU is the single point of contact for exchange of intelligence with external agencies including Interpol and Europol.<sup>16</sup> The unit also monitors open source intelligence, such as social media posts that are in the public domain. Although the team designated to this role was well established, it was operating without an organisational open source policy at the time of engagement with the inspection team. The Inspectorate is aware that a policy is now in place. While open source intelligence is currently managed by this unit, there are plans to create open source monitoring teams in each of the regions. This is an appropriate and necessary investment for this important and growing aspect of intelligence gathering.

## Assessment

Professional, effective intelligence management involves linking information from a wide range of sources to build a composite picture. For transnational organised crime, the collation of appropriate information, its accurate assessment, timely analysis and dissemination for action are vital components in effectively tackling organised criminal networks. This must operate within the existing legislative framework, in this context: the European Convention on Human Rights Act, 2003; the Data Protection Acts of 1988 and 2003; and the General Data Protection Regulation 2018. The safest and most effective process is for GNCSIS to be the gatekeeper for all garda intelligence. As such, it should have access to everything recorded, and have responsibility for assessing, sanitising and disseminating it. This ensures strategic oversight across all aspects of policing and national security. The management of intelligence is considered by the Inspectorate as a critically important aspect of tackling transnational organised crime.

<sup>16</sup> The International Criminal Police Organisation, commonly known as Interpol, is an international organisation that facilitates worldwide police cooperation and crime control.

## Developing a National Crime Intelligence Model

Intelligence-led policing is a forward-looking, proactive process that assists police managers to make evidence-based decisions about their operational policing priorities and how they deal with them. It includes an assessment that identifies the medium to long-term threats and risks in the police service’s operating area. To achieve this, most jurisdictions operate an intelligence model and there are similarities across the various models used. In essence, it is a business model with governance, processes, roles and responsibilities and intelligence-led policing as the core ingredients.

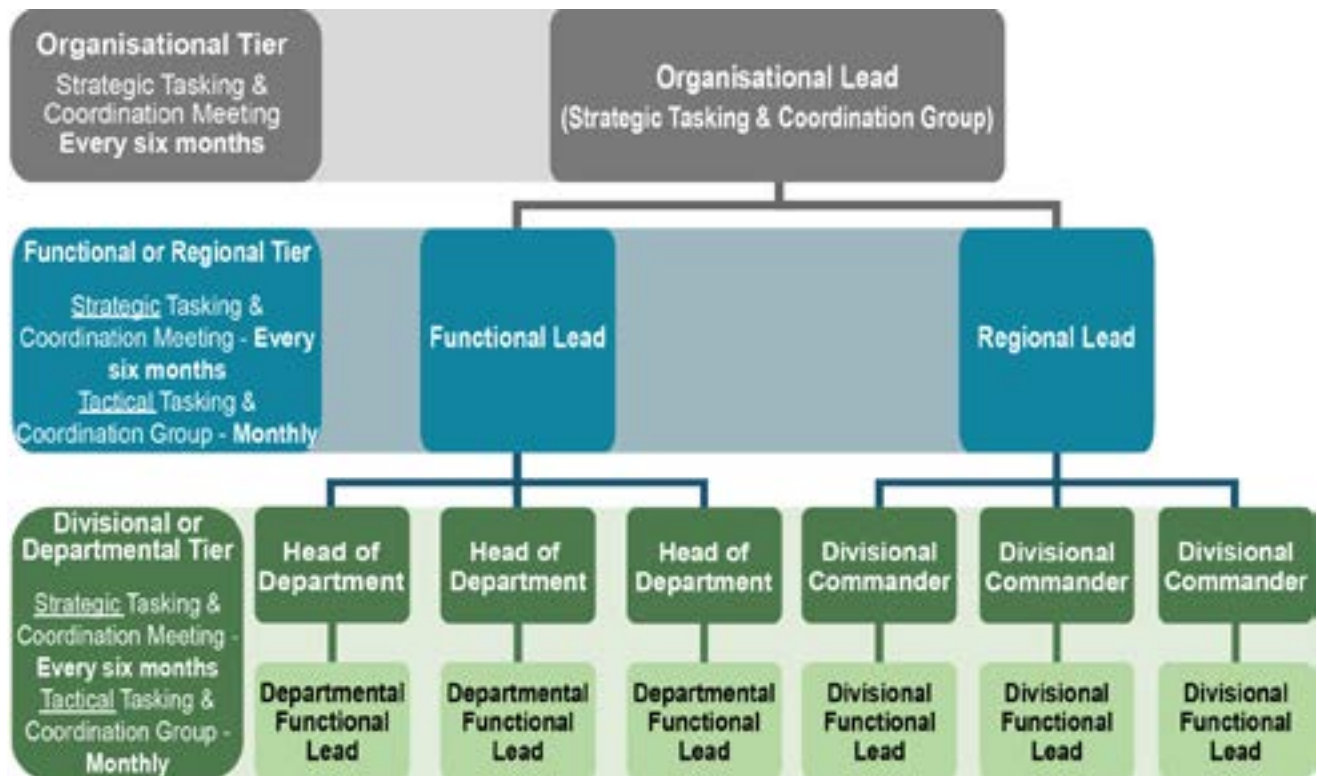
### International and Comparable Practice

Police services in Sweden, New Zealand and the UK all use an intelligence model which is governed by police strategic commands who

lead and hold to account their organisations by focusing resources on identified priorities and through monitoring performance. Each police service has a single organisational strategic co-ordination group, chaired by a member of their command team. In some jurisdictions, groups include representatives from partner agencies working collaboratively to tackle transnational organised crime in their respective jurisdiction.

The UK developed and introduced the National Intelligence Model (NIM) in 2000 and it is used by all police services in the UK including the NCA.<sup>17</sup> Governance is an important element of the model and the structure typically used by police services is shown in Figure 1.4.

Figure 1.4: National Intelligence Model (NIM) Governance Structure



Source: College of Policing, adapted by the Garda Inspectorate

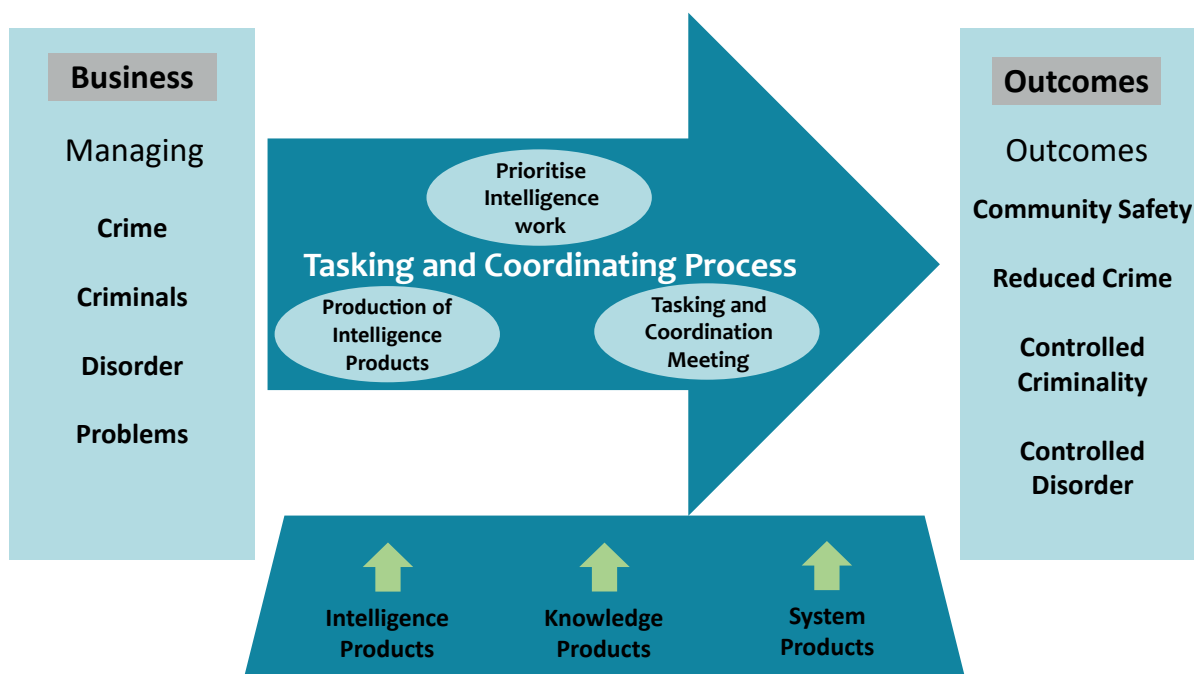
17 Home Office, n.d. [National Centre for Policing Excellence. Code of Practice. National Intelligence Model.](#) [Accessed on 31 May 2024].

## National Intelligence Model: Tasking and Co-ordinating Meetings

An important part of any intelligence model is the business planning process, as shown in Figure 1.5. Within that process, tasking and co-ordinating meetings are a critical component for ensuring that intelligence is prioritised and actioned. Meetings should be chaired by someone at an appropriate level to authorise deployment of resources and informed by important intelligence products, such as strategic and tactical assessments.

At an organisational level, a member of the command team usually chairs a bi-annual strategic tasking and co-ordination group meeting comprising those with key functional responsibilities for operational and investigative service delivery. This is informed by a strategic assessment and is the priority setting level of NIM. An assessment provides an analysis of information and intelligence relevant to the identified threats and risks. This process should also identify any existing or emerging medium to long-term issues that need to be addressed.

**Figure 1.5: NIM Business Planning Process**



Source: National Intelligence Model, adapted by the Garda Inspectorate

As part of this process, a control strategy is developed setting out the intelligence, prevention and enforcement action for addressing each of the identified strategic priorities. This group has an important role in reviewing the assessment at regular intervals and ensuring effective control strategies are in place.

A tactical tasking and co-ordination group has the role of implementing the control strategies. This is achieved through regular meetings, usually held monthly. This group has an important role in applying operational action to a crime problem, responding to

new threats and monitoring plans agreed from earlier tasking and co-ordination meetings. Meetings are informed by a tactical assessment, which identifies short-term issues requiring a response and monitoring progress on actions to deliver the control strategy. These are essential components of the business process and the structure is replicated across each department or divisional command area. Figure 1.6 shows the tactical menu of approaches that are available to this group. Action usually focuses on prolific offenders and high-crime hotspot areas.



Figure 1.6: NIM tactical menu of options



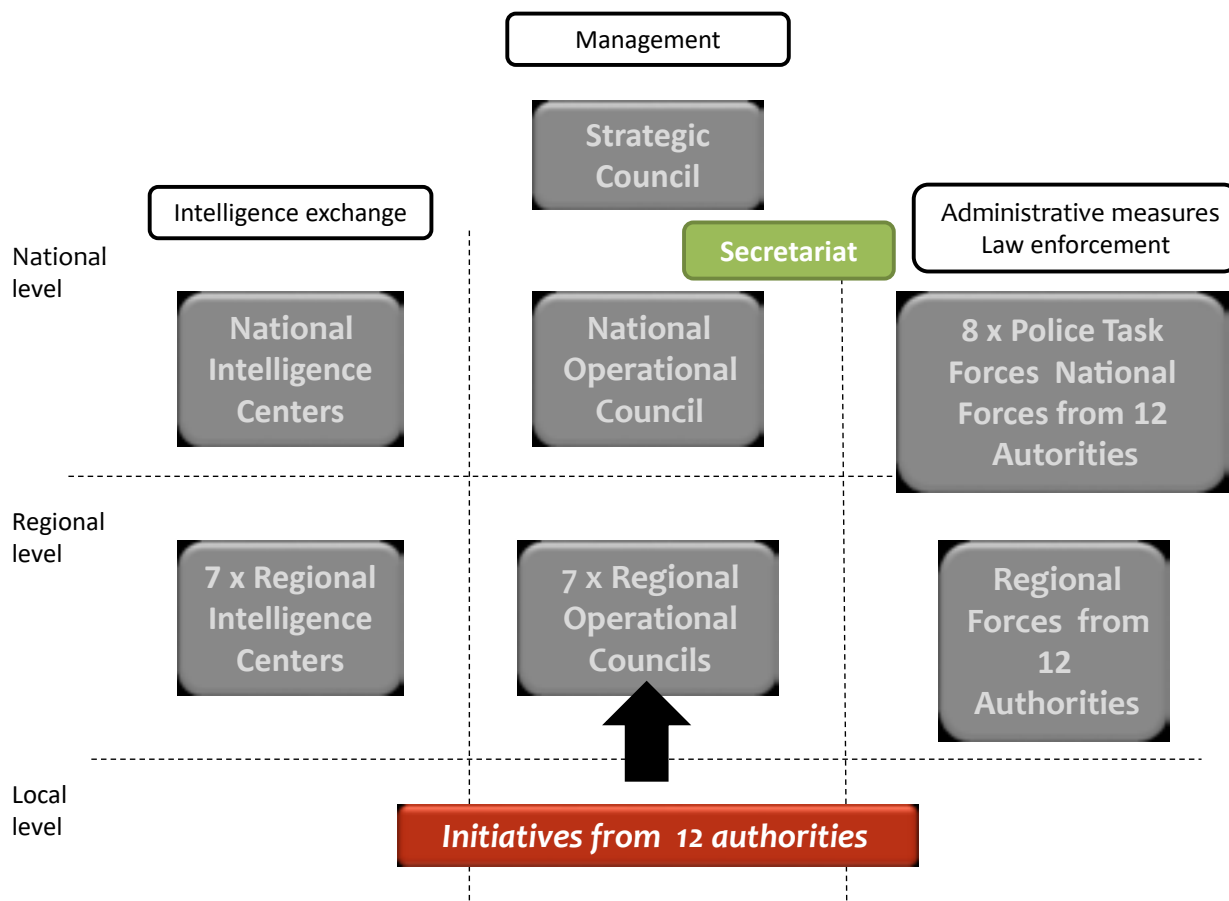
Source: National Criminal Intelligence Service, adapted by the Garda Inspectorate

### European Criminal Intelligence Model

The NIM approach to intelligence-led policing inspired members of Europol to agree a European Criminal Intelligence Model in 2005. This model has since been adopted by the majority of European police services, including in Sweden where the model was refined to suit their requirements. Like the Garda Síochána, the Swedish Police Authority is a national police service, organised on a regional basis.

The model used in Sweden is shown in Figure 1.7. It is led by the police in co-operation with other authorities at every level of the structure. The National Police Commissioner chairs the Strategic Council which is a governance meeting that meets six monthly. A *Multi-agency Situation Report on Organised Crime* and intelligence analytical reports are used to inform the setting of strategic priorities. Like NIM, there are additional layers in place at regional level to ensure that tactical action is taken to address priorities.

Figure 1.7: Crime Intelligence Model in Sweden



6

Source: Swedish Police Authority

## Findings

While the Garda Síochána has undertaken work to develop an intelligence model on a number of occasions over the past 12 years, it is still not yet in place. Since 2020, the Garda Síochána has been developing a model known as the National Criminal Intelligence Framework (NCIF). The NCIF was introduced as a pilot in February 2021 as a business process to deliver intelligence-led policing in the Eastern Region. The pilot was the subject of a formal evaluation. At the time of completing this inspection and following the evaluation, a second pilot was launched in the Southern Region.

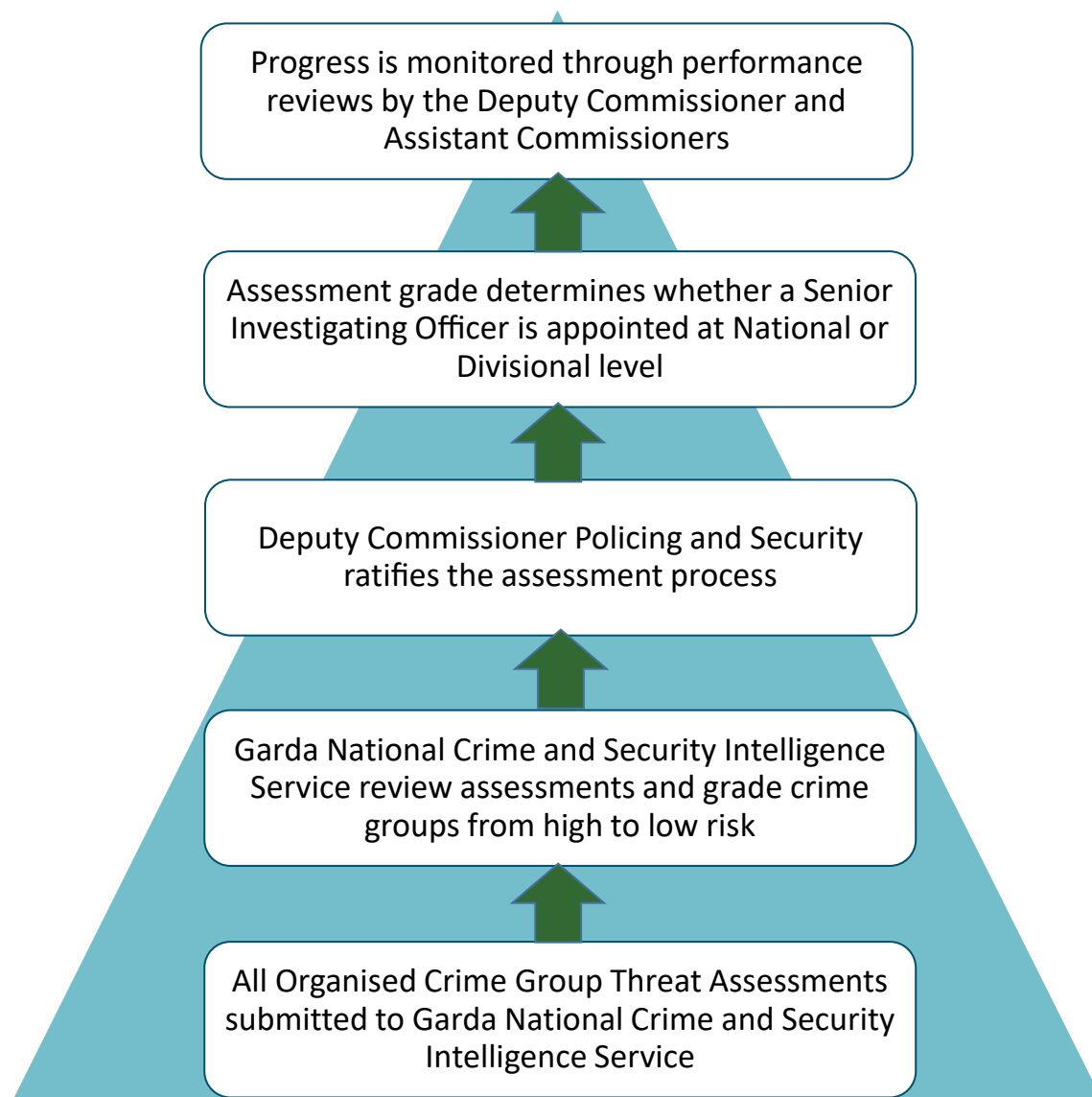
In a document approved by the Garda Executive on 17 February 2021, the NCIF was described as ‘aiming to provide an organisational framework designed to assist the Garda Síochána in delivering an efficient

and effective intelligence-led policing service’. During the inspection, it was explained that the model aims to improve capability within the Garda Síochána in both proactive and responsive policing to meet the changing needs of communities. An additional aim is to facilitate the effective deployment of resources within the Garda Síochána, targeting issues that impact on safety in communities.

Many of those who engaged with the Inspectorate described the NCIF as more of a model for tackling organised crime, rather than an intelligence-led policing model that could be used to tackle all types of crime.

Like other jurisdictions, the NCIF has introduced a number of processes. These include the governance structure as shown in Figure 1.8.

Figure 1.8: NCIF governance structure



Source: Garda Síochána NCIF Evaluation, adapted by the Garda Inspectorate

This structure contains a number of important roles for senior gardaí, particularly the Deputy Commissioner, Policing and Security, who is designated as the senior accountable officer for delivery of the NCIF. This structure shows that the Organised Crime Group Threat Assessment Tool features prominently.

The NCIF has introduced an additional governance layer called a Co-ordination and Prioritisation Group led by the Assistant Commissioner Organised and Serious Crime. This type of group should also operate at regional and divisional levels to create and implement policy regarding

crime tasking and co-ordination as well as providing oversight and strategic direction in respect of intelligence development and operational activity. It is expected that there will be a co-ordination and prioritisation function to determine the focus, direction and responsibility for operational activity.

According to the NCIF, regional co-ordination and prioritisation should be on the agenda of regional crime meetings chaired by the regional assistant commissioner. At this meeting, threat assessment tools should be used to determine priority operations and the co-ordination and prioritisation process should:

- > Review the national strategic priorities and determine regional priorities;
- > Review any regional threat assessments and decide on appropriate responses;
- > Establish the regional intelligence requirements;
- > Co-ordinate, plan and prioritise operational activities of regional significance; and
- > Assign lead roles in significant regional operations, where required.

In addition, co-ordination and prioritisation should be on the agenda of divisional crime management meetings chaired by the divisional officer. This meeting should conduct the same process as outlined for the region, but with a focus on divisional priorities. At the time of conducting this inspection, the strategic, regional and divisional tasking and co-ordination processes were not fully functioning. Instead, the Garda Síochána intend to use the existing Performance Accountability Framework (PAF) and regional and divisional crime management meeting structures. It was also the case that the model used in the original pilot was operating differently to the Southern Region pilot but the differences were not identified in the evaluation report as being required. The inspection team was told that the different approaches will be evaluated and ultimately a single national model implemented.

### Assessment

The components of the NCIF are comparable with the models in use in other jurisdictions. The purpose is also aligned with the outcomes that models in other jurisdictions were found to deliver. The evaluation of the

pilot found many positive developments, such as enhanced collaboration between units at all levels and that the rollout of the OCG assessment tool had improved the operational response to organised crime.

The Inspectorate welcomes the development of the NCIF and the intention to implement it across the Garda Síochána. However, after first recommending a crime intelligence model in its *Crime Investigation (2014)* report, nine years later the Inspectorate is disappointed to find that this is still not in place.<sup>18</sup> It is also disappointing to find that some of the NCIF processes, such as strategic and tactical tasking and co-ordination meetings are not in operation and there are no plans to introduce them.

The absence of these meetings and the analytical products to inform operational decisions is a weakness which should be addressed as the rollout of the framework progresses. All decision making to identify and review priorities currently takes place within the regional and divisional crime management meetings. Priorities are set weekly in some divisions and monthly or quarterly in others. This variance in regularity is influenced by the different operational policing demands in each division. Reviews of progress against priorities is conducted at various intervals. While the Inspectorate was told that the Deputy Commissioner Policing and Security was kept up to date on the progress of the NCIF, their formal role outlined in the governance structure was not yet implemented.

The Inspectorate was concerned to find early signs of inconsistency between the original NCIF model and some attempts to implement alternative versions. This was further emphasised with modifications introduced between the Eastern and

18 Recommendation 8.8. Garda Inspectorate, 2014. [Crime Investigation](#). [Accessed on 31 May 2024].

Southern Region pilots. This included a change to the management of intelligence in the Southern Region for which there was no clear rationale. While the geography of Ireland brings differences in the style of policing delivery between city and rural communities, inconsistencies in practices and processes will undermine the integrity and operation of the garda model. As such, a national model is needed and should be implemented without local variations.

The Inspectorate is also concerned that the NCIF is perceived within the Garda Síochána as being focused on organised crime, rather than a model that is used to develop an intelligence-led approach to tackle all types of crime. The NCIF should be at the heart of all policing decisions and used not only to keep citizens safe from serious crime, but to also to address other crimes and quality of life issues that impact on communities.

## Recommendation

In light of these findings, assessment and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.6

#### National Criminal Intelligence Framework

The Inspectorate recommends that as a matter of urgency the Garda Síochána implement the National Criminal Intelligence Framework. This should include a robust tasking and co-ordination process at strategic and tactical levels.

## Managing the Flow of Intelligence

It is important for a police service to ensure that investigators have access to good intelligence, while ensuring that there are strong safeguards in place to protect the source of the information.

### International and Comparable Practice

To strengthen collaboration between those involved in intelligence and those conducting investigations, Police Scotland operates a Covert Major Incident Advisory Group. This group brings together representatives from intelligence, covert policing specialists and senior investigating officers.

This allows an investigator to share their investigative strategy, identify intelligence gaps and seek additional assistance.

The investigator is not present for any discussions on the use of covert policing tactics and they do not need to know the origin of the intelligence. In essence, a “firewall” is created to protect the source of the information.

## Findings

The NCIF pilot in the Eastern Region introduced a number of new intelligence processes as well as establishing a new regional structure. This saw the creation of a Regional Criminal Intelligence Unit and a Regional Co-ordination and Tasking Unit, each led by a detective superintendent. These units are based in different locations. The detective superintendent in charge of the Regional Criminal Intelligence Unit also has responsibility for the Regional Surveillance Team and the Regional Source Management Unit, which manages all regional Covert

Human Intelligence Sources (CHIS).<sup>19</sup> The detective superintendent in charge of the Regional Co-ordination and Tasking Unit has no investigative resources but tasks the Regional Armed Support Unit and the Regional Dog Unit.

Intelligence is disseminated by the NCIU to the Regional Criminal Intelligence Unit. Once received, the Regional Criminal Intelligence Unit could task a variety of local resources to develop the intelligence further. At the conclusion of their work, a briefing pack is prepared and shared with the most appropriate investigative unit. Packs may be sent to a national unit, the Regional Co-ordination and Tasking Unit or to one of the divisions within the region for action.

When intelligence relates to a threat which overlaps multiple divisions within the same region or into another region, the tasking unit will liaise with the divisions involved or with the tasking unit in the other region.

While it was reported that the intelligence cycle was working well in the pilot, there was limited evidence of the preparation, sharing or use of analytical products, such as tactical assessments.

Any requests for further intelligence or development of the intelligence disseminated should go back through the Regional Criminal Intelligence Unit and onwards to the NCIU which will assess if the request is capable of action. If so, it decides what methodology is used to develop the information. This may involve technical or human surveillance, tasking a CHIS or reviewing open source material. Operation Ragwort is a good example of how intelligence can help to progress an investigation. This operation identified a

significant crime series involving the theft of a specific type of electric vehicle. The unique nature of the crimes brought a layer of technical complexity which investigators struggled to understand. A breakthrough came when investigators from the Stolen Motor Vehicle Investigation Unit provided additional information. This was sent to GNCSIS with a specific intelligence request. GNCSIS developed a briefing pack, sent it to the Stolen Motor Vehicle Investigation Unit and an arrest was made.

Some investigators raised frustration with the receipt of a sanitised intelligence briefing package, as opposed to the free flow of information they were previously used to. The firewall is perceived by some garda members as making intelligence inaccessible. An example shared on a number of occasions referred to concern expressed by investigators that they only receive extracts of information from covert activity as opposed to the entire package of raw data. This was perceived as constraining opportunities to consider charges for conspiracy when evidence of the commission of a substantive offence was not sufficient.

The Garda Síochána intends to recreate the structure in place in the Eastern Region across the other three regions and the long-term plan is to introduce divisional intelligence units. These will ensure that all information received from members in divisions and regions is entered into the intelligence system and forwarded to GNCSIS. In the interim, the other three regions and some national units had implemented intelligence hubs in advance of the conclusion of the initial Eastern Region pilot. In some locations, this did not follow the original design. For example, in Organised Serious Crime, there is a variation to where the firewall sits,

<sup>19</sup> These are people registered with law enforcement agencies who provide information on criminal activity, usually for financial reward.

with surveillance managed outside of the intelligence structure. The product from surveillance can be raw information, which needs to be managed through the intelligence process and disseminated appropriately or it can be information documented in a witness statement by the garda member conducting the surveillance and presented as evidence in criminal proceedings.

During the inspection, garda members provided a number of examples where conflict between operations had occurred through a lack of fluent communication. In one example, unknowingly, a national unit and a divisional unit were conducting operations simultaneously against the same crime group. The absence of a process to prevent conflict between teams creates an unnecessary risk with two units independently targeting the same suspects at the same time, wasting resources and potentially compromising an operation.

The inspection team met with a number of people who expressed frustration with the role of the detective superintendent in charge of the Regional Co-ordination and Tasking Unit. While this post holder has responsibility for developing and leading on the regional crime strategy, they have no investigative resources and rely on accessing garda members based in the divisions within the region. Access to divisional investigative resources is contingent on the goodwill of the relevant divisional detective superintendent and the divisional senior management team. This was particularly challenging for the region when an OCG was operating across multiple divisions.

The new Garda Operating Model is a transformation programme which moves local command from geographically focused superintendents working as district officers

to functional superintendents in each division in roles comprising community engagement, crime and performance assurance. The establishment of a detective superintendent in each of the divisional crime roles moves the leadership for serious crime investigations from pre-existing regional detective superintendents to divisions where teams of detective garda are available for deployment. This inspection found limited evidence of synergy between the Garda Operating Model and the NCIF change programmes.

## Assessment

The NCIF is considered by the Inspectorate to be a good model capable of delivering efficient and effective intelligence-led policing.

As the Garda Síochána has responsibility for both policing and security, there is a clear need for a single repository for all crime and security intelligence.

Some individuals who are involved in serious and organised crime are also involved in activity that poses a threat to State security.

This overlap provides a clear rationale for one unit to have responsibility for oversight of all intelligence, held in a single repository and allocated for action depending on the nature of the threat. This role already exists with GNCSIS and the accountability process already referenced within the NCIF provides a level of reassurance that resources will be allocated to the highest risk through a prioritisation process overseen by the Assistant Commissioner Organised and Serious Crime on behalf of the Deputy Commissioner Policing and Security. The NCIF contains high levels of accountability, which will enforce integrity in the approach

adopted and identify any failures to allocate intelligence assets, such as surveillance or CHIS, against the highest-priority risk. The Inspectorate believes that in time, confidence in the NCIF will increase.

The Inspectorate also noted the frustration expressed by numerous investigators that they were not seeing or receiving all intelligence relating to their investigations. This specifically referred to raw data from audio recordings from a surveillance operation. The Inspectorate believes that this data should be treated in the same way as any initial information submitted to GNCSIS and should be introduced into the intelligence cycle and eventually disseminated as processed intelligence. The process should apply equally to this material as it does to other intelligence, otherwise staff will become confused as to when the rules apply and when they do not. The concern expressed at losing the opportunity to pursue offenders for offences of conspiracy should not arise if an investigator builds this option into the investigative strategy and a request for intelligence is shared with GNCSIS. This will ensure that those processing the intelligence co-operate with the investigator to turn relevant intelligence into evidence.

The absence of strategic and tactical co-ordination meetings at all levels of the Garda Síochána is a weakness. Recognising the importance of a separate and distinct process, the Inspectorate recommended the introduction of specific Strategic and Tactical Tasking and Co-ordination Groups in the *Crime Investigation (2014)* report.<sup>20</sup> The Inspectorate believes that incorporating such a critical element of the NCIF within the PAF process risks weakening the tasking and co-ordination element of the framework.

However, it is recognised that this aspect of the NCIF has not yet been fully finalised and judgement should be reserved until the process has been properly tested and reviewed.

A risk identified during the inspection was the potential for conflict between two different garda units deployed on inter-linked operations. The Inspectorate believes that this risk can be mitigated through the full implementation of the NCIF with all of its checks and balances. These should include a single intelligence facility and co-ordination and prioritisation of threats and risks delivered through properly functioning regional intelligence and co-ordination and tasking units with the ability to appropriately share information. Critical to the success of these units is ensuring all intelligence assets are protected by appropriate alignment of the firewall within the intelligence cycle. The Inspectorate found that variations existed as to which functions were aligned behind the firewall. The Garda Síochána must resolve this by removing any ambiguity and developing a clear structure that enables the implementation of a single national model.

The shortage of analysts during the early work to implement the NCIF pilot influenced the availability of key analytical products, such as strategic and tactical assessments. The provision of analytical products to support delivery of the framework will help to standardise implementation across divisions and regions, and should be prioritised, once additional analytical support is available.

The location of the Regional Criminal Intelligence Unit and the Regional Co-ordination and Tasking Unit in different locations initially presented as a useful arrangement as it created a physical distance

20 Recommendation 8.8. Garda Inspectorate, 2014. [Crime Investigation](#) [Accessed on 31 May 2024].



between the teams on each side of the firewall. However, the framework is much more than just creating a firewall. Having the two units in the same location would improve collaboration between them and as a consequence, improve the quality of the service delivered.

Although the NCIF is still at pilot stage, the Inspectorate found a number of inconsistencies in the management of intelligence. A national intelligence model must be accompanied by standard and consistent operating practices.

There is a clear imbalance in the roles and responsibilities of the two regional detective superintendents with the superintendent in charge of tasking and co-ordination having no investigative resources. The Inspectorate believes that a review needs to take place of the roles and responsibilities assigned to this position.

The Garda Operating Model and the NCIF have the potential to significantly enhance the efficiency and effectiveness of service delivery. However, the change programmes appear to be taking place on a parallel but separate basis and without the necessary choreography.

There is a clear need for the NCIF to be seen and delivered as an integral element of the operating model.

### Recommendation

In light of these findings, assessment and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 1.7

##### Management of Intelligence

The Inspectorate recommends that the Garda Síochána implement a standardised approach to the management of intelligence that clearly identifies which functions sit on the intelligence side of the firewall. In addition, it should:

- > Where possible, co-locate the Regional Criminal Intelligence Unit with the Regional Co-ordination and Tasking Unit;
- > Conduct a review of the role and responsibilities of the detective superintendent in charge of the Regional Co-ordination and Tasking Unit; and
- > Ensure that the National Criminal Intelligence Framework is incorporated into the Garda Operating Model change programme

## Management and Oversight of Covert Policing Operations

Covert policing is a collective term for a variety of types of surveillance. It is another aspect of collecting evidence or information which is assessed and developed into evidence. Those involved in domestic and transnational organised crime have grown their awareness of forensic and conventional investigative techniques.

Therefore, additional methods of investigation, including covert tactics, are required in order to protect communities by preventing and detecting serious crime. This type of policing must be conducted within the relevant legislative and human

rights framework, and without the target of the operation becoming aware that information and evidence are being collected.

The following are the types of activity that constitute covert policing:

- > Deployment of an undercover police officer;
- > Surveillance conducted by law enforcement agencies on a suspect or a location; and
- > Use of Covert Human Intelligence Sources (CHIS).

Disrupting and dismantling transnational organised criminal networks often relies on using a number of these different covert policing options during an investigation.

## Undercover Deployments

While deploying police officers in an undercover capacity carries a higher-risk element, infiltrating an OCG provides an excellent opportunity to gather intelligence that can be used to dismantle a whole criminal network.

## Findings

The use of undercover deployments is a tactical option for the Garda Síochána and has been used for test purchasing drugs or undertaking covert operations such as surveillance.

While Ireland came under harsh criticism from the European Court of Human Rights (ECtHR) for having no formal system for authorising and supervising undercover police operations, it did ratify the legal position for the Garda Síochána to conduct test purchasing operations of drugs.<sup>21</sup> The

ECtHR echoed the Court of Appeal which noted that Ireland was the only country in a comparative survey covering 22 Member States that lacked a formal regulatory basis for the use of undercover police.

Although work was underway to develop a policy on undercover policing, it was in draft format but had not gone through the policy approval process at the time of this inspection.

## Assessment

The absence of a policy for covert policing needs to be urgently addressed. As such, the Garda Síochána should expedite the development, publication and implementation of a policy that controls and guides all operations that require undercover deployments. The policy should also set out the appropriate level of oversight and scrutiny.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.8

#### Undercover Policing Policy

The Inspectorate recommends that the Garda Síochána should expedite the development, publication and implementation of a policy that establishes a formal structure for the management and governance of undercover policing deployments.

21 European Court of Human Rights, 2017. [Decision Mills v. Ireland - Complaint concerning alleged police entrapment declared inadmissible](#). [Accessed on 31 May 2024].

## Surveillance

Surveillance operations are regularly used by law enforcement agencies as a means of collecting information and gathering evidence against OCGs. Trained surveillance officers are a valuable but finite asset and once their identity is compromised, it is no longer safe or beneficial to deploy them.

## International and Comparable Practice

Other jurisdictions have well developed legislation in relation to covert policing. For example, surveillance in the UK is governed by the Regulation of Investigatory Powers Act 2000.

The Act makes provision for the interception of communications, the acquisition and disclosure of data relating to communications, the carrying out of surveillance, the use of CHIS and the acquisition of the means by which electronic data protected by encryption or passwords may be decrypted or accessed. It also provides a framework to ensure investigatory techniques are used in a way that is compatible with the right to respect for private and family life, enshrined in Article 8 of the European Convention on Human Rights (ECHR). The Act aims to ensure that these techniques are used in a regulated way and provides safeguards against the abuse of such methods. Use of these covert techniques are only authorised if considered legal, necessary and proportionate. Covert surveillance activity does not require application or authorisation when it takes place as an immediate response to an event or during a patrol, rather than being pre-planned. However, once that immediate response is completed, any surveillance conducted by a police officer

must be authorised, whether or not any listening or monitoring device is used.

Some jurisdictions have sought to protect the identity of people deployed in surveillance roles. For example, France has made it a criminal offence to disclose the identity of surveillance officers or agents (or their family) who have carried out infiltration operations under an assumed identity under Article 704-84 of their Code of Criminal Procedure.<sup>22</sup> In Germany, identity in criminal proceedings is protected under Section 110b(3) of the Code of Criminal Procedure, particularly if there is reason to fear that revealing the identity would endanger the life, limb or liberty of the undercover investigator or of another person, or would jeopardise the continued use of the undercover investigator.<sup>23</sup>

## Findings

In Ireland, surveillance is enabled through the Criminal Justice (Surveillance) Act 2009. This legislation is utilised by the Garda Síochána through guidance set out in a HQ directive issued in 2012. The Act empowers the Garda Síochána to *'monitor, observe, listen to or make a recording of a particular person or group of persons or their movements, activities and communications; or to monitor or make a recording of places or things by or with the assistance of surveillance devices'*.<sup>24</sup> As such, surveillance conducted without the use of technology is not subject to the requirements of the Act.

Surveillance legislation enables approval of urgent applications by the detective superintendent in the National Surveillance Unit and this approval is valid for 72 hours. If the surveillance needs to continue past this time, the application should be taken

22 Government of France, 2023. [Code de Procédure Pénale](#).(French) [Accessed on 31 May 2024]

23 Federal Ministry of Justice, 2022. [German Code of Criminal Procedure \(Strafprozeßordnung – StPO\)](#). [Accessed on 31 May 2024].

24 [s.1 of the Criminal Justice \(Surveillance\) Act 2009](#). [Accessed on 31 May 2024].

before a district court judge. At the time of the inspection, the Inspectorate found that there had been no urgent authorisations approved by the detective superintendent. All deployments were authorised through applications taken before a judge. The same judge is not used for all applications.

The Garda Síochána uses two types of human surveillance techniques: covert operational surveillance where garda members deploy in plain clothes to observe a person(s) or a location, and covert undercover deployment where garda members also deploy in plain clothes but act as a purchaser or delivery agent to apprehend a suspected offender. Both types of deployment are used to collect evidence.

At a national level, there is a National Surveillance Unit within GNCSIS that is located in Dublin. Unit members are highly trained, but due to the high level of demand, they are sometimes unable to respond to all requests for their services. Access to their services is gained through Assistant Commissioner GNCSIS. All requests are prioritised and resources allocated to those subjects presenting the highest risk. Some other national units have also developed their own surveillance teams.

Each of the geographic regions has also developed a regional surveillance team. To access their services, divisions make a request to the regional assistant commissioner and the team is allocated to those subjects presenting the highest risk. Divisions also deploy members to conduct surveillance in support of local investigations. The use of technology to conduct surveillance requires support from the National Surveillance Unit. These types of requests need to be authorised by Assistant Commissioner GNCSIS. While access to this sort of technology is strictly controlled, the Inspectorate received information relating to the inappropriate use

of privately obtained surveillance technology by garda members.

Covert policing is subject to extensive judicial oversight. Oversight of surveillance conducted by both regional and national units and interception of communications is provided through examinations conducted by two separately appointed High Court Judges. Oversight judges can only examine approved and recorded activity, and should it take place, any unauthorised deployment or use of unofficial equipment will not be available for examination, unless detected.

While tradecraft and methodology are protected under law, occasionally garda members who conduct surveillance or undercover operations are required to provide evidence in court. Currently, in order to protect the identity of these garda members, the National Surveillance Unit detective superintendent is required to attend court and seek anonymity for the members involved and protection privilege in relation to any technology used. The Inspectorate welcomes the enactment of the Criminal Justice (Miscellaneous Provisions) Act 2023 which will provide anonymity of witnesses in criminal proceedings including garda members on undercover duties.

## Encrypted Digital Communications

Encrypted digital communication is a secure method of communicating between two end points making it difficult for an unauthorised third party to gain access. WhatsApp is an example of a commonly used encrypted digital platform. However, organised crime groups also use these types of platforms to communicate, plan and execute their activities. The investigation of encrypted digital communications used by organised crime groups in this way is a major challenge for law enforcement agencies.

Access by law enforcement agencies to one encrypted digital communication platform revealed that there was an estimated 66,000 users across 122 countries. Subsequent investigations into that platform resulted in over 6,500 arrests made worldwide as well as the seizure of close to €900 million and large quantities of drugs and firearms.<sup>25</sup>

### International and Comparable Practice

Concerns relating to criminals communicating and planning criminal activity through encrypted networks led Sweden to introduce the Swedish Covert Surveillance of Data Act (2020:62).<sup>26</sup> This empowers the police and other law enforcement agencies, on the granting of judicial authority, to intercept various technical devices to extract data held on or passing through the device.

Permission for what is described as ‘secret data reading’ may be granted ‘to read or absorb; communication interception tasks, communication monitoring tasks, location data, camera surveillance data, room eavesdropping data, data stored in a readable information system or data showing the use of a readable information system’. In addition, ‘In the case of secret data reading relating to interception or surveillance tasks, messages transmitted or transmitted in an electronic communications network may also be prevented from reaching them.’

### Findings

Ireland has the Interception of Postal Packets and Telecommunications Messages Act 1993, which empowers the interception and opening of packages in the postal

system or their delay to enable a controlled delivery by a law enforcement agency. While it also empowers listening to or recording telecommunications messages or conversations, it does not allow access to encrypted communication platforms.

The current powers of the Garda Síochána to conduct interception of communications and covert surveillance are accompanied by legislated independent oversight. This is provided by a judge appointed for each of the areas of surveillance and interception with an additional tier in the form of a complaints referee where concern is expressed in either area.

The oversight judge for interception identified in their last three reports dating back to 2021 that ‘the provisions in the 1993 Act for the interception of telecommunications are seriously out of date’.<sup>27</sup> This references the legislation as 40 years old, and highlights that, as time passes the types of communications legislated for will become obsolete. There is a gap in the current legislative arrangements and with the pace of technological advancements, there is a risk that appropriate legislation will not be in place to effectively support future criminal investigations. The Department of Justice informed the Inspectorate that a review of the 1993 Act is underway with a view to bringing forward policy proposals to modernise the interception framework to take account of changes, such as the means through which people communicate.

The Garda Síochána (Powers) Bill 2021 proposes new legislation to require a person during a search to provide the password for

25 Europol, 2023. [Dismantling encrypted criminal EncroChat communications leads to over 6 500 arrests and close to EUR 900 million seized](#). [Accessed on 31 May 2024].

26 Sveriges Riksdag, 2020. [Lag \(2020:62\) om hemlig dataavläsning](#). (Swedish) [Accessed on 31 May 2024].

27 Department of the Taoiseach, 2023. [Interception of Postal Packets and Telecommunications Messages \(Regulation\) Act 1993, Section 8\(1\) as substituted by the Communications \(Retention of Data\) Act 2011, Section 11; Report to the Taoiseach](#). [Accessed on 31 May 2024]

their computer. While this is welcomed, there remains an absence of legislation to enable the Garda Síochána to use the full range of covert policing options to target OCGs.

The Garda Síochána informed the Inspectorate that they regularly support work by international law enforcement partners to protect lives and prevent and detect crime. This involves the sharing of information and intelligence obtained from various sources. The Inspectorate was informed by the Garda Síochána that any information received in connection with a threat to harm a person is acted on without delay. With regards to encrypted networks, the Garda Síochána explained that no proactive operations are undertaken solely on the basis of this type of intelligence. Any information received from this type of source is subject to research and development in order to check its validity.

As part of this inspection, the Inspectorate requested access to specific intelligence received by the Garda Síochána from an international law enforcement agency with regards to an encrypted platform. However, this request was denied on the basis that the intelligence was owned by a third party, and that following a request from the Garda Síochána, the third party refused to allow the Inspectorate to see it. Restricting access to intelligence received from a third party is a compliance requirement to safeguard the continued sharing of intelligence by international law enforcement partners.

The Inspectorate also asked for information on the action taken by the Garda Síochána on receipt of the intelligence. In essence, the Inspectorate wanted to be assured that the Garda Síochána took timely and appropriate action to address any European Convention of Human Rights (ECHR) Protection of Life (Article 2) risks, such as a threat to life. While the Garda Síochána provided a high-level briefing to the inspection team and

reassurances were given by senior gardaí that all intelligence in relation to possible threats to life was actioned, the Inspectorate has not received sufficient detail to confirm this.

The Policing, Security and Community Safety Act 2024 will establish a new Office of the Independent Examiner. The Examiner will have responsibility for the existing oversight and investigation roles currently carried out by designated high court judges in the areas of surveillance, covert human intelligence sources, data retention and interception. The Garda Síochána and other state entities with a security remit will be obligated to cooperate with the Examiner and provide access to information relating to sensitive matters. The Department of Justice highlighted that there may be some exceptional circumstances when access to intelligence is restricted. These relate primarily to operational material in cases involving covert human intelligence sources or when intelligence is received from another jurisdiction. The Examiner will provide an annual report to the Taoiseach and this can be used to highlight any issues, such as accessing intelligence.

## Assessment

Given the extensive use of encrypted communications platforms by organised crime groups and also by those dealing drugs in local communities, the Inspectorate reiterates the view of the oversight judge that the Postal Packets and Telecommunications Messages Act 1993 does not provide sufficient powers to the Garda Síochána and other law enforcement agencies. The ongoing review of the Act should ensure that the law in this area is not only robust and effective in supporting the needs of the authorities charged with combating serious crime, but that the law also remains proportionate and takes account of the impact on fundamental human rights.

While the latest draft of the Garda Síochána (Powers) Bill 2021 contains a range of new powers, it does not include a power to enable law enforcement agencies to access encrypted digital communications.

The agility with which cyber-criminals identify new target opportunities and evolve into new environments requires an equally focused and empowered investigation capability. The Inspectorate believes that empowering the Garda Síochána and other law enforcement agencies to access encrypted networks requires a balance between the protections under the ECHR Protection of Life (Article 2) and Protection of Privacy (Article 8). Any additional legislation provided to empower the Garda Síochána and other law enforcement agencies to tackle the threat and risk posed by cyber-criminals should include robust independent oversight.

While the Inspectorate wanted to examine the information sent to the Garda Síochána by a third party in connection with a specific encrypted platform, it is acknowledged that the Garda Síochána is constrained by international convention with regards to the third party rule for intelligence. In this case, the originating law enforcement agency refused to allow the Inspectorate access to the intelligence.

Without access to the intelligence received or the provision of a more detailed briefing from the Garda Síochána on how they responded to it, the Inspectorate is unable to confirm whether timely and appropriate action was taken to address any high-risk cases, particularly a threat to life.

This inspection has identified a gap in the current oversight arrangements evidenced by the inability of the Inspectorate to examine the Garda Síochána's response to specific intelligence received from a third

party. The Department of Justice informed the Inspectorate that the appointment of an Independent Examiner as part of the Policing, Security and Community Safety Act 2024 will address this gap. However, the Inspectorate believes that once appointed, the Department of Justice should ask the Independent Examiner to conduct a full review of the action taken by the Garda Síochána in connection with the intelligence that the Inspectorate was unable to examine.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.9

#### Encrypted Digital Communications

The Inspectorate recommends that the Department of Justice expedite its review of existing legislative arrangements to ensure that Irish law enforcement agencies have sufficient powers to investigate encrypted and open digital platforms.

### Recommendation 1.10

#### Oversight of Intelligence

The Inspectorate recommends that the Department of Justice ask the Independent Examiner to conduct a full review of the action taken by the Garda Síochána on receipt of information in connection with a specific encrypted communications platform.

## Covert Human Intelligence Sources

The National Source Management Unit (NSMU) is responsible for oversight of all CHIS activity, including processing referrals for registration, providing advice to those involved in dealing with CHIS and training gardaí in source handling. The NSMU manages a national register of all CHIS.

## Findings

The Garda Síochána operates a source management unit in Organised and Serious Crime to support national units and in each of the four regions to support divisions. If a garda member identifies a person who may be suitable to be a CHIS, they are required to immediately refer them to a source unit. The source unit conducts an assessment and enters the person onto the CHIS system, which automatically registers that assessment with the NSMU. The NSMU plays a key role in the assessment process as it has access to all intelligence systems. The NSMU looks at a person's motivation to be a CHIS and may designate a person as unsuitable before a regional assessment is completed. A common reason for unsuitability will be the person's involvement in crime. In these cases, a warning marker is placed on the electronic register highlighting that the person is unsuitable.

All information provided by a CHIS is entered on an intelligence system, sanitised to protect the source and disseminated to enable operational or investigative action to be taken. This inspection found that regional source management units were encouraging members to identify and refer individuals who might make a good CHIS. Some members who had recommended people to the source management units expressed frustration about the process as they are not told the outcome of their referral.

New CHIS procedures were introduced in 2022. These specify new roles and responsibilities for supervisors from sergeant to chief superintendent rank with varying levels of scrutiny to ensure policy compliance. The assurance process extends to the requirement to query sources of all local intelligence and should result in executive actions at the superintendent's PAF meeting. There is also a requirement to introduce and maintain a system of 'dip-sampling' of garda intervention by superintendents and chief superintendents within their area of operations, to further ensure compliance.

The registration process for assessing and approving CHIS was reviewed as part of this inspection and it was found to be thorough and legislatively, procedurally and ECHR compliant. However, such a process only works well when it is used correctly. Concerns were expressed that the approval process was too slow and in some cases it was suggested that people were only referred into the assessment process after all the information they had to give was drawn from them by the referring garda member. This negates their usefulness, as once approved, they had nothing left to contribute. Also, there are additional risks in using information from a person who is later assessed as unsuitable. The Inspectorate was also told that some people were not referred into the registration process but were managed by individual investigators. In some cases, this was evidenced through significant arrests or seizures of illicit goods which did not emanate from recorded intelligence. The Garda Síochána is very aware of the potential risks involved in managing unregistered CHIS and have been clear with staff that any breach of policy would be a serious discipline issue. Oversight of CHIS is conducted by a former judge of the Irish Court of Appeal.



## Assessment

The absence of feedback on whether a referred person was later recruited as a CHIS reflects a level of confidentiality which is best practice and criticism of the process shows a lack of awareness by the members who raised this. The Inspectorate was reassured by the processes in place to protect a registered CHIS, but it was concerning to hear that some members continue to use information from an unregistered source. Such a practice presents serious risks to the efficacy of a prosecution and would impact on public confidence. Accordingly, the Inspectorate believes that the PAF assurance process provided for in the new procedures should be enhanced to examine unexplained significant seizures of illicit goods or arrests that occur in the absence of credible intelligence. In such circumstances, GNCSIS should initiate an enquiry to follow the activity back to its intelligence source.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.11

#### Intelligence Source Reviews

The Inspectorate recommends that the Garda Síochána enhance the system of reviews for unexplained operational seizures or arrests that occur in the absence of formal intelligence or information provided by a registered source.

## Involvement of CHIS in Crime

The ability to infiltrate criminal organisations is key to understanding the way in which they operate and helps to formulate strategies and operations to target them. A well tried and tested method of gathering intelligence is through the use of a CHIS who can provide specific information about those involved in crime. In some jurisdictions, a CHIS who is involved in criminal conduct may, in certain circumstances, still be used. Guidance for garda members on the management and use of CHIS is provided in a HQ directive that was refreshed in 2022.

## International and Comparable Practice

The UK employs many of the same covert methodologies as other jurisdictions, including CHIS. Recently, the involvement of CHIS in criminal conduct was reviewed following criticism of an undercover police operation. This resulted in the enactment of the Covert Human Intelligence Sources (Criminal Conduct) Act 2021 that now governs the circumstances within which a CHIS can be authorised to participate in criminal behaviour. This is called a criminal conduct authorisation, used to prevent the commission of serious crime where there is no practical legal path through which the same outcome could be achieved. Two issues addressed in the legislation were a desire to limit the seriousness of the offences which a CHIS could commit and to prevent participation of minors and vulnerable people in criminal conduct. Offences committed by a CHIS are categorised and recorded as criminal offences, while decision making around criminal liability is addressed through a direction by the Crown Prosecution Service as to whether it is in the public interest to prosecute. In using a CHIS that is participating in crime, there are clear human rights considerations that need to be

taken into account, particularly offences that may constitute breaches under Articles 2 and 3.

Oversight of the use of criminal conduct authorisations is conducted by the Investigatory Powers Commissioner who has a legislative responsibility to keep under review the exercise of the power to grant or renew criminal conduct authorisations and their use in relation to juveniles and vulnerable people.<sup>28</sup> The Commissioner is required to cover these issues in their reports.

In Canada, the legal system distinguishes between a confidential informer as a passive observer to criminal activities and a police agent who participates in the criminal activities under investigation as a result of being directed by the police. Canadian law permits the commission of criminal acts by police agents if it is not for self-interest but is oriented towards the enforcement and application of the law. The Quebec Court of Appeal ruled in the case of *Hiscock*<sup>29</sup> that an informant cannot benefit from privilege (protection of their identity) when they commit a crime on their own behalf.<sup>30</sup>

In 2013, the Council of Europe published a report on special investigative means. This term is defined as including *'the deployment of undercover agents'*.<sup>31</sup> Undercover agents include a member of a criminal group who has been given law enforcement or judicial authority to continue within the group, while, at the same time, reporting the evidence of an insider. The report considers at length the engagement by special investigative means of the ECHR and especially Article 8. Considerable emphasis is placed on

ensuring any engagement of this article is in accordance with the law of the relevant jurisdiction. The use of special investigative means must be in pursuit of one or more of the legitimate aims referred to in Article 8(2), which include the interests of national security, public safety and prevention of disorder or crime. This type of covert activity should be restricted to what is necessary to achieve the required objective. There must also be adequate and effective safeguards and remedies against the abuse of such methods as well as a requirement that they must be applied in a non-discriminatory manner.

## Findings

The Criminal Justice (Surveillance) Act 2009 does not enable or permit authorisation of any CHIS to participate in criminal activity. As such, a person engaging in criminal behaviour will not be authorised as a registered CHIS and if a CHIS becomes involved in criminal behaviour, they will be removed from the register and no longer used. The benefits of enabling CHIS to participate in criminal activity was recognised by many members who met with the Inspectorate. Equally recognised were the risks of such activity and the requirement for strong oversight.

## Assessment

The restriction on registering a CHIS who may be involved in crime significantly limits the tactical options for targeting serious crime and offences committed by

28 Currently Right Honorable Sir Brian Leveson, former Lord Justice of Appeal, President of the Queen's Bench Division Courts and Head of Criminal Justice for England and Wales. Further information available on the website of the [Investigatory Powers Commissioner](#) [Accessed on 31 May 2024].

29 *R. v. Hiscock*, 1992. [CanLII 2959 \(QC CA\)](#), [Accessed on 31 May 2024]

30 Taylor, M, 2016. [The Law of Informer Privilege. Final Report of the Working Group](#). Uniform Law Conference of Canada.[Accessed on 31 May 2024].

31 Council of Europe, 2013. [Deployment of Special Investigative Means](#). [Accessed on 31 May 2024].

transnational OCGs. The current requirement to exclude or remove someone engaged in criminal activity is removing a cohort who know critical insider information about criminal activity because they may be part of an OCG involved in serious crime. To effectively tackle the complex and serious threat posed by organised criminal networks, law enforcement agencies need to be able to use the full range of covert tactics, including the recruitment and retention of registered sources who are authorised to engage in criminal behaviour. This requires enabling legislation and it is important that it is also accompanied by appropriate safeguards.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 1.12

#### Covert Human Intelligence Sources

The Inspectorate recommends that the Department of Justice introduce legislation, authority and oversight required to enable registered Covert Human Intelligence Sources to participate in crime. This would require enabling legislation and appropriate safeguards to be put in place

## Investigating Corrupt Officials

One of the most serious enablers of organised crime is a corrupt official and it is important to target not only those officials that are corrupt, but also those OCGs seeking to recruit a person in a position of authority. In recent years, there has been growing consideration globally around the need to introduce legislation specifically focused on tackling organised crime. Where countries introduce such legislation, it consistently acts as an umbrella within which law enforcement agencies and prosecutors draw on other domestic legislation provided to protect communities and address bespoke crime types. Domestic legislation is usually drafted to protect from and tackle OCGs involved in acquisitive crimes, such as theft, fraud, money laundering, arts, antiquities, environmental and wildlife crime. It also seeks to address crimes against people and communities, such as human trafficking, exploitation of children or adults, drugs importation and drugs supply. Jurisdictions introducing legislation aimed at tackling organised crime have also sought to empower law enforcement agencies to address enablers, such as corrupt officials. Such officials could be staff in immigration roles facilitating the movement of trafficked people from one country to another, politicians who lobby, influence or oppose a government decision, or law enforcement agencies such as the police, customs or judiciary that ignore or protect criminal activity. While some officials are motivated by monetary gain, others may be subjected to threats of violence, or coerced to engage in activity to facilitate organised crime.

As highlighted by Interpol, corruption creates a fertile ground for organised criminal activities as criminals are aided in their illegal activities by the complicity of corrupt public officials. Economic globalisation has made

corruption a borderless crime and corrupt transactions can cross multiple jurisdictions, making the ensuing police investigation both time consuming and complex. In its 2021 SOCTA, Europol highlighted that two out of three criminal networks use corruption on a regular basis and a corrupt official can greatly enable the operation of a criminal network.

### International and Comparable Practice

Europol describes the structure of OCGs as similar to a business environment, with a core network comprising managerial layers and field operators, surrounded by a crime infrastructure providing support services. These can be brokers, document fraudsters, technical experts, legal and financial advisors, money launderers and other service providers. While most groups use basic money laundering methods, such as investing in property or high-value goods, some rely on the use of cash-intensive businesses. Acting on these can be a first step towards detecting and tackling organised crime. In Sweden, the provisions prohibiting bribery of foreign and domestic officials are provided for in the Penal Code and they were introduced to prevent and detect corrupt officials. As a result, Sweden is considered to have a government with a high level of transparency and accountability and a political will to combat organised crime.

New Zealand enacted the Organised Crime and Anti-corruption Legislation Act (2014) in 2016. This is considered to be effective anti-corruption legislation and alongside extensive budget transparency and robust independent oversight it makes New Zealand one of the countries with the lowest

corruption levels in the world. In 2021, the New Zealand Police published a five-year *Organised Crime & Our Operational Response* strategy, which has a key focus on targeting enablers and facilitators of organised crime by prioritising high-value targets to remove the profit incentive.<sup>32</sup> They focus on the organised crime leaders and those who cause most harm as well as a media strategy to deliver a counter-narrative to disrupt recruitment.

The UK relies on the Bribery Act 2010 to prevent and investigate allegations of bribery and corruption by public or company officials. This legislation views the protagonist as the more serious offender and seeks to prevent an attempt to bribe a person at the outset.

### Integrity Testing

An important tool used in uncovering corrupt behaviour by public officials is through integrity testing, which consists of either random checks on anyone within an agency, department or organisation or intelligence-led targeted checks on a person. Usually, an integrity test involves putting an unsuspecting person in a potentially compromising position in order that their subsequent conduct can be assessed by a competent authority. The UN Office on Drugs and Crime describes integrity testing as a method that enhances both the prevention and prosecution of corruption and an extremely effective and efficient deterrent to corruption.<sup>33</sup> The Organisation for Economic Cooperation and Development (OECD) advises that while integrity tests can be a powerful specialised corruption detection tool, caution may be needed as:

32 New Zealand Police, 2021, [Organised Crime & Our Operational Response. Five Year Strategy](#). [Accessed on 31 May 2024].

33 United Nations Office on Drugs and Crime, 2009. [Technical Guide to The United Nations Convention Against Corruption](#). [Accessed on 31 May 2024].

- > Legislation may be required to permit the use of integrity testing (such as, where a test would involve offering a bribe to an official who is under suspicion);
- > Legislation may be required to permit the use of evidence obtained in a prosecution;
- > Special training may be needed to deploy the technique effectively; and
- > Non-corrupt staff risk being alienated due to fear of accidentally being targeted.<sup>34</sup>

Integrity testing can be complex and may also involve other specialised investigative measures such as surveillance of suspected officials to monitor their movements and interactions with possible associates. Measures may also include more intrusive methods, such as telecom interceptions or monitoring of bank accounts or financial transactions in order to establish if the official has engaged in suspicious behaviour.

Australia has used integrity testing for a number of years on public officials and members of the police. At federal level, integrity tests are legislated under the Crimes Act 1914,<sup>35</sup> which enables operations to be conducted on federal law enforcement agencies, *if there is reasonable suspicion that a member of staff has committed, is committing or is likely to commit an offence punishable on conviction by imprisonment for 12 months or more.*<sup>36</sup> Operations are initiated by either the relevant agency or by the recently established National Anti-Corruption Commission.<sup>37</sup> The commission is an independent agency

that detects, investigates and reports on serious or systemic corrupt conduct in the Australian Government public sector. This includes investigations on public officials, staff members of Commonwealth agencies, contracted service providers and parliamentarians and their staff. Where investigations of corruption relate to state, territory or local government officials, each state and territory has a similar integrity or anti-corruption commission that may be able to investigate those matters. In New South Wales, integrity and anti-corruption matters are the responsibility of the Independent Commission against Corruption, which set up in 1988 and has a similar remit to the National Anti-Corruption Commission.

### Controlled Operations

As a tactic to detect, investigate and develop intelligence and evidence on transnational organised crime or to undertake integrity testing, law enforcement agencies may need to conduct controlled operations. These are authorised operations that may involve an officer taking part in an activity that would otherwise be considered as an offence. State legislation from New South Wales, Australia defines a controlled operation as:

An operation conducted for the purpose of:

- a) Obtaining evidence of criminal activity or corrupt conduct; or;
- b) Arresting any person involved in criminal activity or corrupt conduct; or;
- c) Frustrating criminal activity or corrupt conduct; or;

34 Organisation for Economic Co-operation and Development, 2005, [Managing Conflict of Interest in the Public Sector. A Toolkit](#). [Accessed on 31 May 2024].

35 [Crimes Act 1914](#). [Accessed on 31 May 2024].

36 Australian Crime Commission, the Australian Federal Police and the Department of Home Affairs

37 National Anti-Corruption Commission came into force on 1 July 2023, which subsumed its predecessor the Australian Commission for Law Enforcement Integrity.

- d) Carrying out an activity that is reasonably necessary to facilitate the achievement of (a), (b) or (c), and involves, or may involve, a controlled activity.<sup>38</sup>

This tactic is widely used and each year the Office of the Inspector of the Law Enforcement Conduct Commissioner publishes records of controlled operations carried out by New South Wales Police. In a 12-month period between 2021 and 2022, 268 operations were authorised and the illegal activity in which undercover New South Wales police officers were involved included serious offending, such as the manufacture, purchase and supply of prohibited drugs and attempting to solicit murder.

In 2019, Italy adopted new legislation to further combat the issue of public sector corruption. This provided measures to combat crimes against the public administration, as well as in matters of statute of limitations and transparency of political parties and movements. The legislation, which has been informally referred to as the ‘*bribe-destroyer*’ law, ‘*establishes additional provisions to fight public sector corruption and to increase transparency requirements in the private sector*’.<sup>39</sup> A significant provision of the Act provides powers for investigative authorities, which permit the use of undercover agents to investigate corruption offences by public officials. In addition, the Act permits the use of intrusive methods, such as wiretapping and even as far as planting malware on suspects’ devices.

Internationally, risks associated with controlled operations are a point of contention. Concerns have been raised regarding whether police should incite a person to commit a crime, which they may not otherwise have committed.<sup>40</sup> This leads to questions over the admissibility of the actions carried out by the agent, in particular whether these actions are a breach of Article 6 of the European Convention on Human Rights. In such cases, the ECtHR applies a substantive test of incitement, which entails examining whether:

- > There were objective suspicions that the applicant had been involved in or was predisposed to criminal activity;
- > Undercover agents had “joined” the criminal acts or instigated them; and
- > They had subjected the applicant to pressure to commit the offence.<sup>41</sup>

While a trial itself may be considered fair, it is the investigative process which may be brought into disrepute. The question of whether the actions taken by law enforcement were sanctioned or if the suspect was coerced by law enforcement was the issue in the ECtHR case *Ramanauskas v. Lithuania*.<sup>42</sup>

This involved a Lithuanian prosecutor approached by an undercover agent and offered a bribe in return for the acquittal of a third person. The prosecutor initially refused, but eventually accepted a bribe. The undercover agent did not seek prior authorisation to conduct a controlled

38 New South Wales Government, [Law Enforcement \(Controlled Operations\) Act 1997, Section 3\(1\)](#). [Accessed on 31 May 2024].

39 Ministry of Foreign Affairs and International Cooperation. Inter-ministerial Committee for Human Rights, 2019. [Italy’s Remarks, Following UN Human Rights Council Resolution 41/9](#). [Accessed on 31 May 2024].

40 See ECtHR cases [Teixeira De Castro v. Portugal](#), [Bannikova v. Russia](#), [Mills v. Ireland](#)

41 ECtHR, 2010. [Information Note on the Court’s case-law, No. 135. Undercover police operation resulting in conviction for drug-trafficking offences: Bannikova v. Russia - 18757/06 Judgment 4.11.2010 \[Section I\]](#). [Accessed on 31 May 2024].

42 [Ramanauskas v. Lithuania \(no. 74420/01\)](#). [Accessed on 31 May 2024].

operation until after the offer was accepted. The prosecutor appealed the conviction to the ECtHR and it found that Mr Ramanauskas' right to a fair trial had been violated. This finding centred on blatant prompting by the undercover agent and there was no indication that the offence would have been committed without that intervention.

## Findings

Similar to some jurisdictions but in a more progressive way than many, Ireland has introduced organised crime legislation under the Criminal Justice Act 2006. The Act includes penalties for participating in and directing a criminal organisation and provides powers to seize assets as well as the offence of conspiring with one or more people to commit crime. It also addresses OCGs by creating offences where a person can be proven to have acted on the direction of or in association with a criminal organisation to benefit them or enhance their ability. Although the Act has been increasingly used since 2010, and has led to a number of successful prosecutions, most investigators that met with the Inspectorate highlighted that while it is regularly used for arrest purposes, not many people are prosecuted under this legislation. It was explained that the legislation is not well understood by investigating members, opportunities to use it are infrequent and proving the offence of conspiracy with a criminal organisation of three or more people acting in concert is challenging. The legislation enabling corruption investigations in Ireland is the Criminal Justice (Corruption Offences) Act 2018. For offences referred for investigation, which were committed prior to 2018, the Prevention of Corruption Act

1906 applies. If neither of these Acts meet the requirements of an investigation, the Public Bodies Corrupt Practices Act 1889 is also available. In addition, standards in public office are enforced through the Ethics in Public Office Act 1995 and Standards in Public Office Act 2001. The Hamilton report (2020) reviewed the structures and strategies to prevent, investigate and penalise economic crime and corruption. As a result of the report, legislation has been introduced to expedite criminal trials through establishing preliminary pre-trial hearings, create an offence of bid-rigging, enhance the role of the Standards in Public Office Commission, expand immunity for complainants and amend the requirements relating to registerable interests.<sup>43</sup> A recommended amendment to the Criminal Justice (Surveillance) Act 2009 to extend the powers conferred on the Garda Síochána and the Revenue Commissioners to other appropriate bodies had not been finalised at the time of writing.

Currently, there is no integrity testing of officials in Ireland. In its February 2023 report, the Council of Europe's Group of States against Corruption (GRECO) made a number of recommendations for the introduction of integrity testing of Ministers of State, the Attorney General, Secretaries General and Special Advisers in advance of them taking office.<sup>44</sup> GRECO reflected that those checks could be conducted by the Standards in Public Office Commission.

Responsibility for prevention, disruption and investigation of bribery and corruption offences committed in Ireland or abroad by public officials or private citizens, sits with the Anti-bribery and Corruption Unit. This

43 Competition and Consumer Protection Commission, 2018. [Bid-rigging. What you Need to Know](#). [Accessed on 31 May 2024].

44 Council of Europe, GRECO, 2020. [Fifth Evaluation Round. Preventing Corruption and Promoting Integrity in Central Governments \(Top Executive Functions\) and Law Enforcement Agencies](#). [Accessed on 31 May 2024].

is a small team within the Garda National Economic Crime Bureau. While the team are progressing investigations, securing sufficient evidence within the current legal framework is challenging. Accordingly, under Irish legislation both parties involved in an act of bribery or corruption are guilty of an offence and where information is received in connection to a person receiving bribes, the Garda Síochána must retrospectively investigate it. As such, a garda member working undercover cannot engage in integrity testing by approaching the person and offering a bribe or other inducement. To do so involves the garda member committing a criminal offence for which they may be prosecuted.

### Assessment

Public officials are placed in a position of trust by citizens seeking delivery of public and professional services. Similarly, private businesses are trusted by those who pay for their services, so to abuse those positions for personal gain is a serious breach of trust, and this is exacerbated if it's for the purpose of organised crime. The Inspectorate believes that the potential scale of corruption identified by Europol, and the impact of such a serious breach of trust merits the use of intrusive enforcement powers. While the office of the Comptroller and Auditor General conducts robust audits of public sector accounts, these are retrospective, and at the point of audit, the harm has already been done. In addition, the remit of the Comptroller and Auditor General does not extend to non-governmental organisations and these generally rely on accountants or auditors to ratify their financial records. As such, auditing or investigation of a company's accounts, which might identify anomalies to trigger suspicion of involvement in bribery or corruption, is the role of an accountant, auditor or Revenue,

and processing or conveyancing legal negotiations or agreements is the role of a solicitor. Such processes are reliant on the honesty of those involved in processing or ratifying them and do not easily identify any involvement with those seeking to subvert legal processes or a corrupt public official. However, they may identify intelligence which could trigger further investigation. The use of integrity testing needs to be well publicised. The fear of being subject to a test may well prevent a person from engaging in corrupt behaviour, and importantly, could encourage them to report any suspicious approaches made to them.

As transnational organised crime continues to evolve and becomes more sophisticated, it is important that law enforcement agencies develop methods to proactively counter threats and risks caused by those involved. To more effectively tackle corrupt public officials, professional services or private businesses, the Inspectorate believes that legislation is required to enable the Garda Síochána and other law enforcement agencies to conduct undercover operations (including integrity testing). Such legislation would protect the Garda Síochána as it would be operating under judicial authority and would exempt it from criminal liability under both the Criminal Justice (Corruption Offences) Act 2018 and Criminal Law Act 1997. The Inspectorate believes that the guidance offered by the OECD is valid in that integrity tests can be a powerful corruption detection tool. However, their cautionary message should be acknowledged and any legislation introduced to enable integrity testing and controlled operations should bear cognisance to the substantive test of incitement applied by the ECtHR.



## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation:

### **Recommendation 1.13**

#### **Integrity Testing Legislation**

The Inspectorate recommends that the Department of Justice should introduce legislation to enable law enforcement agencies to conduct integrity testing to support an investigative process.

# 2

## *Chapter 2*

*Understanding Demand and Delivering  
Workforce Planning, Training and Technology*



CIGIREACHT AN GHARDA SÍOCHÁNA  
GARDA SÍOCHÁNA INSPECTORATE

# Chapter 2 Understanding Demand and Delivering Workforce Planning, Training and Technology

## Introduction

This chapter explores the recording practices used by the Garda Síochána to understand the scale and scope of transnational organised crime and how this impacts on its ability to fully understand the demand on its services and respond appropriately to it.

The report by the Commission on the Future of Policing in Ireland highlighted the importance of capacity in the context of leadership, resources, training, specialist skills and community capacity to reduce the demand on the Garda Síochána.<sup>45</sup> The Commission reported:

*'The numbers required in An Garda Síochána should be determined through more robust workforce planning, based on accurate information about the demand for police services and the mix of core skills required to deliver them, after the removal of non-core duties now performed by police'.*

Capability is often identified in terms of what is gained through an organisation's training programmes, logistical development or technological advancements. It is less often referenced, however, in terms of innovation capability, viewing problems through a different lens, and transforming subsequent ideas into something new. The

Commission also recognised the importance of capability, particularly organisational tools or methodologies, such as analysis, intelligence, digital technology and mobile capability. Perhaps the most important point is the context in which they are referenced, especially in the criticality of creating an environment within which innovation can be inspired, encouraged and capitalised on to deliver enhancements across these types of capabilities.<sup>46</sup>

This chapter reviews the progress made since the publication of the Commission's report including the development of a workforce plan and the skills and training requirements of the workforce now and into the future. It also looks at the technology currently available to assist with the investigation of criminal networks as well as identifying any gaps that need to be addressed.

## Understanding the Demand of Organised Crime

Jürgen Stock, Secretary General of Interpol, wrote for the launch of the organisation's first Global Crime Trend report that *'Understanding and pre-empting crime trends is an absolute bedrock of policing...'*<sup>47</sup>

45 Commission on the Future of Policing in Ireland, 2018. [The Future of Policing in Ireland](#). [Accessed on 31 May 2024].

46 See note 45, Page 92, Paragraph 13.

47 INTERPOL, 2022. [Financial and cybercrimes top global police concerns, says new INTERPOL report](#). [Accessed on 31 May 2024].

For many years, consultancy firms have engaged with police services to establish the organisational and operational challenges they face. For example, a review published in 2018 highlighted the organisational and operational challenges that policing might face in the future.<sup>48</sup> The review reflected that it was seeking *'to assist police leaders and policymakers by offering thoughts on some of the strategic choices they face, and the frameworks they might use for making them'*.

The review identified a number of new realities that police services must prepare for in order to have the capacity for and capability to meet the ever-changing demands they face. These included harnessing digital technology and operating in a fully digital world where data is one of the most valuable assets. It also included responding to a much faster pace of change to meet criminal innovation with policing tools and keeping pace with cyber-physical systems as a result of the exponential growth of artificial intelligence technology.

The review recognised the difficulty involved in doing this and provided a number of suggestions to ensure policing is equipped for the future. These included having *'data-driven conversations about which demands can be serviced'* and protecting *'hard edged crime prevention capabilities in order to avoid a vicious cycle of simply responding to increasing demand'*. It highlighted the need to understand *'the capabilities needed to address current and future demands, assessing and measuring current capability gaps focusing not just on officer numbers, but the mix of people, processes and technology that will deliver the best outcomes for the public'* and investing *'in data as a critical organisational asset which can support rapid identification and assessment of threats, risk, harm and "next best decisions"'*.

The collection of raw data includes the recording of crime in a manner which enables crime trend analysis. This is a critical part of the process to understand what is happening, where it is happening and how police intervention can be resourced to prevent or disrupt criminality. For analysis to be effective, data needs to be accurate. One of the challenges with accurate recording of transnational organised crime is that it must first be recognised as organised crime. There are many definitions of organised crime, although it is generally considered to mean a group of people involved in serious criminal activities for substantial profit.

### International and Comparable Practice

Accurate recording of transnational organised crime is a challenge recognised internationally. For example, New Zealand Police in their *Transnational Organised Crime in New Zealand: Our Strategy 2020–2025* identified that *'we lack good evidence about, and ways to measure, the type and drivers of, demand for, impact of and harm from TNOC'*.<sup>49</sup> This has generated a performance indicator within the strategy to identify the *'increased number of transnational organised crime types that we can accurately measure'*.

The Europol Serious and Organised Crime Threat Assessment (SOCTA) report, mentioned in Chapter 1, does not quantify the scale of organised crime or contain any records or numbers of reported organised crimes. However, it contains measures such as the proportion of criminal networks encountered that are involved in drugs, use basic money laundering methods, and engage in corruption or use violence. While this quantifies what is known and the crimes that are detected, it does not present a full

48 Deloitte LLP, 2018. [Policing 4.0 Deciding the future of policing in the UK](#). [Accessed on 31 May 2024].

49 New Zealand Police, 2020 [Transnational Organised Crime in New Zealand: Our Strategy. 2020–2025](#). [Accessed on 31 May 2024].

picture of how many victims of crime have been targeted by a transnational organised crime group.

The UK College of Policing has researched and published a toolkit that provides a simple understanding of what knowledge is required to understand demand, such as:<sup>50</sup>

- > The scale of crimes or incidents not measurable using established categories; and
- > Activity associated with managing types of demands on policing.

It also identifies what this knowledge enables:

- > A better understanding of demands;
- > More informed decision making and allocation of resources;
- > Better estimates of emerging and/or non-crime demand;
- > More robust data for policing to support work with other agencies; and
- > A well-informed dialogue between police and Government.

## Findings

This inspection found no evidence of any structured or systematic activity undertaken by the Garda Síochána to understand organisational demand, particularly how it applies to domestic or transnational organised crime. The Organised Crime Group Threat Assessment Tool process referred to in Chapter 1 of this report is an essential element of the decision-making

process relating to prioritisation and resource allocation but it does not quantify demand.

As part of this inspection, the Inspectorate made a number of information requests to the Garda Síochána to establish the levels of reported transnational organised crime in Ireland. However, the Garda Síochána was unable to supply any accurate data as there is no specific category to classify a crime of this nature. Although there is a modus operandi feature on PULSE (the Garda Síochána central database) for indicating if a crime is identified as organised crime, it is an under-used feature resulting in an inability to extract accurate data.

For some specific organised crime offences, such as cybercrime, drugs and firearms importation, and human trafficking, it is possible to identify if there is a transnational element to the offence. While there are also categories on PULSE for recording ‘harassment’ and ‘demanding payment of debt causing alarm’, there was no assurance that this would be used and therefore provide accurate data for crimes such as drug-related intimidation.

The Group of Experts on Action against Trafficking in Human Beings (GRETA) reflected the need for accurate data in their 2022 report in relation to Ireland.<sup>51</sup> They noted the importance of data collection and research for an objective evaluation of the implementation of anti-trafficking legislation, policy and activities. This comment related to a view expressed by GRETA that Irish authorities should give some identified partner agencies a statutory remit to request and receive appropriate information.

50 College of Policing, 2015. [From Local to National: A toolkit to support the police in understanding demand. Final Version 1.](#) [Accessed on 31 May 2024].

51 See note 10, Para 149.

## Assessment

It is important that the Garda Síochána, like other police services, understands demand for its services and has a system in place to assist it to prioritise finite resources towards crimes and criminal networks that cause most harm. The Inspectorate recognises the subjective nature of categorising transnational organised crimes and that this information may not always be available when a crime is first reported. However, crime recording is a process and a crime should still be recorded by its crime type. Where there is an understanding that there is an organised crime modus operandi, this should be indicated on PULSE. This enables the PULSE record to be categorised and will ensure it can be found as part of any subsequent search for organised crime. These two steps are already possible on the PULSE incident recording system. As a next step, the Garda Síochána needs to ensure that any relevant organised crimes are then categorised as transnational in nature. This would significantly enhance the capability of analysts to easily identify these types of crime.

The inability to accurately categorise and identify transnational organised crime negatively impacts on the understanding of the scale and scope of the problem. It also affects the type and quality of support garda analysts can provide, such as accurate crime mapping, crime pattern analysis and modus operandi comparison. Relying on inaccurate data to complete the Organised Crime Group Threat Assessment Tool can minimise the quality of the resulting product and dilute the levels of threat and risk identified in any work to complete a Strategic Threat and Risk Assessment. It also weakens a transnational organised crime strategy and invalidates efforts to support operational and investigative work with quality analytical

products. There is a significant reputational risk to the Garda Síochána if data is shared with partner agencies but later found to be inaccurate.

In the absence of structured activity to understand demand, the Inspectorate believes that a demand modelling process should be adopted. In order to ensure this is manageable and to enable learning prior to undertaking an entire organisational exercise, it is recommended that this should initially focus on organised and transnational organised crime. This must ensure that domestic and transnational organised crime offences are accurately categorised and recorded on PULSE. Once accurately recorded incident and crime data is available, a process is required to estimate the value of intangibles. These are demands which cannot be measured through analysis of existing data, such as the time spent on various investigations as well as the extent of the demand on specialist support units. When all of this data and estimated intangible information is available, it will provide a better understanding of the resource capacity required at national, regional and divisional levels, and the capabilities these resources need.

Understanding current and future demands and trends of transnational organised crime will greatly help the Garda Síochána to make important workforce decisions, such as resourcing, training and technology requirements.

## Recommendation

In light of these findings, assessment and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.1

#### Understanding the Demand of Domestic and Transnational Organised Crime

The Inspectorate recommends that the Garda Síochána undertake a process to identify and understand the demand on their resources from domestic and transnational organised crime. This should include an urgent review of crime recording and categorisation practices to ensure that the modus operandi classification is correctly applied in all cases of domestic and transnational organised crime.

## Workforce Planning

The Garda Síochána has an annual budget of €2.14 billion and a Government commitment to move to a workforce of 21,000, comprising 15,000 sworn members, 4,000 garda staff and 2,000 garda reserves. While the number of members had reached 14,750 in March 2020, it had reduced to 13,998 by December 2023. Covid-19 impacted on recruitment during 2021 and 2022 and this has affected the number of members available for operational deployment.

To meet demand, organisations need to have a plan to ensure that they have the right number of staff, with the right skills, assigned to the correct roles. The Chartered Institute for Professional Development identifies workforce planning as a *'core business process which aligns changing organisation needs with*

*people strategy'*.<sup>52</sup> The Institute suggests that workforce planning can vary in timeframe, scale and the types of roles considered. This can reduce labour costs, inform strategies for people development and create a longer-term plan to better understand what sort of future workforce is likely to be needed.

To address these types of issues, all organisations including police services need to have a workforce plan. In a policing environment, it is critical that such a plan focuses on understanding identified demand for services and aligning the current and future needs of the organisation with an appropriately skilled workforce.

Dating back to 2015, the Inspectorate has made a number of recommendations in previous reports about the need for the Garda Síochána to create a workforce plan and elements that should be included. For example, in the *Changing Policing in Ireland (2015)* report, the Inspectorate made a recommendation in connection with developing a workforce planning process to release garda members from non-operational roles to front-line duties. Further recommendations were made about recruitment, selection, training and people management.<sup>53</sup> The Inspectorate's *Policing with Local Communities (2018)* report highlighted the absence of a workforce plan and included a Critical Action that a plan should be completed and an evidence-based resourcing model for the allocation of staff should be developed.<sup>54</sup>

52 Chartered Institute of Personnel and Development, 2023. [Workforce Planning](#). [Accessed on 31 May 2024].

53 Recommendations 3.11, 4.2, 4.3, 4.7, 4.9, 4.11 to 4.13 and 4.15 to 4.17. Garda Inspectorate, 2015. [Changing Policing in Ireland](#). [Accessed on 31 May 2024].

54 Critical Actions 2 and 3. Garda Inspectorate, 2018. [Policing with Local Communities](#). [Accessed on 31 May 2024].

## International and Comparable Practice

Police Scotland published its first workforce plan in January 2021. The purpose of the plan was *'to ensure the workforce is the right size, with the right skills and competencies, organised in the right way, within a budget we can afford, to deliver the best possible service.'*<sup>55</sup> His Majesty's Inspectorate of Constabulary in Scotland published a review in August 2022 and commended Police Scotland for producing a significant piece of work which considers its future workforce.<sup>56</sup> The review made a series of recommendations aimed at evolving it further to use current and predicted demand for service as the tool to decide resource numbers as opposed to a mandatory but outdated number. The review also recommended the service focus on reshaping the workforce, as following the launch of the first workforce plan, there was little evidence of it supporting the achievement of policing strategy and objectives or ensuring sufficient capacity and skills are in place to deliver them.

The UK Police Foundation commissioned a strategic review of policing in England and Wales.<sup>57</sup> A report on the review findings published in March 2022 highlighted the need to enhance capability to tackle cross-border serious and organised crime.<sup>58</sup> It concluded that there were three challenges faced by police:

- > A capacity challenge, as due to the range and complexity of public safety demand, police could not tackle it alone;

- > A capability challenge, as it is not only that police lack the resources but they also lack many of the required capabilities; and
- > An organisational challenge, in that policing needs a different organisational platform so it can deliver the capabilities required to meet the challenges.

The review recommended investment in the skills needed to effectively deliver services, including trained detectives, specialists for cyber and economic crime, and technology.

## Findings

At the time of completing this inspection, the Garda Síochána is facing significant resourcing challenges, and therefore Garda Headquarters has to make difficult but important decisions about where to allocate scarce resources. This inspection found that while the Garda Síochána has undertaken considerable work during 2022 and 2023 to prepare and implement a workforce plan, it is still in draft stage and awaits completion. The Inspectorate has not seen the draft plan although it did receive a general presentation on the contents. The inspection team was told that work was ongoing on the development of a horizon scanning report to reflect the impact of external factors such as international events, technological developments and emerging crime trends on the working environment.

55 Police Scotland, 2021. [Strategic Workforce Plan](#). [Accessed on 31 May 2024].

56 His Majesty's Inspectorate of Constabulary in Scotland, 2022. [HMICS Assurance Review of Police Scotland Strategic Workforce Planning](#). [Accessed on 31 May 2024].

57 The Police Foundation is an independent think tank focused exclusively on improving policing and developing knowledge and understanding of policing and crime reduction. Further information can be found on [police-foundation.org.uk](https://police-foundation.org.uk). [Accessed on 31 May 2024].

58 The Police Foundation, 2022. [The Final Report of the Strategic Review of Policing in England and Wales, A New Mode of Protection. Redesigning policing and public safety for the 21st century](#). [Accessed on 31 May 2024].



Individual units in the Garda Síochána have an agreed established level of resources, which is the number of people they should have at a given time. As well as determining the establishment level, the Executive Team decides on the allocation of resources.<sup>59</sup> In making these decisions, it must take account of the Garda Síochána’s core functions as set out in section 7 of the Garda Síochána Act 2005 and balance the resourcing needs at headquarters, national, regional and divisional levels to ensure that the full range of services is delivered. For example, when a national unit requires an increase in its establishment level, a business case is prepared, submitted to Garda Human Resources and considered by the Executive Team. If the business case is approved, additional resources must be drawn from elsewhere in the organisation and often from divisions.

### Assessment

While the Inspectorate welcomes ongoing efforts to produce a workforce plan, there are concerns that there is still no plan in place and the draft plan has been developed in the absence of a full understanding of policing demands. An effective workforce plan would help the Garda Síochána to deliver short and longer-term objectives and ultimately, year on year, the priorities in the policing plan. In order to allocate sufficient levels of resources throughout the organisation to deal with policing demands, it is critically important that the Garda Síochána fully understands the demand for its services now and into the future. The process to understand demand needs to be completed before the workforce planning process of deciding what resources are needed, what skills are required and where they should be allocated.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 2.2

##### Workforce Plan

The Inspectorate recommends that as a matter of urgency the Garda Síochána finalise the development and implementation of a workforce plan to deliver the allocation of appropriate resources to deal with policing and security demands at national, regional and divisional level.

### Civilianisation

An issue that is inextricably linked to effective workforce planning is the civilianisation of roles which do not require warranted powers but are currently performed by sworn officers. Directly linked to this is the expansion of the garda staff workforce through the recruitment of skilled staff to support operational policing delivery in areas such as legal advice, media relations and many other business administration type functions. Some of these roles may require bespoke qualifications, which can be directly targeted during a recruitment process or can be undertaken as part of an in-role development plan.

Examples of roles into which staff can be directly recruited with existing qualifications or trained following recruitment include crime scene investigators and those who

59 Executive Team comprises the Garda Commissioner, the Chief Administrative Officer and the two Deputy Commissioners.

support this aspect of policing, such as photographers, mappers, ballistic experts and crime analysts. Analytical support is an example of a role which provides an important contribution to the investigation of domestic and transnational organised crime but where there is a shortage of trained staff as well as a challenge of retaining those in post. This is not a unique challenge for the Garda Síochána as a shortage of analysts is also affecting other police services.

Another area where the demand for unsworn support for the investigation of crime has grown is in investigation support. This role is poorly understood but includes staff who can accompany sworn officers in interviews, take witness statements and specialisms such as forensic accountancy and digital forensic examiners. Many police services are struggling with the volume, complexity and changing landscape of cybercrime and fraud offences. As a result, some police services are using unsworn staff and volunteers with specialist technical skills to assist with financial and cybercrime investigations.

### International and Comparable Practice

A research paper on this topic was commissioned by Public Safety Canada entitled *The Civilianisation of Police in Canada*.<sup>60</sup> This explored the issue from when unsworn staff were introduced, to involvement in semi-skilled roles such as record keeping and clerical duties, to more skilled roles in crime mapping, data storage and data analysis and, more recently, to specialised support roles in crime scene and cybercrime investigation, fingerprint examination and intelligence analysis.

Public Safety Canada identified good practice in the USA, UK and Canada with

police services using specially trained civilians in areas where police powers are not required. The research concluded that there are a growing number of civilians working in police support roles; in Canada, 29% of total police employees are civilian. In the UK, there has been a drive to hire already qualified and suitably skilled civilian staff.

The research also suggests that civilians tend to perform specialised roles more effectively than police officers who are hired and trained as generalists and then rotated from one assignment to another. The conclusion drawn from this was to suggest that those recruited with existing qualifications spend much longer in the roles than officers who must be replaced when they are rotated out to other areas of policing. An additional benefit to staff can occur when varying grades of specialism exist as civilian staff are able to experience a career path through promotion. This not only maintains the specialist skills and knowledge in their chosen field but enables those skills and knowledge to be passed on to new staff specialising at entry level, thereby creating a natural process of succession planning based on ability, knowledge and experience.

An example of where such a career path exists is in the role of civilian crime analyst. Staff recruited with existing educational and in some instances vocational experience in analysis can progress within their chosen field of expertise. However, the experience in policing in recent years has been for analysts to take their learning outside of policing to alternative and often more lucrative roles in the private sector.

On establishment of the Irish National Cyber Security Centre, work was undertaken in relation to the grades to which staff were appointed. This sought to ensure specialisms

60 Kiedrowsk, J. *et al.*, 2015. [The Civilianization of Police in Canada, Research Report: 2015–R042](#). [Accessed on 31 May 2024].

were graded appropriately and paid at a level which encouraged staff retention and discouraged staff from seeking similar but better paid roles in the private sector.

In March 2023, His Majesty's Inspectorate of Constabulary and Fire and Rescue Services published *An Inspection of the East Midlands Regional Response to Serious and Organised Crime*<sup>61</sup>. This report recognised the scarcity of analytical support and found that: '*The force has limited analytical resources. Analysts are carrying excessive workloads and are unable to complete analysis to find new and emerging SOC threats*'.

The Europol *Consolidated Annual Activity Report 2022* also recognised a shortage of analysts and difficulties in filling analyst posts as one of the reasons Europol did not meet its annual target for providing operational analysis reports.<sup>62</sup>

## Findings

This inspection again found a number of positions staffed by sworn garda members which, in the opinion of the Inspectorate, could be performed by garda staff. These include the Garda National Technical Bureau and roles such as mapping, photography, ballistics and crime scene examination. The Inspectorate was told that garda staff have previously been recruited to roles in photography and mapping and entered the organisation already fully qualified. On joining the Garda Síochána, these garda staff only required crime scene training. At the time of the inspection, only one garda staff employee was assigned to either of these roles. The Inspectorate was informed that a process was underway to recruit civilian mappers and photographers. Other national

units such as the Garda National Cyber Crime Bureau and the Garda National Economic Crime Bureau also have roles performed by garda members, which directly recruited and suitably qualified garda staff could perform.

During this inspection, the Inspectorate was also provided with examples of roles that were civilianised, but when the member of garda staff left the position, they were once again replaced by sworn members. The Inspectorate was told that this was due to a number of reasons including difficulties in recruiting replacement staff, and the need to provide adequate cover for certain operational roles which could not in the opinion of garda management be left unfilled for any extended period of time. Although the Garda Síochána does not use garda staff in investigative roles, a significant number of garda members from all of the national units who met with the inspection expressed a desire for support from specialist civilian investigators such as forensic accountants and digital forensic examiners. Data provided to the inspection at the time of completing this report showed that there were five forensic accountants in the Garda Síochána. A national recruitment campaign was undertaken to appoint digital forensic examiners; however, while eight candidates were assigned to the Garda Síochána only three agreed to take up positions. The inspection team was told of a concern that such specialist roles are equated to grades with pay scales which are not reflective of the actual role responsibility and the remuneration available to prospective candidates does not match or compete with the open market or private sector.

The Garda Síochána has developed an internship programme aimed at providing work experience in roles such as media,

61 His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, 2023. [PEEL 2021/2022. An Inspection of the East Midlands Regional Response to Serious and Organised Crime](#). [Accessed on 31 May 2024].

62 Europol, 2021. [Public Access to Europol documents: Transparency is key](#). [Accessed on 31 May 2024].

ICT, legal services, fleet management, estates, human resources, finance and change management. This is focused on attracting graduates and school leavers from traditionally underrepresented communities.

The Garda Síochána recognises that private sector technology companies exercise corporate social responsibility and are looking to offer work placements. It was indicated to the Inspectorate that this was an approach the Garda Síochána wants to progress. This offers a range of opportunities including the potential to increase technical skills within the Garda Síochána and help with the increasing threat posed by cybercrime.

The Garda Síochána Analysis Service is a centrally controlled cohort of garda staff reporting to the Chief Information Officer. The analysts are geographically assigned across regions and national units. As part of this inspection, the Inspectorate met with a number of analysts, senior leaders and investigators to discuss the role of analysts and the products they produce. Throughout this inspection frustration was expressed, especially by investigators, at the shortage of available analysts. At the time of the inspection a small number of analysts were assigned to regions, but none were assigned to divisions.

At an organisational level, the Inspectorate found a clear understanding of the type of analytical support that is required, and to meet this demand a recruitment plan is in place. This plan aims to fill all analyst vacancies by the end of 2024, bringing the number up to 119 and providing an enhanced service for serious crime investigation. This includes the appointment of analysts at the divisional level.

## Assessment

With the current staffing shortages, the allocation of sworn members to front-line roles and replacing them through a formal civilianisation plan is critical. This would remove the current situation where the Garda Síochána is almost wholly reliant on filling such positions by funding sworn members to complete academic or technical training courses. The Inspectorate recognises that some members fund their own further education with the aspiration of securing a specialist role and that appropriate funding support could remain as an element in any professional development strand of a workforce plan.

Civilian assistant investigators have been used in other police services for a considerable period of time. Some services have tentatively introduced civilian investigators in less front-facing roles such as in anti-corruption units, before progressing them into specialist roles, such as supporting financial and cyber investigations. Suitable duties include assisting with interviews and taking witness and victim statements. The Inspectorate believes that the concept of civilian investigators is one which the Garda Síochána has not yet fully explored or embraced. Many garda members expressed a desire for specialist support from forensic accountants and digital forensic examiners. The Inspectorate believes that these members view civilian experts such as forensic accountants and digital forensic examiners as support staff as opposed to specialist investigators. Recognition by garda investigators that it is civilian investigators who are providing the existing specialist skills and support will enhance acceptance for employment of additional skilled garda staff in other areas of specialist investigation.

The Inspectorate believes that the digital forensic examiner and forensic accountant capabilities of the Garda Síochána should be grown not by training additional garda members but by proactively recruiting specialist garda staff with existing qualifications. Such staff should be employed at an appropriate grade or through industry sharing agreements to reduce the risk of employees being lured away by the private sector.

The Inspectorate considers that the graduate internship programme is a good initiative which may help to enhance the diversity of the garda workforce, as would workplace placements in the Garda Síochána as part of the corporate social responsibility exercised by private sector companies.

The Inspectorate welcomes the decision to significantly increase the number of analysts and the work that is underway to deliver this. The current level of analysts is insufficient to effectively support the work to assess the threat and risk posed by criminal networks. However, the quality of the work performed by analysts from the Garda Síochána Analysis Service is commended by the Inspectorate. At the 2022 European Criminal Analysis Conference, Europol showcased the criminal analysis and intelligence capabilities from across Member States. The first Criminal Analyst of the Year was awarded to a garda analyst for their work in dismantling a transnational organised crime group which was facilitating illegal immigration into Ireland, the UK and across Europe.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 2.3

##### Civilianisation

The Inspectorate recommends that the Garda Síochána actively progress the release of sworn members from non-warranted roles through a renewed civilianisation plan. This should include exploring opportunities for recruitment of garda staff with skills to support specialist investigations and appropriate remuneration levels to compete with other employers seeking similar expertise.

### Succession Planning

The Chartered Institute for Professional Development describes succession planning as focusing on identifying and growing talent to fill leadership and business-critical positions in the future. The Institute recognises that succession planning usually covers the most senior leadership roles but acknowledges that many larger organisations operate succession planning models in areas of business where the same or similar processes as those used for senior jobs can be applied. There is a growing focus on identifying groups of jobs as opposed to singular roles. This creation of a larger pool of appropriately talented candidates enables adaptability in filling a variety of roles.

This process of succession planning also ensures that, in advance of making timely appointments, consideration is given to the role profile and essential criteria for the post holder. In policing terms, this will consider if the person to be appointed requires sworn powers or if the position can be civilianised and filled by unsworn staff.

## International and Comparable Practice

The future workforce plans of Durham Police were the subject of an efficiency inspection by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services in 2019.

The strength of the workforce planning for future human resource requirements, the management of recruitment processes and their talent management programme to prepare staff to fill future vacancies resulted in the police service receiving an outstanding assessment.

## Findings

A concern raised with the inspection team has been the perceived absence of succession planning for those deployed to tackle transnational organised crime. The

inspection found a notable turnover of garda members in positions in national units requiring significantly experienced subject-matter experts.

During this inspection, all of the national units, regions and divisions engaged by the Inspectorate were operating below their establishment level. Some national units had held selection processes to identify replacement members for allocation to vacant positions, but most of the replacements were not yet in place. Other units recognised the need to identify suitable members for existing or anticipated vacancies, but they had yet to start a selection process. Across the national units in Organised and Serious Crime, vacancy rates ranged from 3% to 70%. The vacancies for garda members and staff in these national units is reflected in Figure 2.1.

**Figure 2.1: Percentage of positions vacant in the Organised and Serious Crime national units**

| National Unit   | Garda Member Vacancy Rate | Garda Staff Vacancy Rate |
|---|---------------------------|--------------------------|
| Garda National Bureau of Criminal Investigation                       | 31%                       | 26%                      |
| Garda National Drugs and Organised Crime Bureau                       | 31%                       | 36%                      |
| Garda National Immigration Bureau                                     | 41%                       | 26%                      |
| Garda National Cyber Crime Bureau                                     | 3%                        | 81%                      |
| Garda National Economic Crime Bureau                                  | 45%                       | 54%                      |
| Garda National Protective Services Bureau (Online Child Exploitation) | 50%                       | 0                        |
| Garda National Protective Services Bureau (Human Trafficking)         | 70%                       | 0                        |
| Garda National Technical Bureau                                       | 30%                       | 14%                      |

Source: Garda Síochána, adapted by the Garda Inspectorate

The Inspectorate met with a large number of garda members and garda staff who referred to the shortage of resources, delays in human resource processes to select replacements, and challenges in securing necessary training when replacements were appointed.

## Assessment

Like many public service agencies, the Garda Síochána suffers from a high turnover of staff arising from internal transfers, promotions and those leaving the service. While this results in a considerable loss of knowledge and expertise, the movement of staff through predictable human resource processes and resignations or retirements should be expected in an organisation of this size. Accordingly, a properly managed workforce planning process should identify the demand not only on services but also on the specialisms within the organisation. This information should enable a process to predict future vacancies, therefore resulting in an ability to make timely appointments of suitably skilled people to ensure service delivery is maintained across key areas of business.

For transnational organised crime, Garda Headquarters has a critically important role in terms of understanding the threat posed by organised crime groups, prioritising action against those groups that cause most harm and allocating finite resources to disrupt and dismantle them. The resourcing deficit identified during this inspection is affecting all levels within the Garda Síochána and in the Inspectorate's view will ultimately impact on the quality of policing services delivered to local communities.

Compared to some other jurisdictions, many of the national units are quite small in terms

of staffing numbers. As such, any shortfall in their numbers will have an adverse impact on their reactive and proactive capability.

It is also important that divisions fully understand their policing demands and deploy appropriate levels of resources to address them. Garda rosters are critically important and should match resources to demand and have people on duty when they are most needed. This area was examined by the Inspectorate during previous inspections and several recommendations were made to improve the deployment of resources. It is disappointing to find that this is still not resolved.<sup>63</sup>

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.4

#### Succession Planning

The Inspectorate recommends that the Garda Síochána implement a process to deliver succession planning for key specialist roles.

## Specialism Recruitment

In March 2021, the Azure Forum for Contemporary Security Strategy published a report examining serious and organised crime in Ireland and the UK.<sup>64</sup> This report identified that the *'use of technology has become the most significant enabler of serious and organised crime'*. It highlighted that the

63 Garda Inspectorate, 2009. [Resource Allocation](#). [Accessed on 31 May 2024].

64 Chance, A, 2022. [Exploring Serious and Organised Crime Across Ireland and the UK. Towards a shared understanding of a shared threat](#). [Accessed on 31 May 2024].

European Commission has acknowledged that approximately 85% of all crimes are considered to have a digital component.

The Credit Industry Fraud Avoidance System (Cifas<sup>65</sup>), a body supporting the UK's Fraud Prevention Community, published a blog that identified the connection between fraud and cybercrime and advocated that people who have economic or cyber skillsets could be recruited as volunteers to assist with investigations.<sup>66</sup>

### International and Comparable Practice

The equivalent of garda reserves in some other jurisdictions are special constables. While they are volunteers, they have all of the powers of a police officer and are used in multiple ways to support the police in countries such as Canada, Australia, Singapore and the UK.

The Inspectorate's report *Policing with Local Communities (2018)* identified the potential for special constables to help with economic crime investigations.<sup>67</sup> The report described how the City of London Police use the skills of external financial experts as special constables to assist with highly complex fraud investigations. In its report *Responding to Child Sexual Abuse (2017)*, the Inspectorate also identified how police services in England, such as Hertfordshire and Cheshire, use special constables to assist with cybercrime and online child sexual abuse investigations.<sup>68</sup> The UK lead organisation for organised crime, the National Crime Agency, employs special constables because of their specialist, niche expertise and skills

in roles relating to cyber security, financial markets and specialist forensic accountancy. A potential barrier to this innovative approach could be a conflict of interest, but an awareness of this risk enables mitigation through bespoke contracts of employment.

### Findings

The Garda Síochána Act 2005 provided for the establishment of a Garda Reserve. The first reserve members were recruited in 2006 and since that time they have been deployed in support of front-line policing in divisions.

In 2021, the Garda Síochána published its *Garda Reserve Strategy 2021–2025*.<sup>69</sup> This states that the function of Garda Reserve members is to deliver proactive, high-visibility policing in dedicated community policing or regular units. Members of the reserve are not assigned to any other types of duty.

During this inspection, the need for an increase in Garda National Economic Crime Bureau resources was raised with the Inspectorate by many members of the Garda Síochána. Although increasing the numbers of investigative resources in the bureau is important, the inspection team also identified a need for this to include more specialist skills, such as digital forensic examiners and forensic accountants. These specialisms were regularly referred to by garda members as being much sought after and it was felt that staff with these specialist skills could provide significant value in supporting investigations.

65 Cifas is a not-for-profit fraud prevention membership organisation. It is the UK's leading fraud prevention service, managing the largest database of instances of fraudulent conduct in the country. Further information is available on their website [cifas.org.uk](https://cifas.org.uk) [Accessed on 31 May 2024].

66 CIFAS, 2017. [Fraud is now a volume crime - we need police volume to fight it](#). [Accessed on 31 May 2024].

67 Garda Inspectorate, 2018. [Policing with Local Communities](#). [Accessed on 31 May 2024].

68 Garda Inspectorate, 2017. [Responding to Child Sexual Abuse](#). [Accessed on 31 May 2024].

69 An Garda Síochána, n.d. [Garda Reserve Strategy 2021–2025](#). [Accessed on 31 May 2024].



## Assessment

The Inspectorate believes that learning from other police services and especially the National Crime Agency should be adopted through a focused recruitment campaign aimed at those in the public and private sector with specialist cyber or fraud skills who are working in finance or technology roles. This could attract highly trained specialists as volunteers to be assigned to national units to support investigations. Those recruited as specialists would require a bespoke reserve training programme.

The challenges of resourcing specialist economic crime investigations are exacerbated by some garda members leaving specialist positions within the Garda National Economic Crime Bureau to work for higher paid, 'similar' roles in the private sector. In line with international practice identified in the Garda Inspectorate report *Countering the Threat of Internal Corruption (2020)*, a recommendation was made to address the risk of a conflict of interest in members leaving to take up employment that is closely or directly linked to their previous role without any cooling-off period or prior approval, is subjected to an assessment process.<sup>70</sup>

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.5

#### Garda Reserves with Specialist Skills

The Inspectorate recommends that the Garda Síochána recruit garda reserves with existing specialist skills to support investigations

## Training and Development

The training and development of the Garda Síochána workforce are core elements in building organisational capacity and capability. The investigation of transnational organised crime is a highly specialist aspect of policing and it is critical that the Garda Síochána ensures that members of the workforce have high-level skills in a wide range of disciplines. Organised crime is motivated almost entirely by a desire for financial gain and enabled significantly by the use of technical resources. These economic and cyber aspects of investigation require training, skills and expertise. The requirement to train and develop staff to perform skilled roles is the same in policing as it is in any other business. A focus on training enables the staff of any organisation to develop and helps to deliver better performance.

## International and Comparable Practice

With the rapidly evolving nature of transnational organised crime, police services need to be regularly reviewing their training needs and ensuring that investigators are suitably skilled or have access to external providers who can provide specialist services.

It is standard practice for most police services to conduct an annual training needs analysis to establish gaps in the development needs of the entire organisation as well as allowing them to prioritise what training will be delivered in the following year. A training needs analysis should also inform any requirements for adjustment to initial police training for new appointees as well as continuous professional development for current staff members. In tackling organised

70 Recommendation 12, Garda Inspectorate, 2020. [Countering the Threat of Internal Corruption](#). [Accessed on 31 May 2024].

crime, a training needs analysis should also identify what specialist training is needed, such as cyber, analytical and forensic accountancy support.

## Findings

The Garda Síochána produces an annual organisational training plan. This is informed by a priority training needs assessment, which comprises training requirements submitted by national units, regions and divisions. It was highlighted to the Inspectorate that some parts of the organisation contribute better to the process than others which are slower or fail to respond. As it encompasses the whole organisation, the training plan is generic in nature and includes thematic organisational training in areas such as hate crime and human trafficking.

An organisational training plan exercise is not the only source for identifying training requirements. The Garda College also engages with internal stakeholders, such as policy leads and the Strategic Transformation Office.<sup>71</sup> The senior investigating officer programme helps to inform the requirements for serious crime investigation training by drawing on learning identified by existing senior investigating officers. In developing new specialist training, the Garda College will engage with the relevant national unit to guide the development of the training module.

## Assessment

Various aspects of transnational organised crime are investigated at national, regional and divisional level, depending on the seriousness or complexity of the case. This requires staff at all levels of the Garda Síochána to have access to a wide spectrum of specialist training, such as digital examination, human trafficking, fraud and

incident room co-ordinators. This system of multiple units investigating transnational organised crimes, depending on the severity or complexity of each case, is not an unusual policing practice. However, it does mean that training demands can often, and in the case of the Garda Síochána do, exceed supply.

The Inspectorate believes that it is impossible to generate an accurate picture of training needs when some parts of the organisation are late or fail to respond to the priority training needs assessment. As a result, some units do not secure necessary training for their staff and other units may receive training places that they do not need. As a consequence, untrained staff may be conducting complex investigations and victims may not receive an appropriate service. During this inspection, it was unclear how the allocation of training places is managed at an organisational level and the training plan does not identify what prioritisation process is used or how success will be measured.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.6

#### Training Needs Assessment

The Inspectorate recommends that the Garda Síochána make completion and response to the priority training needs assessment compulsory for all regions, divisions and national units.

71 The Garda Strategic Transformation Office is responsible for the development and implementation of the reform plan *A Policing Service for the Future*.

## Specialist Training

Specialist training is delivered through a mix of programmes run by the Garda College, externally by academic institutions, and by European or other international providers such as CEPOL.<sup>72</sup> International law enforcement bodies such as the FBI have delivered training in the trafficking of human beings.

## Economic and Cybercrime Training

The Garda Síochána financially supports economic and cybercrime academic courses delivered by University College Dublin for garda members in national units as well as some members who are assigned to regions and divisions.

## Findings

International training courses are delivered by specialists in a particular area of crime. Access to these is provided by the Garda Síochána to those members in national units specialising in the investigation of the relevant crime type. These courses are not usually allocated to members assigned to regions or divisions.

Although the Garda College explained the process and rationale applied to providing funding support for academic courses, some garda members who met with the Inspectorate had a perception that the allocation of funding is not fairly distributed. For example, some members attached to national units highlighted that funding support was provided to divisional members while they funded their own courses. The inspectorate was told that this is influenced by the practice of national, regional and divisional investigators undertaking various types of organised crime cases and the

Garda College trying to ensure that financial support for specialist training is available for investigators at all levels.

## Assessment

The Inspectorate recognises the benefits of members engaging in training opportunities with external suppliers who deliver high-quality training. This brings with it an opportunity for those attending to broaden their perspective through mixing with law enforcement officials from other jurisdictions or students from other vocations. As such, the Inspectorate believes it is important that opportunities for training and funding are clearly communicated and that there is a transparent and fair decision-making process.

The Garda National Cyber Crime Bureau and Garda National Economic Crime Bureau have separate training partnerships with University College Dublin, which focuses on meeting the knowledge and skills requirements of their staff through delivery of a post graduate course relevant to each specialism. However, there is no familiarisation training for front-line or detective garda members who investigate most of the less serious cases. At divisional level, the Inspectorate found that approximately 10% of investigators had received specialist training to investigate fraud but members were still conducting complex fraud investigations involving crypto currency and money laundering. The levels of trained fraud investigators in divisional crime units are insufficient, considering that most, if not all organised and transnational organised crimes are financially motivated and investigated at this level. The investigation of fraud is further examined in Chapter 3.

72 CEPOL is an agency of the European Union dedicated to developing, implementing and co-ordinating training for law enforcement officials. Further Information is available on their website [cepol.europa.eu](https://cepol.europa.eu). [Accessed on 31 May 2024].

## Garda Analysts

Analysing crime and intelligence data is a key part of preventing and detecting transnational organised crime. As such, it is important that garda analysts have access to and are trained in the use of relevant analytical software.

## Findings

During this inspection, some analysts identified gaps in their training and highlighted that they do not routinely have access to certain technology systems. For example, not all analysts have access to Structured Query Language (SQL) which is a domain-specific language used for data held in a relational database management system. In the case of the Garda Síochána, this system is PULSE. Those analysts that have access to SQL are self-taught in order to access more detailed information in PULSE. In addition, access to intelligence databases is extremely limited, with only those working in the Garda National Crime and Security Intelligence Service having some levels of access to SQL.

Another useful tool available to analysts is the Analyst Notebook, a facility within their IT system which enables breadth of functionality. Charting information in the Notebook helps analysts and investigators visually analyse networks and uncover patterns and trends within increasing volumes of structured and unstructured data. Some analysts have basic knowledge of how to use it but this is limited due to a lack of training.

## Assessment

The role of analysts is discussed throughout this report. The value they can bring to the work to prevent domestic and transnational

organised crime includes their analysis of data and using it to identify trends or patterns to inform preventative police activity or information campaigns. It also includes the important role they play in investigations to disrupt and dismantle domestic and transnational organised crime groups.

The Garda Síochána operates the same approach as other law enforcement organisations. When staff are recruited as analysts they undergo an intensive training programme prior to deploying to their allocated position in the organisation. This is recognised by the Inspectorate as good practice; however, their effectiveness is restricted because of limited access to information and lack of training in the use of important technology. Without access to data, there is limited relevant information to analyse and it affects the quality of intelligence products they produce. While the Inspectorate recognises the value of delivering an initial intensive training programme, the effectiveness of it appears to be diluted by not including training in all of the technology systems, such as PULSE and the Analyst Notebook. The Garda Síochána needs to address access to IT and the training needs of existing analysts. This should ensure that SQL and the Analyst Notebook are included in the initial training programme.

## Covert Policing

The Inspectorate made a recommendation in its *Crime Investigation (2014)* report that the Garda Síochána should conduct a review of training provided to non-national surveillance units.<sup>73</sup> While the Inspectorate was told that this recommendation was implemented, it is disappointing to find that progress has regressed.

73 Recommendation 8.2. Garda Inspectorate, 2014. [Crime Investigation](#). [Accessed on 31 May 2024].

## Findings

In theory, all staff deployed on Covert Human Intelligence Source and surveillance duties in the national and regional units should be trained to one national standard. However, in practice, while all garda members in the National Surveillance Unit are trained to a national standard, most of those deployed in regional surveillance units are not trained to the same level. In some cases, local awareness training has been provided, but not to the national standard. For those who had received accredited training, there was no continuous professional development.

## Assessment

The practice of using members not trained to the national standard to conduct operational surveillance creates a risk to the safety of members and of gathering intelligence which may not reach a sufficient evidential standard. The Inspectorate acknowledges that the absence of in-person training for a period of time during Covid may be a contributory factor to this situation, but this high-risk area must be addressed as quickly as possible. The Inspectorate is also concerned about the absence of ongoing development and refresher training for people in covert roles.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.7

#### Training in Covert Policing

The Inspectorate recommends that the Garda Síochána ensure that all garda members involved in Covert Human Intelligence Source management or surveillance duties are trained and accredited.

## Human Trafficking

In its third evaluation report on Ireland in 2022, the Group of Experts on Action against Trafficking in Human Beings (GRETA) recommended that Ireland ‘*continue to systematically train law enforcement, prosecutors, and judges on a victim-centred, trauma-informed approach to law enforcement efforts and trials and sensitize judges to the severity of trafficking crimes*’.<sup>74</sup> While this refers specifically to victims of human trafficking, examples were provided to the Inspectorate by victim support groups emphasising the need for victim-centred training across the spectrum of transnational organised crime.

## Findings

Identifying and dealing with victims of human trafficking requires high-level skills and a victim-centred response. Groups supporting victims of crime explained to the Inspectorate that those who have been trafficked often have a fear of the Garda Síochána, derived from their experience of policing in their country of origin. They may also fear threats from traffickers who often claim that they have illicit connections with garda members and are able to use such a relationship to cause them harm. Support groups acknowledged that there is no clear evidence that such an influence or relationship exists but the fear this threat invokes in already vulnerable victims is enormously influential.

As part of this inspection, the Inspectorate spoke to a number of victims of human trafficking; and some of their experiences are reflected in Chapter 5 of this report. A particular feature that presented throughout the engagement with victims was the inconsistency in the quality of service provided by members of the garda workforce. While many victims reported on

74 See note 10.

the excellent service provided by individual garda members, examples were also provided in which it was clear how deeply damaging it is to a victim if empathy is absent or a trauma-informed response is not provided. In one case, a victim who went to a garda station to report that they were being trafficked was told that he wasn't a victim, couldn't apply for asylum, and should go away. The Human Trafficking Investigation and Co-ordination Unit is now investigating this case following a referral by a non-governmental organisation.

Since 2015, the unit has delivered various specialised training events, such as a three-day training course to personnel within Ireland's law enforcement agencies as well as to representatives from the Defence Forces and the Police Service of Northern Ireland. While an online human trafficking training package is listed in the 2022 training plan with 12,083 course spaces allocated, the inspection found that the only course currently available is a three-day course entitled 'Tackling Trafficking in Human Beings, Prevention, Protection, Prosecution & Partnership'. Students prepared for this course by reading assigned material in advance online. This comprises a copy of all relevant legislation, a guidelines document, a checklist for processing a report of human trafficking, copies of relevant forms such as for Legal Aid and Health Service Executive referrals and a copy of the *Second National Action Plan to Prevent and Combat Human Trafficking in Ireland*.<sup>75</sup> The three-day course is constructed around a presentation and it is enhanced by contributions from eight relevant partner agencies. The last course delivered was in April 2019 by which time 4,963 members had been trained. The Human Trafficking Investigation and Co-ordination Unit continues to provide some training as

part of the core curriculum delivered to new trainees in the Garda College. This covers victim identification, awareness raising, the relevant legislation and the responsibilities placed on the Garda Síochána in the National Action Plan.

While there has been no human trafficking training for five years other than the input to the college curriculum, the Inspectorate was reassured with work to develop modules for a new online course. This will cover a broad range of issues but specifically will ensure members develop an understanding of how to identify trafficking and exploitation, what to do when it is identified or suspected and how to support victims. It will draw on experiences of victims, learning from recent investigations and continue to include material from independent bodies that support victims of trafficking and exploitation by identifying what type of support they can provide as well as how to access it. Plans were in place for the staff of the Human Trafficking Investigation and Co-ordination Unit to access the Garda College digital training facility in 2020 in order to prepare the technological element of the new interactive training course; however, Covid-19 prevented this. The new training package is being developed by the same detectives who are conducting ongoing human trafficking investigations. The delay in finalising the training course was attributed largely to these members balancing their investigative roles with finding time to design the training package.

Plans have also been developed to maximise awareness across the organisation when the new course is launched in 2024. These include updates on the internal Garda Portal web page and a series of internal communications highlighting the new

75 Department of Justice and Equality, 2016. [Second National Action Plan to Prevent and Combat Human Trafficking in Ireland](#), [Accessed on 31 May 2024].

training and the compulsory requirement for all members to complete it. A performance management facility will be available to monitor completion rates. This will provide management information on those completing the training at national, regional, divisional and station levels.

While the GRETA report reflected some efforts to deliver awareness training to solicitors by the Legal Aid Board, GRETA remained concerned by what it describes as ‘*the inadequate criminal justice response to human trafficking*’. During this inspection, examples were provided to the Inspectorate of human trafficking victims being subjected to what was described as robust cross examination by defence counsel during bail hearings. In one case, the judge was reported as having to remind all involved that the witness was a potential victim of human trafficking.

## Assessment

The Inspectorate believes that the first response by the Garda Síochána to a victim of trafficking is critical to the success of an investigation and the ability to respond appropriately is an integral part of this process. The importance of developing an understanding within garda members of what human trafficking is, how it can be identified and the impact on victims cannot be overstated.

This is emphasised in the third *National Action Plan to Prevent and Combat Human Trafficking*, which focuses extensively on training with a view to enhancing awareness of how to identify human trafficking, investigate it and support victims in a trauma-informed way.<sup>76</sup> During this inspection, it became clear to the Inspectorate that while garda specialist units had a good understanding of trafficking offences, many other members

lacked knowledge of what constituted human trafficking and in particular, the coercive behaviours which result in exploitation. In August 2022, this was further evidenced at a garda organised conference that explored approaches to address drug-related intimidation. During the conference, a number of case studies were presented, but at no time was it considered that the young people involved were victims of exploitation by being coerced into committing crime. The Inspectorate believes that this could be addressed through awareness training that helps members to recognise that exploitation of young people to courier drugs within Ireland is an example of trafficking within jurisdictional boundaries, as opposed to the general perception of a requirement to prove movement across international borders.

The previous training course delivered by the Human Trafficking Investigation and Co-ordination Unit did not reference supporting victims in a trauma-informed way or how victims of drugs-related intimidation fit the definition of trafficking by exploitation. The Inspectorate recognises that there may not have been a widespread awareness of this when the training was first developed but these areas have grown exponentially in recent years. The inclusion of these elements in any new training package is critically important.

The proposed launch of the new interactive training package in 2024 will be five years after the last human trafficking training course was delivered. The Inspectorate believes that there is an urgent need for awareness training to enhance members’ knowledge of human trafficking and exploitation. It is also important that the new training package includes an understanding of the victim’s journey and how to manage their vulnerability through a trauma-informed response. The proposal to draw from the learning gained during recent

76 See note 11.

human trafficking investigations, such as the successful case in Mullingar is welcomed.

The third *National Action Plan to Prevent and Combat Human Trafficking* also addresses awareness training for some statutory bodies involved in the criminal justice process other than the Garda Síochána. The plan identifies actions aimed at continuing professional training for members of the Office of the Director of Public Prosecutions (DPP); however, it is silent on extending training to legal counsel, court service staff and the judiciary. The Inspectorate believes that the new interactive training package could also be made available to other criminal justice partners as an appropriate means of enhancing awareness.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 2.8

##### Human Trafficking Training

The Inspectorate recommends that the Garda Síochána finalise and launch the new interactive human trafficking training as a matter of urgency. The training should include:

- > Information to improve the victim’s experience;
- > Awareness of exploitation of victims to commit crime;
- > Guidance on how to deliver trauma-informed support for victims; and
- > Criminal justice partners as a means of enhancing their awareness.

### Identity Documents and Passport Fraud

Europol’s most recent SOCTA highlighted the scale of the threat posed by fraudulent use of genuine passports. This involves the use of genuine passports by look-alikes or fraudulently obtained genuine passports, which are issued authentically but obtained with false information.

### Findings

Modern Irish passports are ranked third on the Henley Passport Index enabling access to 190 countries.<sup>77</sup> Irish passports are virtually impossible to forge and therefore highly valued and much sought after by those engaged in organised crime. The Irish Passport Office working with the Garda Síochána has increased recognition by criminal justice partners of the importance of passports as identification documents for issues such as online banking and travel. This has resulted in a stronger focus on enforcement to detect attempts to compromise the passport system. For example, the DPP has a member of its directing staff who is now a subject-matter expert, and in a recent case an offender was sentenced to three and a half years imprisonment.

There are certain occasions when a person must present a passport application at a garda station, such as when a person is first applying for a passport for themselves or for a child. This is a critically important part of the verification process and provides an opportunity for a garda member to detect an attempt to fraudulently obtain an Irish passport. The Inspectorate was informed about a recent case involving verification that resulted in the arrest of a murder suspect sought on an Interpol Red Notice who was attempting to obtain an Irish passport using his photograph with a false

77 Henley and Partners, 2023. [The Henley Passport Index](#). [Accessed on 31 May 2024]



identity. Checks revealed his real identity and he was arrested in Italy while awaiting delivery of his passport. In another case, the Irish Passport Office, the Garda Síochána and international partners identified some of the biggest facilitators in the world for fraudulently obtained passports. Two people were arrested and sentenced separately to eight and five years' imprisonment.

## Assessment

A major advantage in protecting the integrity of Irish passports is the verification process conducted by garda members in a garda station. However, there is currently no training for garda members in this role. The Irish Passport Office is keen to provide awareness training and would like to be included in the initial trainee programme for new garda recruits. While in the long term, this would ensure that all new members of the Garda Síochána are trained, it does not address the awareness needs of the current workforce. As such, the Inspectorate believes that the Garda Síochána should work with the Irish Passport Office to develop an online training awareness package which all members should complete.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.9

#### Passport Verification Awareness Training

The Inspectorate recommends that the Garda Síochána work with the Irish Passport Office to develop an online training package to enhance awareness of the role of a garda member verifying an Irish passport application.

## Asset Profilers

There are currently 553 asset profilers trained to conduct pattern of life profiles of individuals suspected of living above their means. When a profile is completed, it is forwarded to CAB which conducts an in-depth assessment and decides if there is a case to answer or not. Asset profilers are attached to regions, divisions and national units and usually perform this task in addition to their primary role. After completing training, there is no mandatory requirement to complete profiles.

## Findings

Not all asset profilers are fraud trained and not all fraud trained members are asset profiler trained. The Inspectorate recognises the benefit of widening awareness by training different people in different skills; however, some members who met with the inspection team were trained in both and felt that this was helpful to their role. For example, asset profilers have access to land and company registry databases. This access is particularly useful for those investigating fraud offences.

Asset profiler training is delivered by members of CAB and a computer scientist over two days to a class of approximately 65 members. This involves an initial training day followed by an annual refresher event for all profilers. Trainees are provided with a briefing from CAB prior to attending and are guided through preparation of a profile. The good quality of the training was highlighted by those who met the inspection team. Once trained, each asset profiler can access ongoing support from CAB or Customs and Revenue. A number of profilers identified that there was no refresher training or follow-up information on new or emerging crime trends. It was also the case that there was inconsistency in how profilers were used across divisions that were inspected,

with some in full-time roles and regularly allocated cases, and others who were rarely or never used. This was reported as a lost opportunity to tackle those involved in transnational organised crime. It was also raised that profilers who submitted cases to CAB for consideration were not updated on any action taken.

### Assessment

While there is a clear benefit in having a wide pool of trained asset profilers, the absence of any requirement to complete profiles or to attend continuous professional development with any degree of regularity presents a significant risk of skills fade. The Inspectorate believes that there should be a requirement for each trained asset profiler to complete a minimum level of work each year in order to target those involved in organised crime and to ensure that profilers retain their skills.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 2.10

##### Asset Profilers

The Inspectorate recommends that the Garda Síochána introduce a requirement for asset profilers to complete a minimum number of profiles per year

## Continuous Professional Development

Once training has been provided, it is often a challenge to ensure skills retention as well as ongoing learning as the broader specialist field evolves. An example of this is with senior investigating officers for criminal investigations. The investigative and forensic developments in serious crime investigation are constantly changing, therefore investigators need to evolve with them. This is commonly achieved through programmes of continuous professional development.

### International and Comparable Practice

Some jurisdictions, such as the UK, require senior investigating officers to complete annual continuous professional development in order to retain their accreditation. Failure to do so will result in them being registered as inactive.

While many members conducting organised crime investigations have received very good training in specialist skills, there is limited refresher training and continuous professional development. This applies to senior investigating officers, cyber or economic crime investigators, asset profilers, analysts and covert policing specialists. Some specialists, such as senior investigating officers, have an annual conference at which they meet and share experiences; however, there is no follow-up professional investigative programme. The absence of a structured process of continuous professional development across the Garda Síochána was highlighted during the inspection as an ongoing weakness.

### Assessment

The continually changing nature of crime, including domestic and transnational organised crime, requires the Garda Síochána

to continuously develop the skills of its workforce. Equally important is the need to use the learning derived from specialist training or risk skills fade. Accordingly, the Inspectorate believes that the Garda Síochána needs to develop and sustain consistent continuous professional development for all members trained in specialist investigative skills.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.11

#### Continuous Professional Development

The Inspectorate recommends that the Garda Síochána conduct a review of the training required for specialist roles and establish an annual schedule for providing continuous professional development.

## Interviewing Skills

There are four levels of interviewer training. Level 1 and 2 provide basic interview skills, Level 3 provides advanced skills for interviews for serious crimes, such as investigating transnational organised crime and Level 4 is aimed at supervisors to provide support and guidance to Level 3 interviewers. At the time of inspection, there was a shortage of members trained as Level 3 interviewers. There was also a shortage of Enhanced Cognitive Interviewers (ECI) who are trained to interview vulnerable victims.

## Findings

Level 1 interview training is consistently provided to garda trainees, thereby ensuring new garda members arrive in their allocated station with a basic knowledge of how to interview. During their probationary period all gardaí should be trained up to Level 2, but this was not always the case, resulting in a number of members who are not trained to this level. The main challenge was found to arise when members sought advanced interview skills. The limited availability of Level 3 trained interviewers at divisional level results in a requirement to seek assistance from national units, thereby reducing that unit's capacity to deal with its core business. For example, in one of the four divisions inspected, there were no Level 3 interviewers and only two ECI trained interviewers. Following a homicide, the division made ten arrests and had to seek assistance from the Garda National Bureau of Criminal Investigation to interview the suspects. A similar position was found in the other divisions inspected.

The operational training plan reflected 96 members trained in Level 3 investigative interviewing during 2022. A further 61 members have received this training in 2023. Ten spaces were allocated for ECI training in 2022, but no ECI training was delivered. A total of 12 members were trained in 2023. A limited number of specialist interviewing course spaces were also available for those members who are trained to record interviews with complainants under 14 years (or those with an intellectual disability), for evidential purposes in cases involving sexual and/or violent offences.

It is usually the case that any shortage of Level 2 trained interviewers is addressed through the allocation of spaces for what is entitled 'train the trainer' investigative interviewing Level 2. This is a process comparable with

other international police organisations where national, regional and divisional members are trained and then return to their workplace and train colleagues.

### Assessment

A dearth of more highly trained interviewers was found by the Inspectorate in previous inspections. Covid stopped the delivery of this training for an extended period and has understandably caused a backlog. However, as divisions carry out the majority of all investigations conducted in the Garda Síochána, it has left them very short of critically important skills. While those in national units can provide assistance to divisions, they are unable to support the investigation of all organised and transnational organised crimes.

The provision of Level 3 training to 157 members since 2022 is welcomed and should contribute towards properly equipping regions, divisions and national units to fulfil their serious crime investigative responsibilities. However, given that this averages out to five in each division or national unit, this can only be the beginning of what is required to recover from the backlog. Therefore, momentum must be maintained as retirements, transfers, promotions and specialisms will rapidly deflate the available numbers of Level 3 trained gardaí. The provision of ECI training to 12 members since 2022 offers some support to national units investigating cases involving the most vulnerable victims but contributed little to the shortfall in divisions.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 2.12

##### Interviewing Skills

The Inspectorate recommends that the Garda Síochána conduct an audit of investigative interview-trained resources at national, regional and divisional levels to establish what the organisation needs. This should be used to deliver a training programme to address identified shortfalls.

### Incident Room Co-ordinators

When a serious crime takes place, an incident room is usually established in a garda station close to where the crime occurred. The incident room is managed by a trained incident room co-ordinator (IRC) and is a pivotal part of the investigation of all serious crime. The incident room is used by the investigation team as a base for their activity. The IRC is responsible for supporting senior management in the investigation by ensuring that all lines of investigation are explored. They record all actions (jobs) undertaken by the investigation team and analyse, evaluate and categorise all information received. Furthermore, they are responsible for the retention and co-ordination of material of evidential value. The IRC has a pivotal role to ensure that jobs are tasked and the results of these tasks are brought to the attention of the senior investigating officer.

### Findings

The incident room co-ordinator programme is a three-stage programme delivered through the Garda College. Stage one is designed to upskill IRCs in the core competencies required to effectively perform the role. Stage two involves workplace

learning with the IRC performing the role under strict supervision of an experienced IRC and a senior investigating officer. Finally, having successfully completed the first two stages, the IRC returns to the Garda College for stage three. All stages must be successfully passed before a member can be deployed in this role. This inspection found inconsistencies in the availability of trained IRCs with some divisions having insufficient numbers of people trained, while other divisions had managed to secure training courses and had people in place.

## Assessment

The insufficient number of trained and skilled IRCs in some divisions further supports the need for all units, regions and divisions to participate in the annual priority training needs assessment and for a workforce plan that ensures people with the right skills are in the right places. In this instance, the 2022 training plan had allocated 53 spaces for the stage one course but training was actually delivered to 79 members. A further 39 members were trained in 2023. The 2022 plan allocated 167 spaces for the stage 3 course; however, it only delivered training to 40 members with another five trained in 2023. The Inspectorate considers that this is proportionate to the demand, especially when balanced against the work required to deliver on other priority training needs but it must be kept under review to maintain the number of trained resources required. Participation in the annual priority training needs assessment is critical to this monitoring as without all divisions identifying their requirements, course spaces will not be allocated to where they are needed most.

## Learning Management Software

The use of the Learning Management System by the Garda Síochána expanded during Covid to become the main delivery platform

for a significant amount of training courses. The inspection found a mixed response to online training from those who enjoyed the opportunity to work through the material at their own pace, to those who would have preferred more in-person training with the opportunity to be able to ask questions or discuss their understanding of a point with others.

## Findings

The Garda College has purchased a new online system which provides performance management information such as identifying staff who have completed certain modules, where they are based, and ultimately where the gaps in learning and knowledge exist. This is called the Garda Education Training System and is being used to target training and encourage participation by those who are not engaging. Online training was reported as providing a more flexible and quicker method of delivering organisational training and at a significantly reduced cost. However, this must be kept in context. While it has an important place in terms of delivering some aspects of training, there will also be some critically important training or refresher training that needs to be delivered in person.

## Technology

The processes associated with serious crime investigation need to be dynamic and sufficiently agile to respond to criminal networks that quickly adjust their tactics and methodology. Financial benefit is the primary, if not sole, motivation for organised crime groups and increasingly over the past five to ten years they are using technology to organise and enable the commission of crime. Therefore, it is important that law enforcement agencies, such as the Garda Síochána, are equipped to respond to the changing demands of crime with access to

the latest technology. This view was clearly shared by the Minister for Justice who, when speaking at a Garda Síochána attestation ceremony in July 2023, said that *‘Ireland cannot have an analogue police service in a digital age’*.

The Garda Síochána has a strong understanding of the technology that is available to help law enforcement agencies and how it could help the delivery of policing services in Ireland. The Information Led Policing: An Garda Síochána Information and Technology Vision 2020–2023 states: *‘An Garda Síochána operates in an environment where there is increasing demand for modern technology to digitise (transactional) police work and for information to support management and policy decisions. Digitisation (blending of the physical and electronic worlds) is ideally suited to improving policing effectiveness.’*<sup>78</sup>

The challenges presented by technology in a law enforcement context are administrative, investigative and legislative. Therefore, there is a need for a human resources management system. If an organisation does not have an efficient understanding of its resource numbers, disposition, training and performance, then the ability of that organisation to effectively deliver a quality service will be negatively impacted. From an investigative perspective, the Hamilton report identified the challenges of an increasingly technologically aware and expert criminal environment and recommended legislation to require passwords for electronic devices to be provided under the provisions of a search warrant.<sup>79</sup> Such a measure is currently proposed within the General Scheme of the Garda Síochána (Powers) Bill.

## International and Comparable Practice

Other jurisdictions have recognised the importance and challenges of having appropriate technology in place to enable policing to effectively respond to an ever-changing environment. The Swedish National Audit Office report (2021) criticised the difficulty experienced by online child sexual assault investigators in obtaining access to technology to streamline the review and categorisation of abuse material.<sup>80</sup>

In the report, *Deciding the Future of Policing in the UK*, research showed that police are *‘grappling with a spread of demand in every direction’*.<sup>81</sup> Looking ahead, the research identified the possible impact of a globalising economy on policing with *‘people creating opportunities for illegal economies as well as legal ones’* and *‘probably the biggest driver of future change, namely, technology’*. The research highlighted that *‘we are entering a period that has been described as the Fourth Industrial Revolution, or Industry 4.0, an era in which exponential growth in data, sensing technologies, cyberphysical systems and analytic techniques will blur boundaries between the physical and digital world, and create hyperconnectivity’*.

In a separate report, *Policing in a Networked World* it is recognised that it is one thing to know that policing needs to be able to tackle new challenges but in reality there is always a limit to the necessary funding.<sup>82</sup> The report identifies that emerging crime types such as cybercrime do not translate well into the traditional model of front-line policing. A ransomware attack targeting thousands of victims by a perpetrator on a different

78 An Garda Síochána, n.d. *Information-led Policing: An Garda Síochána Information and Tech Vision 2020–2023*. Version 1.0 for stakeholder engagement (not published).

79 See note 15.

80 Swedish National Audit Office, 2021. [Online child sexual abuse – major challenges for police and prosecutors](#). [Accessed on 31 May 2024].

81 See note 48.

82 PwC, 2018. [Policing in a Networked World](#). [Accessed on 31 May 2024].

continent breaks the traditional concept that a crime is linked to a location, a victim and an offender. It adds a layer of complexity to prevention and investigation of crime.

The report offers guidance to improving policing in the longer term. This includes exploiting technology and data to enhance productivity and effectiveness in fighting crime and creating agile operating models which are future proofed, network based and innovative. The report provides examples of these steps in action. Police in the Netherlands are exploiting technology to deliver what is described as big data analysis. This is the process of identifying trends or patterns in large amounts of raw data. It is used to deploy resources to areas where their presence can provide a preventative deterrent or enable a quicker response when crime is committed.

The UK Counter-Terrorism Policing have developed a model to agree effective business planning and deployment of resources with law enforcement responsible for borders work, such as the separate borders, crime and tax authorities. This is delivering an intelligence-led view of demand to mitigate threat and risk and deliver continuous improvement.

## Findings

The Inspectorate welcomes the Government decision in 2022 to provide €21m for Garda Síochána ICT capital investment projects in 2023. In 2024, significant additional funding has been made available to implement key technology projects including body worn cameras. During this inspection, multiple requirements for technology were identified to the Inspectorate. The Garda Síochána has an ICT Roadmap and Pipeline which plots progress on short (current year), medium and long-term projects.

This inspection found that a lot of progress has been made in some areas, such as replacing the Computer Aided Despatch (CAD) system with CAD II. This will greatly enhance the 999 call service and response to the public. Over 13,000 front-line garda have been provided with mobility devices, allowing them to access live time data and search the second-generation Schengen Information System (SIS II). This access was welcomed by those who met with the inspection team, as was the recent access provided to drivers' records and insurance certificates.

Anti-money laundering software called goAML was designed by the United Nations Office on Drugs and Crime to meet the data collection, analytical, document management, workflow and statistical needs of Financial Intelligence Units (FIUs). FIUs serve as national centres responsible for receiving, processing and analysing suspicious transaction reports made by financial institutions or other bodies. The Garda Síochána FIU is one of over 60 FIUs worldwide that use this technology.

While reports are logged on goAML, they have to be manually disseminated by the FIU to CAB, divisions or national units for enquiry. Work is underway to automate this process. The FIU also uses it to create activity diagrams that show connectivity between transactions and it can send alerts or bulletins in a message board to other users worldwide. This is an internationally recognised way of sharing knowledge of false documents, crime patterns and criminal activity which may be encountered in other jurisdictions.

Generally, this inspection found a high level of frustration amongst staff with the lack of available computer hardware. In some divisions, only one laptop was available for viewing CCTV and not always suitable for downloading and examining imagery.

## Assessment

The significant funding provided by the Government for ICT projects will enable progress to be made in some areas but it will not deliver all of the technology requirements of the Garda Síochána as some products cannot be purchased as an off-the-shelf package. As such, funding will have to be spread across two or three years as the product is built and tested.

While goAML is a useful product, it is an example of technology introduced in isolation and requiring manual intervention to lift information from it and circulate it on a parallel system across the Garda Síochána. The Inspectorate believes that the learning from this should be used as work takes place to deliver the technology identified in the ICT Roadmap and Pipeline. The Roadmap identifies a vast requirement for technology across every area of policing from support to front-line garda on patrol to transnational organised crime and issues which cut across the entire organisation such as human resource management. The comprehensive nature of it is considered by the Inspectorate to be both appropriate and necessary. The requirement for ensuring new systems are compatible and integrated with existing technology is critical if the Garda Síochána is to function more efficiently and effectively.

## Human Resource Information System

In the Inspectorate's *Resource Allocation (2009)* report, a recommendation was made that the Garda Síochána needed to invest in a modern human resource information system.<sup>83</sup> This was followed up in the *Changing Policing in Ireland (2015)* report<sup>84</sup> and again in the

Inspectorate's *Policing with Local Communities (2018)* report.<sup>85</sup>

## Findings

Although there have been some significant technological improvements, it was disappointing to find that the Garda Síochána has still not invested in a modern human resource information system. While there is extensive support for the concept of workforce planning and the need for a human resource system, it is still not in place. Such a system would record all training provided, know where those skills are located and identify gaps in workforce skills. This is critical to enable service delivery as well as ensuring the organisation meets its health and safety responsibilities to its employees. The Inspectorate was informed that there are plans to introduce a human resource information system in 2024 and that funding is in place. At the time of writing this report, the information system is out to tender and on target for delivery in 2024.

## Assessment

It is critically important that the Garda Síochána has a good understanding of the specialist skills available across the organisation to investigate transnational organised crime and uses this to identify gaps and determine future training or recruitment requirements. It is disappointing to find that 14 years after the Inspectorate first made a recommendation to invest in a human resources system, it is still not in place.

Any human resources system must be capable of being linked to, if not fully integrated with, the garda financial report distribution management systems to enable effective budget management, providing

83 Recommendation 3. Garda Inspectorate, 2009. [Resource Allocation](#). [Accessed on 31 May 2024].

84 Garda Inspectorate, 2015. [Changing Policing in Ireland](#). [Accessed on 31 May 2024].

85 Garda Inspectorate, 2018. [Policing with Local Communities](#). [Accessed on 31 May 2024].



dashboard data for senior managers on resource numbers and skills, and informing succession planning. Its absence is an organisational weakness and a major barrier to strategic management.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.13

#### Human Resource Information System

The Inspectorate recommends that the Garda Síochána expedite the introduction of a networked human resource information system that holds all personnel and training records for the garda workforce.

## Operational Technology

Effective policing, which identifies the risk of harm to communities, prevents crime and assists in the detection of offenders, will always be reliant on accurate and timely intelligence. Modern police services strive to be 'intelligence led'. With finite resources, this enables prioritised and targeted actions against those criminals causing most harm.

A future of policing review published by a consultancy firm in 2018 highlighted the organisational and operational challenges that policing might face in the future.<sup>86</sup> The report identified a number of new realities that police services must prepare to have the capacity for and capability to meet:

- > **Serving a fully digital world**, where every crime has a digital footprint, every police function harnesses digital technology, and data is one of policing's most valuable assets;
- > **Responding to a much faster pace of change in every arena**, with constant business innovation creating new criminal opportunities and potential policing tools and social connectivity creating a rapid spread of news and ideas;
- > **Harnessing cyber-physical systems**, as a result of exponential growth of sensing technologies and connected ('internet of things') devices;
- > **Using an unknowable volume of knowledge about 'what works'** in reducing crime; and
- > **Managing police services and operating with near total transparency**, due to increasing omni-present surveillance of the public and the police.

The review offered a range of suggestions to ensure policing is equipped for the future, including:

- > having '*data-driven conversations about which demands can be serviced and what preventative capabilities are maintained with varying resource levels*';
- > protecting '*hard edged crime prevention capabilities in order to avoid a vicious cycle of simply responding to increasing demand*' such as by '*setting up resolution centres as a way of dealing with low level crime more efficiently*';
- > understanding '*the capabilities needed to address current and future demands, and assess (and measure) current*

86 See note 48.

*capability gaps – focusing not just on officer numbers, but the mix of people, processes and technology that will deliver the best outcomes for the public’; and*

- > *investing ‘in data as a critical organisational asset, one which can empower the workforce, enable the development of productivity-enhancing artificial intelligence tools and support rapid identification and assessment of threats, risk, harm’.*

## Findings

The core technology platform for recording and distributing information across the Garda Síochána is PULSE. The Garda National Crime & Security Intelligence Service records all intelligence on a separate primary intelligence platform. This is a more secure system that supports the National Criminal Intelligence Framework which is currently being rolled out across the Garda Síochána. When recorded, information is assessed and disseminated for action using the PULSE system. Members within the Garda National Crime and Security Intelligence Service have full access to the primary intelligence platform, but those in Organised and Serious Crime have limited access. They can input to record data but don’t have access to intelligence entered by other units, even if it is relevant to their investigations. This information has to be specifically shared by intelligence colleagues with the investigating officers. As each part of the organisation implements the National Criminal Intelligence Framework, it will be given access to this system.

Organised and Serious Crime retains a separate intelligence system, introduced as a temporary measure until access to the primary intelligence platform became available. While some Organised and Serious

Crime units still use their own system most have adopted the primary intelligence platform.

A point made continuously by investigators to the inspection team was the importance of analysis of information and intelligence as key enablers of the effective investigation of transnational organised crime. In regions, analysts have no access to either the primary intelligence platform or the Organised and Serious Crime intelligence systems and rely on PULSE.

Two further separate systems are used to manage immigration intelligence and information from Covert Human Intelligence Sources. Data from the covert human intelligence system can be exported to the intelligence system so that Garda National Crime and Security Intelligence Service can securely assess and disseminate it as appropriate.

The Garda Síochána has identified a critical need for a single intelligence IT system with tiered accessibility personalised to all users. This tiered structure will enable special arrangements to be incorporated for national security information. The estimated cost is €10m. Work is ongoing with a level of optimism that a suitable system will be developed to meet organisational needs. The inspection found that the ICT Roadmap and Pipeline records the ‘intelligence platform’ as a Priority 1 Concept; it is noted that there is no timeline provided to progress it from concept stage.

## Assessment

Professional, effective intelligence management involves linking information from a wide range of sources to build a composite picture. For transnational organised crime, the collation of appropriate information, its accurate assessment, timely

analysis and dissemination for action are vital components in effectively tackling organised criminal networks. This needs to operate within the existing legislative framework, which in this context is: the European Convention on Human Rights Act 2003; the Data Protection Acts of 1998 and 2003; and the General Data Protection Regulation 2018.

Analysts working within the firewall had access to intelligence that was shared with them but there was not a structure to provide a tiered level of access, particularly for those who are producing organised crime intelligence products. It is recognised that no effective intelligence system provides for access to raw intelligence material to analysts or any employees outside the firewall. This is critical to protect the Article 2 ECHR (Right to Life) for sources of intelligence. The Garda National Crime and Security Intelligence Service should have full oversight of all intelligence but does not have access to the Organised and Serious Crime intelligence system. Tiered access would enable all members or staff, including analysts, to access the information relevant to their role and prevent access to information identified as having a higher level of sensitivity. This is an issue that can be resolved through appropriate IT and the in-service vetting referred to in the Inspectorate's report *Countering the Threat of Internal Corruption (2020)*.<sup>87</sup>

If the Garda Síochána is to rise to the challenges identified by the consultancy firm in the future of policing review, it must expand its capabilities to serve a fully digital world, have the technology to respond faster and have the capabilities to harness and process significant volumes of data. This must be done in a joined-up way to ensure

that intelligence is protected but made available appropriately to those conducting investigations.

The Inspectorate supports the provision of a single-tiered system as retaining intelligence on multiple independent systems creates risks of recording information in one system which is unknown to users of another, and two or more garda units independently recording intelligence and conducting operations on the same target. The most effective and safe process is for the Garda National Crime and Security Intelligence Service to be the gatekeeper for all garda intelligence. It should have access to everything recorded, and have responsibility for analysing, sanitising and disseminating it. This would ensure oversight across all aspects of policing delivery, especially in an organisation which retains responsibility for national security.

An effective system with tiered access would also enable greater collaboration and allow the sharing of intelligence with partner agencies that could access a secure system. The Inspectorate firmly believes that the provision of an intelligence platform should move past the concept stage in the ICT Roadmap and Pipeline as a matter of urgency. The management of intelligence is considered by the Inspectorate as a critically important aspect of tackling transnational organised crime.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

87 Recommendation 14. Garda Inspectorate, 2020. [Countering the Threat of Internal Corruption](#). [Accessed on 31 May 2024].

**Recommendation 2.14****Intelligence IT System**

The Inspectorate recommends that the Garda Síochána develop and implement a single national IT system for recording and management of criminal intelligence.

**Cybercrime Technology**

The process of analysing large amounts of data such as the information drawn from analysis of the blockchain of crypto currency transactions is called data mining. Blockchain is a decentralised ledger of all crypto currency transactions across a peer-to-peer network. Blockchain analysis provides information on the movement of crypto currencies and simplifies for investigators the transactions which represent movement of currency between parties.

**Findings**

During this inspection, economic and cybercrime investigators explained that they have identified the challenges and the technology they need in order to remain abreast of advances in technologies used by criminal networks. For example, to tackle ransomware cases, they need a data analytic tool to access Blockchain. The investigators described how crypto currency, such as Bitcoin, is now an established payment tool that is also utilised by criminals and organised crime groups. This is especially the case in cybercrime, such as in ransomware attacks when an organisation's technology system is hacked and locked down. A demand for payment via crypto currency is often made and, if paid, the organisation may receive the key to access their systems.

Although the Garda Síochána previously had access to a data mining tool on a trial basis, the trial has now ended. Investigators told the Inspectorate that this technology is essential due to the scale and complexity of the work involved in seeking to understand and interpret the quantities of data involved. It helps to translate the information to enable it to be used in evidence and understood by those involved in the criminal justice process. It was made clear to the Inspectorate that this type of technology is essential to maintain investigative capability.

The technology used by organised criminal networks has evolved greatly and some investigations may lead to the seizure of multiple devices, many of which will contain terabytes of data. An example was provided of one case involving a €1.6m fraud and a computer seized during the investigation which contained three terabytes of data. The capability of garda systems to interrogate that volume of data was described as limited. While garda investigators did manage to access the data, it required a disproportionate amount of time and computer space which impacted on other investigations.

**Assessment**

In order to search, examine and analyse data on the scale and complexity present in investigations involving crypto currency transactions, data mining software is required to identify patterns and extract relevant information. A data mining tool can be used in multiple systems, such as PULSE, and can help analysts to provide profiles of suspects or crime patterns.

**Recommendation**

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.15 Cybercrime Technology

The Inspectorate recommends that the Garda Síochána prioritise the introduction of technology to enable data mining and blockchain analysis.

## Online Child Sexual Exploitation Technology

In 2021, Europol was in possession of more than 40 million images of child sexual abuse from around the world. Interpol retains an International Child Sexual Exploitation image and video database as an intelligence and investigative tool, which allows specialised investigators to share data on cases of child sexual abuse. It holds more than 4.3 million images and videos and has helped to identify more than 32,000 victims worldwide.

Europol has identified child sexual exploitation as a priority for the European Multidisciplinary Platform against Criminal Threats in 2022–2025 with the aim: *‘To combat child abuse online and offline, including the production and dissemination of child abuse material as well as online child sexual exploitation’*. The Europol SOCTA report highlighted that online child sexual abuse likely remains highly underreported with many victims unidentified and their abusers undetected.

## International and Comparable Practice

In the UK, His Majesty’s Inspectorate of Constabulary and Fire and Rescue Services published a report in April 2023 which

highlighted the ineffective use of technology such as image databases for identifying suspects and victims.<sup>88</sup>

New Zealand Police has a specialist unit called the Online Child Exploitation Across New Zealand (OCEANZ) which is part of the Virtual Global Taskforce to protect children from online abuse. It co-ordinates international investigations and identifies offenders by proactively targeting and monitoring social media platforms and websites. The unit also seeks to identify and rescue victims and gather intelligence for sharing with locally based child exploitation investigation teams.

## Findings

As part of this inspection, the Inspectorate examined the work of the Online Child Exploitation Unit (OnCE) which is a team within the Garda National Protective Services Bureau. The OnCE Unit comprises a team of detectives who receive referrals of suspected online child abuse material from within the bureau or from external sources such as international police and law enforcement agencies, social media providers and the National Centre for Missing & Exploited Children in the USA. This unit acts as the recipient for all referrals ensuring a single and uniform standard is applied to how all victims and suspected offenders are considered in the triage process.

Referrals to the OnCE Unit can take anything from a few days to several weeks to progress depending on the amount of information associated with them and the complexity of the referral. The unit uses technology which sorts and filters previously identified images. This reduces the number of images

88 His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), 2023. [An Inspection of How Well the Police and National Crime Agency Tackle the Online Sexual Abuse and Exploitation of Children](#). [Accessed on 31 May 2024].

investigators have to view and assess. They draw support from the Cyber Crime Bureau for forensic examination and use a variety of investigative methods including open source information, such as social media searches, to identify those involved. Garda investigators highlighted that the absence of technology and software for accessing open source information can lead to significant delays and caused them to utilise a variety of processes to progress their investigations.

At the time of the inspection, the Inspectorate was told that, on average, the unit manages a caseload of 200 referrals at any one time. On receipt of a referral, the unit assesses if the image is of a child, if it constitutes an offence and if there is an imminent risk to a child in Ireland. Those cases where an offence is present are assigned for investigation. A small number of serious or high-profile cases are retained by the unit for immediate investigative action.

Where an offence is present, the unit creates a briefing pack that contains evidential and identification information for the person suspected of accessing an image. In most cases, briefing packs are sent to the local Divisional Protective Services Unit where the suspect is located. Divisional detectives will progress investigations but have to manage them alongside other important divisional work, such as serious sexual assault investigations. While there are no national unit resources attached to regions or divisions, the OnCE Unit liaises with and assists investigators in relation to a wide variety of issues, such as helping with any mutual legal assistance requests to seek evidence from another jurisdiction.

## Assessment

The OnCE Unit is tasked with identifying child victims of online sexual abuse and exploitation, and suspected offenders in this crime area. Due to the high-risk nature of its work and with the links to transnational organised crime, the unit should be resourced appropriately and provided with the necessary technology to conduct intelligence checks and other enquiries.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 2.16

#### Online Child Sexual Exploitation Technology

The Inspectorate recommends that the Garda Síochána prioritise the provision of necessary technology to enable the Online Child Exploitation Unit authorised access to open source data.

## Stolen Motor Vehicle Technology

Interpol maintains a stolen motor vehicle database called I-24/7. This database is available to 135 countries. Annually, there are over 256 million data searches worldwide and almost 250,000 stolen vehicles identified.

## Findings

The Stolen Motor Vehicle Investigation Unit works closely with the Garda Interpol Desk to have vehicles added to the I-24/7 database. Unlike other jurisdictions, the Garda IT system cannot automatically upload stolen motor vehicle data to the Interpol system. This additional and unnecessary bureaucracy requires stolen and recovered vehicles to

be manually updated. The Garda Síochána also circulates stolen vehicles on the second-generation Schengen Information System (SIS II) for the information of other European Member States. Most vehicles stolen by organised crime groups in Ireland are moved to the UK. Post Brexit, police services in the UK no longer use SIS II but continue to use i-24/7.

### Assessment

The manual process for updating stolen vehicle data to the I-24/7 system is inefficient and it is important that work is undertaken in order to address this issue.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### **Recommendation 2.17**

##### **Updating Stolen Vehicle Records**

The Inspectorate recommends that the Garda Síochána develop an automated process for updating records of vehicles stolen in Ireland on the Interpol I-24/7 system.

# 3

## *Chapter 3*

### *Investigation of Transnational Organised Crime*



CIGIREACHT AN GHARDA SÍOCHÁNA  
GARDA SÍOCHÁNA INSPECTORATE



# Chapter 3 Investigation of Transnational Organised Crime

## Introduction

This chapter examines the Garda Síochána organisational structure and the resources that are in place to prevent transnational organised crime and to disrupt and dismantle organised crime groups (OCGs). This includes the number and types of resources that are assigned and deployed at national, regional and divisional levels.

The crime types most associated with transnational organised crime are also examined. For crimes of this nature, it is important to have a clear crime investigation allocation policy in order to ensure that cases are only assigned to the most appropriate unit for investigation. This chapter looks at the processes and practices in place at national, regional and divisional levels to conduct investigations.

## Garda Structure and Roles

The structure of the Garda Síochána flows from Garda Headquarters and national units based in Dublin, to geographical regions and divisions.

### Garda Headquarters

Garda Headquarters, through the Garda Commissioner and Executive and Senior Leadership Teams, is the source for a significant level of decision making.<sup>89</sup> For transnational organised crime, Garda Headquarters has an important role in terms of:

- > Setting strategic objectives and monitoring performance against them;
- > Creating an organisational structure to deliver effective services;
- > Providing strong governance and robust internal oversight;
- > Allocating resources;
- > Setting policy and checking compliance with operational and administrative policies and procedures; and
- > Ensuring adherence to professional standards and promotion of human rights.

Units based at Garda Headquarters deliver a number of other important support services. These include human and financial resources, as well as technological and corporate communications support. These services help operational units to deliver their core functions.

### National Units

The Garda Síochána organisational structure includes a number of national units, with the majority of their resources centrally based in Dublin. A limited number of national unit resources such as cybercrime forensic examiners and drug dogs are located in the geographic regions.

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<sup>89</sup> The Senior Leadership Team includes the Executive Team, Assistant Commissioners, Executive Directors, the Director of Communications and the Chief Medical Officer.

This section focuses on those national units that have a key role in preventing transnational crime and disrupting and dismantling OCGs. While most of these units conduct operations and criminal investigations, they have limited capacity, and as such, tend to investigate more complex, high-risk or high-profile cases. As a result, the majority of medium and lower risk investigations are conducted by divisions with co-ordination from national units. National units also offer, and in some cases provide, briefing packs, investigative expertise or technical support.

## Regions

To manage the delivery of local policing services, the Garda Síochána operates from a structure of four geographic regions, each responsible for either five or six divisions. Regions provide a number of operational services to divisions, including armed support, analytical products and surveillance. An assistant commissioner is assigned to lead each region with responsibility for ensuring the operational efficiency of their region and the quality of operational management exercised by divisional officers.

Regions have limited investigative resources, but they do provide surveillance and intelligence support to operations and investigations. Regions receive from and send intelligence to the Garda National Crime and Security Intelligence Service. On receipt of intelligence, a region may deploy its own covert policing resources to further develop intelligence before sending it to the relevant division for action. Regions play an important co-ordination role in relation to OCGs that operate across multiple divisions or at national or international levels. In these cases, a region can help by co-ordinating action with other regions or with a national unit.

## Divisions

The Garda Síochána is moving towards an operating model of 21 divisions, a reduction from the previous number of 28. This process involves the amalgamation of some existing divisions and the implementation of a new Garda Operating Model.

Each division is led by a chief superintendent supported by a number of senior managers. Under this model, divisional detective units are being established under the leadership of a detective superintendent. This superintendent has a number of important responsibilities including the investigation of serious crime and the management of a divisional detective unit. Most reported crimes in Ireland are investigated by the division in which the crime occurred; this includes serious and complex crimes such as homicide, threats to life, fraud and human trafficking. A senior investigating officer will be appointed to provide leadership to detectives undertaking serious crime investigations of this nature. Each division holds regular Performance Accountability Framework meetings in which investigations are reviewed and decisions made as to who the investigating member should be. There is no policy to inform this allocation or reallocation process.

Other investigative units in divisions include Divisional Protective Services Units, a responsibility of which is the investigation of human trafficking cases, and drug units which conduct operations and investigate cases that emanate from arrests and seizures.

Members of divisional regular units are normally the first responders to incidents involving crimes and are usually assigned as the investigator. It is therefore not unusual to find members on regular units with high caseloads, which in some cases may include serious crimes.

Divisions have a number of other resources that do not conduct investigations but who can provide specialist support. This includes crime prevention officers who are trained to provide specialist crime and security advice and juvenile liaison officers who work with young offenders. All divisions have Victim Services Offices and while they provide a central point of contact for all victims of crime, victims of more serious crime are usually supported by the investigating member. Criminal intelligence officers are in place and they have an important role in assessing and disseminating intelligence. Most of the intelligence they receive comes from divisional units, with a limited amount of intelligence sent by national units. Although there are plans to assign garda analysts to divisions, none had been assigned at the time of this inspection.

All of the divisions visited during this inspection had significant immigration responsibilities at ports and places of entry. Responsibilities include the prevention of importation of illicit goods, people smuggling and human trafficking. Divisions also have locally based immigration offices that manage registrations.

Often community concerns arise from the activities of OCGs and those associated with them. An important part of delivering local policing services is making people and communities feel safer. At a divisional level all gardaí, including community policing units and garda reserves, have an important role in providing a visible uniformed presence in local communities and dealing with quality of life issues. While the impact of high-visibility patrolling is difficult to measure, it provides reassurance, disrupts the activity of OCGs and can reduce crime. Therefore, it is important that community policing unit members are trained in problem solving, tasked to examine these types of issues and directed to work with partner agencies and communities to resolve them.

## Findings

Despite many parts of the Garda Síochána being involved in work to tackle organised crime, there is no stated policy on how crimes should be allocated for investigation. Even where certain crime types were supposed to be investigated by a particular unit, the inspection team found instances where the unit did not see this as their role or lacked the capacity or capability for the work. While most divisions have sufficient numbers of suitably skilled resources to investigate a homicide, they are far less well-resourced to investigate other types of transnational organised crime. As a result, divisions rely on regional and national units for assistance, such as specialist covert policing deployments, where demand for their services often exceeds organisational capacity.

Throughout this inspection, it was frequently raised that there is no clarity about which divisional unit investigates particular types of crime and in the absence of a national allocation policy, there was inconsistency in the assignment of crimes for investigation. With regards to decisions about who investigates a particular crime, the national units appear to be the final arbiter about which crimes they investigate and which crimes are assigned to divisions for investigation. While some national units said that they monitor the progress of investigations sent to divisions, there was no formal process or policy in place for this. It was also the case that there was no threshold or formal process in place for a division to escalate an investigation to a national unit.

## Assessment

At an organisational level, the Garda Síochána needs to assign appropriate levels of resources to disrupt and dismantle an OCG. The absence of an organisational

policy for the investigation of crime creates inconsistency in the allocation of cases and in the standards of investigation conducted. In the interests of openness and transparency, the Garda Síochána should publish the policy on its external website, with only operationally sensitive material excluded from publication.

The practice of national units retaining investigations which are complex, potentially protracted or involving organised crime and passing the remainder to divisions with an offer of expert advice where required, is considered by the Inspectorate to be an effective approach.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 3.1

#### Crime Investigation Allocation Policy

The Inspectorate recommends that the Garda Síochána develop and implement a policy for the allocation of criminal investigations to the most appropriate resource.

## Transnational Organised Crime – Public Consultation

In July 2022, the Inspectorate launched an online public consultation process to establish the impact of transitional organised crime on local communities. The consultation was aimed separately at members of the public and agencies that provide support to victims and asked for their experience

of transnational organised crime, both nationally and in local communities. The results of both consultations are attached at Appendices 1 and 2.

The consultation ran for a period of eight weeks and resulted in 104 responses from members of the public across 23 counties and 24 responses from state agencies, victim organisations and academia. Respondents to the consultation indicated that the top three transnational organised crimes having the greatest impact on Ireland were drug trafficking, human trafficking and economic crime. With regards to local communities, respondents ranked drug trafficking, economic crime and organised crime (thefts and burglaries) as having the biggest impacts on their communities. The consultation also showed that 85% of respondents felt that transnational organised crime had increased in their communities over the previous five years and young people were identified as those most affected.

The Inspectorate's findings and assessment of how the Garda Síochána responds to these types of crime are set out in the next part of this report.

## Transnational Organised Crime Types

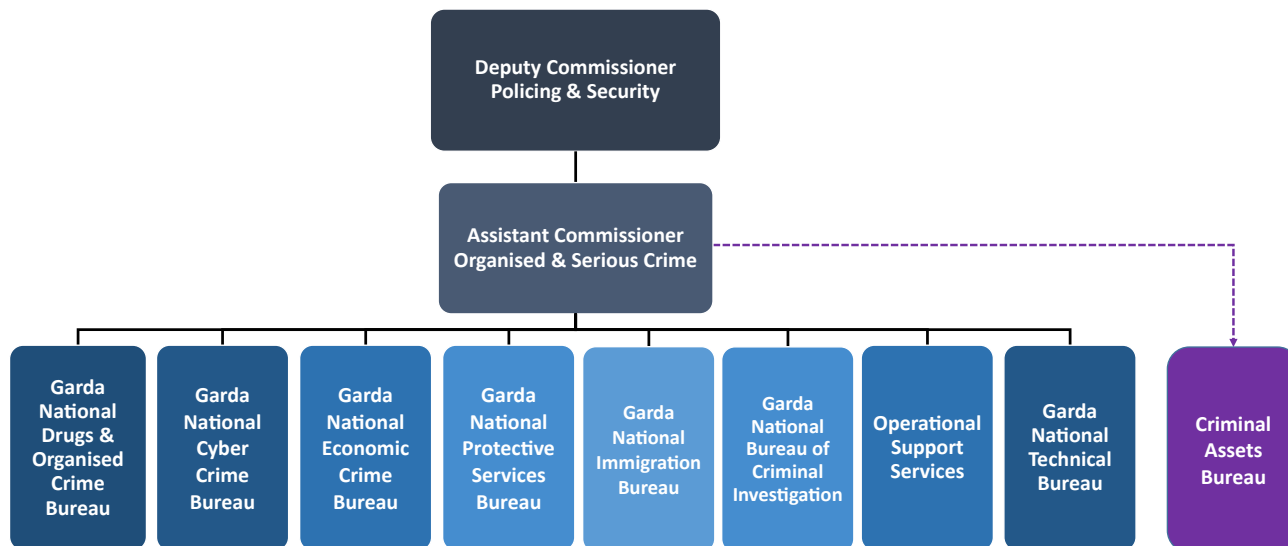
This part of the report examines the operations, investigations and intelligence activity conducted at national, regional and divisional levels to prevent and detect domestic and transnational organised crime. This focuses on the types of crime that are considered by the Inspectorate to be the most prevalent and examines how the national units within Organised and Serious Crime operate and how they support regions and divisions.

## Organised and Serious Crime

Organised and Serious Crime is under the command of an assistant commissioner and comprises a number of national units shown in Figure 3.1.

These units investigate more serious crime as well as providing investigative, technical and operational support to regions and divisions. During this inspection, the Inspectorate met with members of the garda workforce from all of these units.

Figure 3.1: Organised and Serious Crime organisational chart



Source: Garda Síochána, adapted by the Garda Inspectorate

While these units all contribute from the perspective of their individual specialism to the common goal of preventing transnational organised crime and disrupting and dismantling transnational OCGs, there was a common theme in terms of staffing challenges. At the time of the inspection, every national unit had a number of workforce vacancies and were either in the process of selecting new staff or were waiting for successful candidates to be posted.

## Drugs and Organised Crime

The 2021 Eurojust report on drug trafficking estimated the value of the EU drugs market as €30 billion.<sup>90</sup> The European Monitoring Centre for Drugs

and Drug Addiction published a report in May 2022 in which it reported that 1,436 tonnes of cocaine were seized worldwide in 2019, an increase of 50% since 2015 with 14.8% seized in Western and Central Europe.<sup>91</sup>

The Eurojust report refers to the impact on law enforcement agencies and judicial authorities as finding *‘themselves overwhelmed by the steep increase of drug trafficking cases. Many EU Member States struggle to allocate sufficient resources to the fight against highly flexible organised crime groups acting across borders’*.

The report reached a number of conclusions and made recommendations on best practice for cross-border investigations:

90 Eurojust, 2021. [Eurojust Report on Drug Trafficking: Experiences and challenges in judicial cooperation](#). [Accessed on 31 May 2024].

91 European Monitoring Centre for Drugs and Drug Addiction, 2022. [Europe and the Global Cocaine Trade](#). [Accessed on 31 May 2024].

- > The importance of the impact on OCGs of financial investigation including asset freezing, confiscation and recovery in drug trafficking cases. Full use of Asset Recovery Offices, Financial Intelligence Units and other networks is encouraged.
- > The value of the European Judicial Cybercrime Network in the fight against drug trafficking on the darknet, on virtual platforms or using digital communication tools. These investigations often require

specialist knowledge by law enforcement and judicial authorities particularly in a cross-border case.

- > The benefits of a joint investigation team in suitable drug trafficking cases. Eurojust offers support during all phases. This includes providing help in negotiating, drafting, setting up, administering and financing it.

Figure 3.2 shows the scope of the work undertaken by the various teams which operate within the Drugs and Organised Crime Bureau (DOCB).

**Figure 3.2: Garda National Drugs and Organised Crime Bureau**



Source: Garda Síochána, adapted by the Garda Inspectorate

This national unit is primarily proactive, with a focus on intelligence-led investigations to disrupt and dismantle top-tier organised criminal networks as well as prosecuting members of networks who are engaged in murder, drug/firearms trafficking, armed robberies and associated money laundering.

DOCB does not have an established cybercrime investigation team but draws on support from the Garda National Cyber Crime Bureau. While it has financial asset profilers, it does not have a formally established financial investigation team or financial accountants. The process for accessing financial expertise formally is to make a request to the Garda National Economic Crime Bureau (GNECB). Although

this is a good option, DOCB is competing against other organisational priorities for access to a limited resource. As long as a prioritisation process is in place this should not be a major problem as DOCB investigations all relate to serious crime and often involve a transnational element.

DOCB is the lead agency in the implementation of the National Drugs Strategy and co-ordinates a range of national preventative and enforcement activity involving resources from all regions and divisions.

Figure 3.3 shows the National Drug Strategy roles and the responsibilities assigned to DOCB and drug units in divisions.

Figure 3.3: Roles and responsibilities in delivering the National Drugs Strategy



Source: National Drugs Strategy, adapted by the Garda Inspectorate

As the national lead, DOCB represents the Garda Síochána in work with international partners to tackle drug trafficking and to prevent and detect drugs importation. DOCB is responsible for identifying more effective methods of tackling drug-related intimidation and supporting victims, such as engaging with investigators and crime prevention officers from divisions to share learning and good practice. Each division has appointed an inspector to lead on drug-related intimidation preventative work and proactive investigations within their geographic area.

DOCB plays a key role in drug operations conducted through the Cross Border Joint Agency Task Force as well as Operation Thor, the Garda Síochána’s anti-burglary operation. It has lead responsibility for engagement with Revenue in relation to importation of drugs, and with Customs and An Post on controlled deliveries of drugs detected in the postal system. Aligned with this, the unit maintains contact with the garda liaison officer assigned to the Maritime Analysis and Operation Centre (Narcotics). Since the establishment of the centre in 2007, it has accounted for the seizure of drugs worth over €26 billion.

DOCB is also the lead for liaison with the Joint Task Force with Revenue's Customs Service and the Irish Naval Service. In 2021, a Joint Task Force operation with the Netherlands resulted in the seizure of almost 500 kilograms of cocaine with a potential value of €35 million. However, more recently, in September 2023, the work of this group, supported by the Army Ranger Wing, resulted in the detention of the MV Matthew cargo ship off the coast of Cork, with 2.25 tonnes of cocaine valued at €157 million seized and the arrest and charge of a number of people. During this operation, the task force worked with the Maritime Analysis and Operation Centre (Narcotics),<sup>92</sup> the National Crime Agency, the Drugs Enforcement Agency and French customs service.

Aside from its role in domestic drugs enforcement, the unit is either the co-lead or support partner in an average of 16 EMPACT priorities annually between 2018 and 2022.<sup>93</sup> DOCB was signed up to 37 operational actions in 2022.

While DOCB focuses on top-tier OCGs, there is still a good level of engagement with divisions. In July 2021, the Garda Síochána commenced a national anti-drugs strategy called Operation Tara which is co-ordinated by DOCB. This operation is focused on tackling street-level dealing in cities, towns and villages across the country with the intention of disrupting and dismantling OCGs and prosecuting drug trafficking offences.

While regions produce intelligence on OCGs involved in drug trafficking and can provide

resources for covert operations, they do not have any investigative resources. As such, divisions conduct the majority of operations and investigations on drug traffickers who are operating within their divisional boundaries.

The main divisional resources available for this type of work are drug units and detective units. While drug units are solely focused on local drug problems, detective units investigate a wide range of other serious crimes. Although drug unit members are not trained detectives, they are often experienced investigators and are sometimes taken away from their drugs enforcement role to support detective units that are investigating a serious incident.

Drug units reported a noticeable increase in open street dealing and believe they have had some success in tackling this. They also draw support from specialist covert resources provided by national units who purchase drugs from suppliers and make immediate arrests. The impact of this work is minimal and does not lead to long-term improvements. It often displaces the drug activity temporarily and OCGs quickly replace those who are arrested. As such, this type of operation has little impact on the lives of people in local communities. The Inspectorate believes that following any operational activity, the Garda Síochána needs to work with other partner agencies and the community to ensure that another crime group does not try to fill any void created.

It was raised with the inspection team that divisional drug units do not have the right

92 MAOC (N) is an initiative by six EU Member States (France, Ireland, Italy, Spain, the Netherlands and Portugal) and the UK. It provides a forum for co-operation, to tackle illicit drug trafficking by sea and air. Further information is available at [maoc.eu](http://maoc.eu) [Accessed on 31 May 2024].

93 EMPACT stands for the European Multidisciplinary Platform against Criminal Threats. It introduces an integrated approach to EU internal security. Further Information is available at [europol.europa.eu](http://europol.europa.eu) [Accessed on 31 May 2024].



level of resources or equipment in place to completely dismantle an OCG. Nor do they have the capacity or the capability to tackle the enablers of drug trafficking such as transport providers, corrupt officials and the recruitment of young people.

Drug units reported significant changes in the operating practices of crime groups with many transactions now arranged over social media and on encrypted communications systems. There are also more drugs mules carrying smaller amounts of drugs in an effort to avoid larger seizures. Therefore, drug units believe that the Garda Síochána needs to enhance its monitoring of social media sites and open source information.

In one urban division, it was highlighted that up to 10 OCGs could be operating at any one time, with most of the groups involved in drug trafficking. One of the drug units explained that the transnational nature of drug trafficking has resulted in many crime groups having origins in other countries with the result that there is less intelligence available on some of these groups. It was also raised that some members of OCGs are basing themselves in more rural locations in Ireland where they often find it easier to operate.

The number of incidents of drug-related intimidation is growing and debts are incurred not only by those buying drugs for their own use, but also by drug dealers who owe money to those who supply drugs to them. Debts can range from small amounts to one example where a family owed €30,000. One division highlighted the use of young people by crime groups to intimidate people, to carry out arson attacks and to collect debts. Many serious incidents are informally brought to the attention of the Garda Síochána but very few people are willing to make a formal complaint and assist an investigation. Where crimes

are reported, they are most likely to be investigated by a detective unit. All divisions have appointed inspectors to lead on drug-related intimidation and they have a remit to raise awareness and encourage people to report intimidation.

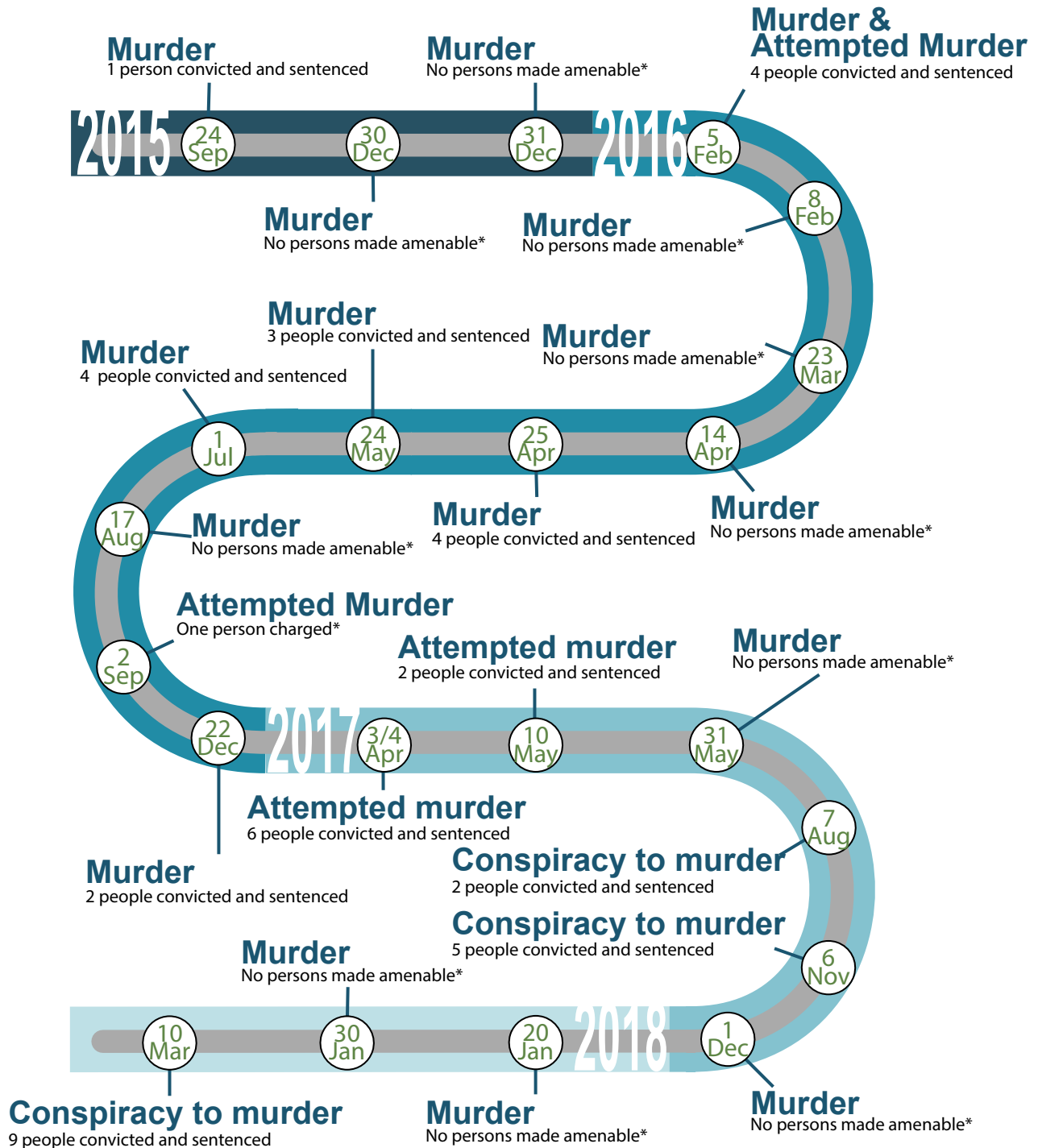
Criminal networks involved in drug trafficking are often involved in other illegal activity. For example, a drug unit had conducted operations on crime groups involved in drugs and organised prostitution. There is also a clear link between OCGs involved in drug trafficking and the commission by them of serious crimes, such as assaults, firearm discharges, threats to kill and homicides. All of these types of crime are investigated by divisions and usually by detective units.

People also commit a range of other offences such as robbery, shop theft and burglary in order to generate money to buy drugs. All of these types of crimes are investigated by divisional units.

DOCB has led the investigative work against the Hutch OCG and the Kinahan OCG. While this was ongoing prior to 2015, the murder at the Regency Hotel in 2016 resulted in an escalation in violence and simultaneously a renewed and holistic approach by the Garda Síochána to tackle these crime groups. The work undertaken by the Garda Síochána in the subsequent years is a good example of what must happen to effectively disrupt and eventually dismantle an OCG.

Figure 3.4 provides a timeline of the most serious acts of violence associated to these two groups over a four-year period. It is important to note that this does not include other less serious acts of violence or intimidation or other crimes that are connected to these OCGs.

Figure 3.4: Serious acts of violence involving the Hutch OCG and Kinahan OCG –2015 to 2018



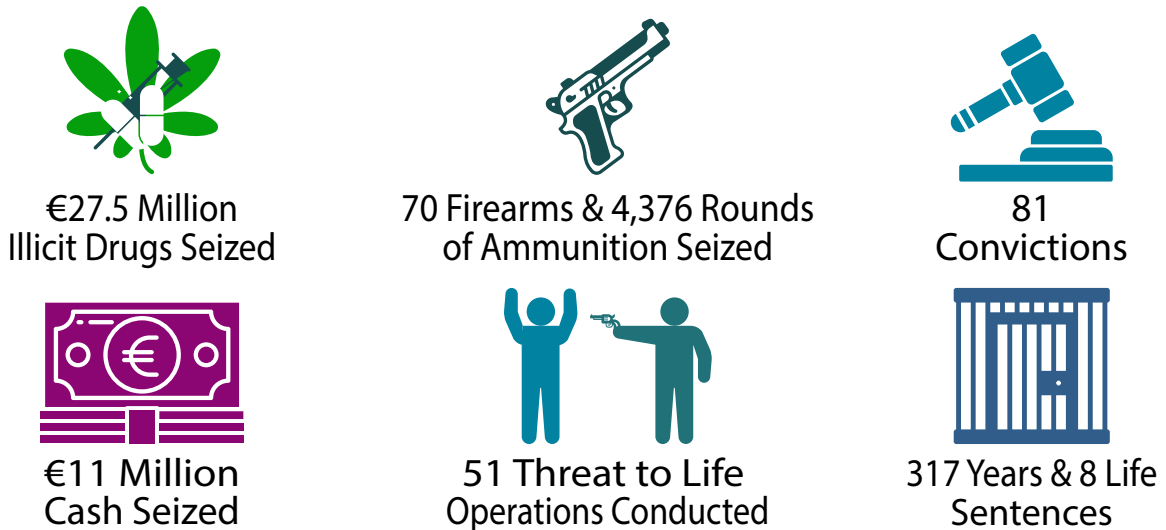
\* Still subject to ongoing Investigations

Source: Garda Síochána, adapted by the Garda Inspectorate

Following the incident at the Regency Hotel, there was a significant increase in violence, mainly in Dublin, between these two criminal networks. As a result, the Garda Síochána working with international partners embarked on a concerted and methodical approach to disrupt the criminal activity of these groups with an ultimate goal of completely dismantling them.

This included the use of trade sanctions, targeting the Kinahan OCG, which was announced at City Hall, Dublin, in April 2022. This resulted in the sanctioning of eight leadership figures and three business entities and the disruption of their financial capabilities. Figure 3.5 shows some of the outcomes from operations conducted against these two groups.

Figure 3.5: Outcomes from targeted operations against the Hutch OCG and Kinahan OCG



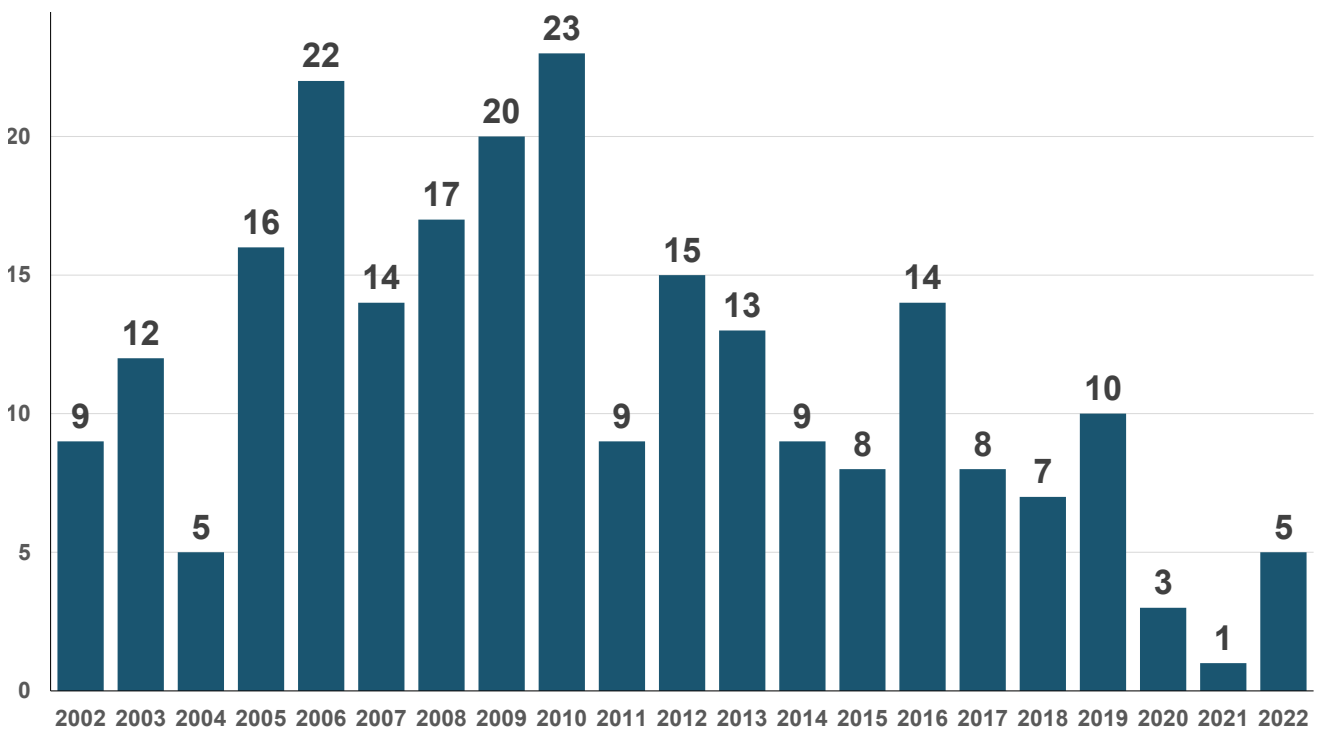
Source: Garda Síochána, adapted by the Garda Inspectorate

Although considerable progress has been made, it is still the case that these two criminal groups are not yet fully dismantled. The Inspectorate commends the excellent work by the Garda Síochána and other agencies to target two high-profile and dangerous OCGs with a significant international footprint. Seeking to dismantle and not just disrupt an OCG is the right approach and learning from this experience should be used to target other OCGs that are operating in Ireland.

Therefore, a long-term, intelligence-led approach is required to ensure that an OCG is not just disrupted but is fully dismantled. As highlighted earlier, it is important that the Garda Síochána and other relevant agencies work closely together to stop another OCG from filling any void left.

Figure 3.6 shows the total number of recorded OCG related homicides in Ireland from 2002 to 2022.

Figure 3.6: Number of OCG related homicides – 2002 to 2022



Source: Garda Síochána, adapted by the Garda Inspectorate

This shows that the number of OCG related homicides, peaked in 2010 with a significant reduction in the years 2020 and 2021.

Where a prison is located within its boundaries, the division is responsible for investigating all crimes and incidents associated with it. This includes investigations into those attempting to smuggle drugs into the prison as well as those who throw drugs over prison walls. Other crimes that require investigation include serious assaults and threats to life, many of which are drug and OCG related. While some divisions operate full-time prison liaison units that investigate all crimes, others assign crimes for investigation to a variety of different units.

While the Garda Síochána has had considerable success in terms of the high volumes of drugs seized, it has had limited impact to the daily lives of many local communities. The impact of drugs on communities manifests itself in many ways, from those selling drugs in the street to those operating from properties. This activity brings people into communities for the sole purpose of buying drugs which can also lead to other crimes, such as intimidation, public disorder and anti-social behaviour. The presence of drug activity in an area makes people feel unsafe in their own community. It was raised by garda members that it is very difficult to evict people who are dealing drugs from local authority housing.

During inspection visits, the Inspectorate found that anti-social behaviour legislation is not often used for enforcement purposes. As such, there were no examples of the use of full Anti-Social Behaviour Orders and there was limited use of behavioural warnings. Members explained that they usually resort to other legislation, such as public order offences.

Senior garda members highlighted the absence of community impact assessments as a weakness. This is a written statement of the evidence and consequences of current criminal and anti-social activity on a neighbourhood or a specific group of people. Assessments are used to illustrate the reality of life for a community affected by criminality and anti-social behaviour. They also provide a focus for bringing attention and resources to a specific problem and serve as a monitoring mechanism for the outcomes of interventions. In other jurisdictions, Community Impact Statements can be used in court to provide context in a prosecution, (similarly to Victim Impact Statements) and were recommended by the Inspectorate in its Crime Investigation (2014) report.<sup>94</sup> Assessments are usually compiled by a partnership within the community concerned and relevant organisations such as the Garda Síochána, local authorities and youth projects. While assessments have been used in some urban areas in Ireland, it is not common practice.

## Drugs Prosecution Process

The process for prosecuting individuals or organisations for using or supplying illegal drugs relies on identifying what the substance is. In large-scale supply or trafficking cases, this is solely the role of Forensic Science Ireland (FSI); however, where required for criminal proceedings in relation to personal possession cases, FSI also provides certificates of analysis. In personal use cases, a lot of jurisdictions have introduced evidential or presumptive test kits which provide a relatively instantaneous result; this reduces demand on forensic resources and expedites disposal of the relevant case in court proceedings. The anomaly exists in some jurisdictions where

94 Recommendation 7.5. Garda Inspectorate, 2014. [Crime Investigation](#). [Accessed on 31 May 2024].

this process either has not been accredited for use in the criminal justice process or is limited solely to possession for personal use cases.

## International and Comparable Practice

In the UK, the Evidential Drugs Identification Testing (EDIT) good practice guide explains how Home Office approved drugs testing kits and drug testing devices are used within the Crown Prosecution Service to streamline the forensic reporting process and enable quick case disposal for possession only drugs cases.<sup>95</sup> EDIT can be used whether possession is admitted by the subject or not. In cases where the identification of the drug is challenged in court, a disputed test procedure is invoked. This requires the defence to clearly state if it is possession or the identification of the drugs which is disputed. If it is identification, the exhibit is sent to a forensic science provider for further analysis. In the Netherlands, Dutch police have been conducting tests on confiscated drugs since 2015 and achieving the aim of reducing pressure on the forensic institute and expediting the process for bringing a suspect to court.

## Findings

FSI is a fully accredited laboratory, to ISO-17025 standards, and having fully validated and approved presumptive drug test (PDT) equipment for cannabis and cocaine, it has procured PDT kits for use by the Garda Síochána. FSI has supported garda members in the use of the PDT kits by training and accrediting 231 members in 2022 and 82 members in the first half of 2023. FSI also supports a quality assurance process in co-operation with DOCB whereby some

PDT results for cannabis and cocaine are compared with FSI lab results. The current Misuse of Drugs legislation makes explicit reference to a 'certificate of analysis' from FSI in the prosecution of drugs cases.

Garda investigators raised a constant frustration with the PDT process. The Garda Síochána directive relating to PDT applies solely to cannabis and includes a requirement for an admission to have been made by the suspect. Garda members acknowledged that in most cases, the suspected offender will plead guilty on the strength of the identification of the substance through use of a PDT. However, PDT has not been the subject of a test case before the courts, meaning that the accreditation of the PDT equipment has not been tested for evidential purposes in criminal justice proceedings. Such a test case would clarify the acceptability or otherwise of the equipment and process as evidence in criminal prosecutions. Therefore, in a contested case for possession of drugs, the seized drugs must be submitted for examination to acquire a statement of analysis to prove the nature of the substance in court. At present, this analysis is typically provided within two months although some garda members provided examples of cases where longer periods of time were required. In order for FSI to examine these cases, scientific staff can be diverted from other serious crime examination work.

A legislative amendment has been proposed by FSI to more explicitly acknowledge the use of PDTs (as validated by FSI) in the Misuse of Drugs Act and the Department of Justice has commenced drafting this legislative change.

95 National Police Chiefs Council, 2023. [Evidential Drug Identification Testing \(EDIT\): Good Practice Guide](#). [Accessed on 31 May 2024].

## Assessment

The use of an accredited PDT process in cases of possession of drugs is efficient and the effectiveness of it can be enhanced if a legislative amendment enables greater acceptance of it in court proceedings. The Inspectorate believes that this legislation should extend the use of the PDT process to supply cases. The equipment is already validated and approved by an accredited scientific laboratory, garda members are trained and accredited to use the equipment and quality assurance processes are undertaken to provide continuous reassurance. The establishment of a legal basis for the PDT process would maximise its efficiency and prevent unnecessary demand on forensic science resources. The UK process in which any challenge to the PDT requires the defendant to identify whether it is possession of the substance or the result of the test which is disputed appears to provide a good basis upon which to build a future process. This will enable the courts to understand what is required, how it will impact on court time and whether an immediate hearing can be scheduled to hear a possession dispute or whether an adjournment is necessary to facilitate examination of the substance by FSI. The Inspectorate recognises that this will require legislative amendment and that work has commenced to effect that change. However, the disproportionate delays in court cases, the disruption to court schedules and the unnecessary demand this issue is placing on forensic scientists and garda investigators mean that the work to formalise the evidential status of the PDT must be completed as a matter of urgency. The garda directive relating to the PDT must keep pace with the changes that have already occurred such as the work by FSI to accredit the use of the test for cocaine as well as cannabis. An urgent review of the directive is required and should be completed without delay.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 3.2

#### Presumptive Drugs Testing

The Inspectorate recommends that the Department of Justice work with the Garda Síochána, Forensic Science Ireland and the Office of the Director of Public Prosecutions to formalise the evidential status of the Presumptive Drugs Test process. The Garda Síochána should also urgently review its presumptive drugs test directive.

## Cybercrime

Cybercrime and online fraud account for a significant number of crimes that are reported to the police each year. Cybercrime is categorised as cyber-enabled crime and cyber-dependent crime. The global cost of cyber-attacks is estimated to reach €10.5 trillion by 2025.

Cyber-enabled crime is where the use of technology can facilitate other crimes such as sexual grooming, harassment or various types of fraud including romance fraud. Romance fraud is a confidence trick where the fraudster builds a fake relationship with the victim and uses it to convince the victim to transfer money to them. In 2022, the loss to victims was estimated at €2 million, an increase of 23% from the previous year.

Cyber-dependent crime can only be committed by the use of technology where the device is both the tool to commit the crime and the target of the crime. For example, these types of cases can involve hackers

breaking into an IT system and demanding a ransom from the system owners. The 2021 Health Service Executive ransomware attack is an example of a cyber-dependent crime.

The Garda National Cyber Crime Bureau (GNCCB) has responsibility for the prevention, detection and investigation of cyber-dependent crime.

The work of the Garda Síochána in relation to cybercrime is well regarded internationally. Its work with international law enforcement

partners to disrupt and dismantle the Conti Ransomware Group is a good example of the high regard in which it is held. GNCCB chairs the EU Cybercrime Task Force whose mission is to develop and promote a harmonised approach within the EU to the criminal misuse of information and communication technology and the fight against cybercrime. They also assist Europol and Member States in the development and alignment of EU priorities in the fight against cybercrime. The expanse of the specialisms within GNCCB is shown in Figure 3.7.

**Figure 3.7: Garda National Cyber Crime Bureau**



Source: Garda Síochána, adapted by the Garda Inspectorate

GNCCB provides a national service for the analysis of computers and other devices seized as evidence, but only examines phones in exceptional cases. In order to perform its functions, it has access to a comparable level of equipment and technology to its international partners.

### International and Comparable Practice

Internationally, police services are struggling with the growing number of crimes that are reported. For a number of reasons, victims

do not always contact the police and as such there are lots of unreported crimes.

The FBI *Law Enforcement Bulletin* published research in April 2022 that explored activity that is within ‘the virtual realm of cyberspace or are facilitated by digital or networked technologies.’<sup>96</sup>

It included in the activities discussed, financial fraud and scams, child abuse material and drug and violent offences. The research focused on law enforcement

96 Moloney, C. J., Unnithan, N. P. & Weiqi, Z., 2022. [Assessing Law Enforcement’s Cybercrime Capacity and Capability](#). [Accessed on 31 May 2024].

agencies’ capacity and capability in areas including personnel, financial/technical resources and relationships, partnerships and collaboration.

Over one-third of responding agencies that contributed to the research reflected that cybercrime caseloads have risen since the Covid-19 pandemic began. While most indicated they partner with other law enforcement agencies in taskforces or intelligence sharing, almost 90% had no partnerships within the private sector. The research identified a lack of co-operation from private sector companies as one of the most significant challenges in managing the cybercrime caseload. This was especially the case in delays by private bodies in responding to requests for material sought through a warrant.

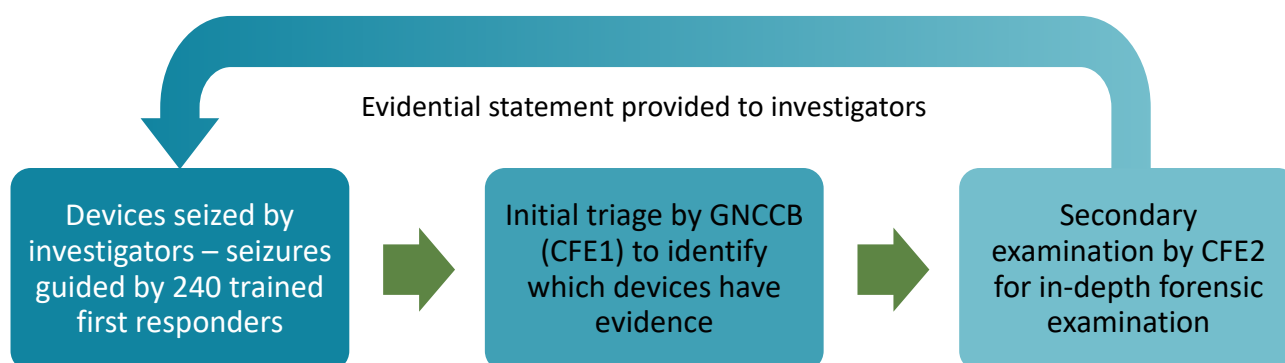
The research recommended more collaboration, growing networks for investigators to share knowledge, and developing low-cost training to help upskill and continuously develop staff. It found that private sector data sharing and preservation of records may require legislative intervention. This is something that the EU Commission is seeking to deliver through the proposed e-evidence regulation referred to in detail in Chapter 4 of this report.

All requests for examination of devices seized during an investigation are forwarded to GNCCB and subjected to a triage process which assesses the level of risk present. Following this assessment, the case is either prioritised for immediate or early action or placed in the backlog queue. Immediate or early action would happen when there is an identified risk to a person or an investigative opportunity that could be lost if the investigation was unduly delayed.

Most devices are seized during searches of premises by investigators. Investigators are usually accompanied by divisional first responders, who have been trained by GNCCB to assess what items should be seized. Once a seizure is made, the investigating member sends a request for examination to GNCCB and once a case is ready to be examined, devices are sent to GNCCB. Initial triage is undertaken by a Computer Forensic Examiner level 1 (CFE1) to assess whether a device contains evidence. Some cases may involve the examination of multiple exhibits, such as laptops, hard drives and USB devices. Where it is suspected that a device contains evidence, it is passed to a Computer Forensic Examiner level 2 (CFE2) for more in-depth forensic examination. The CFE2 will identify the evidence, seize and exhibit it in a witness statement to the investigating officer. Figure 3.8 shows the process for examining devices.

## Findings

Figure 3.8: Garda National Cyber Crime Bureau examination process



Source: Garda Síochána, adapted by the Garda Inspectorate



In January 2022, there was a backlog of 750 cases awaiting forensic examination dating back to 2018. At the time of writing this report there was a significant reduction in outstanding cases down to 235 with 170 of those cases in the examination cycle. While this reduced backlog is welcomed, there is still an organisational risk in having extended delays in the examination of devices.

GNCCB has established four of six planned regional cybercrime hubs.<sup>97</sup> Accommodation has been identified for the fifth in Cavan and work continues to find space for the sixth in the Dublin region. These regional hubs are staffed by members appointed to GNCCB and undertake work allocated through the assessment process conducted by the national unit. The hubs have the same equipment, technology and training as their national unit colleagues.

Divisions have investigative requirements which cannot be met by the regional cybercrime hubs; therefore some have created digital media units. Staff in these units collect and review CCTV as well as download and analyse information on mobile devices. In other divisions, there were a selection of members who were trained or self-taught to perform some elements of digital media examinations as an additional function to their established role. These examiners were found to have a varying remit depending on their location. In some divisions, they only examine phones, in others, they also secure, download and examine CCTV and conduct work to search social media for open source information. The inspection team found that there was no standard process for tasking these resources, as well as a lack of consistency in the equipment available and the training provided to those who operate it.

## Assessment

In modern policing where imagery and a digital record of messages and phone calls can be the key to solving crime, the development of divisional digital media units is an effective way of dealing with a growing demand. This demand will increase further when body worn video is introduced to front-line garda members and there will be an immediate requirement to lift still images or extracts of video recordings for use in criminal justice proceedings. There is, therefore, a distinct advantage in having members of the garda workforce trained and equipped to undertake this role in an efficient and professional way.

While the capture and analysis of digital evidence is an important consideration for any investigation, it is critical when investigating transnational organised crime. As such, it is important that the Garda Síochána has the ability to effectively and efficiently collect, examine and exhibit digital evidence. In divisions with digital media units, garda members had access to the technology equipment and programmes they required and were able to respond quickly to requests for their services, particularly when a serious crime had occurred. Conversely, access to necessary skills and equipment was a greater challenge in divisions where members performed the function in addition to other full-time roles.

The use of full-time garda members in dedicated roles with access to suitable technology provides a more consistent approach than using multiple people who have other roles. In creating units, there is an opportunity to have blended teams that utilise garda staff in this role.

97 Four established cybercrime hubs – Cork, Galway, Wexford and Mullingar.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 3.3

#### Digital Media Units

The Inspectorate recommends that the Garda Síochána formally establish, train and equip Digital Media Units in all divisions.

## Budapest Convention

The Convention on Cybercrime, known as the Budapest Convention, was the first international treaty seeking to address internet and computer crime by improving investigative techniques and increasing co-operation between countries. It was adopted by the Council of Europe in November 2001 and ratified by 68 states, 20 of which are not members of the Council of Europe.

## Findings

Ireland is the only member of the Council of Europe to have signed but not yet ratified the Budapest Convention. Ireland signed the Convention on 28 February 2002 and introduced the Criminal Justice (Offences Relating to Information Systems) Act 2017 to transpose elements of it into Irish law. The following are some of the elements of the Convention which are outstanding:

- > Article 35 which requires the identification of 24/7 points of contact network for international

co-operation on cybercrime. This provides immediate assistance to investigations, immediate action in crimes involving computer systems and data, or the immediate collection of electronic evidence of a criminal offence. GNCCB is invited as an observer to the 24/7 points of contact network meetings but it cannot draw on the support of the 24/7 points of contact network for assistance in urgent cases.

- > Articles 16, 17 and 29 Preservation Orders and Article 18 Production Orders which are at the centre of the e-evidence directive introduced by the EU. These require preservation of identified data by a service provider pending a legal application for it to be produced and shared with the investigating law enforcement body.
- > Articles 20 and 21, real-time collection of traffic data and collection of content data, respectively, require parties to have domestic laws requiring service providers to co-operate in the collection of traffic data and the content of communications.

The Group of Experts on Action against Trafficking in Human Beings (GRETA) made reference to the ratification in its 2022 review of Ireland, referring to:

*'the importance of electronic evidence in cases of THB [Trafficking of Human Beings], which is increasingly committed online and with the use of information and communication technology, GRETA encourages Ireland to ratify the Council of Europe Cybercrime (Budapest) Convention'.<sup>98</sup>*

## Assessment

These articles have been introduced in 68 countries including all Member States except Ireland. This places a number of barriers on garda investigators. For example, not having 24/7 access to the points of contact network negatively impacts on cases where evidence is required for urgent or high-risk investigations. In the absence of access to Article 35, garda investigators have to seek support via other law enforcement channels such as Interpol, Europol or issue a mutual legal assistance request which on average can take 12 months from application to receipt of information.

Preservation Orders are an investigative tool. They enable investigators to apply to a service provider to preserve data held on devices or data relating to customers of their service, such as users of social networks. Production Orders are the mechanism for accessing material protected through a Preservation Order. This process would be more efficiently conducted through the 24/7 points of contact network.

Article 20 would create a legal basis for law enforcement agencies in Ireland to compel a service provider to collect or co-operate and assist in the collection and recording of traffic data which is any computer data relating to a communication by means of a computer system. Article 21 creates the legal basis for Article 20 to happen in real time or as it is happening in cases where serious offences are under investigation.

These provisions introduce an element of intrusive investigation but do so proportionally and aim to protect the human rights of those affected in a manner that is balanced with protecting victims of crime.

While work is underway to transpose the missing elements into Irish legislation, there is no timeframe for completion. With the pace of technological developments globally, the growth of cybercrime and the impact on victims, there is an urgent need to transpose the outstanding elements of the Convention into national legislation.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 3.4

#### The Budapest Convention

The Inspectorate recommends that the Department of Justice complete the process of transposing the final elements of the Budapest Convention into national legislation

## Economic Crime

Economic crime has become one of the leading forms of criminal activity as it is considered to be low risk with high profits. Activities, which include fraud, money laundering, bribery and terrorist financing may be difficult to detect and prevent and the investigation may be complex. In most cases, by the time a crime has been detected by a victim, it is already too late. The EU's 2021 Serious and Organised Crime Threat Assessment report highlighted the role money plays in crime, *'little has changed in what drives individuals to band together in organised criminal ventures: the desire to accumulate wealth by whatever means*

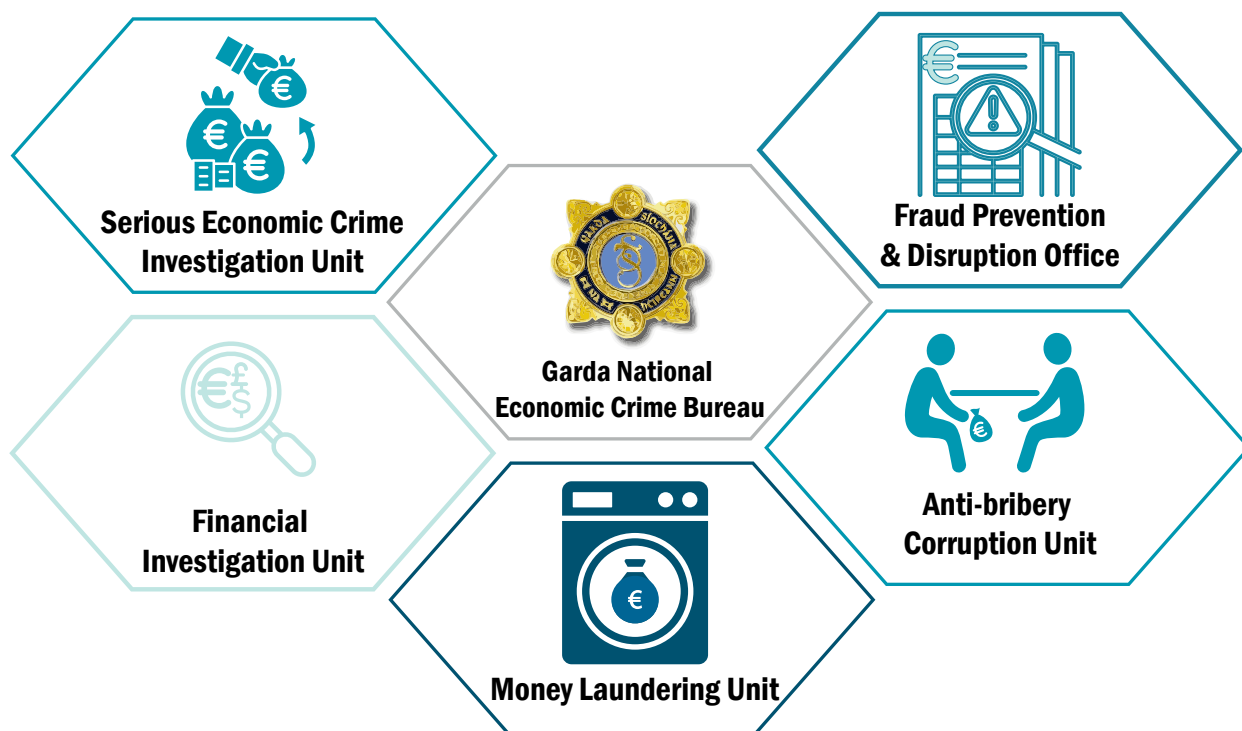
necessary'.<sup>99</sup> The assessment highlights that various fraud schemes generate multi-billion-euro profits and significantly undermine the EU's economy. It is estimated that the global impact of money laundering alone is up to €1.87 trillion, which is approximately 5% of global GDP.<sup>100</sup>

As part of this inspection, the Inspectorate conducted a transnational organised crime survey. Respondents to the survey rated economic crime as the third most serious type of transnational organised crime in Ireland and the second most serious crime occurring in local communities. The GNECB investigates economic crime involving complex issues of criminal law or procedure.

This focuses on serious theft, fraud, money laundering, and corruption offences. Investigations into breaches of the Companies and Competition Acts are performed by the Corporate Enforcement Agency and the Competition and Consumer Protection Commission, supported by seconded garda investigators. Figure 3.9 shows the main functions of the bureau.

The Hamilton report<sup>101</sup> recognised the financial motivation for the majority, if not all, organised crime and recommended the development of a long-term strategic plan to ensure adequate resources are available to GNECB.<sup>102</sup> The report identified the need for a plan to deliver a phased increase in resources.

Figure 3.9: Garda National Economic Crime Bureau



Source: Garda Síochána, adapted by the Garda Inspectorate

99 Europol, 2021. [Serious and Organised Crime Threat Assessment. A Corrupting Influence: The Infiltration and Undermining of Europe's Economy and Society by Organised Crime.](#) [Accessed on 31 May 2024].

100 United Nations Office on Drugs and Crime, n.d. [Money Laundering.](#) [Accessed on 31 May 2024].

101 Established by the Irish government as part of the effort aimed at enhancing Ireland's ability to combat corporate, economic and regulatory crime.

102 See note 15.

### International and Comparable Practice

In New Zealand, although the police are the lead agency for investigating fraud offences, a number of other agencies have responsibility for dealing with aspects of offending, such as the Serious Fraud Office. It is a highly specialised government department which is responsible for preventing, investigating and prosecuting serious complex fraud. Within New Zealand Police, the Financial Crime Group is the organisational lead for fraud investigation. It is made up of the Financial Intelligence Unit, the Money Laundering Team and the regionally based Asset Recovery Units. The Financial Crime Group undertakes seizure and forfeiture of criminally acquired assets as well as investigating money laundering syndicates and professional money laundering facilitators.

All other reports of fraud are investigated by police based in one of the 11 Districts where the crime was committed.

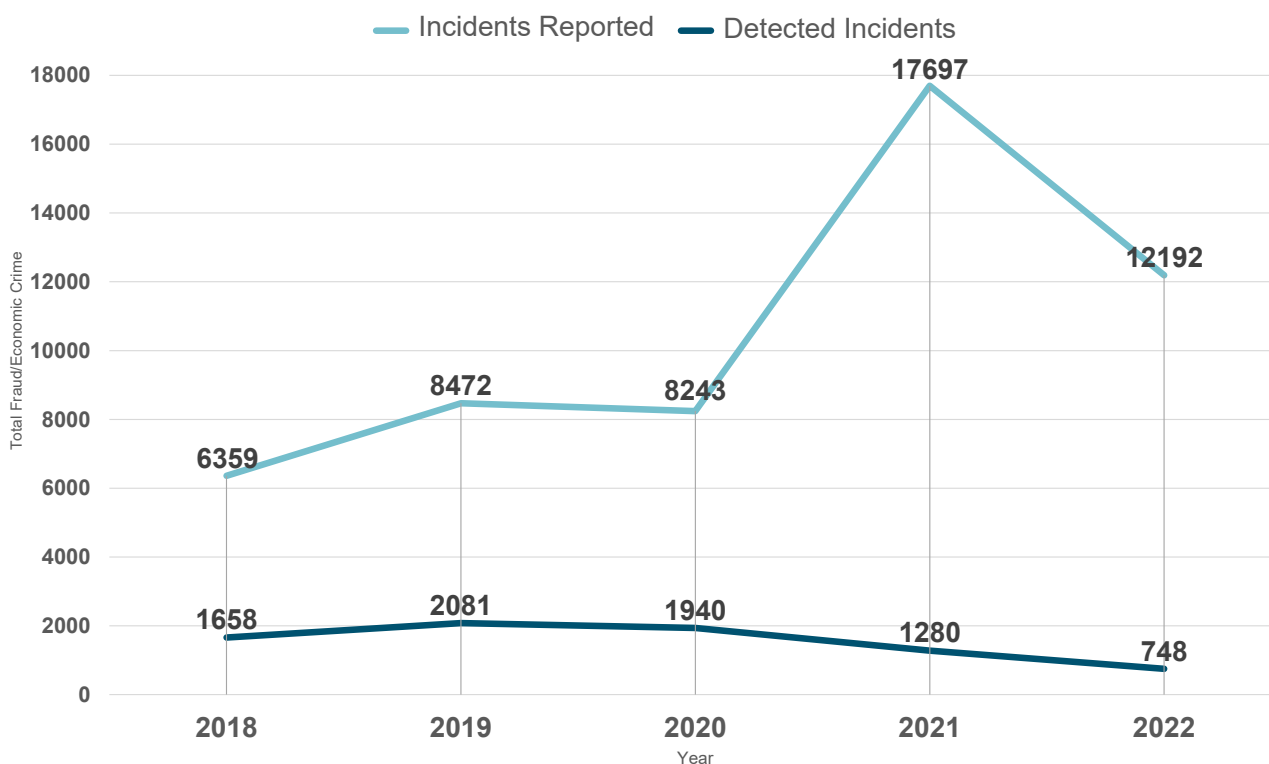
### Findings

In addition to the GNECB, divisions and some national units have created a number of mini-specialist economic crime or fraud investigation teams.

These were established by using garda members from existing resources and were created on an ad hoc basis. Some but not all of the members deployed in these teams will have completed either the University College Dublin Fraud or eCrime Investigation Course or the internal GNECB Money Laundering Course.

Figure 3.10 shows the numbers of fraud and economic crimes that were reported and detected from 2018 to 2022. In this period, fraud and economic crime increased by 53% from 2020 to 2021 and decreased again in 2022 by 32%. The change is attributed mainly to a spike and then a reduction in credit card fraud and unauthorised access of people’s accounts and phishing/vishing/

**Figure 3.10: Recorded fraud and economic crime 2018–2022**



Source: Garda Síochána, adapted by the Garda Inspectorate

smishing offences. Detections decreased by 34% in 2021 and a further 41% in 2022. This reduction coincides with the decrease in recorded fraud offences, which are less complex crimes and may be easier to solve. In contrast, many economic crimes are more complex in nature and there is a need for a specialist approach to investigating and detecting these types of crimes.

In 2023, the Waterford crime unit led a complex investigation into cyber-enabled fraud. It focused on the bulk transmission of smishing texts and WhatsApp messages by OCGs operating across Europe, Dubai and South Africa. This resulted in nine arrests and seizure of €1.12m cryptocurrency, €30,000, two vehicles and the identification of a property in Dubai.

### Assessment

At present, there is inconsistency in the way that economic crime and fraud offences are investigated and as highlighted in Figure 3.10, the number of reported offences has grown significantly since 2020. The establishment of divisional units on an ad hoc basis is deemed necessary due to the volume of offences and in some cases the complexity of the crime that requires investigation. It is also the case that many of the investigators who are assigned cases to investigate are not staff of the GNECB and have not been trained to a national standard.

The Inspectorate believes that the Garda Síochána needs to review the national approach to investigating and supporting the investigation of fraud and economic crime. A review should establish the criteria for allocating crimes for investigation at either national or divisional level. It should identify the resources, training and equipment required at each level to meet their respective investigative demands and compare this with an understanding of what currently exists. This knowledge should be

used to inform an action plan focused on bridging the gap between existing capability and providing the resources, training and equipment required to deliver a single standard of investigation to all victims of economic crime at local and national level.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 3.5

##### Economic Crime

The Inspectorate recommends that the Garda Síochána conduct an urgent review of the allocation of fraud and economic crime offences and the availability of trained resources to ensure a single standard of investigation at local and national level.

### Recording and Triaging of Fraud Offences

A significant number of offences now involve cyber fraud. This type of offence requires early assessment to establish if a crime has actually occurred, and if so, is it linked to a series of other crimes. In some cases, early intervention to remove or block an email address or a domain could prevent further offences. As such, assessment and intervention work is important, but resource intensive.

### International and Comparable Practice

In the UK, a number of different reporting mechanisms are in place to manage reported offences. The City of London Police manage ‘Action Fraud’, a centralised National

Fraud and Cybercrime Reporting Centre for England, Wales and Northern Ireland. Although Action Fraud has contracted out the contact centre, it works alongside the National Fraud Intelligence Bureau. This bureau assesses and analyses reports of fraud to identify patterns and refer viable lines of enquiry to the relevant police service. Victims of fraud contacting their local police service are advised to report the crime to Action Fraud, unless the offender is currently committing or has recently committed the crime, or there is an identified suspect. Where the victim declines to contact Action Fraud, the police record the incident and pass it to Action Fraud for the information of the National Fraud Intelligence Bureau. This removes a significant number of fraud notifications that were previously made directly to police services. In the year from April 2020 to March 2021, Action Fraud received 413,945 reports, and other organisations that accept reports such as Cifas<sup>103</sup> and UK Finance received 318,379 and 143,298 respectively.<sup>104</sup> Once a report is received through this process, it is recorded, triaged and analysed. Identified investigative opportunities are referred to the police.

## Findings

When a victim makes a report of an economic crime or fraud to the Garda Síochána, it is recorded and an investigation is usually conducted by uniform or detective garda in the division where the crime was committed. If it is linked to a crime series or appears to constitute a significant fraud or organised crime, it is sent to the Assessment Unit within GNECB. On average, reports made

locally account for 82% of all economic crime recorded. The remaining 18% are reported directly to GNECB. The reports made to GNECB are facilitated through the mechanism provided by Section 19 of the Criminal Justice Act 2011, and usually come from banks or other financial institutions. Prior to 2021, all referrals to GNECB were passed to the Assessment Unit. Reports received from financial institutions are now managed by the Financial Services Liaison Unit. In the past three years, the number of referrals ranged from 1,800 to 2,400; however, in March 2023, a financial institution with over two million Irish customers became a bank. As a result, it is expected that there will be a huge increase in referrals during the remainder of 2023. At the time of inspection, GNECB were already recording almost 1,000 extra referrals each month.

All referrals are assessed to consider if a crime has occurred and then to determine how it will be dealt with. In the years 2020 to 2022, an average of 66% of reports were classified as not constituting a crime. Of those classified as a crime, an average of 6% were retained for investigation by GNECB due to the scale and complexity of the case and the remainder were passed to divisions for investigation.

The GNECB approach is similar to the method employed by Hotline.ie in respect of illegal content online.<sup>105</sup> It receives a report, conducts a triage process and assesses what action should be taken to either preserve evidence or remove material from any site that is found to contain child sexual abuse material. Hotline.ie has a good working relationship with the Online Child

103 See note 65.

104 Action Fraud, 2021. [Fraud Crime Trends 2020–21](#). [Accessed on 31 May 2024].

105 Irish national reporting centre where the public can securely, anonymously, and confidentially report concerns of illegal content online, especially child sexual abuse material. The core work of Hotline.ie is to remove illegal images and videos from the internet. Further Information is available at [hotline.ie](https://www.hotline.ie) [Accessed on 31 May 2024].

Exploitation Unit within the Garda National Protective Services Bureau and provides a valuable service. It is a founder member of the International Association of Internet Hotlines (INHOPE).

The *Guide to How Crime is Recorded and Counted by An Garda Síochána* outlines when and how a crime is recorded. A crime is subject to a 'reasonable probability' test as to 'whether it is more likely than not that a crime took place'.<sup>106</sup> Hotline.ie, also applies the same test and refers any crimes to the Garda Síochána for investigation. A referral is accompanied by evidence for consideration by the appointed investigating garda member and any website associated with a crime is not removed until the investigating member has had an opportunity to gather all available evidence from it.

Where assessment identifies a requirement for action to be taken to prevent or disrupt criminal behaviour, the case is referred to the Prevention and Disruption Office within GNECB. This is staffed by garda members who work with the Garda Press Office to deliver crime prevention campaigns to highlight current crime trends. They have also taken disruptive action in cases where the Central Bank notifies GNECB of websites of companies that are not authorised to provide financial services in Ireland. On average, 200 notifications are received each year, and by engaging internet providers, they have managed to take down several illegal sites.

This has led to a decrease in the number of these types of site and those involved are moving to countries where they will not face the same type of intervention.

## Assessment

The challenges presented by high volumes of less complex fraud cases as well as managing reports of more complex cyber and economic crime are more than just about matching garda resources to the demand. While the Garda Síochána retains the responsibility for assessment and intervention activity, it is drawing garda members trained in fraud investigation away from their work on investigations.

The UK approach of channelling all fraud reports through a third-party assessment process enables trained investigators to focus on investigations rather than assessments. The work in Ireland of Hotline.ie in receiving, triaging and referring cases to the Garda Síochána for investigation is effective. While this collaborative approach could also be suitable for assessing fraud reports, a third-party organisation, such as Hotline.ie, would need to be legally empowered and technically capable of taking down any website assessed as attempting to attack or financially defraud a person or an organisation.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 3.6

#### Triaging Reports of Fraud

The Inspectorate recommends that the Department of Justice work with the Garda Síochána to develop a new process for triaging reports of fraud including cyber-enabled fraud.

106 An Garda Síochána 2020. [Guide to How Crime is Recorded and Counted by An Garda Síochána](#). [Accessed on 31 May 2024].



## Financial Intelligence Unit

Financial Intelligence Units (FIUs) have existed for over 30 years. They were established to support the fight against money laundering and terrorist financing by enabling a connection between law enforcement agencies and the financial bodies within the private sector. They play a key role in receiving, analysing and transmitting suspicious transaction reports identified and filed by the private sector in relation to financial activity. These are transactions that are suspected to involve money laundering. In 1995, a small group of FIUs met at Egmont Palace in Brussels. They formed what became known as the Egmont Group and established a set of agreed principles, which all FIUs would respect in order to enable maximum co-operation between them.<sup>107</sup> These principles apply to how they operate today but are not prescriptive as to how each FIU is established and the functions performed in each jurisdiction.

## International and Comparable Practice

The staffing of FIUs varies between countries. Some employ solely police officers, others have blended teams, where police officers and members of staff from various agencies work collaboratively, and in some countries it is a separate team within a government department. There is no single model of best practice but the emphasis in the agreed standards is on co-operation, collaboration and fluent sharing of information.

## Findings

The Garda Síochána FIU is staffed by a blend of garda members and garda staff; however, it does not have a permanent analyst attached to the unit. There are

three elements: FIU Ireland, the Terrorist Financing Intelligence Unit (TFIU) and the International Relations and Policy Unit (IRPU). FIU Ireland, which is a statutory body under the Criminal Justice (Money Laundering and Terrorist Finance) Acts 2010 to 2018, is required under the Financial Action Task Force recommendations and was established as a legal requirement set out in Irish and European Law. It deals with suspicious transaction reports (STRs) that are related to money laundering. The TFIU deals with STRs that relate to terrorist financing, and the IRPU deals with reports that have connections with the EU and worldwide. In 2023, the FIU received approximately 70,000 such reports. Of those, approximately 80% are revenue related, such as tax evasion and undeclared and unexplained income. There is a unique dual reporting system in Ireland, with all reports submitted to the FIU and the Office of the Revenue Commissioners. Revenue or Department of Social Protection staff are not assigned to the FIU, unlike the Criminal Assets Bureau which has staff from those organisations assigned to it. Revenue informed the inspection team that it views the FIU as working well, it has no concerns in relation to information sharing and does not see a clear need to assign full-time staff to the unit.

A recent suspicious transaction report originating from Finland in relation to a company in Meath was used by FIU members to illustrate the international collaboration between FIUs. The FIU in Finland found that Finnish citizens were being defrauded by a criminal based in France directing victims to send money to a company in Ireland. The Irish company had no knowledge of this activity and action was immediately taken to prevent any further transactions.

107 Egmont Group of Financial Intelligence Units, 2013. [Principles for Information Exchange Between Financial Intelligence Units](#), [Accessed on 31 May 2024].

The work of the FIU, supported by other GNECB units, has resulted in the Garda Síochána acting as the worldwide lead in disrupting the criminal activities of the Black Axe transnational OCG. This OCG has its origins in Nigeria and is involved in a large number of cyber-enabled financial frauds. In July 2023, the Garda Síochána arrested and charged 34 people as part of an Interpol operation. Prior to this most recent success, the Garda Síochána successfully investigated a number of frauds resulting in the conviction and imprisonment of Black Axe members.

### Assessment

The Inspectorate recognises that there is no single FIU model which is described as best practice. However, despite the reservations raised by Revenue with regards to assigning staff to the FIU, the Inspectorate believes that it would enhance the capabilities of the FIU if representatives from the Office of the Revenue Commissioners and the Department of Social Protection were part of the unit. The complexities of this should be explored and options considered, such as appointing Revenue and Social Protection staff to the existing FIU structure or establishing a Criminal Assets Bureau type collaborative structure. The critical aspect of the collaborative relationship is to empower information sharing and reduce the number of victims of economic crime. A greater level of collaboration and fluency in exchange of information would greatly enhance the effectiveness of the FIUs.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 3.7

#### Financial Intelligence Units

The Inspectorate recommends that the Department of Justice and the Garda Síochána work to secure the appointment of representatives from the Office of the Revenue Commissioners and the Department of Social Protection to the Financial Intelligence Unit. The Department of Justice should ensure that legislation is in place to enable their appointment and to facilitate appropriate information sharing.

## Human Trafficking and Organised Prostitution

Europol describes human trafficking as ‘a serious crime that abuses people’s fundamental rights and dignity. It involves the criminal exploitation of vulnerable people for the sole purpose of economic gain. Human trafficking is a modern form of slavery. It is often transnational in character and its victims are of both genders and all ages. Trafficking can take various forms and may involve; sexual exploitation, forced labour or services, slavery, servitude and related practices and the removal of vital organs’.<sup>108</sup> However, trafficking can also happen within a country’s own borders through exploitation for the purpose of forced criminality, such as pickpocketing, shoplifting and drug trafficking.

In 2021, the International Labour Organisation estimated that 6.3 million people are subjected to forced commercial sexual exploitation with women and girls

108 Europol. n.d. [Trafficking in Human Beings](#). [Accessed on 31 May 2024].

accounting for 4.9 million of these.<sup>109</sup> Sexual exploitation and in many cases forced prostitution are considered to be the most common motivations for trafficking human beings, primarily as it is also believed to be one of the most profitable for transnational OCGs.

The European Court of Human Rights in its updated *Guide on Article 4 of the European Convention on Human Rights* issued in August 2022 sought to interpret exploitation in terms of human trafficking to include, *'at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation'*.<sup>110</sup> The Court clarified that Article 4 sought to protect those vulnerable to serious exploitation, such as forced prostitution *'irrespective of whether, in the particular circumstances of a case, they are related to the specific human trafficking context'*. It continued to address the issue from the perspective of the procedural obligation to investigate, where there is *'a credible suspicion that an individual's rights under that Article have been violated, be it in respect of human trafficking, domestic servitude or forced prostitution'*.

### International and Comparable Practice

In 1999, Sweden was the first country to seek to address the root cause of prostitution and trafficking in human beings by enacting legislation which legalised the sale of sex but criminalised the purchase of sexual services. In 2002, legislation was introduced to address people trafficking and exploitation and in 2009 legislation criminalised the act of contacting a child under 15 years of age for sexual purposes.<sup>111</sup>

New Zealand has legislation criminalising human trafficking. Alongside 146 other countries including Ireland, it has ratified the protocol to prevent, suppress and punish trafficking in persons, especially women and children (Palermo Protocol) and is an active participant in efforts to combat human trafficking in the Asia-Pacific region. New Zealand government proposals to introduce a Modern Slavery Act were the subject of public consultation between April and June 2022. The consultation received over 5,600 responses with 95% supporting disclosure and due diligence-based legislation to require businesses to take action if they become aware of modern slavery or worker exploitation in their international or domestic operations or supply chains. There was also strong support for victim remediation as an important element of support by providing aid to those who have suffered harm.

In the UK, organised crime legislation including human trafficking is described by the Global Organised Crime Index as one of the most robust in the world.<sup>112</sup> The Modern Slavery Act was introduced in 2015 and defined slavery as servitude or compulsory labour and human trafficking in simple terms as, *'if the person arranges or facilitates the travel of another person ("V") with a view to V being exploited'*. The Act enables a court to make a slavery and trafficking reparation order which *'is an order requiring the person against whom it is made to pay compensation to the victim of a relevant offence for any harm resulting from that offence'*.<sup>113</sup>

109 Since 1919 the ILO brings together governments, employers and workers of 187 Member States, to set labour standards, develop policies and devise programmes promoting decent work for all women and men. Further information can be found at [ilo.org](https://www.ilo.org) [Accessed on 31 May 2024].

110 European Court of Human Rights, 2022. [Guide on Article 4 of the European Convention on Human Rights. Prohibition of slavery and forced labour](#). [Accessed on 31 May 2024].

111 Sveriges Riksdag, 1962. [Brottsbalk \(1962:700\)](#). (Swedish) [Accessed on 31 May 2024].

112 Global Organised Crime Index, 2023. [United Kingdom](#). [Accessed on 31 May 2024].

113 [Modern Slavery Act 2015](#). [Accessed on 31 May 2024].

As a means of seeking to protect potential victims, the Act enables a court, upon sentencing a person for a slavery or human trafficking offence, to make a Slavery and Trafficking Prevention Order (STPO). In addition, a court may hear an application by identified members of the police, immigration or the National Crime Agency and grant a STPO or a Slavery and Trafficking Risk Order (STRO). These orders prohibit a defendant from doing anything the court considers necessary for the purpose of protecting an individual or persons generally from the harm which would be likely to occur if the defendant committed a slavery or human trafficking offence. The STPO is reactive after culpability has been determined, while the STRO is proactive where there is a risk that someone will commit a slavery or human trafficking offence. Both orders are criminally enforceable.

While the orders are specific to human trafficking and exploitation, the Serious Crime Act 2007 also introduced Serious Crime Prevention Orders. These orders are made on application following conviction to protect the public from serious crime. They impose prohibitions, restrictions or requirements including answering questions or providing specified information relating to:

- > Any financial, property or business dealings;
- > Any person they associate or communicate with and the means used to do so;
- > Any premises they are allowed to use and for what purpose; and
- > Any travel within UK and abroad.

The discretion offered to judges reflects how seriously organised crime is viewed.

The Modern Slavery Act creates a legal defence for slavery or trafficking victims who commit an offence. This introduction of a statutory defence provides a legal basis for the non-punishment principle. This is the principle that persons should not be arrested, charged, detained or prosecuted for illegal conduct that they committed as a direct consequence of being exploited through human trafficking. This stage of the decision-making process is managed when the investigation is discussed with or referred to the relevant prosecutorial authority.

The Act also addresses transparency in supply chains of commercial organisations and requires companies to make an annual statement on the steps taken to ensure slavery and human trafficking has not taken place. This approach to protecting human rights has been the foundation of a proposal adopted by the European Commission for a directive on corporate sustainability and due diligence. The aim is to foster sustainable and responsible corporate governance and behaviour and to anchor human rights and environmental considerations in the operations of companies. The new rules seek to ensure that businesses address adverse impacts of their actions, including in their value chains inside and outside Europe.

In 2020, GRETA published a compendium of good practices in addressing trafficking in human beings that included:

- > Legislation and steps, such as freezing and confiscation of criminal assets, to facilitate access to compensation for victims of human trafficking;
- > Investment in developing specialisation of investigators, prosecutors and judges to deal with human trafficking, which has resulted in more effective criminal

proceedings and higher rates of conviction of traffickers; and

- > The good practice in jurisdictions that routinely conduct financial investigations and co-operate with other countries, including through Joint Investigation Teams.<sup>114</sup>

## Findings

As part of this inspection, the Inspectorate examined the work of the Human Trafficking Investigation and Coordination Unit (HTICU) and the Organised Prostitution Investigation Unit, which are part of the Garda National Protective Services Bureau. These units focus on victims and offenders in organised crime cases.

HTICU has responsibility for combatting human trafficking in Ireland. At the time of the inspection, the unit had a small team of detective sergeants and detective garda. The unit receives reports of suspected human trafficking and conducts an assessment of the complexity of each case. In more complex cases, the unit conducts investigations and other cases are sent by the unit to divisions for investigation. Similar to other national units, the HTICU provides support, advice and operational assistance to divisions and a member of the unit is always allocated as a point of contact for all investigations conducted by other units. In 2021, 44 people were recorded as victims of human trafficking by the Garda Síochána. Of these, 27 cases were investigated by the HTICU and 17 by divisional units. In 2022, 42 victims were identified with 17 investigations retained by HTICU and 25 passed to divisional units. In seven of the cases investigated by divisions, the national unit provided direct assistance.

Although Divisional Protective Services Units have a remit for the investigation of human trafficking cases, the divisional units are largely committed to investigating serious cases of sexual assault and many said that they did not have the capacity to investigate trafficking cases. During meetings with four Divisional Protective Services Units, only one gave an example of its involvement in an operation to target exploitation/trafficking of people. This was certainly an area where investigators said they would like to invest more time.

Garda members who had conducted human trafficking investigations told the Inspectorate that investigations of this type are complex, time consuming and quite often rely on mutual legal assistance requests for evidence from other jurisdictions. It was often the case that responses from other jurisdictions to requests were slow and, in some cases, took 12 to 18 months. Members also highlighted the critical need for access to financial investigation skills. Success in some cases resulted from following the trail of money lodged by those being sexually exploited through to the exploiters. Following the money has greatly assisted investigators by providing evidence to support criminal charges. The need for financial skills was evidenced in an investigation which started in 2020 of suspected trafficking of women from South America to Ireland for the purposes of sexual exploitation. Financial inquiries into a number of suspects identified evidence of money lodged by women who had been forced into prostitution and later being withdrawn by the traffickers. Two people were charged with offences of organising prostitution, human trafficking and money laundering.

114 Group of Experts on Action against Trafficking in Human Beings (GRETA), 2020. [Compendium of Good Practices in Addressing Trafficking in Human Beings for the Purpose of Labour Exploitation](#). [Accessed on 31 May 2024].

At the time of this inspection, neither the HTICU nor the Garda National Protective Services Bureau had an internal financial investigation unit and relied on assistance from the GNECB. The GNECB considers all requests for support against other competing priorities. The Office of the Director of Public Prosecutions (DPP) has a small number of staff who have gained experience in human trafficking prosecutions and are now their subject-matter experts. This specialism was considered by both the DPP and garda members as a positive step in supporting investigators of complex trafficking cases involving vulnerable victims.

However, the fact that so few prosecutions have taken place to date could mean that members of the judiciary and legal counsel may not be familiar with the complexity of trafficking cases and the extent of the vulnerability of the victims involved.

The legislation used by the Garda Síochána to enable protection of human trafficking victims and enforcement of offenders is the Criminal Law (Human Trafficking) Act 2008

## Case Study – The Mullingar Case

This case involved a number of women who were trafficked to Ireland for the purposes of forced prostitution. By following the money trail, garda investigators were able to identify a number of traffickers.

This case originated in May 2018 when two women reported to the Garda Síochána that they had been smuggled to Ireland from Nigeria in the belief that they were going to work in an African ethnic clothes shop. However, on their arrival they were forced into prostitution. The subsequent investigation identified two more victims and evidence of multiple deposits to bank accounts across almost every county in Ireland. This led to the arrest of three suspects and the preferring of 63 charges, including three counts of membership of a criminal organisation and directing prostitution, six counts of human trafficking and 51 counts of money laundering. Despite robust cross examination during bail hearings and at the trial, the resilience of the victims helped to secure a guilty verdict on 43 counts resulting in terms of imprisonment for two defendants and a suspended sentence for the third.

and the Criminal Law (Human Trafficking) (Amendment) Act 2013. While the 2008 Act defines trafficking and the various forms of exploitation, GRETA noted with concern in its 2022 report that, *'the number of investigations into human trafficking offences has been decreasing over the years, and the number of prosecutions is very low.'*<sup>115</sup>

GRETA highlighted that there have been no convictions for trafficking for the purpose of labour exploitation in Ireland, despite the increasing number of identified suspected cases. GRETA did recognise the first convictions for human trafficking at the Mullingar Circuit Criminal Court and commented that Ireland should take further steps to ensure consistent application of the non-punishment principle.

115 See note 10.

Further protection of victims from human trafficking for exploitation is provided in the European Commission for Sustainable Corporate Governance<sup>116</sup> and the European Single Procurement document,<sup>117</sup> particularly the part III exclusions which refer to ‘*child labour and other forms of trafficking in human beings*’. These provide requirements for companies to publish due diligence statements affirming that slavery or human trafficking is not taking place in any part of their business or supply chain and that such an affirmation should be included before a company can participate in any government procurement process. This inspection found that there are Irish companies which are already required to publish due diligence statements in other jurisdictions, but not in Ireland.

Outside of the probation process, there are no post-conviction orders specifically relevant to any aspects of serious organised crime in Ireland. Without these orders sentencing judges are unable to place constraints on the activities or behaviour of the convicted person in a way which would seek to enhance the safety of their victims or other people.

The 2004 European Union Council’s Compensation Directive specified the right to compensation for victims of crime. Although the Criminal Justice (Victims of Crime) Act 2017 makes provision for victims to access compensation, in Ireland, it is exceptionally difficult for victims of human trafficking to secure a financial settlement. The Criminal Law (Human Trafficking) Act 2008 and its subsequent amendments do not provide

specifically for reparation to be made to victims of human trafficking, although there is a general provision for courts to make a compensation order to victims from those who are convicted.

The *Second National Action Plan to Prevent and Combat Human Trafficking in Ireland* was published in 2016.<sup>118</sup> It contains two actions seeking to ensure that all victims of human trafficking are aware of and have access to compensation and that all avenues are explored in the provision of compensation to victims. Accordingly, it is disappointing to find that in their 2022 report, GRETA expressed a concern that ‘*no victim of trafficking has received compensation in Ireland, be it from the perpetrators or the State*’ and recommended a compensation provision as well as inviting ‘*the Irish authorities to consider setting a special compensation fund for victims of Trafficking in Human Beings, funded by the assets confiscated from perpetrators*’.<sup>119</sup> This was reinforced by the Irish Human Rights and Equality Commission in its second evaluation report on the implementation of the EU Anti-Trafficking Directive published in September 2023.<sup>120</sup> The Commission called on the State to re-examine the possibility of establishing a dedicated compensation fund for victims of trafficking, including a contribution from any proceeds confiscated in the course of criminal proceedings against perpetrators of human trafficking. This is a legal facility which does not exist in Ireland. The third *National Action Plan to Prevent and Combat Human Trafficking* published in October 2023 contains an action ‘*to ensure all victims of*

116 European Commission, 2022. [Proposal for a Directive on Corporate Sustainability Due Diligence and Annex](#) [Accessed on 31 May 2024].

117 European Commission, n.d. [European Single Procurement Document \(ESPD\); Part III: Exclusion grounds](#) [Accessed on 31 May 2024].

118 See note 75.

119 See note 10.

120 Irish Human Rights and Equality Commission, 2023. [Trafficking in Human Beings in Ireland; Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#). [Accessed on 31 May 2024].

*trafficking have access to compensation*'.<sup>121</sup> The plan commits to reviewing avenues available to victims and making recommendations for change where appropriate including legislative amendments. It also contains an action to seize assets of those convicted of human trafficking but does not connect seizure of assets with using those assets to compensate the victims of the traffickers.

The Organised Prostitution Investigation Unit comprises a detective sergeant and a number of detective garda. In recognition of the frequency with which persons exploited through human trafficking are forced into prostitution, this team works closely with the HTICU. The unit does not have an investigative capability but does provide advice and support to investigations conducted by divisional garda members.

There are challenges in securing convictions for payments for sexual activity caused by a difficulty in providing proof of what occurred within a brothel, and with courts sometimes striking out cases, if the suspect makes a contribution to a charity supporting victims of sexual offending.

The Department of Justice has commissioned an independent review of the Criminal Law (Sexual Offences) Act 1993 as amended by Section 25 of the Act of 2017, in particular Section 7 (a) which makes the payment for sexual activity an offence. As this was the key element identified during the inspection, it is considered appropriate to await publication of the review and if appropriate, to contribute to it.

## Assessment

Ireland has recognised the EU approach to human trafficking as being modern slavery, the criminal exploitation of vulnerable people for the sole purpose of economic gain through sexual violation, forced labour, servitude and abuse to the extent of removal for sale of vital organs. It has made human trafficking punishable with life imprisonment and has included 'Protection from Prosecution' for victims of human trafficking in the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023. The requirement for protection from prosecution is emphasised by the Irish Human Rights and Equality Commission in its second evaluation report.

The Inspectorate believes that there are a number of other legislative supports that are necessary. This includes transparency provisions to ensure due diligence by businesses. Such a requirement relating to government procurement processes is a good example of how the State can lead by example and should be embedded in legislation. While there is legislation in place to enable generic compensation for victims in Ireland, this is limited. There is a strong case that assets seized from those convicted of trafficking should be used to supplement funds used to compensate human trafficking victims.

Post-release prevention or risk orders provide additional protection for vulnerable victims from the risks posed by offenders. The Inspectorate believes that a broad serious crime protection order as opposed to bespoke orders for individual strands of offending would provide effective control of convicted criminals and support to victims across the spectrum of organised crime.

121 See note 11.



## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 3.8

#### Human Trafficking Legislation

The Inspectorate recommends that the Department of Justice review the Criminal Law (Human Trafficking) Act 2008 as amended and work with the Department of Enterprise, Trade and Employment where appropriate, to consider the following proposed legislative changes:

- > Inclusion of the European Commission proposal for Sustainable Corporate Governance by introducing:
  - » Transparency legislation requiring companies to make an annual declaration affirming that slavery and human trafficking is not taking place in any part of their business or their supply chain; and
  - » A requirement that companies tendering in State procurement processes make such a declaration.
- > Provision of post-release Serious Crime Prevention Orders; and
- > Provision for victims of exploitation or human trafficking to receive compensation through a power of seizure and use of assets from those convicted of related offences.

## Serious and Specialist Crime

Organised criminal networks now operate across a much wider spectrum of crime types, such as environmental crime, arts and antiquities and counterfeit crime. The United Nations Environment Programme estimates that environmental crime is the fourth largest criminal enterprise as criminals exploit the legislative differences between jurisdictions. Work to counter this was commenced by the Council of Europe in November 2022 with the establishment of a Committee of Experts on the Protection of the Environment through Criminal Law.

Responsibility for environmental crime and other specialist crime types is assigned to the Garda National Bureau of Criminal Investigation (GNBCI). GNBCI is led by a detective chief superintendent, centrally based in Dublin. The majority of its resources are assigned to serious crime case reviews, sensitive investigations and supporting serious crime investigations across divisions. Although the support provided to divisions will usually be for a limited period of time, it is particularly important in serious crime investigation, such as homicide. In those cases, the criticality of fast investigative actions can enable the quick identification of an offender.

To develop expertise in a number of bespoke crime areas, the GNBCI has created a number of specialist units, which have responsibility for these crime areas. Figure 3.11 shows the wide range of specialisms within the GNBCI.

Figure 3.11: Garda National Bureau of Criminal Investigation



Source: Garda Síochána, adapted by the Garda Inspectorate

The staff assigned to these crime areas are highly skilled and, in the opinion of the Inspectorate, the level of resources assigned is proportional to the volume of recorded crime in these areas. At the time of the inspection, members with specialist skills were often taken away to support shortfalls in the serious crime investigation teams.

## Findings

### Environmental Crime

This is an EMPACT priority in the 2022–2025 cycle. The Garda Síochána leads two EMPACT priorities and participates in two annual operations: Operation Thunder

focusing on wildlife crime and 30 Days at Sea focusing on environmental crime.<sup>122</sup> The main issues in Ireland are organised crime profiteering from illegally disposing of contaminated waste, such as material from medical institutions or end of life vehicles.

### Stolen Motor Vehicles Unit

The Stolen Motor Vehicle Investigation Unit deals with organised theft of vehicles, parts of vehicles and farm and plant machinery. Thefts involving these categories, which are not connected to organised crime, are investigated by divisions in the geographic area where the crime occurs.

122 Interpol's Operation 30 Days at Sea 3.0 is a global enforcement operation targeting marine pollution. It is aimed at enhancing the global law enforcement response to pollution crimes leading to marine pollution, with the ultimate objectives of improving sea quality and tackling criminal networks involved in these crimes. Further information on [30 Days at Sea 3.0](#) is available online. [Accessed on 31 May 2024].

## Agricultural Crime

GNBCI works closely with the Food Safety Authority to reduce the risk of contaminated meat in the food chain in cases where it is suspected that identification markers on livestock have been changed. Other investigations have involved allegations of changing microchips in horses in an effort to increase the value of an animal by adopting the identity of another horse which has fallen ill or died.

## Sea Fisheries Crime

GNBCI works closely with the EU Commission on issues such as allegations of over-catching and under-reporting of pelagic fish (Whiting).

## Wildlife Crime

This is a lucrative crime generally motivated by a desire to possess a status symbol, such as monkeys recently rescued in a search. GNBCI worked closely with Customs to launch a protocol in 2022 enabling joint investigations with the National Parks and Wildlife Service. Joint days of action have been conducted in an effort to detect illegal movement of wildlife. The unit co-leads the European Crime Prevention Network and is due to launch an awareness campaign using an interactive game to better educate law enforcement officials on what constitutes wildlife crime.

## Arts & Antiquities Crime

GNBCI responds to reports of thefts or frauds where art has been copied and a fake passed off as an original.

## Identity Documents and Passport Fraud

The Identity Documents and Passport Fraud investigators work closely with the Irish Passport Office in the Department of Foreign Affairs to protect the integrity of Irish passports. This includes investigating and reporting for prosecution those involved in donating their identities for financial gain, the facilitators who source donors and sell fraudulently obtained passports, and the recipients who use the false documentation to travel or prove a false identity for other illegal purposes. The facilitators and recipients include members of OCGs.

## Intellectual Property and Counterfeit Crime

GNBCI has an email address that is used by private organisations to report crimes, such as copyright for documents, patents for inventions, symbols, names and images which comprise the brand for commercial entities. The infrastructure behind this type of crime is complex and well organised. Legitimate companies have been identified as having imported goods which they subsequently found to be counterfeit. The unit has actively participated in two Europol operations:

- > Operation Aphrodite, which Ireland co-leads with Italy.<sup>123</sup> A number of operations have resulted in the seizure of over 21,000 counterfeit items including computer batteries, phone parts, game consoles and clothing with an estimated street value of over €300,000.

<sup>123</sup> Europe-wide Operation Aphrodite has brought together 21 countries to target counterfeit goods trafficking. The eight-month operation was co-led by the Italian Finance Corps (Guardia di Finanza) and the Irish National Police (An Garda Síochána) with support from Europol. From December 2019 to July 2020, law enforcement authorities tracked online sales of a large variety of counterfeit items, culminating in checks in warehouses, shops and marketplaces in Belgium, Cyprus, Greece, Ireland, Italy, Portugal, Romania and Spain. Further information on Operation Aphrodite is available on [europol.europa.eu/](https://www.europol.europa.eu/) [Accessed on 31 May 2024].

- > Operation IOS (In Our Sites) is a recurring global operation targeting domain names distributing counterfeit and pirated items online. The unit acts on such sites when they encounter them during investigations.

All of the specialist units within GNBCI were found to work well with domestic and international partners. They are the national lead for each of their specialisms and provide support to divisional investigations where subject-matter expert knowledge is required. A number of the specialist units have reached an agreement with divisions to appoint a liaison inspector to have responsibility for their particular crime type and to act as the point of contact. What was unclear across all of the units was their criteria for retaining or allocating investigations to divisions. Some units referred to retaining investigations

considered to be complex, potentially protracted or involving organised crime, but the approach lacked uniformity.

## Immigration

International concerns relating to immigration and especially what are described as the growing surge of migrants since 2014 have resulted in Europol identifying migrant smuggling as an EMPACT priority for the period 2022–2025.

The Garda National Immigration Bureau (GNIB) has responsibility for immigration enforcement and providing assistance, advice and support to divisions on the administration and investigation of immigration-related matters. Figure 3.12 shows the main functions within the bureau.

Figure 3.12: Garda National Immigration Bureau



Source: Garda Síochána, adapted by the Garda Inspectorate

Immigration responsibilities are divided between the Garda Síochána and the Department of Justice. For example, Immigration Service Delivery (ISD) within the Department of Justice is the primary front-line service responsible for all administrative matters relating to immigration, including citizenship, visas, international protection services and border management. However,

it only manages registrations in Dublin, and outside of Dublin the role is performed by divisional garda immigration officers.

The Border Management Unit is an operational function within ISD. This unit became fully operational in Dublin Airport in 2017. While it is responsible for immigration duties at Dublin Airport, GNIB

is operationally responsible for immigration duties at all other sea and airports in the State. While there is no go live date, there is a plan for the Border Management Unit to assume responsibility for immigration duties at all entry points.

The Irish Passenger Information Unit established in May 2018 is a multi-agency unit that also comes under the remit of the Department of Justice and ISD. The unit is responsible for collecting and processing of passenger identification data for the purpose of prevention, detection, investigation or prosecution of terrorist offences or serious crime and for transferring the data to designated competent authorities. The competent authorities are the Department of Justice, the Garda Síochána, the Office of the Revenue Commissioners, the Irish Defence Force and the Department of Social Protection.

### International and Comparable Practice

In Sweden, responsibility for monitoring movement of people and goods into and out of the country rests with the Swedish Migration Agency and the Swedish Customs Service. The Swedish Police are responsible for border control in relation to people entering or leaving the country, but do not make decisions on asylum.

In New Zealand, responsibility for facilitating access or residency rests with Immigration New Zealand as well as responsibility for removing people in breach of immigration law.

In the UK, Border Force is the lead agency with responsibility for securing the border against illegal entry of people or goods. UK Visas and Immigration decides on all applications from non-nationals to work, study or live in the country.

There are various approaches adopted in other jurisdictions for supporting applicants who report having been a victim of human trafficking. In the USA, a T-Visa can be issued to a person demonstrating that they have been a victim of a severe form of trafficking, are physically present in the country, have complied with any reasonable request from law enforcement for assistance in the investigation, and would suffer extreme hardship if removed from the USA. A maximum of 5,000 T-Visas can be issued in any fiscal year and, when issued, the T-Visa remains valid for up to four years or longer in exceptional cases. Immediate family members can also be eligible and authorisation to work is provided.

In the Netherlands, those presenting as victims are given a reflection period of up to three months to decide if they want to report human trafficking. During this period any obligation to leave the country is suspended. A person presenting as a victim of trafficking can obtain a temporary residence permit, which is valid for the duration of the investigation and prosecution. This permit can also be issued in cases where the victim does not co-operate with a trafficking investigation, if certain conditions are met. These relate to medical illness, being a minor or the existence of a serious threat. All applications must be supported by a statement from the police.

### Findings

In 2018, the Commission on the Future of Policing in Ireland recommended that all remaining immigration duties should be transferred from the Garda Síochána as quickly as possible and highlighted that,

*‘Police involvement in matters of immigration status may complicate police relations with immigrant communities, making it hard for front line police to*

*build trust with those communities and develop a cooperative relationship with them. Policing and immigration should be separate functions, performed by separate agencies.*<sup>124</sup>

This inspection found that the transfer of immigration functions has not progressed to the level envisaged by the Commission and the Garda Síochána is still required to resource immigration-related demand.

GNIB has responsibility for Dublin air and seaports, while all other ports and airports, such as in Cork and Rosslare, are managed by small immigration teams in the relevant division. GNIB can provide advice and support to divisional teams, which are under the command of the various divisional chief superintendents. Those divisional members have the knowledge and resources to perform their role effectively.

Garda immigration teams have responsibility for the following:

- > Processing registrations by non-nationals;
- > Investigating immigration offences including document fraud such as fraudulently obtained genuine passports;
- > Dealing with refusals of leave to land;
- > Managing deportation and removal orders; and
- > Where appropriate, carrying out border control checks.

Deportations are classified from high to low risk and categorised as level 1, 2 or 3. GNIB does all level 1 and most level 2 deportations. Divisional immigration teams do level 3

deportations and, in some divisions, they also do level 2. It was explained that the only barrier preventing divisions from completing all level 2 deportations is the demand on resources in relation to registrations.

Once a person reports that they have been a victim of human trafficking, it is critical that their confidence in the investigation team is established and maintained. In the case of a victim who is a non-Irish citizen, they will be supported into the National Referral Mechanism which is the process to consider if they should be granted protection and support as a victim of human trafficking. Currently, Ireland does not have a visa stamp for victims of human trafficking. A victim will be granted temporary immigration status which must be reviewed every six months. This review will be guided by information provided by or on behalf of the investigator and GNIB offers no assistance to the review.

While this process is necessary, it is time consuming for the investigator, especially in cases involving victims from outside of the EU. In one case, an investigator had to manage 20 victims with continuous reviews of their immigration status, in addition to completing a complex human trafficking investigation. The dual role of investigator and reviewer can negatively affect the relationship between the garda member and a victim.

Victims of human trafficking are provided with a stamp 4 visa which grants permission to stay in Ireland for a specified period, subject to conditions. It can be issued where specific employment permits have been issued and grants permission:

- > To join and reside with an Irish spouse or civil partner;

124 See note 45.

- > To remain as a convention or programme refugee, or based on subsidiary protection;
- > To join your family member who is a recognised refugee or has been granted subsidiary protection;
- > To remain with your child who is an Irish citizen;
- > To remain under the Investor and Entrepreneur Programme (including spouse/partner and eligible family member); or
- > To remain for long-term residence.

To support its work, GNIB uses a number of IT systems. These include its internal information system, the Automatic Fingerprint Information System operating at Dublin Airport, Stolen and Lost Travel Documents and the Schengen Information System. It also has access to passenger record data which is a valuable source of information to support investigations. Other organisations working in the immigration environment, including the Department of Justice, Dublin Airport Authority and the Irish Passport Office use separate IT systems. Information in these systems, such as personal data on all passengers, is not automatically accessible to the Garda Síochána due to data protection, but can be accessed where a valid reason exists and the correct processes are followed.

## Assessment

While the Garda Síochána retains responsibility for a range of immigration functions at various ports and airports outside of Dublin, it is more efficient to use divisional resources as opposed to members of GNIB travelling from their central base in Dublin. While a more corporate approach to

immigration could be achieved by placing all divisional garda immigration members under the remit of GNIB, the most effective solution is to divest all non-warranted responsibilities from the Garda Síochána to ISD. This would free up significant numbers of garda members for redeployment and simultaneously remove the risk of complicating the relationship between garda members and local community members who are subject to immigration processes.

Consideration was given to exploring if the function of reviewing a victim's immigration status during an investigation could pass with other immigration roles to the ISD; however, transfer of this function without introducing appropriate safeguards could create a conflict of interest. Irrespective of where this responsibility lies, it needs to be removed from the investigating officer. This may be a role that could be performed by garda staff in the short term.

The process for determining the status of victims of human trafficking does need to be simplified. Decision making independent from the investigation will still be required but the process, requiring six-monthly reviews, can be made less bureaucratic for the victim and investigators through a change to the immigration process. The Inspectorate believes that steps should be taken to remove the requirement for six-monthly reviews and enable the visa to remain valid for a period of up to five years, during which time a decision should be made on residency or citizenship. This approach should apply equally to those victims who are able to support and participate in an investigation and prosecution process as well as those who are unable to do so. The Netherlands has legislation in place to address both scenarios.

The Inspectorate believes that the learning from other jurisdictions provides a basis for establishing a process which supports

victims of trafficking, while simultaneously protecting the integrity of the residency requirements of the State. Any amendment of the process will still require an initial referral of the victim to ISD for a decision on their visa.

The Inspectorate reiterates its view given in previous inspection reports that immigration functions that do not require the use of warranted powers should be removed from the Garda Síochána.

## Recommendations

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendations.

### Recommendation 3.9

#### Reviewing Immigration Status

The Inspectorate recommends that in the short term the Garda Síochána remove the responsibility for reviewing the immigration status of victims in human trafficking investigations from the investigating officer. In the longer term the Garda Síochána should consult with the Department of Justice to determine where this responsibility sits.

### Recommendation 3.10

#### Immigration Permission for Victims of Human Trafficking

The Inspectorate recommends that the Department of Justice extend the initial immigration permission provided to victims of human trafficking from six months to five years.

### Recommendation 3.11

#### Transfer of Non-police-related Immigration Roles

The Inspectorate recommends that the Department of Justice expedite the transfer of non-police-related immigration roles, such as the registration of non-nationals and border controls at all ports of entry to Immigration Service Delivery.

## Operational Support Services

Operational Support Services (OSS) comprise a number of units shown in Figure 3.13 that provide specialist support throughout the country. All OSS resources are available for tasking and deployment to support divisions and national units. The Water Unit is geographically located outside of Dublin to provide support to the Erne to Shannon Waterway as well as other inland lakes in the North and West. The Dog Unit has seen an increase in resources and is also geographically located to support the four regions. This is an efficient and effective approach.

The Inspectorate welcomes the investment in OSS announced in January 2023 to enable the procurement of a new state-of-the-art plane and helicopter for the Air Support Unit. The good support provided by OSS to transnational organised crime operations was identified to the inspection team, especially by DOCB.



Figure 3.13: Operational Support Services



Source: Garda Síochána, adapted by the Garda Inspectorate

### Garda National Technical Bureau

The Garda National Technical Bureau (GNTB) comprises the specialisms shown in Figure 3.14. The unit provides expert crime scene investigation support to all divisions and regions. This includes photography and mapping at crime scenes as well as

specialist explosive, ballistics and firearms investigation. The unit also performs a significant administrative support role in providing the national forensic co-ordination support to the Garda Síochána for biometrics and managing the storage and controlled destruction of seized firearms and drugs.

Figure 3.14: Garda National Technical Bureau



Source: Garda Síochána, adapted by the Garda Inspectorate

## International and Comparable Practice

The delivery of forensic science support to police investigations across the UK is a role which has been divested from sworn officers to scientific trained, skilled and accredited staff. These staff are either employed by the relevant police service for the purposes of crime scene examination or employed by a forensic science institute and drawn upon to provide expert forensic scientific support depending on the requirements of each case. Many police services, such as the Police Service of Northern Ireland, have no sworn officers employed as crime scene investigators and its scientific support unit is staffed entirely by police staff. All expert scientific support is drawn from Forensic Science Northern Ireland.

In Scotland, the Scottish Police Authority is responsible for the management and delivery of forensic services. The authority is independent of both the Scottish Government and Police Scotland. Forensic Services cover disciplines from the crime scene from search, recovery, and analysis, to providing evidence at court. This ‘integrated provision’ ensures impartiality and integrity and maintains a ‘sterile corridor’ between Forensic Services and Police Scotland. In January 2022, *Forensic Science International* published the Sydney Declaration.<sup>125</sup> This publication was authored by 11 prominent members of the international forensic science community led by the president of the International Association of Forensic Sciences. It identified seven fundamental principles, including ‘*scene investigation which is a scientific and diagnostic endeavour requiring scientific expertise*’. Crime scene investigation and reconstruction are described as the most intellectually challenging and demanding activities within forensic science. As such, there is a necessity

to apply science at the very beginning of each investigation and throughout the forensic science continuum using appropriate logical reasoning, impartiality and independence.

## Findings

For new members of staff entering GNTB without a prior specialism, it takes five years before they can be classified as an expert in the field of ballistics and forensic investigation. In the 2015, *Changing Policing in Ireland* report, the Inspectorate recommended that all of the forensic functions of the GNTB be divested to Forensic Science Ireland.<sup>126</sup> The work to progress this recommendation centred on divesting areas such as fingerprint, document, handwriting and ballistics examination.

While document, handwriting and fingerprint examination has been largely divested, GNTB still conducts ballistics examinations. There are two aspects to this: the practical ballistics examination work and the ballistics intelligence support role. Rather than splitting these roles between two organisations, they were both retained within the Garda Síochána. GNTB members, including trained detectives, continue to perform roles in ballistics, mapping, photography, crime scene examination, biometrics and controlled drugs disposal. Crime scene examination is slightly different from other functions as an agreement exists between the Garda Síochána and Forensic Science Ireland for forensic scientists to deploy to scenes of serious crime. Scientists have accredited expertise in a variety of techniques relevant to crime scene investigations, including blood pattern analysis. The use of forensic

125 Roux, C. *et al.*, 2022. [The Sydney Declaration – Revisiting the essence of forensic science through its fundamental principles](#). *Forensic Science International*, 332(111182). [Accessed on 31 May 2024].

126 Recommendation 1.4 Garda Inspectorate, 2015. [Changing Policing in Ireland](#). [Accessed on 31 May 2024].

scientists at scenes of serious crime was reported as working well, with appropriate consultation initiated in the majority of cases. In non-serious cases, garda members who are trained as crime scene examiners conduct examinations.

The ratio of sworn garda members to garda staff in GNTB is more than 3:1. This ratio is significantly above the norm in most other jurisdictions. There are plans to run an external campaign to recruit specialist garda staff, including fully qualified photographers and cartographers who will only need to be trained in crime scene management.

### Assessment

Following the publication of the 2015 Inspectorate report, and to assist with the transition of functions, a number of garda members moved to Forensic Science Ireland. The transfer of functions was achieved in December 2019 and a number of these members remain on secondment. While this may appear to be a protracted period, training scientific staff to an expert level takes an extended period of time. The criticality of supporting victims of crime with professional expert examination of evidence and credible presentation of science-based findings in court requires extensive training including workplace shadowing with experts.

The decision to leave ballistics examination with the GNTB is not supported by the Inspectorate. The position in other jurisdictions, such as Sweden and the Netherlands, is that all aspects of ballistics examination and intelligence analysis are delivered by a forensic science body independent from the operational police service. The Inspectorate believes that all ballistics roles should be divested to Forensic Science Ireland, this includes ballistics intelligence. Within the specialisms that

have been divested to it, Forensic Science Ireland has undertaken work in support of very sensitive investigations. There has not been any cause identified to question the sensitivity and absolute discretion shown by Forensic Science Ireland during any investigation which it has supported. Accordingly, the assurance of discretion and sensitivity normally associated with managing intelligence should not be a barrier to divesting this function from GNTB.

The examination of crime scenes is a function which benefits significantly from independent forensic support. A critical component in the admissibility of scientific evidence is the anti-contamination measures employed by those investigators or crime scene examiners who attend a crime scene. This is especially critical given the emergence over recent years of trace evidence used to connect criminals to scenes using DNA. The Sydney Declaration referred to the necessity to apply science from the beginning of an investigation and throughout the continuum as well as the challenge of reconstructing a scene and the importance of independence. Internationally, an end-to-end approach is employed with forensic scientists attending scenes of serious crime, analysing exhibits, producing evidential statements and attending court if required.

While garda expert members are often asked to attend serious crime scenes, GNTB does not provide a 24/7 service. Usually, crime scenes are responded to by local crime scene examiners and GNTB is deployed afterwards through a call-out process. Forensic Science Ireland also provides a call-out service to support urgent cases seven days a week on an as needed basis. During 2022, forensic scientists responded to 36 out of hours' requests to provide laboratory support and attended seven separate crime

scenes.<sup>127</sup> The Inspectorate recognises that the full divestiture of functions from GNTB to Forensic Science Ireland will require a strategic commitment by both organisations and a comprehensive long-term transition plan. The process to agree a commitment to divest appropriate functions should be commenced as soon as possible and a project team established to resolve issues such as accommodation, recruitment, training and expert accreditation.

Although garda members are currently assigned as crime scene examiners, the Inspectorate believes that it is not a role that requires sworn powers and it should be performed by garda staff who are appropriately trained and accredited. Forensic Science Ireland should play a role in the planning and delivery of training while continuing to provide expert crime scene support.

There are some functions that should be retained with GNTB, such as the firearms stores, the National Forensic Coordination Office and the Controlled Drugs Coordination Office. In retaining these functions, a review should be conducted to establish if any roles could be performed by garda staff. The Inspectorate retains the view that if sworn powers are not required, suitably qualified garda staff should be assigned. The recruitment of garda staff who have already completed specialist training or qualifications is efficient and reflective of the approach employed by many other police services. The divesting of the remaining functions should be recognised as an opportunity to release trained detectives and experienced garda members from non-investigative roles into areas of high-organisational risk and critical need, such as economic or cybercrime investigation.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 3.12

#### Divestiture of Functions to Forensic Science Ireland and use of Garda Staff

The Inspectorate recommends that the Garda Síochána assess all functions within the Garda National Technical Bureau to identify which roles can be divested to Forensic Science Ireland and which remaining functions can be filled by suitably qualified garda staff.

## Criminal Assets Bureau

Criminal Assets Bureau (CAB) is an independent statutory body established by the Criminal Assets Bureau Act 1996. It has the mission statement of ‘Denying and depriving people of the proceeds of criminal conduct’. It is a multidisciplinary body comprising members of the Garda Síochána, officials from the Office of Revenue Commissioners, Department of Social Protection and staff from the Department of Justice. A garda detective chief superintendent is appointed as the Chief Bureau Officer. CAB delivers asset profiler training to garda members, Revenue officers and staff from the Department of Social Protection. Asset profilers are tasked to complete profiles on individuals who appear to be living beyond their means. Once a profile is completed, action is taken if assets are, in the balance of probabilities, the proceeds of criminal conduct.

127 Forensic Service Ireland, 2022. [Annual Report 2022](#). [Accessed on 31 May 2024].

While CAB is independent, it has an inextricable link to the Garda Commissioner and works closely with investigators focused on domestic and transnational organised crime. Between the organisations represented, they can freeze and seize assets through non-conviction-based forfeiture, tax all sources of income and recover any social welfare payments falsely claimed. This model is internationally respected to the extent that Europol has promoted CAB as best practice. CAB works closely with international bodies including Interpol, Europol and the Camden Assets Recovery Inter-Agency Network. In the four most recent reports published by CAB covering 2019 to 2022 it is recorded that there has been an average of almost €5 million sent to the exchequer each year. This has grown steadily from €3.9m to €6.3m over the four years.

# 4

## *Chapter 4*

### *Co-operation and Exchange of Information*



CIGIREACHT AN GHARDA SÍOCHÁNA  
GARDA SÍOCHÁNA INSPECTORATE

# Chapter 4 Co-operation and Exchange of Information

## Introduction

This chapter explores the evolution of global efforts to tackle cross-jurisdictional criminality in a co-ordinated manner and goes on to explain the roles of the key international law enforcement organisations involved in tackling transnational organised crime. It also examines the co-operation necessary between international law enforcement agencies as well as the legal instruments available to facilitate efficient and effective investigation. This includes the exchange of information between jurisdictions, especially the evidence required to protect communities by prosecuting those involved in transnational organised crime. It further examines how relevant information is exchanged between the Garda Síochána and other agencies in Ireland and provides solutions to more efficient information sharing.

The sovereignty of individual states has always presented some degree of complexity to investigation of crime where evidence or offenders are located in a different jurisdiction to the investigators. International policing co-operation is a sensitive issue and one which often relies to a degree on diplomacy and political will.

## International Agreements and Legal Instruments

In recognition of the transient nature of criminals and their willingness to move between jurisdictions in order to avoid detection, a range of international agreements

have been reached. In support of these agreements, and to encourage and facilitate co-operation between sovereign states, agencies such as Interpol and Europol were established. In addition, legal instruments were introduced to enable lawful exchange of information between law enforcement agencies working in different jurisdictions to achieve a common goal of investigating and bringing criminals to justice.

Figure 4.1 shows the timeline of international agreements and instruments introduced since 1923.

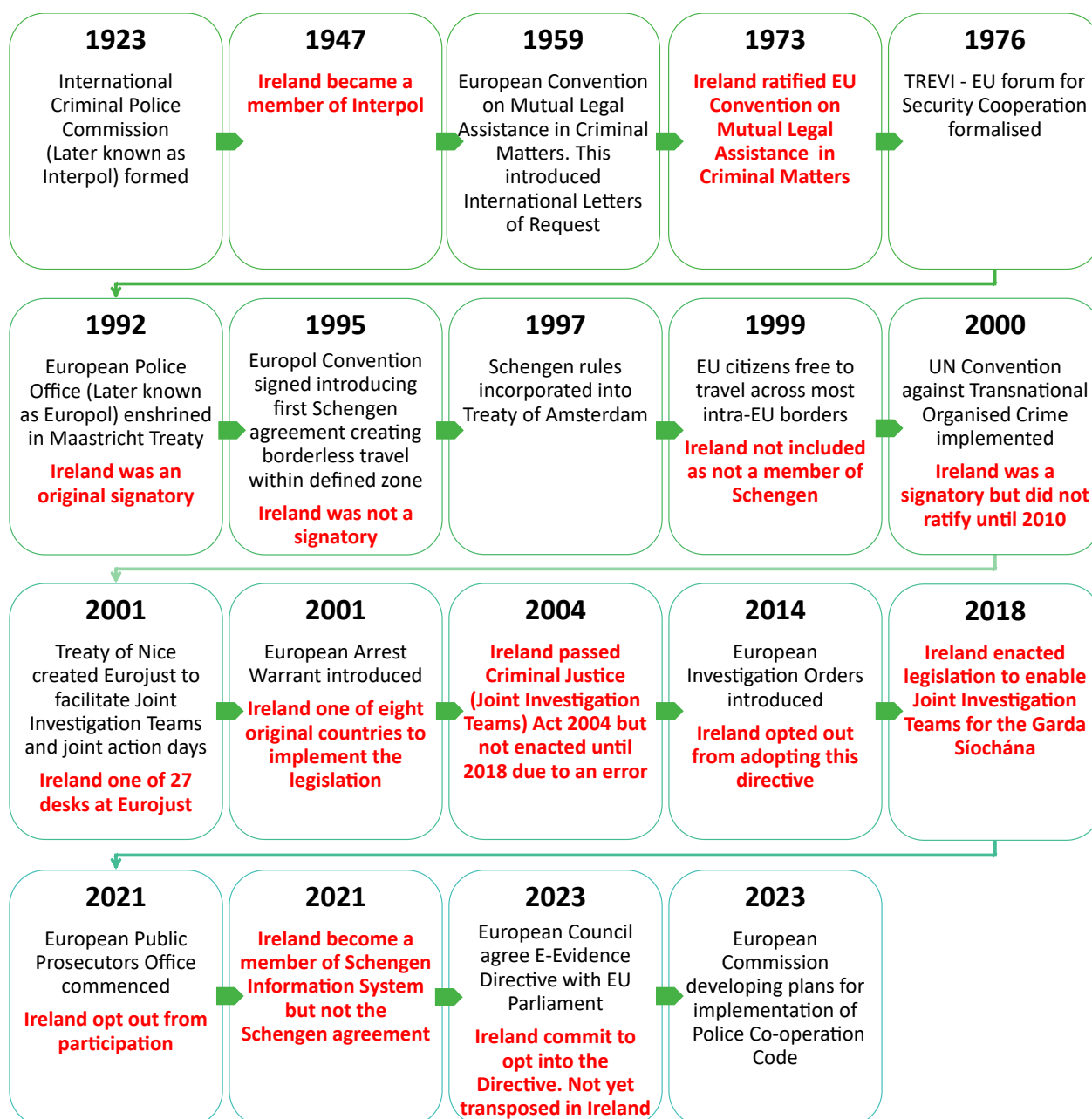
Notably, what has become known as Interpol was created in 1923 and the formalisation of a process to exchange evidence commenced in 1959 with the European Convention on Mutual Assistance in Criminal Matters. Ireland became a signatory and ratified this Convention on entry to the EU in 1973. Since that time, Ireland has made the journey with other Member States with commitments to support progressive steps aimed at enabling international policing co-operation, especially within the EU.

At the start of the 1990s, Interpol was the only international criminal police organisation. The TREVI forum had existed since 1976, but it was created to enable security co-operation amongst the European Community.<sup>128</sup> It was not until 1991 that a decision was made to create a European police agency similar to the Federal Bureau of Investigation. The European Police Office (Europol) was enshrined in the Maastricht Treaty in 1992 and created initially to organise exchange of

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128 Terrorisme, Radicalisme, Extrémisme et Violence Internationale was an intergovernmental network of representatives from justice and home affairs ministries.

Figure 4.1: Timeline of international agreements and legal instruments



Source: Garda Inspectorate

information on narcotic drugs as the Europol Drugs Unit. Ireland was a signatory nation to the treaty and committed to involvement with the unit from the outset. The treaty also reduced formal border controls within Europe, easing travel restrictions and encouraging migration. This was accelerated in 1995 with the signing of the Europol Convention and by 1999, EU citizens were free to cross most intra-European borders without being constrained by passport controls.

Before exploring in detail the international instruments available to enable international co-operation in the investigation of transnational organised crime, it is important to understand the difference between the Irish legal system and that of its European neighbours. Involvement in European structures has been somewhat more complex for Ireland than for many of its counterparts. Irish law has its foundations in common law with the Courts of Justice Act 1924 enabling court decisions to be based on



constitutional law, statute law or legislation passed by the Oireachtas and common law or judicial precedent drawing on the decision of courts in similar cases. In contrast, the majority of European countries have a legal system with origins in the Napoleonic Code, with magistrates appointed to direct investigations.

## Interpol

Interpol has its headquarters in Lyon, France, and facilitates worldwide police co-operation. The Interpol strategic framework shown in Figure 4.2 summarises how the organisation seeks to support policing globally.

Figure 4.2: Interpol Strategic Framework 2022–2025



Source: Interpol, 2022. Strategic Framework 2022–2025

There are 195 member countries which have access to 19 police databases, maintained by Interpol and providing information on crime, criminals, forensics, illegal documents, stolen vehicles and property, firearms trafficking and alert notices. All countries host an Interpol National Central Bureau within their own jurisdiction and most deploy a representative, usually a law enforcement officer, on secondment to Interpol. The National Central Bureau connects the law enforcement agencies in each country with each other and with Interpol through the secure global police communications network called I-247.

## Europol

Europol's headquarters are in The Hague where 42 countries, including all EU Member States, are represented by members from their law enforcement agencies. Europol seeks to create a safer Europe by improving

co-operation between EU countries' police authorities and law enforcement services. Europol helps law enforcement agencies to fight serious international crime, such as terrorism, money laundering, cybercrime and human and drug trafficking. It is funded from the EU community budget.

With varying degrees of frequency, Europol publishes a Serious and Organised Crime Threat Assessment, an Internet Organised Crime Threat Assessment, an Economic Crime Assessment and an EU Terrorism Situation & Trend Report. These publications provide updates to the law enforcement community on developments in the various areas of serious and organised crime and cybercrime.

Since 2012, the multi-annual EU policy cycle for organised and serious international crime has been in operation. This is the European Multidisciplinary Platform Against Criminal

Threats (EMPACT). It follows a four-year cycle and is the instrument for delivering multidisciplinary and multi-agency operational co-operation against organised crime.

## Findings

Representatives from Interpol and Europol who met with the Inspectorate all reflected positive experiences of working with the Garda Síochána and how this resulted in successful operations against organised crime groups (OCGs). The Garda Síochána supports EMPACT by participating in 15 Operational Action Plans and in 157 Operational Actions. Ireland leads two Operational Actions and co-leads a further two. The National EMPACT Coordinator is a Garda Síochána assistant commissioner. They lead the National EMPACT Coordination Office which works with all Organised and Serious Crime national units, the garda liaison officer network worldwide, the Revenue Commissioners, the Department of Justice and other Irish enforcement bodies.

## Eurojust

Eurojust is the European Union Agency for Criminal Justice Co-operation, providing a hub for judicial co-operation and co-ordination of investigations of serious cross-border crime in Europe and elsewhere. The role of Eurojust includes organising co-ordination meetings involving judicial authorities and law enforcement agencies, setting up or funding joint investigation teams and planning joint action days focused on arresting perpetrators, dismantling OCGs and seizing assets.

## Findings

There are 27 international desks at Eurojust of which Ireland is one. The two staff on

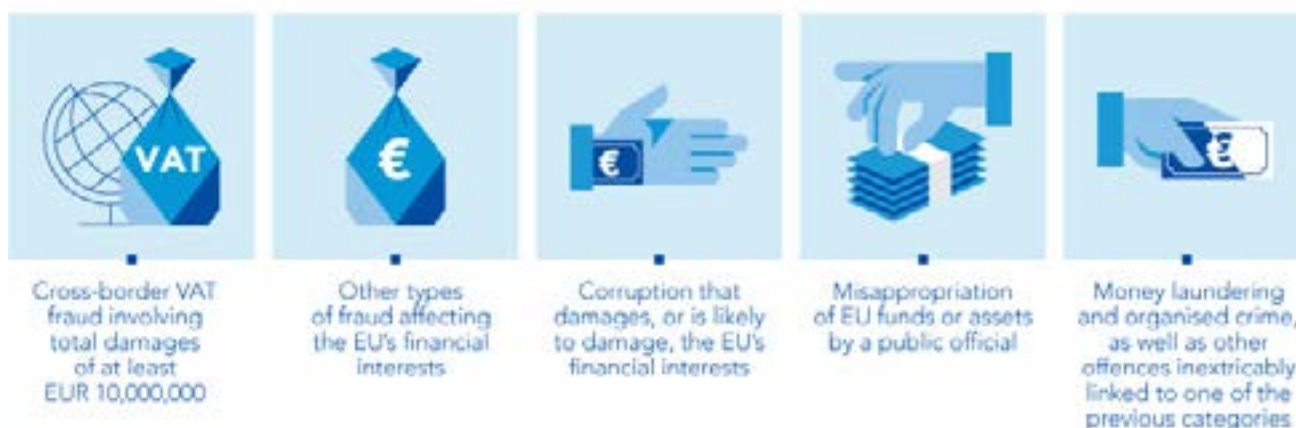
the Irish desk have significant prosecutorial experience and are seconded from the Office of the Director of Public Prosecutions (DPP). They have good knowledge of European crime and policy. Irish engagement with Eurojust has increased significantly over the past nine years. This followed extensive outreach by the Irish representative to enhance awareness of what Eurojust does and could do to support investigations. This included meeting with senior gardaí and attending garda senior investigating officer conferences. In 2014, the Irish Eurojust desk supported investigations in 40 cases, and by 2022 this had risen to 440.

The Inspectorate recognises the important role performed by Eurojust to co-ordinate cross-jurisdictional activity and the action taken by it to raise awareness of its services within the Garda Síochána. While engagement with Eurojust was slow to start with, the fluency of the current relationship and Ireland's appetite for international partnership working to tackle transnational organised crime are strong.

## European Public Prosecutor's Office

The European Public Prosecutor's Office (EPPO) commenced operations in June 2021, under Council Regulation (EU) 2017/1939, with the responsibility of investigating, prosecuting and bringing to judgement crimes against the financial interests of the EU. These crimes are defined under Council Directive (EU) 2017/1371, also known as the PIF Directive. Figure 4.3 shows the types of crimes within the mandate of EPPO. According to EPPO, it has registered more than 4,000 crime reports from participating EU Member States and private parties; over 929 investigations have been opened (as of June 2022).<sup>129</sup>

129 European Public Prosecutor's Office, n.d. [Mission and Tasks](#), [Accessed on 31 May 2024].

**Figure 4.3: Crimes under the mandate of the European Public Prosecutor’s Office**

Source: European Public Prosecutor’s Office. Mission and tasks

Ireland has an opt-out from the area of freedom, security and justice and therefore is one of five countries which do not participate in EPPO.<sup>130</sup> The main concerns relate to challenges in how the EPPO structures would have interacted with a common law regime.

While Ireland does not participate in EPPO, it does support the Protection of the Union’s Financial Interests Directive as implemented under the Criminal Justice (Corruption Offences) Act 2018 and the Criminal Justice (Theft and Fraud Offences) (Amendment) Act 2021. The enactment of the Criminal Justice (Miscellaneous Provisions) Act 2023 further strengthens the support by empowering the provision of assistance in criminal matters between Ireland and EPPO. It also amends the Criminal Justice (Joint Investigation Teams) Act 2004 to implement enhanced co-operation with EPPO by ensuring that crimes against the EU are recognised and dealt with by the relevant authority in Ireland.

## Garda Liaison Officers

It is internationally recognised good practice for countries to deploy members of their police service in embassies or consulates as law enforcement representatives. This brings

the benefits of enabling liaison through established personal relationships, not only with the various law enforcement agencies in the host nation, but also with the network of other liaison officers present in the same jurisdiction. When choosing a suitable location abroad, it is established practice to deploy police representatives to a city where the greatest number of other liaison officers are assigned.

## Findings

The Garda Commissioner informed the inspectorate that he wants the Garda Síochána to be a “*competent, capable and willing partner*” in its work with international law enforcement to prevent organised crime and disrupt and dismantle domestic and transnational OCGs. In response, the Garda Síochána has worked hard to grow its footprint of garda liaison officers (GLOs). These are garda members of various ranks who live and work in jurisdictions identified as locations key to enabling co-operation between the Garda Síochána and local and international law enforcement agencies in their host country. Their focus is to enhance efforts in tackling criminals or groups who present a significant threat or risk to the population of Ireland. The work of GLOs is

managed by Liaison and Protection which is part of the Garda National Crime & Security Intelligence Service.

At the time of completing this inspection, GLOs were deployed strategically across a range of countries as shown in Figure 4.4. Additionally, GLOs are appointed

within institutions critical to international partnership working. These include Interpol, Europol, and the Maritime Analysis and Operations Centre – Narcotics (MAOC-N). A process is in place to assign a GLO to Bangkok.

**Figure 4.4: Deployment locations for garda liaison officers**



Source: Garda Síochána, adapted by the Garda Inspectorate

While appointments reflect a clear understanding of where the threats to Ireland emanate from, the inspection also found evidence of OCGs based in Africa and other South American countries which are affecting Ireland. These groups are involved in cybercrime, economic crime and human trafficking.

The Inspectorate recognises and fully supports the work undertaken by the Garda Commissioner to expand the network of GLOs to North and South America and the Middle East. Not only has the Garda Síochána increased the number of locations but, to maximise influence, a number of superintendents and inspectors have been

added to what was previously seen as a role for garda members and sergeants.

The GLO based in Europol has a dual role which also involves acting as the liaison officer for the Joint Cybercrime Action Taskforce (J-CAT). J-CAT was launched in 2014 and is located within Europol's European Cybercrime Centre. The taskforce's objective is *'to drive intelligence-led, coordinated action against key cybercrime threats and targets by facilitating the joint identification, prioritisation, preparation, initiation and execution of cross border investigations and operations by its partners'*.<sup>131</sup>

131 Europol, 2023. [Joint Cybercrime Action Taskforce \(J-CAT\)](#). [Accessed on 31 May 2024].

It tackles cyber-dependent crimes, including transnational payment fraud, online child sexual exploitation and criminal use of the dark web. The taskforce consists of a standing operational team of cyber liaison officers from 12 EU Member States<sup>132</sup> and seven non-EU co-operation partners<sup>133</sup>, who are based full-time in Europol headquarters and complimented by staff from Europol's European Cybercrime Centre. The liaison officers are experienced cybercrime investigators.

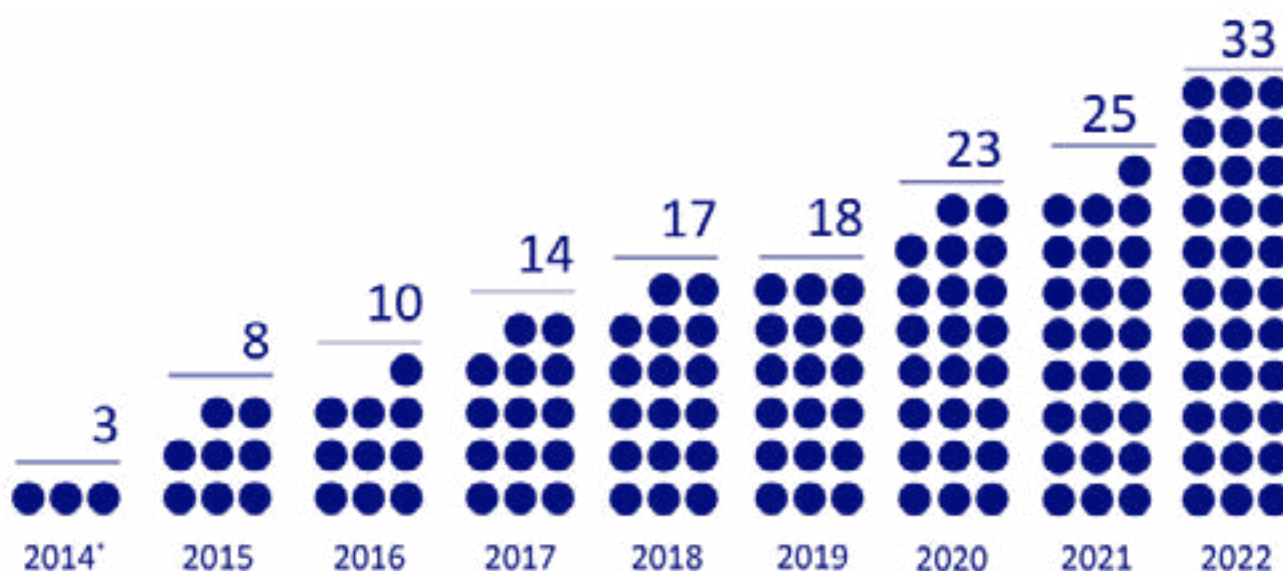
While the Europol GLO has responsibility for maintaining contact, they are not permanently assigned to the taskforce. The Garda National Cyber Crime Bureau engages with J-CAT through this GLO resulting in occasional case-by-case access as opposed to permanent membership of the standing operational team. This inspection found that

the demands on the GLO from engagement with J-CAT is such that it amounts to a full-time role in its own right.

J-CAT chooses and prioritises which cases to pursue based on an analytical assessment of information from members who have identified the threat. In 2021, as a result of information exchanged through J-CAT, Operation Dark HunTOR led to the takedown of DarkMarket, at the time the world's largest illegal marketplace on the dark web. The subsequent operation across Europe, Australia and the USA resulted in the arrest of 150 suspects and the seizure of over €26.7 million in cash and virtual currencies.

Figure 4.5 shows the progressive growth of completed operational actions against organised crime since the launch of J-CAT.

**Figure 4.5: Completed operational actions by the Joint Cybercrime Action Taskforce**



\*The Taskforce was launched in September 2014.

Source: Europol, 2023. Joint Cybercrime Action Taskforce (J-CAT)

132 Austria, Belgium, Finland, France, Germany, Italy, the Netherlands, Romania, Poland, Sweden, Denmark and Spain.

133 Australia, Canada, Colombia, Norway, Switzerland, the United Kingdom, and the United States.

Garda national units highlighted their close working relationships with the network of GLOs. This inspection found good examples where GLOs had been instrumental in initiating, supporting and conducting operations as well as facilitating investigations through work to expedite requests for information and evidence. However, although many serious crimes that are transitional in nature are investigated at regional and divisional levels, the inspection team found far less contact between GLOs and investigators. Given the nature of the work of national units, more regular contact with GLOs was expected; however, it was clear that regions and divisions were less aware of the benefits of using them.

## Assessment

While the network of GLOs has grown, there are still some international gaps in coverage. For example, the Garda Síochána has had considerable success against the African-based Black Axe OCG in its economic crime activities, to the extent that it is recognised as the worldwide lead for disrupting the activity of this group. However, the scale of offending emanating from African-based groups in areas such as cybercrime committed through cyber centres specialising in sextortion, smishing, phishing and human trafficking, merits expansion of the GLO network to address this threat.

While the GLOs based in Spain and Abu Dhabi are geographically positioned to engage with jurisdictions in various parts of Africa, the cultural differences between African countries and their European and Middle Eastern neighbours can vary considerably with the result that a dedicated deployment of a GLO to Africa would enhance the network coverage.

South America continues to pose a threat to Ireland with a recent court case involving the trafficking of victims from Brazil as an example. The organised crime activity included migrant smuggling, organised prostitution and money laundering. In addition, South American countries are a destination of choice for a number of well-known members of OCGs seeking to hide from Irish and other countries' law enforcement agencies.

The international origins of crimes such as economic and cybercrime investigated by divisional gardaí emphasises the need to promote the work of GLOs more widely and encourage investigators to contact them for assistance. As such, Liaison and Protection should promote the work of the GLOs in order to maximise the benefit from the networks and contacts they have developed.

Given the significant growth of cybercrime and the success of the GLO network, the Inspectorate believes that there is merit in drawing on the successful GLO model to support the work to tackle cybercrime through permanent membership of J-CAT. This can be achieved through further expansion of the GLO network and appointing a bespoke cyber liaison officer within J-CAT. It is expected that any such appointment would be a person with cybercrime investigation experience who can engage credibly with the other 19 permanent international law enforcement partners.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

**Recommendation 4.1****Garda Liaison Officer Network**

The Inspectorate recommends that the Garda Síochána extend its garda liaison officer network to include:

- > The continent of Africa;
- > An additional deployment to South America; and
- > The Joint Cybercrime Action Taskforce.

## International Collaboration to Prevent and Combat Child Sexual Abuse

Child sexual exploitation is one of the EU's priorities in the fight against serious and organised crime. Online child sexual exploitation is constantly evolving and is shaped by developments in technology. Mobile connectivity, growing internet coverage in developing countries and the development of pay-as-you-go streaming solutions, which provide a high degree of anonymity to the viewer, are furthering the trend in the commercial live-streaming of child sexual abuse. The Covid-19 pandemic saw a dramatic increase in the circulation of child abuse material, and identifying child victims remains a significant and growing challenge for law enforcement agencies.

In May 2022, the European Commission proposed new EU legislation to protect children against sexual abuse, online and offline. The proposed legislation seeks

to place obligations on internet service providers, including those who supply encrypted networks, to detect, report and remove child abuse material. The proposed obligations on the service providers will not specify what technology should be used, but simply require actions to detect, report and remove child abuse material.

The legislation also proposes the establishment of a new agency, the EU Centre to Prevent and Combat Child Sexual Abuse, as the vehicle to deliver more effective protection for children. This centre will receive and process reports that providers are legally obligated to share and also maintain a database of indicators allowing the reliable identification of child sexual abuse material and of solicitation of children as defined by EU rules. When relevant material has been reliably identified, the centre will share information with the competent law enforcement authorities and Europol.

A large proportion of reports relating to child sexual abuse material, which provides an evidential base for starting investigations and rescuing children, are online and may be shared on a platform that is encrypted. If such platforms and the service provider were exempt from a requirement to protect children and to take action against the circulation of child sexual abuse images and videos via their services, the consequences would be severe for children.<sup>134</sup>

### Findings

Currently, the Garda Síochána has a small but dedicated Online Child Exploitation team working within the Garda National Protective Services Bureau. This team works internationally with other law enforcement

134 European Commission, 2022. [EU Proposes New Rules to Fight Child Sexual Abuse](#). [Accessed on 31 May 2024].

agencies and domestically with cyber-skilled garda members to identify child sexual abuse material and to progress investigations against those identified as perpetrators. The challenges the team face are similar to those experienced by international peers, namely, accessing material held on devices in other jurisdictions, influencing service providers to remove material from their platforms and pursuing investigations against those involved who are living in another country. Good co-operation and engagement with service providers and other law enforcement agencies can be productive but challenges remain with finding illegal material online, identifying those involved and removing the material once evidence has been secured.

The Broadcasting Act 2009, as amended by the Online Safety and Media Regulation Act 2022, requires the Online Safety Commissioner within Coimisiún na Meán to adopt a binding Online Safety Code which addresses the measures to protect users from harms set out in the EU's Audiovisual Media Services Directive in relation to video sharing platform services. This includes protecting the general public from illegal content such as child sexual abuse material.

The EU Digital Services Act, which became fully applicable in February 2024, sets out rules to ensure a high level of protection from illegal content for online users and applies to all types of illegal content including child sex abuse material. The Government has appointed Coimisiún na Meán as Ireland's Digital Services Co-ordinator to enforce the Digital Services Act.

In particular, Article 28 of the Act sets out that providers of online platforms accessible to minors must put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on

their service. In addition, Article 34 of the Act sets out that Very Large Online Platforms and Very Large Online Search Engines must assess and mitigate the risks arising from the design or functioning of their services for the protection of minors. Coimisiún na Meán is planning to establish a complaints mechanism under the Act and the Online Safety Code.

The Proposal for a Regulation of the European Parliament and Council laying down rules to prevent and combat child sexual abuse would allow Member States to nominate one or more competent authorities as responsible for the application and enforcement of the regulation, including one as their Co-ordinating Authority for child sexual abuse issues. It is a decision for the Irish Government as to whether to nominate Coimisiún na Meán as a competent authority and/or the Co-ordinating Authority.

While Coimisiún na Meán regulates the platforms, Hotline.ie, which is part of the In Hope Group and part of Ireland's Safer Internet Centre, currently deals with complaints and requests for removal of child sex abuse material from platforms. It also deals with complaints about and requests for removal of non-consensual intimate image sharing. Hotline.ie's role is to receive and assess reports from people identifying what they suspect as illegal material, and have it removed. The majority of the reports it receives are anonymous and offer little opportunity for investigation. The reports it receives are reactive communications from those finding material as opposed to proactive identification by service providers who identify the material through monitoring of their online platforms.



## Assessment

The proposed EU legislation to protect children against sexual abuse, online and offline and the establishment of an EU Centre to Prevent and Combat Child Sexual Abuse are welcomed by the Inspectorate. Many EU countries including Ireland have made good progress in preventing child sexual abuse and supporting victims. However, a lot more could be done, especially when it comes to exchanging best practice and knowledge across different countries. For example, a central co-ordinator, such as the proposed EU centre, would facilitate the exchange of best practice, information and research.

A decision has been taken to use non-law enforcement staff to resource the centre. This should enhance the potential for engagement by enabling service providers to interact with individuals who are not involved in the collection of evidence. Service providers will be required to notify the centre when they find material on their platform. The centre will review the material and, if assessed as illegal, it will be referred to the relevant law enforcement agency in the appropriate jurisdiction. This will provide a number of advantages compared to the current situation by statutorily requiring:

1. Service providers to work proactively to identify and report illegal material on their platforms; this will increase the amount of material found;
2. Service providers to remove child sexual abuse content. This will increase the amount of material removed and reduce the amount available for perpetrators to view;
3. The EU centre to assess and forward to law enforcement agencies all material verified as illegal. This will reduce the amount of time spent

on assessment by investigators and increase the time available for proactive investigations;

4. Only verified reports to be shared enabling law enforcement agencies such as the Garda Online Child Exploitation Unit to proactively investigate verified illegal material; and
5. The centre to act as a hub of expertise to support EU countries in implementing effective prevention initiatives and providing comprehensive victim support.

These developments should enhance the capability of the Garda Síochána to protect children in Ireland and abroad.

To ensure that Ireland is at the fore of these developments, the Inspectorate believes that early engagement at EU level and representation at the centre is critically important.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 4.2

#### EU Centre to Prevent and Combat Child Sexual Abuse

The Inspectorate recommends that the Department of Justice appoint a representative to the proposed EU Centre to Prevent and Combat Child Sexual Abuse.

## International Information Sharing

The EU maintains the Schengen Information System (SIS). It was introduced in 1995, updated in 2013 to SIS II and in 2023 with SIS Recast. It is an information sharing system which enables co-operation for border, immigration, police, customs and judicial authorities in the EU. Although Ireland is not part of the Schengen Agreement, it gained access to SIS in 2021. Use of SIS enables participating countries to enter alerts on wanted or missing people and objects such as stolen property or counterfeit documents in one common database.<sup>135</sup> This expands the ability of a country to locate people or objects from its own borders to the entire area of all participating states. The update to SIS Recast added access to biometrics to confirm and verify the identity of people registered on the system through photographs, palm and fingerprints, and DNA records in relation to missing persons. Each country that uses SIS has set up a SIRENE (Supplementary Information Request at the National Entries) Bureau which is operational 24/7 to exchange information and co-ordinate activity connected to SIS alerts.

The Garda Síochána SIRENE Bureau led the introduction of SIS II in 2021 and the rollout of access to all divisions, regions and national units. This has been successful both in terms of providing access to all garda members and in the results it has delivered. Following its launch, the Garda Síochána accessed information on 45,000 arrest warrants, which it checked against PULSE records. This resulted in 544 positive identifications, leading to 185 arrests in the first 14 months following the introduction of SIS II and a 300% increase in the number of executed

European Arrest Warrants in the first three months, compared to the same three-month period in the previous year.<sup>136</sup>

The Prüm Convention was signed in 2005 and adopted by the EU in 2008. It is a framework for automated data exchange, which allows a Member State to query DNA, dactyloscopic (fingerprint identification) and vehicle registration data in one or several other Member States' national databases. The system provides a reply with only reference data, and whether any matching data sets ("hits") were found. After a hit is confirmed by a forensic expert verifying matching data sets, a request to receive personal and case related data from the Member State concerned should be sent. In cases of vehicle registration data, the additional data is provided immediately with a hit.

Prüm II is an evolution of the original Prüm framework, which seeks to enhance the regulations on automated data exchange to increase access to information affecting criminal investigations. The Prüm II proposal is part of a legislative package introducing the EU Police Co-operation Code, which is discussed later in this chapter.

## Mechanisms for Transnational Exchange of Information

Simultaneously, during the 1990s, but not necessarily as a consequence of the EU developments, transnational organised crime emerged as a growing threat. This has resulted in a growing emphasis on international policing co-operation and the introduction of a range of legal instruments aimed at enabling sharing of evidence between sovereign states. Starting in 2000,

135 European Commission, n.d. [What is SIS and How Does it Work?](#) [Accessed on 31 May 2024].

136 Garda Síochána, n.d. [Schengen Information System \(SIS\)](#). [Accessed on 31 May 2024].

the United Nations implemented the Convention against Transnational Organised Crime aimed at improving international legislation and enabling co-operation between international states to tackle the threat.

Co-operation and operational support are only the first part of what is required to successfully prevent crime and disrupt and dismantle transnational OCGs. The key to success is effective and efficient exchange of information between law enforcement partners on an international and national basis. This is the element which ensures those involved in transnational organised crime have no hiding place. Exchange of information enables international sharing of evidence from one jurisdiction to another to facilitate prosecutions and to target criminal networks.

This section examines the international legal instruments that are in place to enable the exchange of evidence between jurisdictions. In doing so, it is important to understand that the exchange of information under any legal instrument is also subject to the provisions of the General Data Protection Regulation (GDPR) and any domestic data protection legislation in the jurisdictions involved. This means only relevant information required for legal purposes can be exchanged.

A number of legal instruments exist that are currently transposed into law by the majority of other Member States but not yet by Ireland. When a decision is taken by Ireland to adopt future European law enforcement instruments, the experience of the extended delay in fully transposing joint investigation teams into Irish legislation should be avoided. This was initiated in 2004 with the Criminal Justice (Joint Investigation Teams) Act 2004 but only finalised 14 years later through a minor amendment in 2018.

## Mutual Legal Assistance

Mutual legal assistance (MLA) is based on international agreements or treaties between jurisdictions that enable the legal exchange of evidence between one country and another to help advance investigations and prosecutions. Ireland has ratified multi-lateral MLA Agreements at EU, Council of Europe and United Nations level.

Ireland's closest co-operation on MLA matters is with its EU partners (27 Member States). This reflects that within the EU, there are shared values based on the principle of mutual trust in the EU treaties and in the EU Charter of Fundamental Rights. Ireland currently operates an EU MLA Convention agreed in 2000. In addition, MLA co-operation with EU Member States is underpinned by the agreed EU Data Protection Framework, which is not available to most non-EU States. EU partners (apart from Denmark) have agreed to more closely co-operate in relation to MLA on the basis of the principle of mutual recognition of each other's judicial decisions. This is via an instrument called the European Investigation Order (EIO) Directive, which Ireland does not yet participate in. The EIO will be discussed later in this chapter.

Another prominently cited instrument in such requests is the Council of Europe European Convention for Mutual Assistance in Criminal Matters 1959 and its additional Protocols (1978 and 2001) which has been ratified by 50 countries including all EU Member States. The Council of Europe instruments such as this Convention are underpinned by all signatories having adopted the ECHR as interpreted by the European Court of Human Rights.

The introduction of MLA through the EU and Council of Europe Conventions delivered an agreement between ratifying

parties to offer each other '*the widest measure of mutual assistance*' in investigating crimes, procuring evidence, and in prosecuting criminal suspects.<sup>137</sup> The Conventions specify the requirements that have to be met by MLA requests. They also establish the rules for enforcement of such requests by the authorities of the requested state. While in principle there should be closer co-operation between EU Member States (and this has been achieved by the EIO for those participating), the approach taken to administer MLA requests differs across the signatory countries to the Conventions. A Europol report in 2021 highlighted that the main challenges for law enforcement continue to include long delays in obtaining MLA.<sup>138</sup>

At United Nations level, there are also international instruments ratified by Ireland that provide a basis for MLA. Article 18 of the UN Convention against Transnational Organized Crime (UNTOC) is devoted to MLA.<sup>139</sup> This global Convention also calls for state parties to afford one another the widest measure of legal assistance in investigations, prosecutions and judicial proceedings. The offences for which assistance should be granted include transnational serious crimes involving an OCG. The offences established under UNTOC are participation in an OCG, money laundering, corruption and obstruction of justice and the offences established under any Protocols thereto that states are party to.

UNTOC also obliges state parties to reciprocally extend to one another similar assistance where the requesting state has reasonable grounds to suspect that one or

more of these offences are transnational in nature. This includes cases of organised crime in which victims, witnesses, proceeds or evidence are located in the requested state.

The common denominator across these different international approaches is the involvement of prosecutors and judges and/or qualified solicitors or lawyers (often assisting or directing law enforcement agencies in executing requests) in the process who have developed institutional expertise and continuity in the related practice.

Outside the EU, given the wide and growing range of international instruments each requiring state parties to afford one another the widest possible MLA and to designate for that purpose a central authority, it is important for these states to ensure that their central authorities are a single entity. This will facilitate greater consistency of MLA for different types of criminal offences and eliminate the potential for fragmentation of effort in this area.

At EU level (reflecting the principle of mutual recognition), the concept is direct contact between judicial authorities (prosecutors and judges). EU instruments envisage that central authorities should only be used for administrative matters such as acknowledgement and transmission of requests.

### International and Comparable Practice

The United Nations Office on Drugs and Crime training module emphasises the need for states to designate a central authority (generally the ministry of justice) to whom

137 Council of Europe, 1959. [European Convention on Mutual Assistance in Criminal Matters](#). [Accessed on 31 May 2024].

138 Europol, 2021. [SIRIUS EU Digital Evidence Situation Report. 3<sup>rd</sup> Annual Report 2021](#). [Accessed on 31 May 2024].

139 United Nations Office on Drugs and Crime, 2003. [United Nations Convention against Transnational Organized Crime and the Protocols Thereto](#). [Accessed on 31 May 2024].

requests can be sent as this provides an alternative to diplomatic channels and in many cases enables central authority to central authority engagement.

In the USA, the Office of International Affairs fulfils the function of the central authority. This office is the Department of Justice's primary facility for providing legal and strategic guidance with regard to the department's present and future challenges in international criminal law enforcement. The office is made up of a diverse group of experienced professionals including many former federal and state prosecutors, organised into regional teams that cover geographical areas of the world and specialised teams that handle issues and case work requiring subject-matter expertise. The teams are proficient in a range of policy, legislative and litigation issues concerning international criminal investigation and prosecution.

In Canada, there is an International Assistance Group, established as part of the Department of Justice's Criminal Law Branch. The Canadian Minister of Justice is the named central authority with responsibility for receiving and presenting requests for MLA. On a daily basis, counsel within the group are responsible for the review and co-ordination of incoming and outgoing requests for assistance. There is no police representation in this group.

The central authority in the UK is based within the Home Office and makes the decision on whether or not to accede to an incoming request for assistance. While directions are made to a police service to provide relevant evidence, police services have autonomy to decide how to best use their resources and are responsible for prioritising international requests for assistance alongside their own domestic investigations.

## Findings

In Ireland, the role of central authority for incoming and outgoing MLA requests is performed by the Mutual Assistance and Extradition Office within the Department of Justice. The office is staffed by civil servants who act on behalf of the Minister to whom incoming requests are directed mainly as facilitators as opposed to decision makers. The Chief State Solicitor's Office provides solicitor services, as part of the Office of the Attorney General, to the Mutual Assistance and Extradition Office and deals with incoming requests in relation to some measures including hearings by a court and freezing order applications. The DPP deals with outgoing requests. The Mutual Assistance and Extradition Office also administers all incoming and outgoing requests for European Arrest Warrants, which are discussed later in this chapter.

The process in Ireland for requesting MLA from other states begins with the investigating garda member preparing a draft application and forwarding it to the Garda MLA Section. From there it is sent to the International Unit of the DPP, as the judicial authority, which will review it and issue the request.

The issued request is returned to the Garda MLA Section for translation where required and from there to the central authority for transmission to the relevant jurisdiction. At trial stage, the DPP's issuing function will generally be carried out by the trial court.

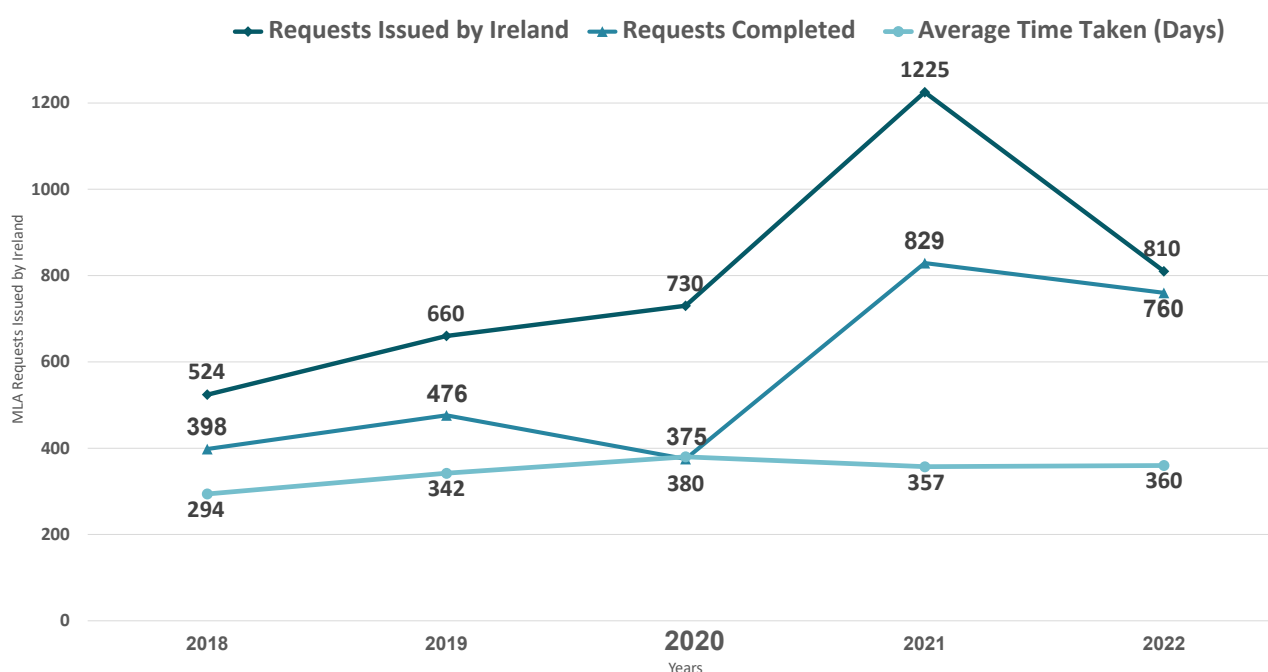
This inspection found a number of examples of complex MLA applications completed by garda investigators requesting high volumes of information from other jurisdictions. Those completing such applications understood that the application process to access evidence secured in another jurisdiction must be legal, transparent and able to withstand legal

challenge and scrutiny in any subsequent court proceedings. Investigators frequently highlighted their frustration with the high levels of bureaucracy involved in this process and the slow pace in securing information from other jurisdictions. It was also raised that police-to-police information sharing (which is a legal process for exchanging information) is under-used and there is a lack of clarity regarding which issues can be resolved via this avenue. Those responsible for processing incoming and outgoing requests and the Irish desk at Eurojust highlighted that a percentage of requests for assistance to other jurisdictions would be better handled, at least in the first instance, using police-to-police channels before engaging the judicial channels via MLA. Using these channels, including Europol, can be particularly useful for Ireland where the investigation is police led.

All information gathered in the course of an investigation is not put before the Irish court (unlike in many other states), and what is required as evidence for trial (as distinct from information/intelligence for the investigation) is assessed relatively late in the process. This would minimise delays for issues that require the official MLA process.

Figure 4.6 provides data on the number of MLA requests issued by Ireland between 2018 and 2022. The time required to receive a response varies between jurisdictions, with some taking much longer than others. The average duration for completion of a request was found to have extended from 294 days in 2018 to an average of 360 days in 2022 with some requests having been carried forward from the previous year. There has been a noticeable increase in requests rising from 524 in 2018 to a peak of 1,225 in 2021.

**Figure 4.6: MLA requests issued by Ireland**

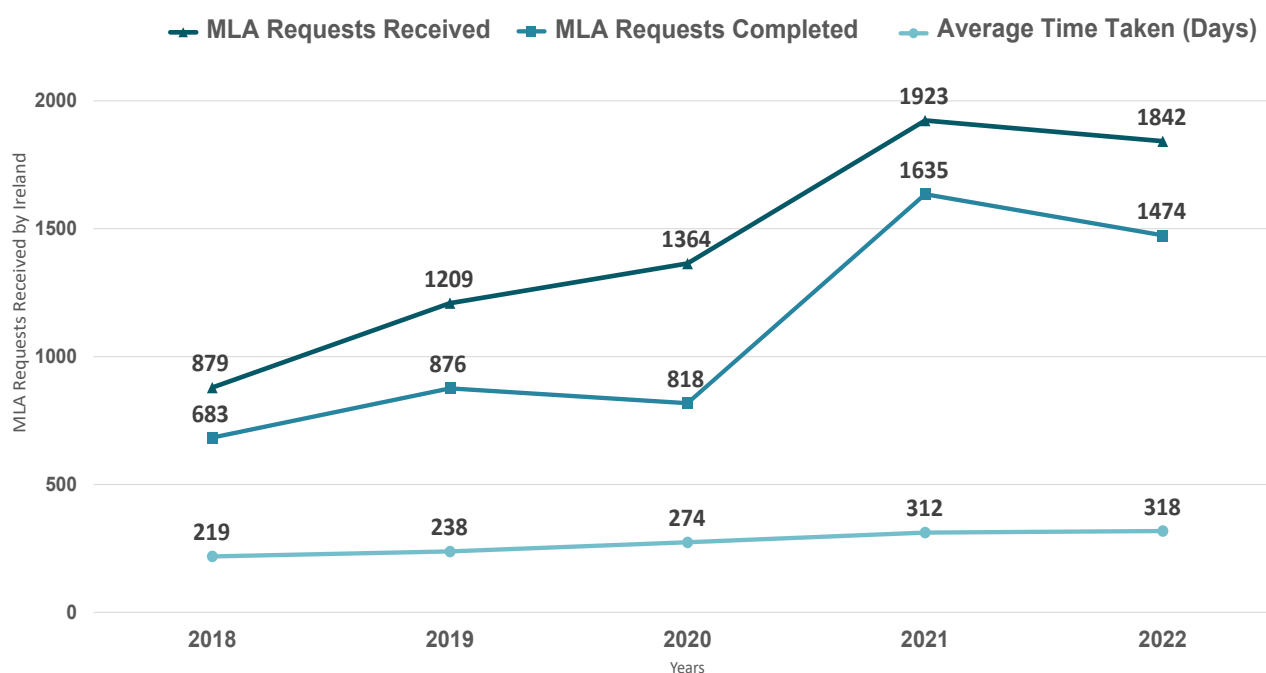


Source: Department of Justice, adapted by the Garda Inspectorate

Conversely, Figure 4.7 shows the number of MLA requests received by Ireland from other jurisdictions between 2018 and 2022. It is notable that the volume of requests received in Ireland has increased from 879 in 2018 to a peak of 1,923 in 2021. The primary reason for this increase in requests is attributed to the number of service providers which have their European headquarters located in Ireland. As the number of requests received increased, the time taken to process each one has also increased by almost 100 days or 31% over the five-year period. In relation to co-operation with EU Member States,

Ireland has opted into an EU regulation and directive (e-evidence package which will be discussed later in this chapter) providing a legal basis for investigation and prosecution authorities in the EU to obtain, in principle, evidence directly from service providers on foot of those EU Member States' own domestic judicial orders. This new approach must be implemented by mid-2026 and will change the landscape in Ireland for incoming EU MLA requests for e-evidence. Ireland will have an important enforcement role given it hosts many service providers.

**Figure 4.7: MLA requests received by Ireland**



Source: Department of Justice, adapted by the Garda Inspectorate

Requests by other jurisdictions seeking information from Ireland are initially received by the Mutual Assistance and Extradition Office. Each case is triaged to determine if there is a legal basis for the request. While some staff from the Attorney General's Office are available to the office through secondments, the complexity of some applications often requires requests to other legal specialists for additional advice.

Once the legality of a request is confirmed, the Mutual Assistance and Extradition Office has to determine what measure is required to execute the request. If execution requires production of material, and the information is already held by the Garda Síochána, the Minister can direct the Garda Síochána to provide it to the requesting state. If it is material held by an entity other than the Garda Síochána, a garda inspector makes

an application for a production order to the district court in the area where the material is located. Once issued, the production order is served on the entity holding the material requiring it to be produced to gardaí and sent back via the central authority to the requesting state.

If the measures require freezing orders, the Chief State Solicitors Office takes forward the necessary High Court proceedings for the application for the issue of a freezing order. If the measure is the hearing of a witness in person or via video link before a court, the Chief State Solicitors Office also takes forward these proceedings and instructs counsel to appear before a designated judge that is assigned to deal with these types of MLA cases in Dublin.

The Inspectorate was told that the co-operation provided by the Courts Service is good; however, the availability of court time and court officials is a significant challenge. At present, MLA cases for hearing of witnesses are only allocated a half day, once per month and this is insufficient to deal with the volume of cases.

The Inspectorate found that, as with other police services, the Garda Síochána prioritises cases on the basis of threat and risk and in the context of its own ongoing investigative demands. As such, garda investigators need to build in time to complete MLA requests, while simultaneously managing their own investigative workload.

## Assessment

It is reasonable to conclude that the increase in the number of requests received is a factor in the time that is taken to complete them. Equally, given the majority of requests issued by Ireland are sent to a small number of countries, the extra demand is also assessed as contributing to the increased delay in

receiving a reply. While the Inspectorate recognises that response times often vary due to the complexity of cases and the type and extent of information requested, delays negatively impact on investigations and the service provided to victims of crime in Ireland and other jurisdictions.

While it was clear that with the assistance of relevant stakeholders it was possible to obtain evidential material relatively quickly in urgent, priority cases, overall the process is slow, the volume is increasing and it is bureaucratic.

In common law systems, there is a strong preference to acquire information through police-to-police liaison arrangements where appropriate. For Ireland's EU partners with a magistrate led system, they will often want to use MLA at the investigation stage. While systems vary, in general the investigation phase for most of the EU partners is gathered as part of judicial proceedings and information collected goes on a case file as evidence. Reflecting this, the adversarial trial at the end of the process in Ireland (where what is admitted as evidence is decided) is often not a feature for other EU countries. Co-operation at judicial level with other EU countries would be more efficient if Ireland were to participate in the EU EIO.

When information has to be turned into evidence, apart from a case involving a joint investigation team agreement, there is currently no alternative other than to engage in the MLA process. In cases involving such an agreement, requests by the Garda Síochána for information are still facilitated through MLA, but the collaboration in a joint investigation team expedites the process.

The relevance and cognisance taken of EU and Council of Europe and United Nations obligations to reciprocally extend to one another similar assistance cannot be



overstated. Accordingly, the efficiency of the Irish process influences the efficiency and effectiveness of the Garda Síochána and international partners in tackling transnational organised crime.

The Inspectorate recognises the complexity of MLA and especially the concerns that structural changes are necessary if the situation (where different organisations manage incoming and outgoing requests) is to be addressed.

As such, the Inspectorate recommends the creation of a working group comprising representatives from all organisations currently involved in MLA. This group should conduct an end-to-end review of the incoming and outgoing processes and make recommendations to the Department of Justice identifying the most efficient central authority structure compatible with the Irish criminal justice system.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendations.

#### Recommendation 4.3

##### Establishment of a Central Authority Working Group

The Inspectorate recommends that the Department of Justice establish a working group comprising representatives from all organisations involved in processing outgoing and incoming Mutual Legal Assistance requests. This group should conduct a review of the incoming and outgoing processes and make recommendations to the Department of Justice identifying:

- > The most efficient central authority structure compatible with the Irish criminal justice system and with Ireland's EU and international obligations, including the possible operation of the European Investigation Order with EU partners;
- > The changes required to the processes involved which should include performance monitoring mechanisms; and
- > The resources required to ensure Mutual Legal Assistance effectively supports the work to investigate domestic and transnational organised crime.

## Joint Investigation Teams

Joint Investigation Teams (JITs) were introduced in 2001 by the EU as a legal facility to empower Member States and non-Member States through a co-operation agreement, to work together to investigate serious crime. A JIT enables the authorities in the participating countries to have direct contact with each other to gather and share information or evidence in relation to a live investigation. The process provides speed and efficiency to an investigation, particularly if time is an issue. As a good example of their work, the Irish representative within Eurojust hosted a co-ordination meeting for the first ever JIT involving the Garda Síochána and the Police Service of Northern Ireland (PSNI) in 2019.

JIT is established when a law enforcement agency or a judicial authority in a Member State identifies an investigation in which offenders, criminal activity and evidence is suspected of existing in two or more jurisdictions.

The decision to seek or participate in a JIT lies with the identified competent authority for the jurisdiction. In the Member States operating under the Napoleonic Code, this is the lead magistrate for the investigation. However, in common law jurisdictions, such as the UK when it was a Member State, the decision was the responsibility of the chief officer of the relevant police service.

The identifying Member State should notify Eurojust which co-ordinates the process of drawing the jurisdictions together. Eurojust

also assists with establishing written legal agreements, facilitating meetings, providing language services and in most cases, funding support for the investigation. It can also help with the final stage of determining the structure of the JIT and ensuring there is agreement on which jurisdiction will lead it.

Figure 4.8 provides a basic overview of the model and outlines four key activities required to establish a JIT.<sup>140</sup>

**Figure 4.8: Basic overview of the Joint Investigation Team model**



Source: Eurojust, 2021. *Joint Investigation Teams Practical Guide*

At the core of a JIT is the speed of sharing information as it doesn't require either an MLA process or a EIO to be in place. Instead, information is collected in accordance with the domestic legislation in the jurisdiction in which the JIT is operating. A partner state may assign a member to the JIT and they are entitled to be present and involved in the investigation, if it is led by a law enforcement agency or a judicial authority outside of their own state.

## Findings

Differences in legal systems delayed Ireland's involvement in JITs. The legislation transposing this facility into Irish law was introduced in the Criminal Justice (Joint Investigation Teams) Act 2004; however, an amendment was required which did not happen until 2018. Upon enactment, the Garda Commissioner undertook the role of competent authority to decide on whether

140 Eurojust, 2017. [Joint Investigation Teams: Practical Guide](#). [Accessed on 31 May 2024].

to request or participate in a JIT. With the support of Eurojust, the Garda Síochána entered into its first JIT in 2019.

Unlike other European police services, the Garda Síochána cannot draw evidential material from a JIT and use it in a criminal prosecution case in Ireland. In order to use evidential material from a JIT, the Garda Síochána must issue an International Letter of Request for release of the material through MLA. This was highlighted as time consuming and bureaucratic.

The first case for which the Garda Síochána sought a JIT was an investigation conducted with the PSNI into a high-profile case involving kidnapping and violent assault. The use of a JIT facilitated a joint investigation and the gathering and sharing of evidence resulted in the conviction of four people. The second JIT involved Ireland as a participant. This enabled the Garda Síochána to provide support to the investigation into the death of 39 Vietnamese nationals in a freight container in Essex. The investigation also led to a number of successful convictions. Since 2019, and at the time of completing this report, Ireland has participated in nine JITs. If Ireland transposes the EIO into Irish legislation, the requirement for an MLA to use material from a JIT as evidence will be resolved. This issue is addressed later in this chapter.

Concerns were raised with the Inspectorate that the role of the Garda Commissioner as the competent authority in Ireland for JITs, along with other responsibilities might delay critical decision making. The Garda Commissioner acting as competent authority is comparable with the approach employed in other common law jurisdictions, such as the UK. The Inspectorate recognises that this

should not prevent a deputy commissioner stepping in during a time of verifiable absence and as such finds no reason to change the current arrangement.

## European Arrest Warrants

The European Arrest Warrant (EAW), introduced under Council Framework Decision 2002/584/JHA, is a cross-border surrender procedure used to secure the detention of a person in one Member State for prosecution or the serving of a custodial sentence in another. The EAW abolished extradition between Member States and replaced it with a system of surrender between judicial authorities.<sup>141</sup> This is where a decision by a judicial authority in one Member State must be recognised by a judicial authority in another. It is referred to as one of the most successful instruments of judicial co-operation in criminal matters within the EU.<sup>142</sup>

The EAW process is fast-tracked as a surrender procedure and a decision by a judicial authority must be made 60 days after an arrest. A 30-day extension is available if required. The rights of the person are protected through the independent nature of the judicial process.

The EAW contains a list of 32 offences that are regarded as criminal offences in all Member States and for these offences there is a presumption of dual criminality, provided the maximum sentence is three years or more. However, the EAW requires the establishment of dual criminality in the case of offences that are not covered by the list of 32 offences. This provides an executing state with the right to refuse an EAW, if the act does not constitute an offence in their state.

141 Council of Europe, 1957. [European Convention on Extradition](#). [Accessed on 31 May 2024].

142 European Commission, n.d. [European Arrest Warrant](#). [Accessed on 31 May 2024].

Additionally, the executing state has the right to refuse a request if the person has already been tried for the same offence, if the person is a minor or if the offence is covered by amnesty. There are a number of optional grounds for refusal including a statute of limitations, trial by absentia, and if there are pending criminal procedures against the person in the executing state.

## Findings

Ireland was one of the eight original countries to implement the EAW legislation.<sup>143</sup> It has been transposed into Irish law under the European Arrest Warrant Act 2003, which has since seen a number of amendments. The Minister for Justice is considered as the central authority for the handling of EAWs in Ireland, with the functions being administered by the Mutual Assistance and Extradition Division.

When an EAW is received by the central authority, it is sent to the Chief State Solicitors Office which makes an application for endorsement by a dedicated judge in the High Court. Once the court is satisfied with the application it is sent to the Garda Síochána for execution. The individual is

arrested and brought before the High Court where they can be remanded in custody or granted bail.

Where an EAW is issued by the State, the DPP makes an application to the High Court for its endorsement of the warrant. The successful application is then sent to the central authority for onward transmission to the relevant Member State.

Figure 4.9 shows the number of subjects for whom an EAW was issued and executed over the period 2018 to 2022 and the number of subjects who surrendered to garda custody. While there have been fluctuations over this period, a significant increase in the issue of EAWs in 2020 may have been due to uncertainty at that time over future extradition arrangements between Ireland and the UK. This was the year prior to the UK's withdrawal from the EU, during which negotiations were ongoing between the EU and the UK regarding future extradition arrangements. The negotiations subsequently led to an extradition facility being introduced through the Trade and Cooperation Agreement. The spike in EAWs executed in 2021 relates to the introduction of SIS II referred to earlier in this chapter.

**Figure 4.9: European Arrest Warrants received and issued by Ireland**

|                     | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------------------|------|------|------|------|------|
| Issued by Ireland   | 97   | 99   | 163  | 69   | 64   |
| Executed by Ireland | 134  | 149  | 136  | 242  | 137  |
| Surrendered         | 74   | 117  | 95   | 125  | 129  |

Source: Department of Justice and the Garda Síochána

143 EU Observer, 2022. [Just under 16,000 European Arrest Warrants issued in 2020](#). [Accessed on 31 May 2024].

This inspection found that the Agreement was working efficiently for those who used it and no concerns or frustrations were expressed. The process is understood and this inspection found a general willingness to use the facility when a requirement was identified. On average, over 90% of the EAWs issued in Ireland are for the purposes of pursuing a prosecution, with a small proportion in connection with a person serving a custodial sentence in Ireland. While the EAW process appears straightforward, there are extensive requirements to consider in relation to legalities, the purpose for which the information will be used, and international assurances that punishment regimes upon conviction are compatible with the human rights approach applied in Ireland.

## European Investigation Order

The European Investigation Order Directive is an EU legal instrument introduced in 2014 to further enhance co-operation between European law enforcement agencies.<sup>144</sup> The EIO is designed to streamline information and evidence sharing between Member

States in criminal investigations. The instrument is based on the EU principle of “mutual recognition”, through which a judicial decision made in a Member State is recognised and treated with the same value in another Member State. It is based on trust that the issuing state’s request is legal, necessary and proportionate. Under the directive, an issuing state’s request to obtain evidence or conduct investigative measures, must be complied with by the executing state.

The life cycle of an EIO is illustrated in Figure 4.10. An issuing state drafts the order, which includes details on the person of interest and what evidence and investigative measures are required. The scope of investigative measures under an EIO includes covert investigations, witness or suspect hearings, telephone interceptions and information from financial institutions. The order will be issued to the judicial authority of the executing state, and if accepted, it will be executed. Once completed, any evidence gathered by the executing state will be returned to the original issuing state.

**Figure 4.10: Life cycle of a European Investigation Order**



Source: Eurojust, 2020. European Investigation Order

144 [Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters](#). [Accessed on 31 May 2024].

A major difference in the EIO compared to the MLA process is timing. Article 12 of the EIO Directive outlines the time limits in which the executing state must complete the request. A request must be accepted within 30 days and executed within 90 days unless there are grounds for postponement.

Under an EIO, any investigatory action into a person or crime will be conducted as it would be if the case were a domestic investigation. In terms of covert investigations, the executing state retains '*the right to act, to direct and to control the operation*'. An issuing state cannot direct how covert activity is conducted and any requests for covert activity must comply with national legislation and procedures of the executing state. The directive also provides for alternative investigative measures if, for instance, the measure does not exist under law in the executing state or if the measures are not available in a similar domestic case.

Article 10 of the EIO Directive stipulates that a number of investigative measures must always be available to an issuing state:

- (a) obtaining information or evidence which is already in the possession of and could have been legally obtained by the executing authority;
- (b) obtaining information contained in databases held by police or judicial authorities and directly accessible by the executing authority;
- (c) recording testimony from a witness, expert, victim, suspected or accused person or third party in the executing state;
- (d) any non-coercive investigative measure as defined under the law of the executing state; and

- (e) identifying the subscriber for a specified phone number or IP address.

While the directive allows for quite a broad range of measures, it also has a number of safeguards that allow for non-recognition or non-execution of an order by a Member State in cases where the executing state identifies that:

- (a) there is immunity or a privilege under the law of the executing state;
- (b) harm could be caused to essential national security interests, a source placed at potential risk or involve the use of classified information;
- (c) the requested action would not be authorised under the law of the executing state in a similar domestic case;
- (d) the action would be contrary to the principle of Double Jeopardy;
- (e) the EIO relates to a criminal offence that was committed outside the territory of the issuing state;
- (f) the EIO would be incompatible with the executing state's obligations in accordance with the European Charter of Human Rights and the European Convention on Human Rights;
- (g) the conduct for which the EIO has been issued does not constitute an offence under the law of the executing state (unless it concerns one of 32 offences listed in the directive);<sup>145</sup> or

145 [Annex D: The Categories of Offences Referred to in Article 11 of Directive 2014/41/EU](#). [Accessed on 31 May 2024].

- (h) the use of action indicated in the EIO is legally restricted in the executing state to a list of certain offences, which are not included in the EIO.

Point (g) suggests that the provision of dual criminality is available to the executing state, which is the principle that the conduct must be considered as an offence in both states. It is a common feature in a number of EU instruments such as the MLA and EAW and if the conduct surrounding the request is not an offence in the executing state then the request can be refused. In 2020, Eurojust provided an example of how dual criminality is applied under the EIO from an investigation in which bullet firing weapons were modified in a Member State so that they could not be used as firearms, rendering them legal as they are no longer considered firearms.<sup>146</sup> The modified weapons were couriered to another Member State in which they were classified as illegal and an investigation was commenced. EIOs were issued for witness hearings to support a judicial decision. Despite the absence of dual criminality in the executing Member State, the EIO was executed because no coercive measures (only witness hearings) were to take place. If a coercive measure had been requested, the executing Member State could not have executed the EIO, because the activity did not constitute a crime under the executing Member State's law.

In October 2023, the Advocate General for the Court of Justice of the EU published an opinion in relation to a case referred by the regional court of Berlin.<sup>147</sup> The case related to a number of EIOs issued by the Public Prosecutors Office in Berlin. The court was

asked a series of questions in relation to the transfer of information already in possession of law enforcement, in answer to which the Advocate General provided an opinion:

- > The EIO does not need to be issued by a judge, even if authority to gather the evidence would have to be ordered by a judge;
- > The assessment of necessity and proportionality is for the state issuing the EIO. Where there is inference of intrusion on private lives during the work to gather the information, that interference must be counterbalanced by serious public interest, if the information is to be used in the investigation and prosecution of crimes; and
- > It is for the issuing authority to establish whether and under which conditions the relevant national law allows for a transfer of evidence originally gathered under specific judicial authorities in the other jurisdiction. In this case, the interception of communication was involved, therefore the legality of using information from such interception, upon receipt in the issuing state, is the subject of domestic criminal procedures.

EU law does not, at this stage of its development, regulate the admissibility of evidence collected by way of an EIO issued contrary to the requirements of Directive 2014/41. The admissibility of evidence is a matter of national law.

<sup>146</sup> Eurojust, 2020. [Report on Eurojust's Casework in the Field of the European Investigation Order](#). [Accessed on 31 May 2024].

<sup>147</sup> Case C-670/22, [Saatsanwaltschaft Berlin v M.N. Opinion of Advocate General apeta delivered on 26 October 2023](#). [Accessed on 31 May 2024].

## Findings

Under Protocol 21 annexed to the Treaty of Lisbon, Ireland has the option to “opt-in” to EU instruments in the area of freedom, security and justice. As mentioned in the previous section, this option was not exercised for the EIO Directive ‘on the basis that it was inconsistent with Irish law and practice’.<sup>148</sup> This has resulted in Ireland being one of only two Member States not to opt-in to transpose the EIO Directive. The Minister for Justice and Equality at the time said:

*“Ireland raised a number of issues concerning the proposal including the grounds for non-recognition and non-execution of an EIO and, in particular, the absence from those grounds of a dual criminality provision with regard to certain coercive measures.”*

As a result of not opting-in to the directive, Ireland cannot make EIO requests. As a non-participating Member State, Ireland cannot process incoming EIO requests but does process MLA requests. In those cases, Ireland responds to such requests using the MLA process. On occasions this requires further information and protracts the process.

The Inspectorate accepts that dual criminality is not specifically referenced in the EIO. However, while it may not be stipulated in the directive, it is considered that the principle of the provision remains within the directive which will give the State the right to not recognise an order to carry out investigation measures into a matter which

does not constitute an offence in Ireland. For instance, under French law it is an offence to fail to provide assistance to anyone in danger.<sup>149</sup> This carries the penalty of up to five years imprisonment and a fine of €75,000. This is not a criminal offence in Ireland.<sup>150</sup> Therefore, should an order be received from France to arrest a person resident in Ireland for the offence of failing to render assistance, Ireland can refuse to act on it. Arrest is a coercive measure and the offence in France is not an offence in Ireland. However, if the French authorities only made an order to seek a witness hearing from the person, this could result in action, as it is not a coercive measure.

The Inspectorate recognises the concerns raised when EIOs were initially considered by Ireland. However, Eurojust provided clarification in a number of cases in which circumstances surrounding the application of dual criminality could or could not be invoked.<sup>151</sup> In addition, clarity was provided around the aspect of coercive and non-coercive measures. As a result of both clarifications, the Inspectorate believes that reassurance has been provided in relation to the protection of Irish law and practice if Ireland were to opt-in and transpose the Directive.

The dynamic nature of transnational organised crime means law enforcement agencies require fluency in international co-operation to ensure investigatory action can keep pace with criminal activity. The MLA

148 Kildarestreet.ie, 2014. *Written Answers, Wednesday, 4 June 2014, Department of Justice and Equality, EU Directives*. Available at: <https://www.kildarestreet.com/wrans/?id=2014-06-04a.456>, [Accessed on 31 May 2024].

149 Code Pénal, 2018. *Section 3: De l'entrave aux mesures d'assistance et de l'omission de porter secours, Article 223-6*. Available at: [https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000037289588](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000037289588) (French), [Accessed on 31 May 2024].

150 Part 3 of Civil Law (Miscellaneous Provisions) Act 2011 removes any personal liability for being a Good Samaritan by assistance, advising or caring for a person that is in serious and imminent danger, injured or apparently injured or suffering from an illness. Available at: <https://www.irishstatutebook.ie/eli/2011/act/23/section/4/enacted/en/html#part3>. [Accessed on 31 May 2024].

151 See note 146.



process is bureaucratic and resource intensive and while there is no alternative available to legally exchange evidence between jurisdictions in retrospective investigations, the EIO process does provide an efficient and dynamic option for live investigations. In doing so, it removes cases from the MLA process and enhances the ability of different jurisdictions to provide mutual support to tackle organised crime.

The Inspectorate considers that, given the clarity provided through the cases referred to, there are significant advantages to opting-in to the Directive. Additionally, as Ireland has opted-in to the incoming e-evidence regulation (discussed later in this chapter), the Directive will allow for judicial oversight of requests to service providers being carried out in part in the country of origin. While it is not possible to estimate the breakdown of international requests at this stage, it is believed that this additional instrument will complement the EIO in further reducing the demand from MLA on Irish authorities and on international jurisdictions where investigations originate in Ireland.

Finally, the issue of EU instruments not being compatible with the Irish legal system arose numerous times during the inspection. The Inspectorate recognises that transposing instruments intended for a civil law system into the Irish common law system is complex, particularly, surrounding decisions where investigative matters and judicial orders can be considered by the same person. This is not common in the Irish system due to the separation of powers and risks becoming bureaucratic; however, it has been successfully achieved with measures such as EAWs being transposed into the Irish legal system. The opinion provided in October 2023 by the Advocate General provided further reassurance to support opting-in. All the points made in the opinion are relevant,

especially the conclusion that an EIO did not have to be issued by a judge even when an order to produce the information in the receiving jurisdiction had to be made by a judge. Ireland is a jurisdiction where the production order will be issued by a judge, therefore this conclusion by the Court of the EU removes any concerns about acting on an EIO issued by a public prosecutors office elsewhere in Europe.

Additionally, under the common law system, the UK (prior to its withdrawal from the EU) was able to transpose the Directive into its legal system. In the post-Brexit era, the potential exists for other smaller common law countries such as Malta and Cyprus to look to Ireland for learning as to how new directives have been transposed. There is no reason for Ireland to fear being held up as an example; in fact, being viewed in such a way is a compliment and a good reason to be proactive and progressive when new instruments become available.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 4.4

#### European Investigation Order Directive

The Inspectorate recommends that the Department of Justice review the decision made in 2014 and now opt-in to the European Investigation Order Directive.

## Electronic Evidence Regulation

In order to further streamline and improve the process required to access electronic evidence (e-evidence), the EU Commission proposed new rules in 2019. These were designed to improve cross-border access to digital evidence, such as email, text messages, IP addresses and user account information. The new rules were enacted by the EU in June 2023. They consist of a regulation on EU production and preservation orders for electronic evidence in criminal proceedings.<sup>152</sup> They also include a directive on the categorisation of designated establishments and the appointment of legal representatives for the purpose of gathering e-evidence in criminal proceedings.<sup>153</sup> The information accessed through these rules can be used by law enforcement authorities to identify a person involved in, or provide further information on, suspected criminal activity. It is estimated that approximately 85% of criminal investigations involve digital data.<sup>154</sup>

Currently, in order to access electronic information in another jurisdiction, the majority of Member States may make the request using an EIO. In the case of Ireland and non-EU countries, an MLA request is made. While both are perfectly feasible methods to obtain evidence, they can be slow and ineffective, particularly when e-evidence can easily be transferred or deleted. Direct co-operation between law enforcement agencies

or judicial authorities and service providers does exist on a voluntary basis in relation to obtaining non-content data, but this is only an option for service providers based in the US and Ireland.<sup>155</sup> Requests for content data can only be obtained through an MLA request.<sup>156</sup> This reliance on voluntary co-operation by the service provider can result in less effective investigations and it can lack reliability, transparency, accountability and legal certainty.

The EU production order will provide the legal mechanism that will allow judicial authorities in one state to directly request data from service providers established or represented within another state, where those providers offer services in the EU. At the same time, the preservation order will prevent any e-evidence from being deleted by the service providers and ensure the protection of the data while a production order is being processed. Processing of orders will now have a quicker turnaround time for access to data as a service provider will be obliged to respond within eight hours in a case of an emergency or up to ten days for all other requests.

Figure 4.11 shows the limited number of steps involved in requesting e-evidence from a service provider. In cases where the service provider does not comply with the four-step process, the enforcing authority in the state where the service provider is located has the power to enforce the production order.

152 [Regulation \(EU\) 2023/1543 of the European Parliament and of the Council of 12 July 2023 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings](#). [Accessed on 31 May 2024].

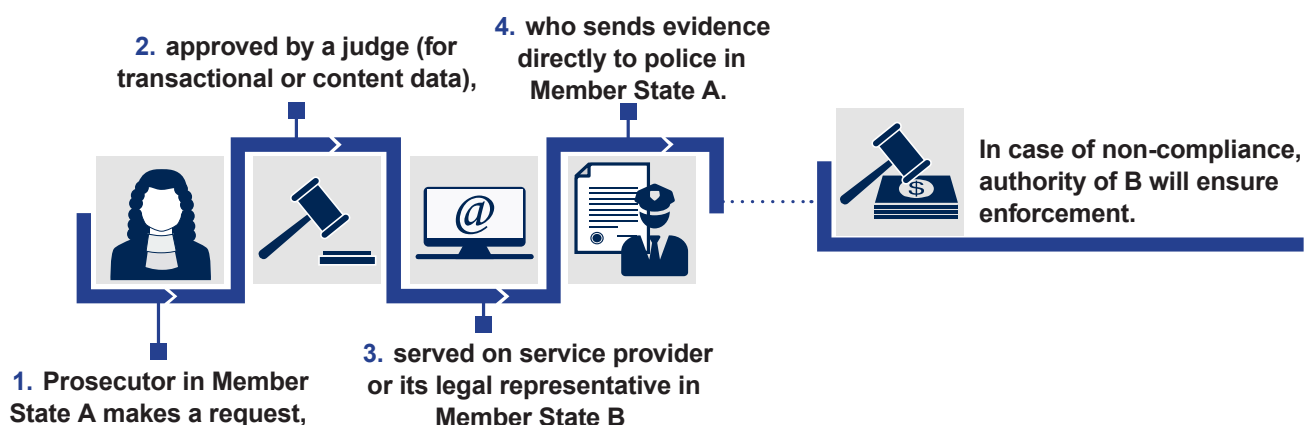
153 [Directive \(EU\) 2023/1544 of the European Parliament and of the Council of 12 July 2023 laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings](#). [Accessed on 31 May 2024].

154 European Council, n.d. [Better Access to e-Evidence to Fight Crime](#). [Accessed on 31 May 2024].

155 Non-content data includes basic information, such as email address, name, country, post code, and IP address. Other non-content data may include IP connection history and credit card or other billing information.

156 Content data is what users create, communicate, and store on or through a service. This may include content from an email, photographs or documents that are stored on the service provider's servers.

Figure 4.11: Steps to requesting e-evidence



Source: European Commission (2018); Security Union; Facilitating Access to Electronic Evidence

The directive will establish harmonised rules for service providers to appoint legal representatives, for the identification of designated establishments and for the collection of electronic evidence under a number of instruments, including the e-evidence regulation. This is an important instrument as it puts a legal obligation equally on EU and non-EU established service providers to have a physical presence within the EU, as representatives will have the responsibility for receiving, complying with and enforcing orders from Member States. This resolves the issue of where to send an order if the service provider has multiple establishments in the EU. The new rules will establish a clear legal framework that is binding for service providers and they may face sanctions of 2% of their worldwide turnover for failure to comply with an order.

While there are criteria under which a requested state may refuse to release data, a number of conditions have also been established as safeguards to be met in advance of issuing a production order. These include restricting requests for sensitive information, such as traffic or content data, to serious crimes that are punishable in the issuing state by a custodial sentence or a detention order for a maximum period of at least three years, or for specific offences where evidence will typically be available exclusively in

electronic form. This includes cases of fraud and electronic payment counterfeiting, child abuse material, cybercrime and terrorism.

### Findings

The e-evidence regulation is particularly relevant in the context of transnational organised crime, with the vast majority of crimes enabled or supported by a range of cyber or technical means. It is well documented that Ireland is the European headquarters for a large number of service providers including 15 of the top 20 global technology companies. When international law enforcement agencies require access to information held by one of these service providers based in Ireland, they submit an International Letter of Request seeking MLA. Given the number of technology companies based in Ireland, the demand placed on the Mutual Assistance and Extradition Office within the Department of Justice and on the Garda Síochána is considerable.

Currently, accessing this type of data can be a time-consuming task for Irish criminal justice partners, and this inspection found that some requests can take over 12 months to process.

The Inspectorate considers that the MLA process is ineffective and inefficient and struggling to manage the growing volume of requests for e-evidence.

The e-evidence legislative package is designed to resolve this challenge. The Inspectorate notes and fully supports Ireland's decision to opt-in to the e-evidence regulation. The Department of Justice is in the process of convening a working group with criminal justice partners on the implementation of the new rules.

The Inspectorate was informed that the processes determined by the regulation for administering e-evidence orders will lead to a very significant demand in this area. In terms of volume, e-evidence is expected to lead to a multi-exponential increase in the numbers of orders serviced in Ireland, but not all of these will translate into work for the enforcing authority. It is anticipated that administrative demand will shift from MLA channels to this new area but it is more likely that administrative demand will greatly increase overall due to the removal of barriers for requesting all types of evidence. As such, there may be additional requirements for the enforcing authority to carry out notification evaluations and enforcement action.

The Inspectorate welcomes the work undertaken by Ireland's representatives to encourage an approach which will see checks on proportionality and necessity of an order conducted by the judicial authority of the issuing state, prior to it being sent to the service provider. It is recognised that this concession is only relevant for non-identification traffic data and content data. This requires a limited evaluation process based on the information received. However, checks on proportionality and necessity of the order in all cases, whether for preservation or production and regardless of the data category, are carried out by a judicial authority in the issuing state.

Subject to the limitations at Article 8(2), the agreed regulation states that in cases of an order to access traffic or content data, the

issuing state has to notify the competent authority of the enforcing state by sharing the order with that authority at the same time as it is sent to the service provider. For example, if an investigation is being conducted by French authorities in relation to a person who is residing in Italy and they have an investigative requirement to access the person's Google traffic data, an order will be issued to both Google and the Irish authority as the data is located here. While Ireland will not be involved directly in the investigation, it will still have responsibility for assessing if the application conflicts with the fundamental rights or privileges and immunities of the subject. It is anticipated that this will result in a significant workload as a decision needs to be taken as to whether to refuse an order without knowledge of the person involved.

Requests will originate from judicial authorities across the EU, and will involve legal interpretation of domestic, constitutional and human rights law. Given the scale and complexity of this process, the Inspectorate believes that the responsibilities emanating from the e-evidence regulation should rest with the proposed independent central authority outlined in Recommendation 4.3.

## Police Co-operation Code

In 2021, the EU Commission proposed a Police Co-operation Code intended to strengthen police co-operation in its fight against OCGs which are now more sophisticated with strong and efficient communication systems and cross-border co-operation between their members. The Commission highlighted that the current framework decisions that are in place to govern the exchange of information do not ensure adequate and rapid exchange of information. Accordingly, the proposed

Police Co-operation Code will be in line with the commitment made in the EU's strategy to tackle organised crime.

The proposed code, which has been adopted by the Council of the EU and provisionally agreed at the European Parliament, consists of three legislative packages:

1. **A recommendation on operational police co-operation** which will set common EU standards for police officers when they co-operate with their colleagues in neighbouring countries in joint operations, or when officers of one EU country act in another EU country;
2. **A directive on information exchange between law enforcement authorities of Member States** which will introduce common rules on how law enforcement authorities of Member States exchange information; and
3. **A regulation on automated data exchange for police co-operation** which will enhance the arrangements for the Prüm II technology package referred to earlier in this chapter. This will enable faster exchange of data of special importance for law enforcement agencies and expands the data available from vehicle registration data and biometrics, such as DNA and fingerprints, to facial images and police records that are crucial in fighting crime.<sup>157</sup>

## Findings

Ireland is bound to the first two measures listed above due to a previous commitment under Council Decision 2002/192/EC to take part in some of the provisions of the Schengen Acquis in which these measures are considered to be a further development. However, as item 1 is a recommendation, it does not constitute a binding act. While there are a number of Schengen-related measures which would not apply to Ireland, such as cross-border hot-pursuit or cross-border surveillance, the recommendation contains a framework for joint operations, joint training and development, and it aims to ensure effective access to information through secure channels.

The European Commission recognised that the rules for exchanging information between jurisdictions within the EU lacked clarity. It also identified the inefficiency of the management tools for processing the exchange of information as well as a lack of common practice in the use of existing communication channels.<sup>158</sup> The directive on information exchange was established to provide a uniform framework for Member States to legislate on organisational and procedural aspects of information exchange between law enforcement authorities in the EU.

Finally, the regulation on automated data exchange for police co-operation will replace the previous Prüm II decision with a binding regulation. The new regulation will put in place rules to facilitate and accelerate the exchange of data related to DNA, fingerprints and vehicle registration.

<sup>157</sup> European Commission, 2021. [Police Co-operation Code: Boosting police co-operation across borders for enhanced security](#), [Accessed on 31 May 2024].

<sup>158</sup> European Commission, 2021. [Proposal for a Directive of the European Parliament and of the Council on information exchange between law enforcement authorities of Member States, repealing Council Framework Decision 2006/960/JHA](#), [Accessed on 31 May 2024].

The benefits to law enforcement agencies in Ireland from transposing all the elements of the Police Co-operation Code will include enhanced access to biometrics through international collaboration. This will improve the capability of the Garda Síochána to work with EU law enforcement bodies, share and draw biometrics information and more effectively tackle transnational organised crime.

On 26 April 2022, the Dáil passed the Prüm II motion.<sup>159</sup> This delivered the adoption and application of regulations to enable automated data exchange for police co-operation.

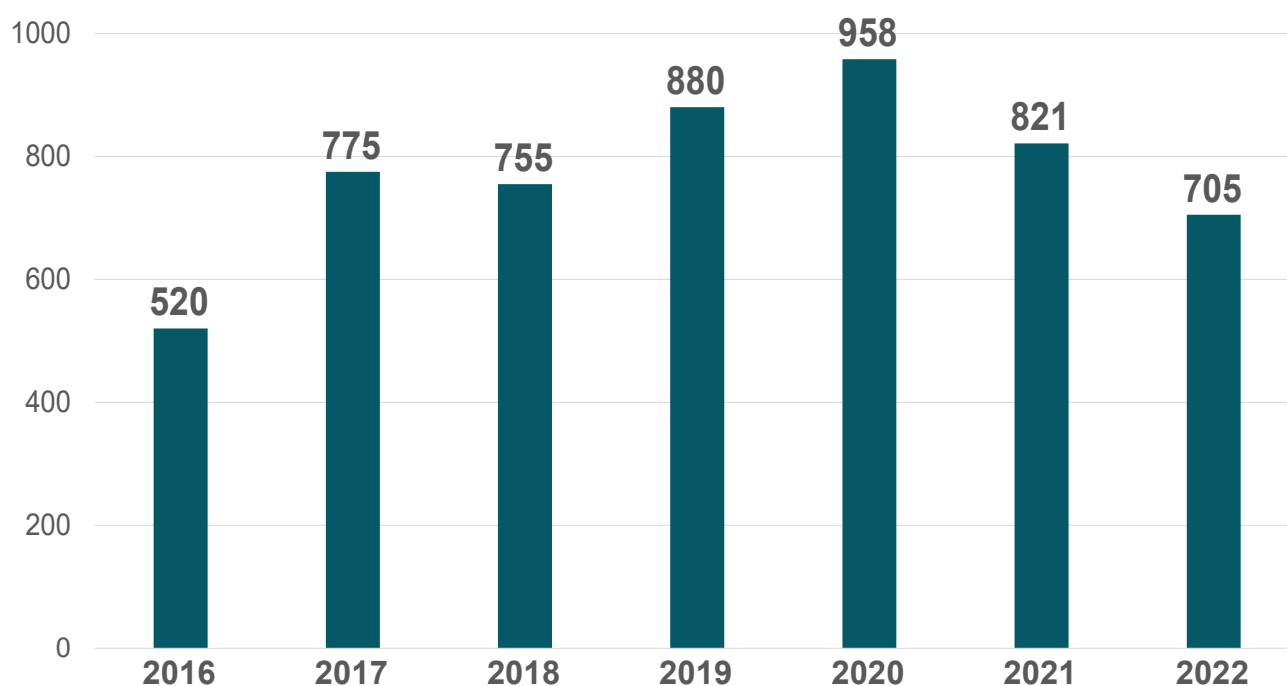
At the time of the inspection, the Garda Síochána had taken action to develop a single point of contact, and merge two of their international databases onto one system.

The introduction of a single point of contact will be in line with the directive as it will introduce a “one-stop shop” for the exchange of information with other EU law enforcement bodies, ensuring standardisation and efficiency in the process.

Ireland currently exchanges data on DNA profiles from crime scenes with 11 other EU countries. Since commencement of the DNA database, it has assisted 5,414 investigations through the identification of DNA profiles. Figure 4.12 provides the breakdown of investigations assisted from 2016 to 2022.

This success highlights the importance of continued co-operation. The Inspectorate strongly encourages the continuation of work to support international police co-operation in protecting against transnational organised crime by opting-in to the Police Co-operation Code at the appropriate time.

**Figure 4.12: Irish investigations assisted per year by the DNA database system**



Source: Forensic Science Ireland

159 The Houses of the Oireachtas, 2022, [Prüm II Proposal: Motion](#). [Accessed on 31 May 2024].

## Domestic Information Sharing

This section explores the exchange of information between the Garda Síochána and domestic partner agencies and looks at what is required to empower agencies to appropriately share necessary information legally and work collaboratively to protect communities from transnational organised crime.

## Pre-prosecutorial Advice

The sensitivity of criminal investigations and the sub judice nature of such matters when they are under judicial consideration and therefore prohibited from public discussion, causes garda members to be hesitant to share information. This hesitancy extends to sharing information with criminal justice partners, such as with the DPP. In other jurisdictions, early engagement with prosecutors is referred to as seeking ‘pre-prosecutorial advice’.

This enables investigators to discuss the evidence gathered and seek feedback on whether the threshold for charging has been reached.

## Findings

The DPP has issued a General Direction under Section 8 of the Garda Síochána Act 2005 in relation to the conduct or institution of prosecution proceedings.<sup>160</sup> This identifies the separate and distinct functions of investigation and prosecution and emphasises how the DPP as a general rule has no investigative function or power to direct garda members in their investigations. However, it refers to the DPP’s ability to advise investigators in relation to the

sufficiency of evidence to support nominated charges and the appropriateness of charges or to advise in relation to legal issues arising in the course of investigation. During this inspection, most garda investigators at regional and divisional level informed the Inspectorate that they do not routinely access the DPP for pre-prosecutorial advice and in many cases were reluctant to ask for it. However, at a national level, investigators were far more aware of the facility and were more likely to request advice. While it cannot be solely attributed to this hesitancy, the inspection team found a reluctance among many members to reach out to the DPP in advance of submitting investigation files.

The benefits of accessing pre-prosecutorial advice through early discussion with directing staff in the DPP is clearly evidenced in the Mullingar Human Trafficking prosecution case. In that instance, divisional investigators engaged and established a good rapport with the DPP. This relationship guided the investigation without compromising their individual roles and resulted in a successful court outcome following a complex and very challenging prosecution process.

The Inspectorate understands the value of making pre-prosecutorial advice available to garda investigators and made a recommendation to that effect in its *Crime Investigation (2014)* report.<sup>161</sup> Accordingly, while the Inspectorate recognises the potential resource implications for the DPP of providing this support, greater use of this by investigators should be encouraged.

160 Office of the Director of Public Prosecutions, 2019. [Guidelines for Prosecutors. 5th Edition](#). [Accessed on 31 May 2024].

161 Garda Inspectorate, 2014. *Crime Investigation. Recommendation 11.18*. [Accessed on 31 May 2024].

## Information Sharing Agreements

The introduction of GDPR in 2018 brought an acute focus on the legality of information and data sharing. The sharing of information is integral to effective investigation of transnational organised crime as it relies on co-operation and collaborative engagement between the affected jurisdictions and between relevant partners within Ireland.

As part of this inspection, the Inspectorate conducted a transnational organised crime public consultation process. This consultation included state bodies, non-governmental organisations and academia. When asked about engagement with the Garda Síochána in relation to strategies, plans or activities to tackle transnational organised crime, 54% of respondents said that they had engaged in the past five years, 61% of these at a national level and 30% in relation to analysis of crime trends. Only 38% had a Memorandum of Understanding (MOU) or other formal agreement in place with the Garda Síochána to facilitate information sharing.

## International and Comparable Practice

As highlighted in Chapter 1, the Scottish Crime Campus comprises a collaboration of 18 agencies including Police Scotland. Agencies are enabled to share information through a variety of information sharing or service level agreements. Agreements identify the reasons why information can be shared and establish parameters within which partner agencies operate. Examples were provided to the inspection team of safeguards that are place in order to prevent data breaches.

In New Zealand, agreements are accepted good practice. New Zealand Police has an

information sharing agreement focused on *'reducing gang-related harm to individuals and New Zealand society generally'*.<sup>162</sup> There are 12 participants to the agreement: the police, ministries of housing, education, health, social development, children and business, innovation and employment as well as the departments of corrections and internal affairs, New Zealand Customs, Inland Revenue and the Accident Compensation Corporation. The agreement has been positively reviewed by the Privacy Commissioner following exploration of the following questions:

- > If the agreement facilitated the provision of public service or services;
- > If the type and quantity of information shared is no more than is necessary;
- > If the agreement unreasonably impinged on the privacy of individuals and contained safeguards to protect privacy;
- > If the benefits outweigh the financial and other costs of sharing the information; and
- > If there were potential conflicts or inconsistencies between the sharing of personal information and any other enactment.

Interpol is a good example of a how information exchange can be enabled through establishing formal agreements with international inter-governmental and non-governmental organisations as well as with private entities that share their fields of interest. These examples of agreements

162 Privacy Commissioner, 2019. [Approved Information Sharing Agreement: Reducing gang-related harm to individuals and New Zealand society generally: Report by the Privacy Commissioner to the Minister of Police under section 96P of the Privacy Act 1993](#). [Accessed on 31 May 2024].



are also relevant to the work of the Garda Síochána in its efforts to tackle transnational organised crime. The Interpol agreements and their provisions are specific to the scope of co-operation established. This can include information exchange, mutual investigative projects and database access. Agreements are developed through negotiation in compliance with the relevant legal instruments and signed by representatives of the parties. They are living documents and can be amended where necessary.

## **Information Sharing Agreements – Training, Awareness and Development**

Within the Garda Síochána, there is a clear understanding of the need for information sharing agreements (ISAs) or MOUs.

For the purposes of this report any reference to ISAs should be read as encompassing MOUs. At the foundation of ISAs is data protection. Properly drafted ISAs will protect data appropriately while also ensuring effective use of information by sharing only what is relevant and only with those who need access to it.

The introduction of GDPR alongside a series of internal garda investigations and prosecutions in connection with data breaches has added to an apprehension regarding the sharing of information.

## **Findings**

The Garda Síochána has a Chief Information Officer whose role encompasses that of Chief Data Officer. While this focuses on the value and quality of data to the organisation, they also lead the National Data Protection Office which has responsibility for protection of data and GDPR.

The inspection team found examples of draft ISAs which have been years in development but are not yet finalised. There are also some agreements that have been in place for a considerable amount of time, without any formal review taking place. However, there are some examples of effective agreements established by the Garda Síochána with partner agencies, such as the agreement with the insurance industry to enable reporting of insurance fraud.

A number of collaborative agreements exist between the Garda Síochána and other departments and agencies. For example, the Garda Síochána has members temporarily attached to the Department of Social Protection as Social Welfare Inspectors who primarily investigate welfare fraud. These members have a legal entitlement to access social protection records. Other garda members who require information held by this department can gain access to it through submitting a Section 41 Data Protection application.

During this inspection, the Inspectorate established that, as a general rule, the Garda Síochána is good at relationship building and establishing trust. For example, the Garda Síochána and many international law enforcement agencies have effective police-to-police relationships, enabling legal and appropriate information sharing. Where this has become somewhat complicated is in international relationships with non-police agencies that are part of the same collaborative structure. Exchange of information with non-police organisations is clearly not empowered through the police-to-police arrangements, therefore an ISA is required if such relationships are to work effectively. An example of this is an agreement relating to the fisheries industry. The purpose is to enhance support in cases involving offending, such as allegations

of labour exploitation. The effect of the agreement has been to enable sharing of information between the Garda Síochána and the Workplace Relations Commission in cases where there is insufficient evidence to meet the criminal burden of proof but it is sufficient for the Workplace Relations Commission to successfully pursue proceedings.

The Joint Agency Response to Crime (JARC) is a strategic offender management initiative led by the Garda Síochána, Probation Service and Irish Prison Service, with the active support and engagement of the Department of Justice. It was established in November 2014 to:

- > Develop and strengthen a multi-agency approach to the management of prolific offenders;
- > Prioritise such offenders for targeted interventions and supports to address their behaviour; and
- > Reduce crime and victimisation in local communities.

JARC has an ISA in place and its targeted interventions in three pilot programmes – ACER3 (Kevin Street and Tallaght), Change Works (Dublin Metropolitan Region) and STRIVE (Ballymun) – have been subject to evaluations.<sup>163</sup> The evaluations reflected that sharing of information had improved significantly in ACER3, occurred between the three agencies in Change Works and delivered clear benefits in STRIVE. At the time of this inspection, an agreement had been reached to revise the model of JARC, with the intention that it will be rolled out nationally. The development of a supporting IT platform is a central requirement to the new model, facilitating necessary

information exchange between partners. This inspection found that outside of JARC, information sharing is more stilted and less fluent between the three organisations on a day-to-day basis.

## Assessment

A common inhibitor in seeking information from other agencies and expediting investigations is a fear of breaching data sharing processes or GDPR. In some instances, information sharing for garda members has been enabled through negotiating ISAs; however, there was an absence of knowledge in relation to how to develop them. The Inspectorate believes that the establishment of formal agreements should be standard practice to ensure staff from all agencies are authorised to appropriately share and access relevant information and as a result are better enabled to effectively tackle organised crime. In order to progress this, the Inspectorate believes that strategic garda leadership is required to progress ISAs with other partner agencies. It is expected that this would involve cascading guidance across the Garda Síochána on data protection and GDPR compliance. Access to professional advice is required to ensure that agreements are expertly drafted and legally compliant. This approach is intended to grow understanding and confidence around what can be shared, how to limit sharing to what is necessary and how this can be achieved legally and appropriately through the negotiation of ISAs. The Inspectorate recognises the relevance of this work to the Data Protection Unit and the appropriateness of it being led by the Chief Information Officer.

In order to enhance information sharing with other agencies, the Garda Síochána

163 J-ARC Evaluation Framework Working Group, 2018. [Critical Review of Initial Evaluations on the Three J-ARC Pilot Projects](#). [Accessed on 31 May 2024].

needs to create an awareness programme for developing effective ISAs. To ensure that information is protected, and only relevant information shared appropriately, all ISAs and MOUs need to be reviewed and updated on a regular basis. Accordingly, the Chief Information Officer should retain ownership of a complete list of all current ISAs and manage a cycle of timely reviews to ensure that they are up to date and fit for purpose.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 4.5

#### Information Sharing Agreements – Training, Awareness and Development

The Inspectorate recommends that the Garda Síochána appoint a strategic lead to create an awareness programme for developing information sharing agreements and introduce a monitoring system to ensure that agreements are subject to regular review. This should include:

- > The availability of subject-matter experts to support the drafting and negotiation of agreements with partner agencies;
- > Raising awareness through the provision of guidelines and assistance for developing agreements; and
- > Creating a database of all agreements.

## The Office of the Revenue Commissioners

Revenue and Customs is a key criminal justice partner in the work to disrupt and dismantle domestic and transnational OCGs. Revenue holds vast amounts of information that could assist garda investigations and Customs is a frequent partner in searches, primarily at ports of entry into Ireland. The effective and efficient delivery of this work relies on the fluent exchange of relevant information.

## Findings

While there is a process in place that allows the Garda Síochána to seek information from Revenue and Customs, it relies on a garda member disclosing the reason for the request. This is inconsistently applied and under-used, primarily due to a garda reluctance to disclose the reason for the request. This inspection found examples of situations where the reticence to provide the reason for the request has resulted in a refusal by Revenue and Customs to share information. However, there are also some good examples where information was shared between the two agencies. An MOU between the Garda Síochána and Revenue was signed in 1996 and is considered by both agencies to be dated and due for review.

## Assessment

The MOU between the Garda Síochána and Revenue has not been refreshed since 1996. The Inspectorate believes that an effective agreement between these two agencies is critical to the protection of Irish borders and to tackle the threat posed by OCGs. To enable better sharing of information, the MOU should be reviewed as a matter of urgency. Interagency information sharing should be at the core of this agreement.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 4.6

#### Memorandum of Understanding Office of the Revenue Commissioners

The Inspectorate recommends that the Garda Síochána work with the Office of the Revenue Commissioners to review and update the current Memorandum of Understanding and ensure that information sharing is a core component.

## Tusla

The Child and Family Agency for Ireland (Tusla) and the Garda Síochána are critical partners with each depending on the other for many aspects of their roles.

## Findings

In its *Responding to Child Sexual Abuse. A follow-up review (2017)*, the Inspectorate recommended that the Garda Síochána in conjunction with Tusla develop a national protocol for the sharing of information.<sup>164</sup> Although an ISA between the Garda Síochána and Tusla has been in development for a considerable period of time, it is disappointing to find that it is still not in place. A data sharing MOU was signed by the Chief Executive of Tusla and Assistant Commissioner Organised and Serious Crime in early 2023.

There is a Joint Working Protocol in operation that was signed in December 2017 with a commitment to review it annually.<sup>165</sup> The date of signing and the legislation quoted within the protocol all pre-date GDPR. An interim review took place in 2019 and a full review commenced in 2022. A joint report on the findings of the review has been completed but not yet published. The protocol provides guidance on confidentiality and information sharing. This guidance clarifies how the Data Protection Acts 1988 and 2003 allow appropriate information sharing and outlines the circumstances in which information can be shared. The protocol is clear that any information shared by Tusla must not be shared onwards with any third party unless Tusla considers it appropriate. The wording delivers a clear message that information sharing is strictly controlled and the consequences of getting it wrong are prosecution. During this inspection, garda members and Tusla representatives expressed frustration with the continued reluctance of the two agencies to share relevant information.

The requirement for a properly constituted ISA between Tusla and the Garda Síochána is further emphasised in the third *National Action Plan to Prevent and Combat Human Trafficking*. This plan places considerable emphasis on ‘an enhanced and coordinated operational response from Tusla and An Garda Síochána’ in work across a number of actions, including delivery of the new National Referral Mechanism and building on the multi-agency support for child victims of human trafficking.<sup>166</sup>

<sup>164</sup> Garda Inspectorate, 2017. [Responding to Child Sexual Abuse. A follow-up review. Recommendation 2.3](#). [Accessed on 31 May 2024].

<sup>165</sup> Tusla, 2017, [Joint Protocol for Interagency Collaboration between the Health Service Executive and Tusla – Child and Family Agency to Promote the Best Interests of Children and Families](#). [Accessed on 31 May 2024].

<sup>166</sup> See note 11.

## Assessment

The absence of a properly constituted ISA between the Garda Síochána and Tusla is considered as a major barrier to better interagency working. Accordingly, the Inspectorate retains the view that an ISA can enable positive and proactive co-operation. This inspection restates the recommendation made in 2017 and encourages the completion of the ISA and the publication of an updated Joint Working Protocol.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### **Recommendation 4.7**

#### **Information Sharing Agreement with Tusla**

The Inspectorate recommends that as a matter of urgency the Garda Síochána work with Tusla to finalise and implement an information sharing agreement and publish an updated Joint Working Protocol.

# 5

## *Chapter 5*

### *The Rights and Experiences of Victims*



CIGIREACHT AN GHARDA SÍOCHÁNA  
GARDA SÍOCHÁNA INSPECTORATE

# Chapter 5 The Rights and Experiences of Victims

## Introduction

This chapter begins by describing the European and domestic legal framework for victims' rights. It explores the current context in relation to the support provided to victims of crime in Ireland and the basic requirements necessary to create a system which is holistic, victim-led and sufficiently dynamic to withstand the transient nature of transnational organised crime and the wider victim landscape in Ireland.

In particular this chapter examines:

- > European and domestic legal frameworks;
- > Victim support structures;
- > Strategic approaches to victim support;
- > Assessment of victims' needs and provision of initial support;
- > Trauma-informed and responsive approaches;<sup>167</sup>
- > Barriers to prosecution;
- > Cuckooing;<sup>168</sup> and
- > Individuals with dual victim/offender status.

Most importantly, this chapter looks at the victims' experience of transnational organised crime and examines some of the barriers to providing a better support system. Victims identified through the official reporting mechanisms are only a small proportion of those affected by the impact of transnational organised crime, and in reality, there are far more victims who will never approach the Garda Síochána or other support agencies to report their crimes or seek help.<sup>169</sup>

## European and Domestic Legal Framework

### The Victims' Rights Directive

The European Union (EU) Victims' Rights Directive requires that a victim must be recognised as such and have supports available and offered to them, irrespective of their involvement with the criminal justice system.<sup>170</sup>

Figure 5.1 shows how the directive aims to establish a minimum standard for victims of crime across Europe and was part of the same package of directives which also focused on human trafficking and child sexual exploitation.

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167 A trauma-informed or responsive approach is a framework that enables appropriate interaction with individuals who have been exposed to negative or dangerous experiences. By working in a trauma-informed way, service providers are aware of the signs of trauma and respond by utilising practices that ensure impacted individuals feel safe and supported, minimising the risk of further trauma.

168 Cuckooing is the term used to describe the practice where criminals take over a person's home and use it to facilitate exploitation.

169 The Inspectorate consulted with a number of victims throughout the course of this inspection. While it is acknowledged that some individuals prefer the term 'survivor' to reflect their experience, the Inspectorate clarified the preferred term for each individual before reflecting their experience in this report.

170 The Victims' Rights Directive; *Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.*

Figure 5.1: Victims' Rights Directive



Source: European Commission, 2017. The Victims' Rights Directive. What does it bring? Factsheet

This directive followed the 2001 *Council Framework Decision on the standing of victims in criminal proceedings*, which marked the first time European crime victims were given legally binding rights in all EU Member States.<sup>171</sup> While implementation of the directive is currently ongoing, the EU Commission took a number of infringement cases in relation to Member States that had not fully transposed the minimum standard in terms of victims' rights as agreed by the EU. All but one of those cases is now

closed.<sup>172</sup> This was a challenge identified in the framework decision, with evaluation reports concluding that no Member State successfully implemented the 2001 decision and gave victims access to all rights.<sup>173</sup> Following an evaluation of the directive by the Commission in 2022, it is currently being revised to ensure more access to rights for victims of crime. Proposed revisions include enhanced assessment processes to identify protection needs, better access to targeted support services for vulnerable

171 [2001/220/JHA: Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings](#). [Accessed on 31 May 2024].

172 The Commission had infringement proceedings for incomplete transposition of the Victims' Rights Directive against Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia and Sweden. At the time of this inspection, only Bulgaria's proceedings were ongoing.

173 Victim Support Europe, 2009. [Annual report 2008-2009](#). [Accessed on 31 May 2024].



victims, free psychological support, access to compensation, and more active involvement in criminal proceedings.<sup>174</sup>

The Criminal Justice (Victims of Crime) Act 2017 transposed the Victims' Rights Directive into national law. The Act outlines a number of new statutory rights for victims, including:

- > The right to receive information on support services and entitlements as part of the criminal justice system;
- > The right to be provided with updates relating to their case and any investigative/court proceedings (including any decision relating to

non-prosecution and the right to request a review of that decision);

- > The right to receive information on the release or escape of any offender who is serving a custodial sentence for an offence committed against them; and
- > The right to receive information that is clear and concise, with access to communication, translation and interpretation services as required.<sup>175</sup>

As shown in Figure 5.2, the Act also provides for protective and special measures to protect victims during the investigation and any subsequent criminal processes.

**Figure 5.2: Rights and provisions available to a victim of crime under the Criminal Justice (Victims of Crime) Act, 2017**



Source: Criminal Justice (Victims of Crime) Act 2017, adapted by the Garda Inspectorate

174 European Commission, 2023. [Questions and Answers: Amending the Victims' Rights Directive](#). [Accessed on 31 May 2024].

175 [Criminal Justice \(Victims of Crime\) Act 2017](#). [Accessed on 31 May 2024].

## Protective and Special Measures

While Member States manage the provision of protective and special measures differently, the European Convention on Human Rights (ECHR) outlines certain entitlements that specifically relate to victims, including the most vulnerable victims in need of additional support. Both the Victims' Rights Directive and EU Strategy on Victims' Rights 2020–2025 strive to ensure that victims receive the appropriate protection and support throughout the criminal justice process.<sup>176</sup> The purpose of protective measures during the criminal justice process is to keep victims safe by limiting contact with offenders or preventing re-victimisation, intimidation or retaliation. These measures can include advice on how to enhance safety, or certain court-obtained orders to provide more formal protection. Special measures are additional protections for vulnerable victims of crime, to ensure these victims are enabled to engage with the criminal justice process in a way that is reflective of their needs. A vulnerable victim could be a child, an individual with specific developmental, language or comprehension needs, a victim who has experienced a violent or traumatic event, or a witness who is placed at an enhanced level of risk by engaging in the criminal justice process. Special measures can include the option to be accompanied by an appropriate adult or support service, access to interpretation or translation services, provision of accommodation, or the option to provide evidence remotely via video link.

In Ireland, a range of special measures was first introduced as part of the Criminal

Evidence Act 1992 and these have been revised in both the Criminal Law (Sexual Offences) Act 2017 and the Criminal Justice (Victims of Crime) Act 2017. These measures were introduced following reports published by the Law Reform Commission in 1990 which highlighted a number of barriers that traditional criminal processes created for vulnerable victims and witnesses in Ireland.<sup>177</sup> The intention of these measures was to counteract the sometimes hostile and traumatising impact of traditional criminal proceedings.<sup>178</sup> Section 15 of the Victims of Crime Act 2017 outlines guidelines for protective or special measures to be provided to victims if required. An assessment completed by either the Garda Síochána or Garda Síochána Ombudsman Commission (GSOC) identifies the type and extent of protection needed, and different measures that can be put in place. Depending on the individual circumstances, measures can include a screen to shield the victim or witness from the accused during court proceedings, the option to provide evidence via remote video link or the provision of appropriate support for vulnerable adults.

## Compensation

In 2004, an EU Directive specified the right to compensation for victims of crime. It states that *“All Member States shall ensure that their national rules provide for the existence of a scheme on compensation to victims of violent international crimes committed in their respective territories, which guarantees fair and appropriate compensation to victims”*.<sup>179</sup>

176 European Commission, 2020. [EU Strategy on victims' rights \(2020-2025\)](#). [Accessed on 31 May 2024].

177 The Law Reform Commission, 1990. [Report on Child Sexual Abuse](#). [Accessed on 31 May 2024].

178 Cusack, A., 2020. [Beyond Special Measures: Challenging traditional constructions of competence and cross-examination for vulnerable witnesses in Ireland](#). *Irish Judicial Studies Journal*, 4(2). [Accessed on 31 May 2024].

179 [Council Directive 2004/80/EC relating to compensation to crime victims](#). [Accessed on 31 May 2024].

In 2019, Victim Support Europe<sup>180</sup> published a report that identified that some Member States failed to meet the directive's demand for appropriate and accessible support for victims in accessing compensation.<sup>181</sup> This was found to be due to elements such as a lack of knowledge, burden of paperwork, lack of support in submitting compensation claims and variations in application procedures. The report found that in some cases, *"The length, cost, complexity and emotional consequences of the compensation procedure results in victims abandoning proceedings, and even acts as a dissuasive factor for potential applicants"*.

In Ireland, the Criminal Injuries Compensation Tribunal 1974 was a significant step in terms of securing compensation for victims of violent crime or individuals impacted while trying to save a life or prevent a crime and in 2021 the Minister for Justice published the revised Criminal Injuries Compensation Scheme.<sup>182</sup>

## Communication, Interpretation and Translation Services

The EU Directive 2010/64/EU outlines the right to interpretation and translation services during criminal proceedings. The directive recognised the right to translation and interpretation services for those individuals who require these supports in order to ensure Article 6 (Right to Fair Trial) of the ECHR is upheld.

In Ireland, section 22 of the Victims of Crime Act 2017 details that supports in relation to communication, interpretation and translation must be provided to victims who

require them. Depending on the context, the responsibility for accessing translation or interpretation services for victims lies with the Garda Síochána, GSOC, the Director of Public Prosecutions (DPP), the Courts Service, the Irish Prison Service, the director of a children detention school or the clinical director of a designated centre. In relation to criminal proceedings, communication, interpretation and translation services should be provided to individuals prior to any proceedings commencing and these supports can be requested by the victim, courts, or identified by the Garda Síochána or DPP.

## The European Convention on Human Rights

The Victims' Rights Directive must also be considered in the context of the ECHR. Despite not explicitly naming victims, the Convention gives rights to all individuals and a number of those are particularly relevant to victims of crime.<sup>183</sup> These include the following articles:

- > 2 – Right to life;
- > 3 – Prohibition of torture;
- > 4 – Prohibition of slavery and forced labour;
- > 6 – Right to fair trial (which applies to not only the accused but the victim);
- > 13 – Right to an effective remedy, for individuals whose rights have been violated; and
- > 14 – Prohibition of discrimination.

180 Victim Support Europe (VSE) is the leading European umbrella organisation that advocates on behalf of all victims of crime. VSE represents 72 national member organisations, providing support and information services to more than 2 million people affected by crime every year in 35 countries.

181 VSE, 2019. [A Journey from Crime to Compensation: An Analysis of Victims' Access to Compensation in the EU](#). [Accessed on 31 May 2024].

182 Criminal Injuries Compensation Scheme, 2021. [Terms and Conditions of the Criminal Injuries Compensation Scheme](#). [Accessed on 31 May 2024].

183 European Court of Human Rights, n.d. [European Convention on Human Rights](#). [Accessed on 31 May 2024].

The ECHR places certain obligations on Member States to take preventative measures, investigate, criminalise wrongdoing and protect victims and witnesses.

## Group of Experts on Action against Trafficking

GRETA is the Council of Europe's Group of Experts on Action against Trafficking in Human Beings with responsibility for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. GRETA meets three times a year, completes evaluations and produces reports on how different countries are implementing legislation and other measures in line with the Convention.

## Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission (IHREC) is Ireland's national human rights and equality institution. With a mandate established under the Irish Human Rights and Equality Commission Act 2014, IHREC is an independent public body that reports to the Oireachtas. IHREC's purpose is to protect and promote human rights and equality in Ireland and build a culture of respect for human rights, equality and intercultural understanding. Under Article 19 of the EU Anti-Trafficking Directive, all Member States are legally required to have National Rapporteurs or equivalent mechanisms and in October 2020, IHREC became Ireland's independent National Rapporteur on the Trafficking of Human Beings.

## The Victims Charter

Ireland's Victims Charters of 1999, 2010 and 2020 strived to place more focus on the victim by improving information and outlining entitlements. The charter details the domestic criminal justice system from the perspective of the victim and specifies the rights and entitlements provided by the different agencies and services offering support. The charter guides the work of agencies providing support to victims.

## Victim Support Structures

In order to ensure that the appropriate services are in place for victims of serious crime, it is important to have strong enabling legislation to support victims as well as deal with perpetrators. This section examines how legislation and support services in other jurisdictions compare to the structures designed to support victims in Ireland.

## International and Comparable Practice

In Scotland, the Criminal Procedure Act 1995 outlines who is considered a vulnerable witness in criminal proceedings and what is required to ensure that such witnesses can access special measures when giving evidence. Vulnerable victims in this context include anybody under the age of 18 and victims of crimes such as sexual offences, human trafficking, domestic abuse and stalking. Once deemed vulnerable, witnesses are automatically entitled to give evidence either behind a screen, accompanied by a support person, or via a remote television link. Additional measures that may be deemed necessary by the court include the provision of evidence in chief by prior statement or closing the court to members of the public. In addition to victims and witnesses who are deemed vulnerable according to the criteria, prosecutors can

also make applications to enable the use of special measures for other victims or witnesses if there is a risk that the quality of their evidence will be diminished by either mental health issues or fear or distress in relation to giving evidence. The Vulnerable Witnesses (Criminal Evidence) Act 2019 created provisions for evidence provided by children to be pre-recorded.

In Scotland, the Crown Office and Procurator Fiscal Service refer all child and vulnerable witnesses to their internal specialist Victim Information and Advice Service. On receipt of a referral, officers from this service contact victims and witnesses to provide information about the case and to discuss available special measures to support them in engaging with the criminal justice process. The Lord Advocate has issued guidelines to Police Scotland to ensure consistency in terms of recording and reporting all relevant information relating to potential vulnerabilities to prosecutors so informed decisions can be made about the provision of special measures.

While Sweden previously came to the attention of the EU Commission for not fully transposing the Victims' Rights Directive<sup>184</sup>, it has implemented measures in an attempt to enhance the right to support for victims while also remaining cognisant not to negatively impact on the rights of offenders.<sup>185</sup> In the Swedish system, victims have certain rights not available in other jurisdictions, such as the ability to submit evidence, join the criminal case as an additional prosecutor and pose questions to the defendant and witnesses. The main non-governmental support organisation is called

Victim Support Sweden and was based on the model of the National Association of Victim Support Schemes founded in England and Wales.<sup>186</sup> Legislative developments have also improved supports for victims over the past couple of decades, with the introduction of requirements for the police and prosecution to provide victims with appropriate information and support. Most notable was the establishment of the Crime Victim Fund in 1994, which introduced a standard fee payable by all perpetrators convicted and sentenced. This fund is now the primary source of financial support for Victim Support Sweden, and also supports research and non-governmental organisation (NGO)-led initiatives.

In terms of special measures, the Swedish legal system does not allow witnesses to be anonymous; however, since January 2022 new legislation allows pre-recorded interviews to be used as evidence in court in a wider range of circumstances. This legislation also allows for police interviews to be shown in court in lieu of a witness being present, in some circumstances based on a threat assessment completed by the police.

Victim support in New Zealand is a multi-agency endeavour and the different agencies and organisations have a range of responsibilities in ensuring the needs of victims are met. In addition, victims of serious crimes have additional rights, such as the right to be informed about a perpetrator's bail and express their views, the right to receive notifications and updates after sentencing, the right to nominate another representative to receive updates on their behalf, and the right to make a submission

184 Sweden's infringement case for not transposing the Victims' Rights Directive was closed in December 2020.

185 Svensson, K. & Gallo, C., 2021. [Saying or doing human rights? A study of victim support Sweden](#). *International Journal of Comparative and Applied Criminal Justice*, 45(1), pp. 127–138. [Accessed on 31 May 2024].

186 The National Association of Victim Support Schemes was created as an 'umbrella body' for the local schemes. Funding came from private trusts and the UK Home Office's Voluntary Services Unit.

in relation to parole or extended supervision orders. Notifications to victims are managed through a central system, the Victim Notification Register, and victims receive updates through this system until the end of the offender's sentence. This right is outlined in the Victims' Rights Act 2002.

The provision for special measures in New Zealand is outlined in the New Zealand Evidence Act (2006) which details the alternative ways witnesses and victims can give evidence at trial. This can include via a third party, video link from outside the courtroom or pre-recorded video. The responsibility for applying for special measures lies with the prosecutor, and the decision to grant these measures is made by the judge based on a number of factors such as age, maturity, trauma suffered, any risks to the victim, and the nature of the evidence. The judge must have regard for the right to a fair trial, while also remaining cognisant of the needs of the victim and witnesses. If victims feel that their needs or rights have not been met by any of the agencies responsible, they have several options for follow-up, including with the agency directly, through the Victims Information Line, the Office of the Ombudsman, Independent Police Conduct Authority or the Privacy Commissioner.

Many jurisdictions operate systems of pre-trial hearings and pre-trial rulings in advance of proposed trial dates to bring all parties together to discuss specific aspects of the case including issuing witness lists, deciding on special measures for victims and ensuring disclosure is complete. The main intention is to establish if the case is ready for trial and to avoid adjournments of cases that impact on witness and court time. In most other jurisdictions, they are usually held four weeks before a trial date and involve both the defence and prosecution. At the hearing, the defendant is required to enter a formal

plea to the offences charged. The prosecution can identify witnesses where there is an opportunity to tender statements instead of a personal appearance and whether any video link or CCTV evidence will be used. A most important element is ensuring that full disclosure has been completed.

Intermediaries are commonly used in cases in England and Wales to set parameters about how to treat a child or vulnerable adult witness. They are generally speech and language therapists who act as independent experts who mediate between vulnerable witnesses and lawyers both at police interviews and during court trials. Appointed intermediaries will attend Ground Rules Hearings that exist to ensure that a vulnerable person, who may have communication difficulties or a learning disability, receives a fair hearing and to advise the court on how questions should be framed. Ground Rules Hearings should be a necessary part of the trial process when dealing with very young or vulnerable witnesses to establish rules for questioning, including how and in what way a witness is cross-examined and agree short, simple questions to ensure the child or vulnerable witness can achieve his or her best evidence. It is also important to ensure that the least amount of trauma is placed upon that witness during the course of their involvement in the criminal justice system. What is important is that the approach should be agreed at a much earlier stage to allow early preparation for the legal teams and engagement with interested parties.

## Findings

In Ireland, while the Victims Charter guides the work of organisations and agencies providing support to victims, a criticism expressed to the Inspectorate by many interested parties is that it does not confer legal rights on the victim, with the rights

being detailed in the Criminal Justice (Victims of Crime) Act 2017. In terms of the implementation of this Act and the Victims' Rights Directive, this inspection found that while there is a general awareness among members of the Garda Síochána of the supports a victim of crime should ideally receive, in most cases the support provided is unco-ordinated, conditional on local resources and inconsistent.

### Victim Services

External to the Garda Síochána, there are many agencies across the country who provide ongoing support to victims. In January 2023, the Minister for Justice announced €5.25 million in funding for organisations supporting victims of crime. Some of these have a national remit, and others are based locally and provide targeted support in specific catchment areas. In terms of national supports, the Crime Victims Helpline consists of two full-time staff and a team of approximately 20 volunteers. The helpline supports anyone who has been impacted by crime, regardless of the nature of the crime, when the crime happened, or whether or not it has been reported to the Garda Síochána. Helpline staff and volunteers have a good understanding of the issues and difficulties frequently encountered by victims of crime. According to its Annual Report 2022, 82% of calls were from victims, 6% from friends or relatives, 6% from Garda Victim Service Offices and 4% from members of the public.<sup>187</sup> On average, the helpline responds to between 4,000 and 5,000 calls per year. Crime Victims Helpline is one of the numbers beginning with '116', numbers reserved in national numbering plans for "Harmonised Services of Social Value". Such services are available in several EU countries and the rationale behind assigning the prefix

to these numbers was that anyone travelling around Europe will be able to use these services for free by calling the same six-digit memorable number, making it easier for EU citizens to receive help and advice.

The valuable work of victim support agencies presented strongly throughout the inspection, with many of the victims consulted referencing the support received as a key enabler for their engagement with the criminal justice system. However, the inconsistent provision of these supports presented as a key barrier, with one victim support practitioner stating;

*"The support available to a victim of crime in rural Ireland is very different to the support available to a victim in Dublin. Victim support is not standardised across Ireland and we need a better understanding of what's needed to achieve more consistent service provision".*

### Victim Identification

While most support provided to victims by the Garda Síochána is reactive and tends to focus on individuals who have officially reported their experience, there are many people who will never substantiate a criminal complaint or come forward to report their experience. Self-incrimination, retaliation or rejection presented strongly throughout the Inspectorate's victim consultation process, something that was also reinforced by support agencies and other relevant stakeholders who met with the inspection team. For example, a legal professional who specialises in cases of human trafficking and labour exploitation highlighted that Ireland's victim identification process needs to be proactive rather than reactive, stating that;

187 Crime Victims Helpline, 2023. [Annual Report 2022](#). [Accessed on 31 May 2024].

*“It’s not good enough to provide a delayed response once a potential victim is identified. Instead, we should actively seek out victims in an attempt to identify them at the earliest opportunity to prevent further traumatisation”.*

This point was also emphasised by the US Department of State’s *2023 Trafficking in Persons Report: Ireland*.<sup>188</sup> This report identified that deficiencies are still present in relation to victim identification, referral and assistance, and services for victims remain inadequate. Priority recommendations relating to the identification of victims include *“Increased efforts to proactively identify and protect all victims, especially Irish citizens, victims of labour trafficking and forced criminality, and vulnerable populations like children, sea fishers, and asylum-seekers”*.

### **Protection for Vulnerable Victims and Witnesses**

While the Garda Síochána is responsible for ensuring protective or special measures are provided during its contact with the victim/witness at the initial stages of the criminal justice process, in terms of the court process, the final decision on measures rests with the trial judge. Even if a rationale for special measures is provided in the initial stages of an investigation, the defence team for the accused can make objections and provision is not guaranteed. This can cause significant uncertainty and fear for victims and witnesses. Inconsistent provision of protective and special measures presented strongly from the Inspectorate’s consultation with support services. Many professionals referenced the lack of certainty in securing these as a significant barrier for victims in

reporting their experiences and progressing with the criminal justice process. An academic who specialises in victim studies informed the Inspectorate that despite numerous attempts, they have been unable to secure a clear answer on who has overall responsibility for comprehensively assessing the needs of victims and exploring or offering consistent protection or special measures. This inspection found that despite the introduction and revision of these measures in various Acts, their availability and provision is inconsistent and conditional. For example, even in cases where there is a clearly identified vulnerable victim, the provision of protection or special measures is not guaranteed.

At the start of a human trafficking investigation studied by the Inspectorate, the victims’ vulnerability was identified as a key factor by investigating garda members. Once the prosecution commenced, the victims were required to attend court for a number of pre-trial bail hearings, at which defence counsel questioned them. Agency representatives described the manner in which the victims were dealt with as *“chaotic, aggressive and intimidating”*, and expressed admiration that the victims agreed to give evidence at the subsequent trial. While the investigating members sought support for the victims from Ruhama and the Health Service Executive’s Anti-Human Trafficking Team, no additional protective or special measures were approved during the course of the trial. In addition, the victims had to be present in court with their traffickers during the six-week trial.<sup>189</sup> As stated by one professional involved with the case:

188 US Department of State, 2023. [2023 Trafficking in Persons Report: Ireland](#). [Accessed on 31 May 2024].

189 Ruhama is an Irish non-governmental organisation and registered charity that offers nationwide support to women impacted by prostitution, sex trafficking and other forms of commercial sexual exploitation.



*“In Ireland, the primary concern is that the defendant is innocent until proven guilty, whereas the victim is guilty and has to prove their innocence”.*

Similarly, a victim of human trafficking spoke to the Inspectorate about the barriers to securing a barring order against a man who was stalking her. One of the challenges for her was that she needed to know his name in order to apply for the order. In this case, he wasn't known to her personally and data protection regulations prevented his details from being shared with her. Issues in relation to securing protection presented strongly for victims across other transnational crime types. The structure of modern criminal networks means that victims of crime are very rarely dealing with one perpetrator, so obtaining an order to protect them is very difficult as naming one individual does not protect you from the wider criminal network. This is one reason why victims of transnational organised crime are often reluctant to report their experience to the Garda Síochána in order to obtain protection or support, as the personal risks are too high. Another agency representative working with victims of exploitation stated that the most significant thing that could happen to support victims is:

*“the consistent and guaranteed provision of protective and special measures for all vulnerable victims of crime”.*

The Criminal Procedure Act 2021 introduced preliminary trial hearings and its commencement, together with the necessary rules of court drawn up by relevant courts, allows pre-trial hearings to take place. This provides a significant benefit to the trial processes for a range of offences. This includes sexual offences, where the impact

on victims will be reduced as they are less likely to be subjected to stressful delays after preparing themselves mentally for a trial. It also aims to improve trials for white collar crimes, organised crime and other complex offences, and will make it less likely juries are sent away during trial, making the court process faster and more efficient. It is also intended that preliminary trial hearings will streamline processes in courts, move the administrative burden to the start of the trial and, by dealing with issues in advance, allow trials to proceed on their scheduled date. The *Supporting a Victim's Journey* report made specific reference to the use of pre-trial hearings under Recommendation 4.3 which states that *“Any issues relating to the appointment or role of an intermediary, and any other special measures required for vulnerable witnesses, should also be addressed at a preliminary trial hearing”*.<sup>190</sup> The report also recommends that a court familiarisation service should be available to every victim who is due to appear as a witness in criminal proceedings.

### **Communication, Interpretation and Translation Services**

The Garda Síochána has an interpretation service in place and this should be made available to all victims and witnesses throughout the criminal justice process. However, victim support services highlighted their experience of this service being inconsistent in terms of availability and provision. NGOs highlighted examples where victims of crime were not provided with these supports at crucial points of the criminal justice process due to a number of factors, such as inadequate assessment of victims' needs and unavailability of services. A victim specialist highlighted cases in rural areas where members of the local community

190 Department of Justice and Equality, n.d. [Supporting a Victim's Journey. A plan to help victims and vulnerable witnesses in sexual violence cases](#). [Accessed on 31 May 2024].

who spoke the same language as the victim or witness were asked to translate by a garda member, and in some cases, were even used to facilitate the initial statement of complaint, despite not being approved by a professional service. Service providers highlighted the dangers of this, with one incident where a victim was discouraged from providing a statement by a member of the community who had been asked to translate by local garda members. It later became apparent that this individual was associated with a criminal gang in the area, but this was unknown to garda members at the time.

Victim services highlighted the importance of support services being available at the earliest opportunity and emphasised that it is immensely important throughout the entire criminal justice process, and not just in order to illicit the initial statement of complaint. This point has been emphasised by GRETA, who also expressed concern relating to the lack of interpreters who are skilled in working with victims of human trafficking and sensitive to the vulnerabilities faced by this cohort. This recommendation was also supported by the recent *2023 Trafficking of Persons: Ireland* report, which highlighted the importance of effective and consistent interpretation services in enabling victims to engage with the criminal justice process.<sup>191</sup>

### Accommodation

The provision of accommodation for vulnerable victims and witnesses was also highlighted as an area of concern by victims, NGOs and academics throughout the course of the inspection. At present, Direct Provision is the designated accommodation for

identified human trafficking and exploitation victims in need of housing support. This decision came under scrutiny by GRETA in their second evaluation report on Ireland. GRETA urged Irish authorities to urgently review the policy of housing those who are presumed to be human trafficking victims in accommodation centres for asylum seekers.<sup>192</sup>

In February 2021, the Department of Children, Equality, Disability, Integration and Youth published *A White Paper to End Direct Provision and to Establish a New International Protection Support Service*.<sup>193</sup> As outlined in the paper, it is envisioned that this new system will “Provide accommodation, health, education, income support and other service needs and will be both professional and grounded in a human rights approach”.

Progress is being made in addressing the wider area of Direct Provision, including the establishment of a dedicated transition team, development of an implementation plan, and establishment of governance structures, such as the Programme Board and External Advisory Committee. However, the *2023 Trafficking in Persons Report: Ireland* highlighted a need for careful consideration in relation to Direct Provision and stated that it does not provide the privacy and safety needed for traumatised victims in need of recovery. The report acknowledges the feedback provided by NGOs that this accommodation had the potential to isolate victims from other necessary services and expose them to further trauma or trafficking. The report recommends that the Government offer “Specialised accommodations to trafficking

191 See note 188

192 GRETA, 2017. [Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland](#). [Accessed on 31 May 2024].

193 Government of Ireland, 2021. [A White Paper to End Direct Provision and to Establish a New International Protection Support Service](#). [Accessed on 31 May 2024].

victims that are safe, appropriate, and trauma-informed".<sup>194</sup>

In support of this, IHREC published its second evaluation report on the implementation of the EU Anti-Trafficking Directive in September 2023, and identified accommodation as a significant issue for victims of human trafficking.<sup>195</sup> As highlighted in previous reports and evaluations, IHREC reiterates its recommendation that "*The Department of Children, Equality, Disability, Integration and Youth should treat the accommodation of victims of trafficking as an issue of utmost priority within the process to end Direct Provision, to ensure that victims of trafficking no longer reside under such arrangements*". The *National Action Plan to Prevent and Combat Human Trafficking 2023–2027* aims to address this under action 2.5.2 and "*Establish dedicated accommodation for victims of trafficking - ensuring that victims of trafficking for sexual exploitation are provided with gender-specific accommodation*" and action 2.5.3 which aims to "*Ensure victims of trafficking are provided with accommodation which is suitable to their vulnerabilities*".<sup>196</sup>

The Department of Children, Equality, Disability, Integration and Youth has partnered with homeless charity, Depaul Ireland, in the delivery of a dedicated accommodation unit for victims of trafficking. This new unit is now operational and the Inspectorate understands that there are plans in place to deliver further specialised accommodation units for victims of trafficking in the future. At the time of this inspection, it was not yet clear

if this accommodation would be provided separately or would remain as part of the Direct Provision system. Specialised supports for victims of trafficking for sexual exploitation are also in place within this new unit; and these are delivered by Ruhama.

### Victims' Forum

The Victims' Forum was established by the Department of Justice in March 2022 with an aim to explore how the rights of victims of crime can be improved through review of legislation, information exchange, and service provision. The Inspectorate was informed that the forum is still in its infancy and while initial meetings have focused on presentations from criminal justice agencies, it is hoped that a more collaborative, victim-centred approach can be developed. Development of the forum was guided by the Criminal Justice Strategic Committee and *Criminal Justice Sectoral Strategy*.<sup>197</sup> Another structure that is currently being developed is the Victims' Liaison Network, which will complement the Victims' Forum by formalising liaison between agencies, minimising duplication and trauma for victims.

One of the pillars of the *Criminal Justice Sectoral Strategy* focuses on improving the user experience for all individuals who come into contact with the criminal justice system, including ensuring the voice of the victim is embedded in the process. The strategy states that it will "*review the current supports provided to victims, witnesses, and accused persons including court*

194 See note 188.

195 See note 120.

196 See note 11.

197 The Criminal Justice Strategic Committee is chaired by the Secretary General of the Department of Justice and brings together the heads of the Garda Síochána, Courts Service, Irish Prison Service, Policing Authority, Probation Service, Legal Aid Board, Forensic Science Ireland and the Director of Public Prosecutions. The purpose of the Committee is to discuss and address cross-cutting issues that affect the entire criminal justice system.

*accompaniment, familiarisation and accessibility support services with a view to expanding and improving where appropriate*".<sup>198</sup> Victims are referenced in a number of categories relating to improving overall user experiences (such as translation and interpretation services), with the addition of some outcomes relating specifically to victims, including the completion of an assessment to determine the need for a National Victims Office, and the establishment of a network of victim liaison officers.

In 2021 the Department of Justice commissioned an external consultant to perform an analysis of the NGO supports available to all victims of crime (including victims of domestic, sexual and gender-based violence and human trafficking) within the criminal justice system.<sup>199</sup> Recommendations from the report fed into the implementation of strategies including the Third National Domestic, Sexual and Gender Based Violence Strategy and the Third National Human Trafficking Action Plan, and additional funding was provided to a number of NGOs to extend their service provision.

## Assessment

Other jurisdictions have introduced a number of initiatives to meet the needs of victims and witnesses who engage with the criminal justice system. For example, in Scotland the dedicated Specialist Victim Information Service ensures the consistent provision of information to victims of crime. Also, while it must be acknowledged that Sweden came to the attention of the EU Commission for not fully implementing the Victims' Rights Directive, it has introduced a number of innovative ways for victims to

engage with criminal proceedings and the Victim Notification Register is a positive development in terms of ensuring victims have access to any information relating to their case.

Although a range of agencies provide support to victims across Ireland, the access to and availability of these is inconsistent and uncoordinated. The support services available or offered to victims very much depends on a number of factors including location, local awareness of support services, the response of the investigating garda member, the victim's familiarity and level of comfort with the criminal justice process, and the type of crime the victim has been subjected to. The information and experiences shared with the Inspectorate show that the needs of victims are varied, complex and sensitive. This is even more relevant for transnational organised crime victims, who, in most cases, have been exposed to an additional layer of serious trauma and who may require higher levels of protection, reassurance and care. The Inspectorate acknowledges the work commissioned by the Department of Justice in 2021 to explore the non-governmental supports available to all victims of crime and believes that this provides a baseline for further exploration of the victim landscape across Ireland. While actions are clearly identified for certain strands of victims, such as those impacted by human trafficking or domestic, sexual and gender-based violence, the diverse nature of transnational organised crime results in the creation of a much wider pool of victims with very complex needs. These victims can be isolated, often don't come into contact with the criminal justice system and require more tailored engagement approaches to ensure they

198 Government of Ireland, 2023. [Criminal Justice Sectoral Strategy 2022–2024](#). [Accessed on 31 May 2024].

199 Breen, M., 2021. [Analysis of the non-governmental organisation supports available to all victims of crime including victims of domestic abuse, sexual violence and human trafficking within the criminal justice system that are funded by the Department of Justice](#). [Accessed on 31 May 2024].

receive the support needed. In order to meet these needs, a more in-depth understanding of the different cohorts and associated needs is required. The *Criminal Justice Sectoral Strategy* acknowledges that victim supports are in need of being reviewed, and the Inspectorate is supportive of the proposal to complete an assessment to determine the need for a National Victims Office.

Some victims, for example where personal violence has been threatened or inflicted, require an additional level of protection and support. With the evidence supporting the impact of trauma on victims of crime relating specifically to the court process, the Inspectorate believes that there is a need to explore and develop a range of additional measures that would allow the continuation of criminal proceedings, while also offering additional and more consistent protection to vulnerable victims of crime. The Covid-19 pandemic facilitated a number of criminal justice improvements, such as expediting the availability and use of technology in courtrooms. The use of video conferencing became routine as a means of producing suspects for remand hearings and has been an option occasionally granted to exceptionally vulnerable witnesses. These types of initiatives need to be extended to other areas, such as the provision of protective and special measures, both in terms of availability and consistency, to ensure that victims are better supported and empowered to engage with the criminal justice process.

Many jurisdictions operate pre-trial hearings to bring parties together to discuss specific aspects of cases. In Ireland, special measures are considered once a jury is selected. 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 supports the recommendations made in *Supporting a Victim's Journey* regarding pre-trial hearings and court familiarisation services.<sup>200</sup> Protective and 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 order to ensure clear understanding regarding the application process and the more consistent provision of these measures, the Inspectorate believes that guidelines need to be developed to support all parties involved in the criminal justice process.

The right to fair trial (Article 6 ECHR) applies to both the victim and suspect, and consideration is required in order to ensure balance and fairness is maintained in the provision of protections to all parties involved in criminal proceedings. It is not always possible to easily identify victims of transnational organised crime, but these victims are often the most vulnerable and among those in the greatest need of comprehensive support. However, in some cases, it only becomes apparent that a victim has been subjected to a transnational organised crime later in the criminal justice process, and at that point, has already started to progress through a system that has not been cognisant of their specific needs. Creating a victim support system that is agile enough to meet the needs of all victims, including those who have been exposed to transnational organised crime, will ensure that victims receive appropriate support at the right time. This can help to empower victims to meaningfully engage with the criminal justice process.

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200 See note 190.

## Recommendations

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendations.

### Recommendation 5.1

#### National Review of Victim Support

The Inspectorate recommends that the Department of Justice along with criminal justice partners complete a further assessment of the availability, accessibility and quality of all victim support services across Ireland. This review should include but not be limited to:

- > The format, availability and provision of protective and special measures;
- > Access to communication, translation and interpretation services; and
- > Housing/placement of vulnerable victims and witnesses.

### Recommendation 5.2

#### Guidelines on Protective and Special Measures

The Inspectorate recommends that the Department of Justice along with criminal justice partners develop guidelines to support the standardised and consistent provision of protective and special measures. These guidelines should ensure that:

- > Victims and witnesses are made aware, on first contact with the criminal justice system, of the protective and special measures available to them throughout the criminal justice process;
- > A standardised process is established to share information with relevant criminal justice partners in relation to what measures are required for each victim or witness and why. This should inform any subsequent stage of the criminal justice process and any legal challenges raised; and
- > A process is established to ensure that any decision regarding the appointment of protective and special measures should be made at a preliminary trial hearing.

## Strategic Approaches

This section explores strategic approaches to victim support, both internationally and domestically.

### International and Comparable Practice

The first *EU Strategy on Victims' Rights* was published in 2020 and frames the EU Commission's work from 2020–2025.<sup>201</sup> The strategy acknowledges that while progress has been made, victims of crime still do not have access to all their rights in the EU. This is even more difficult for vulnerable victims who can face additional challenges progressing through the criminal justice system and dealing with the consequences of crime. The strategy focuses on two different strands: empowering victims of

crime, and working together for victims' rights, with a strong focus on multi-agency co-operation and communication. In trying to achieve a more consistent approach to victim support across Europe, it is intended that the Commission and Member States will continue to improve the quality and reliability of information on the e-Justice Portal.<sup>202</sup> The strategy also specifically mentions victims of organised crime, highlighting human trafficking and environmental crime and the complexities in providing support to victims of this nature.

The UK has been focused on enhancing consistency in terms of victim support for a number of decades. In the late 1970s, the National Association of Victim Support Schemes was founded in England and Wales. Under this structure, over 200 agencies or schemes were affiliated to the association, which aimed to promote a standard model for local practice based on a framework of shared community responsibility.<sup>203</sup> In September 2018, the UK Government launched its *Victims Strategy*, which committed to consulting on victim-focused legislation and strengthening the powers of the Victims' Commissioner. The strategy outlined the Government's intention to enhance transparency and accountability in relation to how agencies treat victims. It also aimed to increase opportunities for victims to engage in alternative solutions to court and improve training and guidance for professionals working with victims.<sup>204</sup>

In October 2022, a *Victims Funding Strategy* for England and Wales was launched. This

strategy runs in parallel to the *Victims Strategy*, acknowledges the long-term and complex impact of crime on victims, and highlights that in order for victim support to be effective, it must be co-ordinated and sustainable. The strategy references the commitment to multi-year funding for core victim support services, with a minimum of £440 million over a three-year period, which will enable organisations to plan for the future and build capacity to support even more victims. Of particular note are the new national commissioning standards. These establish a minimum level of service, so that the support being received by victims is consistent and of a high quality.<sup>205</sup>

The Crown Prosecution Service recently published its own *Organised Crime – Strategy*, which outlines how the service will implement the wider UK Government's *Serious and Organised Crime Strategy*. The Crown Prosecution Service identifies victims of organised crime as a priority, and while it recognises that organised crime can often create unidentifiable victims, it outlines its obligation as an organisation to adhere to the *Code of Practice for Victims of Crime* and ensure it remains cognisant of the needs of victims.<sup>206</sup>

In October 2022, Sweden published its *National Reform Programme*, which outlined a number of actions to be taken to address serious and organised crime.<sup>207</sup> These include a complete review of criminal legislation, new sanctions of detention for repeat offenders, and the establishment of a serious

202 The e-Justice Portal is intended to be an electronic one-stop shop by providing information on justice systems and improving access to justice throughout the EU. Further information is available at [e-justice.europa.eu](https://e-justice.europa.eu) [Accessed on 31 May 2024].

203 Reeves, H., 1985. Victims Support Schemes. The United Kingdom Model. *Victimology*, 10(1–4), pp. 679–686.

204 HM Government, 2018. [Victims Strategy](#). [Accessed on 31 May 2024].

205 Ministry of Justice, 2022. [Victims Funding Strategy](#). [Accessed on 31 May 2024].

206 CPS, n.d. [Organised Crime – Strategy](#). [Accessed on 31 May 2024].

207 Regeringskansliet, 2022. [Sweden's National Reform Programme 2022](#). [Accessed on 31 May 2024].

organised crime council by the Ministry of Justice. The Swedish Government also intends to make participation in criminal networks a punishable offence and will double the sentences for offences committed in gang environments. These measures are in response to the worrying trends presenting in relation to violence (predominantly related to gangland activity) and Sweden believes that these measures mark a shift from the perpetrator to the victim and the protection of wider society. While these changes will take time, there are also plans for the prison and probation services to expand substantially to facilitate what is anticipated to be an increase in convictions and incarcerations.

In New Zealand, victims' rights are protected by the law and are identified in the *Victims Code*, which is a framework outlining how a person can expect to be treated when they are a victim of crime. The code sets out the standards of service a victim can expect from government agencies, what their rights are in the criminal justice system and the process for making complaints if victims believe that their rights are not being met.<sup>208</sup> In 2022, the New Zealand government announced a four-year budget for improving outcomes for victims of crime, demonstrating a commitment to long-term and strategic victim support.

## Findings

Despite the domestic and European developments, Ireland currently does not have a national strategy specifically for victims. The *Criminal Justice Sectoral Strategy*

makes reference to the needs of victims under one of its strands, however it mainly focuses on the wider criminal justice system.<sup>209</sup> While *Supporting a Victim's Journey* is currently being implemented, this predominantly focuses on supporting victims and vulnerable witnesses in sexual violence cases, and does not extend to the wider remit of nuanced support needed by the vast array of victims across Ireland.<sup>210</sup> Similarly, a number of key actions in *Zero Tolerance: Third National Strategy on Domestic, Sexual & Gender-based Violence 2022–2026* also relate to some victims of transnational organised crime.

These include:

- > The establishment of a Domestic, Sexual and Gender-based Violence agency;
- > National sexual and domestic violence prevalence studies;
- > Overhaul of the relationships and sexuality education curriculum; and
- > Reforming the criminal law, including increasing the maximum sentence for assault causing harm from five to ten years.<sup>211</sup>

A literature review completed by University College Dublin on behalf of the Department of Justice and Equality in 2019 details a number of strands that need to be encompassed to enhance victim wellbeing, satisfaction and engagement with the criminal justice process.<sup>212</sup> These strands include co-ordinated holistic and multidisciplinary approaches, supportive and victim-centred

208 New Zealand Government, 2016. [Victims Code](#). [Accessed on 31 May 2024].

209 See note 198.

210 See note 190.

211 Government of Ireland, 2022. [ZERO TOLERANCE: Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022–2026](#). [Accessed on 31 May 2024].

212 Healy, D., 2019. [Exploring Victims' Interactions with the Criminal Justice System: A Literature Review](#). [Accessed on 31 May 2024].



responses, victim participation mechanisms, and tailored approaches for victims with specialist needs and experiences.

## Assessment

By developing specific victim strategies, other jurisdictions have demonstrated a commitment to strategic and long-term victim support. The four-year plan to improve outcomes in New Zealand acknowledges the complexity of victims' needs and the approach required in order to improve long-term outcomes. Similarly, the UK's actions strive to improve accountability and encompass the voice of victims more through greater consultation and by strengthening the position of the Victim's Commissioner. The introduction of new commissioning standards also demonstrates a commitment to ensure services provided to victims are consistent and high quality.

While the Garda Síochána is the lead agency for offering victim support, the Inspectorate believes that it is not possible or appropriate for it to meet the needs of all victims. Therefore, a co-ordinated, multi-agency response to holistic victim care is needed. It is clear that victim support is something that requires the engagement, support and expertise of a range of agencies and stakeholders to ensure that marginalised, vulnerable and isolated members of society are not excluded from accessing much-needed help and resources. The Inspectorate believes that these strands are complex and should be guided by best practice and the strategic developments in the other jurisdictions referenced in this chapter. The most effective way to ensure efficient service delivery and co-ordinated governance is to encompass these elements in an overarching focused national victims' strategy developed in line with the needs identified across the

victim landscape in Ireland. This strategy could build on recommendations made in other recent strategies, such as the *Criminal Justice Sectoral Strategy* or *Zero Tolerance*, to ensure the supports currently being offered reflect the needs of all cohorts of victims across Ireland.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 5.3

#### National Victims' Strategy

The Inspectorate recommends that the Department of Justice establish a multi-agency working group to develop a National Victims' Strategy. This should inform the development of a universal victim support framework to ensure standardised service delivery across the country, including:

- > A sustainable and accountable multi-agency victim support model;
- > A multi-agency outreach programme to engage socially isolated and vulnerable victims and ensure that all victims have the best chance of receiving support, irrespective of their contact with the criminal justice system; and
- > Standardised referral processes with the Garda Síochána.

## The Garda Síochána's Assessment of Victims' Needs and Provision of Initial Support

While victims are supported by a range of agencies across Ireland, the Garda Síochána has a legal obligation to offer support to all victims of crime when they come into contact with the criminal justice system. This section explores international practices and the processes in place within the Garda Síochána in relation to the assessment of needs and the provision of initial support.

### International and Comparable Practice

In New Zealand, Victim Support is an independent organisation delivering a free, nationwide support service for all victims of crime, trauma and suicide. The service is available 24/7 and support can be provided over the phone or via the network of support workers who can help with securing access to victim services, accompanying victims through the court process, securing financial assistance, supporting families, and providing information, reassurance and guidance. While Victim Support and the New Zealand Police are separate entities, there is a close working relationship between the two bodies. When an incident is reported to the police, an officer or the Police Communications Centre may facilitate a referral to Victim Support. This usually happens in cases where the incident is serious or violent, the victim is seriously affected by the event, or the case is likely to be in the justice system for a prolonged period of time. The police will always alert victims if they are making a referral, and victims can ask the police to be referred to Victim Support. The police work closely with Victim Support

to improve services, especially for more vulnerable victims.

In Sweden, local social services have responsibility for providing support and assistance to victims of crime. In addition, there are many non-profit organisations working to support victims, such as a crime victim hotline. The police in Sweden have a responsibility to ensure victims are supported to report their experience of crime, and must provide a range of services to individuals such as interpretation services, and supports to individuals who have a hearing, vision or cognitive impairment. Since February 2023, the police have been using an official handbook to guide investigative interviewing, which outlines the rules regarding the interview method that must be used when interviewing victims, witnesses and suspects.

According to the Ministry of Justice's *Code of Practice for Victims of Crime in England and Wales*, victims have a right to be referred to support services, which includes the right to contact them directly, and to have their needs assessed so services and support can be tailored to meet their needs.<sup>213</sup> Across England and Wales, the independent charity Victim Support provides support to victims of crime and traumatic incidents. Police services in England and Wales refer victims of crime to Victim Support; however, victims who do not choose to engage with the criminal justice system can also access support. The 24-hour service can be accessed through local support teams, on the phone or on the website through a 'Live Chat' function. They provide specialist help to support people with the different impacts of crime. This includes online courses, information relating to victims' rights, help developing and implementing safety plans,

213 Ministry of Justice, 2023. [Statutory Guidance. Code of Practice for Victims of Crime in England and Wales \(Victims' Code\)](#). [Accessed on 31 May 2024].

information and support navigating the criminal justice system and exploration of coping mechanisms. Victim Support can also provide support to friends, family and witnesses.

## Findings

In Ireland, although a number of agencies have important roles, the Garda Síochána has lead responsibility for offering support to victims of crime. The Criminal Justice (Victim of Crime) Act 2017 outlines the support it is obliged to offer which includes information relating to the case, referral to additional support services, interpretation services, nuanced supports for individuals with specific needs and complaint procedures.

The Garda Síochána has a number of national specialist units established to investigate a range of serious and organised crimes including the Garda National Protective Services Bureau. In addition to housing the Garda Victim Liaison Office, the bureau provides advice, guidance and assistance to garda members investigating specific crimes, such as human trafficking, organised prostitution and online child exploitation.

### Garda Victim Liaison Office

The Garda Victim Liaison Office was established as the national office for the Garda Síochána in 2017 after the enactment of the Victims of Crime Act. The office has responsibility for developing and reviewing garda policies relating to victims and supports the implementation of the Victims Charter. It provides advice and training, as well as monitoring garda performance indicators in terms of victim call-backs. At the time of this inspection, the office was in the process of completing a training needs

analysis for victims' services. This will identify emerging trends in terms of victim support, enabling the office to develop bespoke training to meet the needs of victims more effectively. It has also recently developed online modules on best practices for victim engagement and human trafficking which, when finalised, will be mandatory for all members of staff to complete. Additionally, the office is in the process of exploring the use of an online portal to manage victim notifications and a broader range of digital means of communication for engagement with victims.

### Divisional Garda Victim Service Offices

A Victim Service Office is in operation in all garda divisions. These operate during business hours and are staffed by dedicated, specially trained personnel with the purpose of keeping victims informed of any developments in their case, in addition to providing contact details to support services. This service mainly liaises with victims of 'volume crime', which are the categories of crime that account for the largest proportion of offences recorded by the Garda Síochána. In most cases, vulnerable victims and victims of more serious crime are supported by specialist investigation units, Family Liaison Officers or individual investigating garda members in each of the divisions.<sup>214</sup> Although a serious or organised crime committed within a garda division might be investigated by one of the national units, it is the case that most crimes, including transnational organised crimes, are investigated by locally based garda members. Therefore, support may be provided by the investigating member or family liaison officer, with local investigators having responsibility for contacting and updating victims on the progress of their case.

214 A family liaison officer maintains links with and ensures that families are kept up to date with developments in cases. The Garda Victims Liaison Office provides support to the officers.

During divisional inspections, the Inspectorate found that while the national Garda Victim Liaison Office monitors victim support provided through the Victim Service Offices, the provision of support to vulnerable victims, such as transnational organised crime victims, is provided and managed by investigators in divisions or national units and not by Victim Service Offices. Accordingly, the national office does not have any oversight role in relation to the quality of support provided by investigators. Therefore, there is no standardised oversight mechanism for assessing the provision of victim support provided during the investigation of many serious crimes.

### Garda Public Attitudes Survey

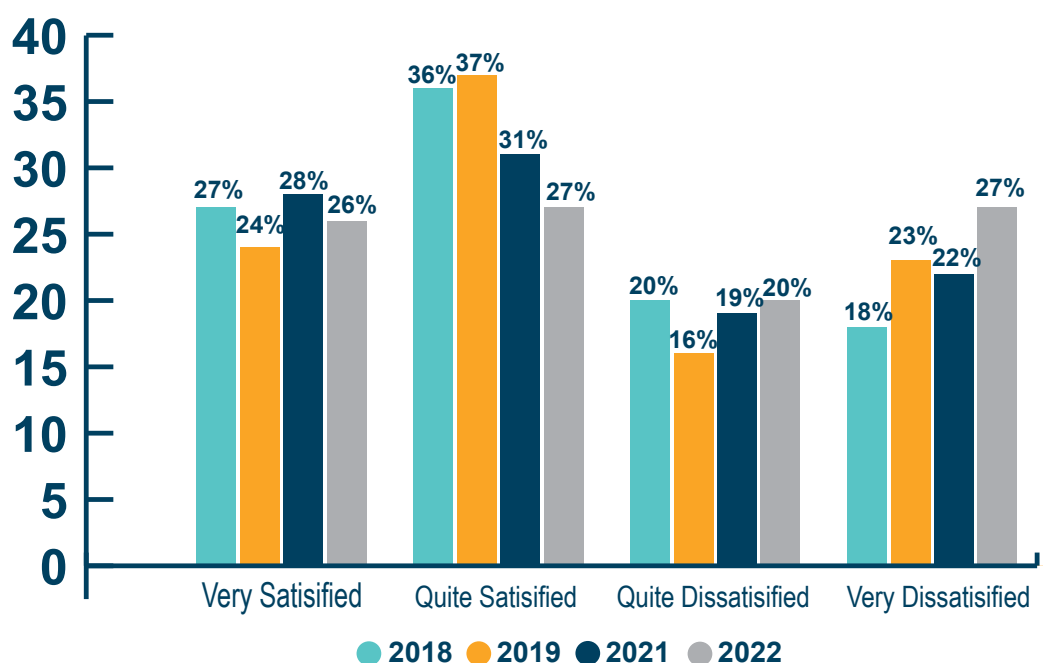
The Garda Síochána uses a Public Attitudes Survey to obtain feedback on its services. According to the *Garda Public Attitudes Survey 2022*, 53% of victims who reported their crime to the Garda Síochána were satisfied with the

way the incident was handled.<sup>215</sup> This was a decrease from 2021 (59%) and 2019 (61%) as shown in Figure 5.3 below. Only victims of certain crime types were surveyed, such as burglary, theft, criminal damage, assault and fraud. Certain crime types were excluded, such as serious transnational organised crimes and domestic, sexual or gender-based violence. In terms of victim support, 41% (an increase from 30% in 2021) of respondents stated that they were provided with details of victim support services or helplines, and 47% (an increase from 34% in 2021) were given a PULSE reference number.<sup>216</sup>

### Initial Contact

Most victims of crime contact the Garda Síochána via the 999 call system and a garda regular unit is usually the first responder.<sup>217</sup> Some victims may attend or contact a garda station to report a crime directly and a small number may report a crime via the internet.

**Figure 5.3: Satisfaction among victims of crime 2018–2022 (excluding 2020)**



Source: The Garda Síochána, 2023. *Garda Public Attitudes Survey 2022*

215 The *Garda Public Attitudes Survey 2022* measures the percentage, or victimisation rate, of adults aged 18 years and older, who have been a victim of at least one crime over a twelve-month period (regardless of whether they reported the crime to the gardaí or not).

216 An Garda Síochána, 2023. [Garda Public Attitudes Survey 2022](#). [Accessed on 31 May 2024].

217 Regular units are usually the first responders to emergency and non-emergency calls made by the public and conduct most garda patrols in marked police vehicles.

The first response to a victim of crime who asks for help is critically important, and it may shape their long-term view of the Garda Síochána. In terms of initial contact with the Garda Síochána, victims reported a range of experiences. Some victims spoke about the kind, patient response they received from members on initial contact, while other victims shared experiences where they didn't receive the support they felt that they needed. This presented significantly among drug-related intimidation victims and while there are a number of definitions of drug-related intimidation, the Health Research

Board's Drug and Alcohol Evidence Review (2017) defined it as "*A serious, insidious and coercive behaviour intended to force compliance of another person against their will. It can be either explicit or implicit, involving actual, threatened or perceived threats of violence to a person or damage to property. It can leave targeted individuals, families or communities feeling helpless, isolated, demoralized and fearful. DRI is intimidation carried out by those who are using drugs, or those involved in the distribution of drugs*".<sup>218</sup>

### Case Study – Aoife (not her real name)

This is Aoife's story about the impact of drug-related intimidation on her family and the response she received from the Garda Síochána.

Aoife's son started socialising with a negatively influencing group of peers and eventually began to sell drugs. At one point, the family home was broken into by a group of males claiming that her son owed them €1,000. Her sister gave the money to Aoife's son to pay the debt but he purchased more drugs. A few weeks later a different group of males smashed the windows of her house and demanded €8,000. Over time, Aoife and her home have become a regular target for drug-related intimidation. Aoife has called 999 on multiple occasions but does not feel that she has received any appropriate empathy or assistance. This includes an incident when she returned home to find her windows broken. While the 999 call operator told her to wait outside for gardaí to arrive, a garda member who attended this incident was dismissive on arrival and said "They're hardly still in there". On another occasion, Aoife and her six-year-old son were asleep during the night when her car was damaged and all the windows in her house were broken. Aoife said they were both petrified, and as they could not remain in the house and had no way to leave due to her car being damaged, Aoife asked the garda members present if somebody could stay with them until they contacted family or friends for support. Despite at least four members being present, Aoife said her request was refused and she was left on the road outside her home feeling scared, vulnerable and unsupported.

Aoife has engaged with multiple garda members and each time she has to explain the history of her intimidation and the advice she receives is inconsistent, non-empathetic and in some cases inaccurate. As a result of her experience, Aoife will only engage with senior garda members as she believes that most garda members don't have the ability to address complex situations like hers. Due to her experience, Aoife doesn't have any confidence that her concerns will be dealt with quickly, appropriately, respectfully or in confidence and she feels very isolated during a very difficult time in her life.

218 Murphy L, Farragher L, Keane M, Galvin B and Long J (2017) [HRB Drug and Alcohol Evidence Review: Drug-related Intimidation. The Irish situation and international responses: an evidence review](#). [Accessed on 31 May 2024].

Some victims who spoke to the Inspectorate felt that they needed additional support to empower and enable them to provide a statement of complaint and this wasn't always offered or provided. Victims also felt that appropriate support was not always provided to address their individual circumstances or needs and raised concerns about privacy when reporting crimes at garda stations. This was particularly concerning in cases where the complaint related to other individuals living in the same community. One victim of drug-related intimidation shared her experience of reporting an incident where she recalled standing at a busy front counter in a city centre garda station. While waiting to report her own experience, she overheard an entire conversation between a victim of domestic abuse and a garda member. This made the victim fearful about who might be listening if she was to report her own experience and the possible repercussions for her family if this was overheard by the wrong person.

Unfortunately, this was not an isolated incident, with other victims referencing this as common practice and stating that this prevented them from reporting their experiences and left them uncertain that they would receive the support and consideration they needed. The lack of privacy at some stations for those wishing to report crimes or discuss matters of a sensitive nature was also found during the Inspectorate's *Crime Investigation (2014)* inspection which made a recommendation to create a more customer-focused environment.<sup>219</sup> *Supporting a Victim's Journey* references special interview suites for vulnerable victims. The report makes two recommendations in relation to these, referencing the importance of nationwide availability and periodic evaluation to ensure they remain fit for purpose.<sup>220</sup> The Inspectorate found that there are often inconsistencies in the approach provided to a victim when they make contact with the Garda Síochána and who a victim speaks to can often influence the service they receive.

### Case Study – Sineád (not her real name)

This is Sineád's story about the impact of drug-related intimidation on her family and the responses she received from two different garda members.

Sineád's son became involved with a criminal network, resulting in both him and his family becoming victims of drug-related intimidation. In 2020, her son met a new peer group and drugs were later found in his bedroom. It later transpired that he owed €3,000 to three different people, and males started calling at the family home demanding payment. Although advised to call the police, Sineád didn't want to involve them and instead paid the debt.

Despite paying the debt, her son's behaviour deteriorated; he was still taking drugs and becoming aggressive and impulsive. At this point, Sineád called her local garda station for help but the garda member she spoke to was dismissive and asked if she expected them to "provide a babysitting service". She was told to call another station and to find the number herself. When she made contact with the next station, she was put in contact with a member who specialised in drug-related intimidation. He advised her not to pay any money, as it would become a cycle that is difficult to break. Although intimidation continued (including threats to her life) she refused to pay any more money and there has been no physical member who continues to provide assistance and support. Despite receiving a poor first response, Sineád would advise other people to seek help from members who have the necessary empathy, skills and experience to help people in this sort of situation.

219 Garda Inspectorate, 2014. [Crime Investigation, Recommendation 3.30](#). [Accessed on 31 May 2024].

220 See note 190.

## Assessing Needs and Identifying Vulnerability

A victim's needs should be assessed from their first point of contact with the criminal justice system, and the need for any additional supports, protections or special measures considered. As highlighted earlier, the Victims of Crime Act outlines a detailed process for the consideration of these additional supports for victims, encompassing the type of offence, any individual characteristics of relevance, or if the crime is linked to organised crime or other sensitive categories. However, in terms of training, garda members do not receive any specific training in how to assess the needs of victims.

In practical terms, the victim assessment completed by the Garda Síochána is recorded on the Victim Assessment screen on the garda PULSE system when recording the offence. This screen must be completed for each victim of a crime or other parties, such as witnesses of serious or violent offences. At the time of completion, the reporting member has an opportunity to indicate if the victim has any specific protection or support needs, in addition to any special measures identified as necessary. According to the Victims of Crime Act, a comprehensive assessment of a victim's needs should be carried out by the Garda Síochána in consultation with the victim, encompassing their views in relation to any protection or special measures identified to either further the assessment or support them throughout the criminal justice process. As stated in the Act: *"The extent of an assessment may be adapted having regard to the severity of an alleged offence and any apparent harm suffered by a victim"*.<sup>221</sup> All sections of the Victim Assessment screen are mandatory, and while there is an option to complete the screen at a later point in time, the system

sends prompts to the member responsible to complete the remaining elements of the assessment. In addition, the assessment also captures elements such as any known motive, if the injured party is a repeat victim, if the victim/witness is a child, and if they have any gender requests (for members or medical personnel). It also records the relationship between the victim and the offender, and if the victim has any contact preferences. Once the assessment is completed, and if protective or special measures are deemed necessary, it is reviewed by a superintendent and, if approved, they will make a recommendation for these to be provided. Decisions regarding recommendations for protective or special measures should be recorded in a free-text box by the superintendent. The reasons why protective or special measures were not recommended/required are also to be recorded here.

PULSE also contains a Victim Engagement tab, which presents after the completion of the Victim Assessment and provides for the recording of any follow-up engagement or communication with the victim. While all fields of the Victim Assessment are compulsory, completion of the Victim Engagement tab doesn't follow a standardised format. Completion is mainly managed by the Victim Service Offices and the investigating member, who update the system in line with their contact with the victim. Other members such as family liaison officers can also use the tab to record any additional contact.

For most crime types, there are four standard letters sent to victims following the reporting of a crime. These letters acknowledge the reporting of the crime and provide victims with any relevant updates. However, as mentioned previously, certain offence types are exempt from the standard support

221 See note 175.

structure and victims of these crimes do not receive letters; instead, personal contact, communication and engagement are managed separately by investigating members.<sup>222</sup> In relation to these crimes, there is no standardised communication or support mechanism, and the recording of any engagement on the Victim Engagement tab can take many forms. Also, at the time of this inspection, PULSE did not allow for automatic referrals to external support agencies, with these actions being undertaken by individual members in situations where they have used their initiative to provide additional support to victims.

During this inspection, concern was expressed by support agencies that the victim assessment completed by the Garda Síochána is not in a format that consistently encompasses the voice of the victim, enables the most appropriate means of engaging with victims or witnesses or facilitates referrals to

external support services. Professionals across human trafficking and exploitation support services also highlighted incidents where service users presented to them displaying what they believed to be clear indicators of exploitation and abuse, yet these signs had not been identified throughout interactions with the Garda Síochána. As a result, appropriate supports or protections had not been put in place. While NGOs praised the skills and expertise of some of the specialist units, such as the Human Trafficking Investigation and Co-ordination Unit, it was highlighted that the vast majority of victims come into contact with divisional garda members first. It was felt that the difference in knowledge and how that influences the approach taken towards these victims requires attention if victims are to receive a consistent approach across the organisation.

## Case Study – Adaku (not her real name)

This is Adaku's experience of human trafficking and her engagement with the Garda Síochána.

Adaku, an African national living in Africa, was induced into prostitution at 14 by a woman who approached her on her way home from school. The woman presented as a friend, offering money and food for her family and books for school. At 16, Adaku became pregnant and while the woman agreed to help her, she told Adaku that she was now indebted to her and must move abroad to repay her debt. At 18, Adaku was provided with documentation and trafficked to Ireland where she was initially locked up and then transported from place to place for the purpose of forced prostitution. Adaku was warned that if she approached the police she would be imprisoned for entering Ireland illegally.

At 19, Adaku escaped and sought the assistance of the International Protection Office and Ruhama. Although Adaku was mistrustful of the police from her home country, and feared imprisonment in Ireland, she credits Ruhama with encouraging her to contact the police.

Two garda members met with Adaku in her Direct Provision centre, and while she was initially nervous, they reassured her that she was safe, treated her with respect and dealt with her without judgement. This empowered Adaku to share her story and to later make a

222 According to the business rules, crime types excluded from the standard format include sexual offences, domestic violence, terrorism, organised crime, human trafficking, child welfare, abduction, false imprisonment, blackmail/ extortion, hijacking, major emergency, person misadventure or any incident involving death or serious bodily harm.



full statement. While Adaku found elements of the process traumatic, the garda members recognised this and offered additional reassurance and support. Although Adaku moved to another county, garda members continued to provide support and guidance. Adaku's interaction with the Garda Síochána was very positive and changed her perception of the police. Adaku has subsequently encouraged other women to seek help. Adaku is now living in Ireland and is studying and building a new life for herself and her child.

## Assessment

In many other jurisdictions, victim support is managed by dedicated services established for this purpose. In New Zealand, police services make referrals to support services and work closely with them to achieve a more holistic support service for victims of crime. With victim support agencies well established in some jurisdictions, such as England and Wales, over the years support has become more standardised and widely available.

Throughout the course of the inspection, many victims and support agencies highlighted the lack of understanding of the needs of transnational organised crime victims across the Garda Síochána. As the initial contact for victims of transnational organised crime is usually with first responders from the Garda Síochána and not members from specialist units, there is a need for all members to be aware of the risks and signs of these crimes. It is not always apparent until later in the criminal justice process that a victim has been subjected to this type of crime, so awareness and understanding are important to ensure that an appropriate response is provided from the first point of contact.

While some crime types are more complex than others, the personal circumstances of individual victims of crime can influence their decision to report their experience to the Garda Síochána. For some individuals, presenting to a garda station can be difficult, and if a safe, private space is not available, they could be less likely to

progress with making a formal complaint. The Inspectorate believes that a confidential space for all victim consultations should be available in all stations. This will ensure that any conversations are handled sensitively, confidentially and in a manner that is respectful of victims' individual needs. The Inspectorate also supports the recommendations made in *Supporting a Victim's Journey* regarding specialist interview suites.

While various units within the Garda Síochána have responsibility for supporting victims of crime, the Inspectorate believes that the absence of effective national monitoring has resulted in the inconsistent provision of victim support services across the organisation. Although some examples of good practice were highlighted, it became evident that the identification of a victim's needs and vulnerabilities often relied on the approach, experience or awareness of individual investigating garda members. The Inspectorate found inconsistencies not only with the initial response, but with follow-up services provided to victims of crime. All victims should receive the same high standard of service and support, irrespective of where or how they engage with garda services. While victim support should not be the responsibility of the Garda Síochána alone, it is the one consistent body from initial complaint to case disposal and as such they have a critically important role. Victim support services provided by the Garda Síochána need to be agile enough to support all types of victims, irrespective of the crime committed. The Inspectorate

believes that a review of victim services is required in order to ensure that consistent victim support assessments and services are provided nationally. The results of the review should inform any future training needs analysis. This approach supports a recommendation previously made by the Inspectorate in its *Policing with Local Communities (2018)* report.<sup>223</sup> At that time, the Inspectorate recommended that the Garda Síochána should conduct a review of the progress of recommendations in two earlier reports that were aimed at improving victim and customer services. Ultimately, the Garda Síochána needs to ensure that the assessment of victims' needs is inclusive, consistent, cognisant of individual needs and more closely aligned with the obligations outlined in legislation.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 5.4

#### Victim Support Services

The Inspectorate recommends that the Garda Síochána conduct an assessment of the services provided by it to victims of crime to ensure that:

- > The standard of victim assessments is in line with the obligations outlined in the Criminal Justice (Victims of Crime) Act 2017;
- > Supports identified through the assessment process are provided consistently;

- > All members and staff are appropriately trained and equipped to assess the needs of victims/witnesses and provide supports;
- > Suitable facilities are available for victims/witnesses to report their experience of crime or to discuss a sensitive matter; and
- > Policies and procedures are in place to enable referrals to external services.

## Trauma-informed and Responsive Approaches

Victims of transnational organised crime often experience complex trauma, which can impact multiple facets of their lives. This can include social, developmental and emotional impacts. Individuals who have been exposed to an additional layer of trauma often face more complexities in reporting their experience and accessing support due to isolation, physical harm and emotional damage. In some cases, this trauma may have resulted from their own coerced involvement in criminal behaviour. As a result, a high level of transnational organised crime remains unreported, and there are victims who will never access the support needed due to fears of incrimination, retaliation or rejection. This section explores the impact of trauma for victims of crime and explains why it is important for agencies, such as the Garda Síochána, to develop trauma-informed responses.

In recent years, many jurisdictions have acknowledged the complexity of victimology, and legislators have introduced additional protections for vulnerable victims of crime.

223 Garda Inspectorate, 2018. [Policing with Local Communities](#). Critical Action 8: Appoint a senior manager to conduct a strategic review of the progress made to implement the victim and customer service recommendations contained in the *Crime Investigation (2014)* and *Changing Policing in Ireland (2015)* reports. [Accessed on 31 May 2024].

The concept of trauma-informed practice has become increasingly more central in recent years when considering appropriate responses to the needs of victims of crime. The concept is linked to the research on adverse childhood experiences, which established a base of evidence for a range of social and personal factors that have been found to have long-term impacts on individuals.<sup>224</sup> These can include a history of physical or mental abuse, exposure to traumatic events or situations and family history of substance misuse.

Those working in a trauma-informed way are aware of the signs of trauma and respond by utilising practices that ensure individuals feel safe and supported, minimising the risk of further trauma. Organisations that are trauma-informed and responsive also ensure this approach is reflected in their policies and procedures. In considering both victims and perpetrators of transnational organised crime and the wider justice-involved population, it must be acknowledged that professionals working within the criminal justice system are interacting with individuals who are affected by trauma exposure on a daily basis.

### International and Comparable Practice

New Zealand has taken steps in recent years to adopt a more trauma-informed approach, with an aim of reducing the prison population and diverting young people away from the criminal justice system significantly over the next decade. The Te Ao Mārama – Enhancing Justice for All initiative in the district court system aims to ensure that all people can engage with the criminal justice process in a meaningful way.<sup>225</sup> It is designed to best serve each community’s specific needs and

aims to be inclusive, refocusing the system to become more restorative.

While trauma-informed practice in the justice system is still a relatively new concept, there has been an acknowledgement across the academic field that more research is needed to explore how the concept can be best implemented across the different facets of the criminal justice system. In the UK, there has been a move towards more trauma-informed practice across the justice system, with the concept even featuring in national justice policies such as the *Female Offender Strategy Delivery Plan 2022–25*.<sup>226</sup> The Victims, Witnesses and Justice Reform (Scotland) Bill was introduced into Scottish Parliament in April 2023. The Bill contains a requirement for criminal justice agencies to have regard to trauma-informed practice in carrying out their functions. Proposed provisions in relation to trauma-informed practice include:

- > A requirement for the standards of service produced by the criminal justice agencies to include standards on trauma-informed practice;
- > Empowering the courts to set procedures on trauma-informed practice in relation to criminal and civil business; and
- > A requirement for the judiciary to take trauma-informed practice into account when scheduling criminal and civil court cases.<sup>227</sup>

In May 2023, the Scottish Government published a framework that aims to “*Enable justice organisations to support victims and witnesses in ways which minimises harm and re-traumatisation, support their recovery and enable*

224 Felitti, V. J., 2002. [The Relation Between Adverse Childhood Experiences and Adult Health: Turning Gold into Lead](#). *The Permanente Journal*, 6(1), pp. 44–47. [Accessed on 31 May 2024].

225 District Court of New Zealand. [Te Ao Mārama – Enhancing Justice for All](#). [Accessed on 31 May 2024].

226 Ministry of Justice, 2023. [Female Offender Strategy Delivery Plan 2022–25](#). [Accessed on 31 May 2024].

227 [Victims, Witnesses, and Justice Reform \(Scotland\) Bill, 2023](#). [Accessed on 31 May 2024].

*the most effective evidence gathering*".<sup>228</sup> Also, in the UK, the Ministry of Justice's *Achieving Best Evidence in Criminal Proceedings* outlines the process to be followed when interviewing witnesses and vulnerable victims such as children. The model is trauma-informed and victim-centred and aims to provide guidance for appropriate interaction and support at each stage of the criminal justice process.<sup>229</sup>

As mentioned previously, Sweden has developed a new handbook to be used when conducting interviews. From 1 January 2024, it will be compulsory for all Police Authority employees to follow the guidance when conducting investigative interviews. The interview method aims to ensure that interviewees feel safe and interviewers create rapport.<sup>230</sup> Additionally, all interviews with suspects, witnesses and victims must be audio recorded and the new handbook also provides guidance on when interviews should be visually recorded. This marks a move towards a more trauma-informed approach when dealing with victims and witnesses in Sweden.

Other jurisdictions have also acknowledged the impact of trauma on serving police officers and have attempted to offer guidance on how to respond appropriately. The College of Policing in the UK developed guidance in 2018 on responding to trauma, and this references the demands placed on police officers and the complexity of cases that now present on a regular basis.<sup>231</sup> The guidance acknowledges the psychological risks faced by police officers and outlines a framework for action to address and mitigate against these risks. Elements include trauma risk assessments, stress and trauma

interventions, disaster management and monitoring and evaluation.

## Findings

### Training and Awareness

Many victims consulted with during this inspection highlighted the impact of trauma, and the sensitivity required in order to provide adequate support during the criminal justice process. One victim of human trafficking and forced prostitution stated that due to the horrific experiences she had endured, she is still very nervous and often wakes up during the night with fearful thoughts of her experience. Support services also highlighted this, with many referencing that some victims need a lot of support and additional time before they feel strong enough to speak about their experience, and even after this, some will never feel able to report it.

The Garda Síochána currently does not have a trauma-informed framework or training programme for staff in trauma-responsive approaches. For some victims, the reporting process was extremely difficult and caused further unnecessary distress. When asked what advice she would give the Garda Síochána after her experience of reporting trafficking and forced prostitution, a victim said:

*"They [the Garda Síochána] need to remember when they are interviewing and taking statements that there are people behind the stories, and while it might just be evidence for them, people like me experienced these events and they can bring painful memories back every time we speak about them".*

228 Scottish Government, 2023. [Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses](#). [Accessed on 31 May 2024].

229 Ministry of Justice, 2022. [Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures](#). [Accessed on 31 May 2024].

230 P.E.A.C.E model summarizes and assists remembrance of the five stages of managing the interview process: Preparation and Planning; Engage and Explain; Account, Clarification, Challenge; Closure, Evaluation. Further Information on the P.E.A.C.E model is available from [Forensic Interview Solutions](#) [Accessed on 31 May 2024].

231 College of Policing, 2018. [Responding to Trauma in Policing. A Practical Guide](#). [Accessed on 31 May 2024].

## Case Study – Chinara (not her real name)

This is Chinara’s experience of trauma and human trafficking and her engagement with the Garda Síochána.

After the death of her mother, Chinara, an African national living in Africa, was unable to pay rent or find work. Although someone offered to help, they deceived her and she was drugged, stabbed and raped. Chinara became pregnant from this experience, and although she reported it to the police, she was told that she “wasn’t the only woman who had been raped and she should just try to get on with her life”. This experience caused Chinara to attempt to take her own life.

Through a local church, Chinara met a woman who claimed to work in the UK music industry and offered her employment and a chance to support her child. On arrival in the UK, Chinara’s passport was taken, and she was brought to a warehouse full of other women where she was told she would need to work as a prostitute to repay £70,000 travel costs. She had no phone or money and felt like she had no other option as her traffickers threatened to harm her child and sister in her home country if she disobeyed their orders.

With help from a male from her home country, Chinara eventually escaped, was brought to Belfast on a boat and driven to the West of Ireland. After a few days, she made her way to Dublin and sought assistance from the International Protection Office and Ruhama. Although support workers encouraged her to contact the Garda Síochána, she was fearful of police from her previous experience in her home country and the narrative her traffickers had told her about her own illegal behaviour.

In 2020, her trauma extended when a male began stalking her and using sexually explicit language. In 2021, Chinara told her story to the Garda Síochána. While she only wanted to report the stalking, she felt they were only interested in her trafficking experience. Chinara found the process overwhelming, and this was not helped by multiple requests for statements. Chinara told garda members: “This is not a story, just something I am reading out, it is what happened to me”. Although they said they understood, Chinara told them: “Unless you have been in my shoes you do not know what it is like, I need time”. The stalking continued and Chinara believes it was not taken seriously. Although the male was eventually identified and given a verbal warning, his behaviour continued.

Chinara believes that garda members must not pressurise victims to tell their story, and instead build trust and provide support. They also need to consider practical issues, such as where to meet, what to wear, and how to speak to victims. Although Chinara eventually shared her story, she regrets doing so and wouldn’t do it again. When asked what she would say to members of the Garda Síochána in relation to her experience she said: “It’s not just a story, this is something somebody went through. This person is looking for healing in the process, don’t drag them back”.

The IHREC evaluation published in September 2023 acknowledged the impact of the criminal justice process on vulnerable victims of human trafficking, and supported the recommendation made by the US State Department's *Trafficking in Persons Report: Ireland* that "A family liaison officer is assigned to every trafficking victim cooperating with law enforcement to advocate for the victim and help prosecutors".<sup>232</sup>

In GRETA's third evaluation report on Ireland in November 2022, they referenced the impact of trauma and the importance of a victim-centred and trauma-informed approach when dealing with vulnerable victims of crime.<sup>233</sup> This was also a recommendation made by IHREC in 2022, when it encouraged the Government to improve victim interactions with the Garda Síochána by enhancing focus on trauma-responsive and victim-centred approaches. Additionally, the *National Action Plan to Prevent and Combat Human Trafficking 2023–2027* references this under Objective 2.9 which aims to "Engage with victims in a victim-centred, trauma-informed, gender & child-specific and culturally competent manner".<sup>234</sup>

There are a number of specialist garda units in place to address certain crime types such as organised prostitution and human trafficking. However, transnational organised crime is a relatively new term and despite its use becoming more frequent, it was not a term that was well known to most divisionally based garda members that engaged with the Inspectorate. The inspection team received feedback from victims and victim services that, due to their experience of dealing with the Garda Síochána, it was their perception that many members of the garda workforce are currently not sufficiently trained or

suitably equipped to effectively identify, respond and support victims of serious and complex crimes. For example, many garda members were not aware if a crime they were investigating was transnational in nature and whether it was linked to organised crime. During the course of this inspection, it was frequently highlighted by both garda members and external support agencies that there are significant training and awareness gaps in the Garda Síochána in relation to domestic and transnational organised crime and understanding the trauma experienced by victims. As mentioned previously, the Garda Síochána is developing a new training course in human trafficking, which will be compulsory, with engagement monitored and learning assessed. However, there is currently no other training provided to the Victim Service Offices or garda members in relation to identifying and supporting victims of transnational organised crime.

Enhanced cognitive interviewing is a specific interview technique that is used by trained investigators within the Garda Síochána to obtain accurate and reliable accounts from a victim or another person considered to be a "significant witness" in a criminal investigation. An interview using this model should be conducted in a suitable setting by specifically trained members. Firstly, the victim or witness gives their statement and it is digitally recorded. This recording is then transcribed and read to the victim or witness as soon as possible and is signed by the victim or witness. Level 3 Advanced Interviewer Training is delivered by the Garda College and is designed for pre-selected investigators, who are trained at a higher level to conduct interviews on those who are arrested for more serious and complex crimes.

232 See note 188.

233 See note 10.

234 See note 11.

## Wellbeing and Welfare of the Garda Síochána Workforce

The development of a trauma-responsive framework is not only important for victims, but also serves to support professionals who experience exposure to a range of impactful situations on a daily basis. It was acknowledged by support agencies that garda members have to deal with a wide range of offence types on a daily basis and have no prior warning for some incidents that could be traumatic. The impact of sensitive cases is well documented in previous reports, and the Inspectorate made a previous recommendation in the *Responding to Child Sexual Abuse: A follow up review (2017)* in relation to the provision of counselling support for garda members and garda staff carrying out child sexual abuse investigative or examination roles.<sup>235</sup>

Members from specialist units highlighted the impact of their work on their personal lives, with some referencing the fact that they have to keep doors locked if they are working from home to prevent their children from overhearing or viewing any traumatising material. Members highlighted particularly memorable cases to the Inspectorate, with one member referencing a particular case that had a lasting impact on him stating that;

*“Some of the details of that case would keep you up at night”.*

The Garda Síochána has implemented a number of supports to mitigate against the harmful impacts of traumatic incidents, including:

- > The introduction of a Peer Support Programme in 1994 which enables members to avail of support from a trained colleague. At the time

of this inspection there was 1,065 trained peer supporters across the organisation;

- > The Employee Assistance Service, which is a confidential service available to serving and retired garda members and garda staff, their families, student gardaí, and to retired members of external police services living in Ireland and their immediate families. At the time of this inspection, 17 staff were assigned to this service;
- > Critical Incident Stress Management De-briefing, which is a group session delivered by a mental health professional, an Employee Assistance Officer and local management to all personnel involved in traumatic events;
- > A helpline and counselling service available to all staff within the Garda Síochána for both work and personal issues. This entitles access to six free sessions of counselling per year, with an additional two sessions provided if required. Trauma-based counselling is also available. Additional support, if needed, is determined by the Occupational Health Department. A total of 4,857 counselling sessions were accessed in 2022;
- > A Psychological Support programme was developed and implemented in 2020 for all personnel attached to the Garda National Cyber Crime Bureau, Garda National Protective Services Bureau, each Divisional Protective Service Unit and all

235 Garda Inspectorate, 2017. [Responding to Child Sexual Abuse: A follow up review. Recommendation 3.8.](#) [Accessed on 31 May 2024].

specialist victim interviewers. In 2023, it was extended to include Technical Bureau, divisional Scene of Crime Units and Forensic Collision Investigators. As part of this programme, all personnel must attend introductory group sessions delivered by a clinical psychologist and then two psychological supervision sessions per year; and

- > Occupational Health and the Chief Medical Officer also have key roles in ensuring any personnel who experience injuries, illness or trauma while on duty are supported.

### Assessment

Internationally, there is a move towards a more trauma-informed approach to the criminal justice system, with many jurisdictions reflecting this in their structures, policies and practices. The UK has implemented a number of changes to their criminal justice system to ensure all professionals are cognisant of the harmful impacts of trauma. The 'Achieving Best Evidence' approach used to interview vulnerable victims and witnesses is reflective of a victim-centric, trauma-responsive approach. Similarly, the approach in New Zealand which aims to reduce the prison population and divert young people from the criminal justice system is reflective of an understanding that complex individual factors often present for people involved with the justice system. Other jurisdictions have also recognised the impact of trauma on police officers and have developed guidance to better enable trauma-responsive frameworks and interventions.

Given the enhanced awareness of the harmful impacts of crime and an international move towards a more trauma-informed approach, the Inspectorate believes that the Garda

Síochána should develop a trauma-informed and responsive framework. The findings from this inspection highlighted a need for not only a deeper level of understanding of the impact of trauma across the Garda Síochána workforce, but also a mechanism for assessing the risks to and needs of victims, especially when the impact may not be easily identifiable. While the Inspectorate recognises the development of new, mandatory human trafficking training as positive, it considers that regular and consistent evidence-based training, informed by a yearly training needs analysis, would enhance the provision of support to victims of complex transnational organised crimes.

In addition, the Inspectorate believes that the development and implementation of a trauma-responsive model is a necessary step for the Garda Síochána in addressing the needs of all victims and witnesses from the point of first contact with the criminal justice system. It must also be acknowledged that garda members deal with a high volume of complex and often distressing incidents on a daily basis. The existing supports available are positive and developments in this area are welcomed. However, as members often deal with multiple complex incidents, the development of a trauma-informed framework would also support garda members to deal with traumatic incidents encountered during the course of their work as they occur and immediately after the event.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.



### Recommendation 5.5 Trauma-responsive Framework

The Inspectorate recommends that the Garda Síochána develop and implement a trauma-responsive framework. This should encompass:

- > Reviewing organisational crime policies and practices to incorporate trauma-informed principles and ensure any approaches are trauma-responsive;
- > Developing a culture of staff wellness incorporating trauma-responsive support for members and staff; and
- > Developing trauma-responsive training for all members of the Garda Síochána workforce.

## Barriers to Prosecution

Despite international research indicating that transnational organised crime has increased in recent years, some crime types, such as human trafficking and labour exploitation have seen significantly fewer prosecutions and convictions than others. This section considers the legislative challenges and barriers that prevent successful outcomes at court and explores how victims of crime could be better supported.

## International and Comparable Practice

The increasing prevalence of organised crime in recent years has resulted in a number of jurisdictions developing specific legislation to protect the most vulnerable members of society most impacted by criminal networks. As explored in Chapter 3, the UK introduced the Modern Slavery Act in 2015, which specifically addresses crimes of slavery,

labour exploitation and human trafficking. In order to more effectively tackle modern slavery, the legislation:

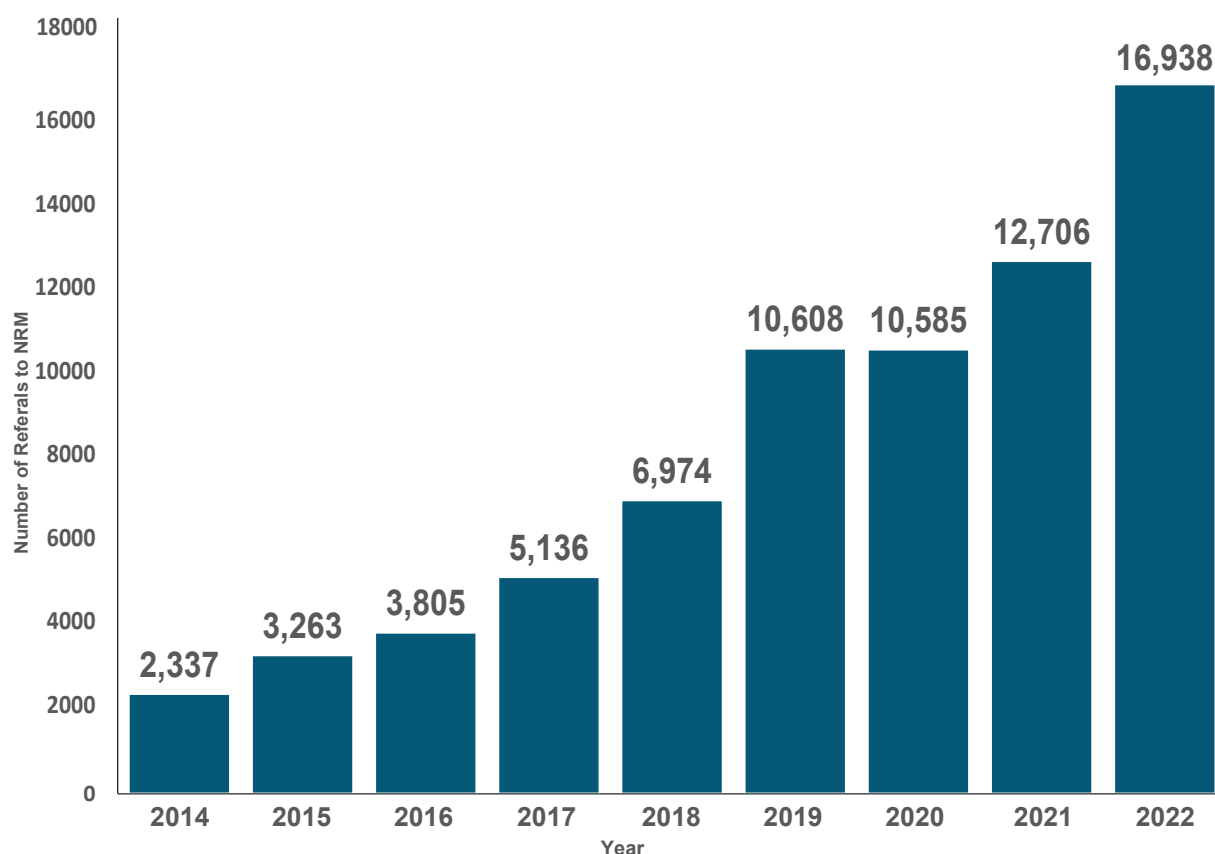
- > Consolidates and simplifies existing offences into one act to provide clarity and focus when prosecuting traffickers and slave masters;
- > Increases the maximum sentence for offenders to life imprisonment;
- > Strengthens powers to recover profits; and
- > Introduces new tools to restrict the activity of convicted traffickers.<sup>236</sup>

Other key developments in the UK include the provision for an Independent Anti-slavery Commissioner, an increase in the severity of punishments and restrictions for perpetrators of modern slavery crimes, and new responsibilities for companies of a certain scale to disclose action taken to eliminate modern slavery in their business or supply chains. Importantly, the Act also placed an emphasis on victims, with the introduction of a legal defence for victims of slavery and trafficking, direction for the state to produce guidance on victim services (including the identification of victims), the introduction of child protection advocates, and reparation/compensation measures.

The National Referral Mechanism (NRM) is a process designed to identify, protect and assist victims of trafficking in human beings. This structure should encompass the relevant public authorities and facilitate referrals to appropriate supports.<sup>237</sup> Following a review in 2014, the UK made significant changes to its NRM in order to ensure victims were more easily identified via multidisciplinary panels. As a result, there has been a stark increase in the number of potential trafficking victims identified, as shown in Figure 5.4.

236 Home Office, 2014. [Modern Slavery: how the UK is leading the fight](#). [Accessed on 31 May 2024].

237 This term derived by EMN from the Conclusions on the new EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 of the 3195th Justice and Home Affairs Council meeting, 25th October 2012.

**Figure 5.4: Number of referrals to the UK National Referral Mechanism 2014–2020**

Source: Home Office, 2023. Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022: data tables, adapted by the Garda Inspectorate

In 1997, Sweden was the first EU country to appoint the Swedish Police Authority as National Rapporteur on Trafficking in Human Beings. In addition, Sweden was the first country in the world to adopt the Sex Purchase Act in 1999, which prohibits the purchasing of sexual services. The Act is called *Kvinnofrid*, meaning ‘Women’s Peace’, and acknowledges prostitution as a form of violence against women. It is designed to discourage men from engaging in this form of exploitation. This was just one element of the overarching Nordic Model (otherwise known as the Swedish model), which was later adopted in Sweden, Norway, Iceland, Northern Ireland, Canada, France, Ireland and Israel (with variations in Finland and South Korea). In addition to criminalising the purchase of sexual acts, the

model decriminalises anybody who has been forced into prostitution, while providing support and exploring exit routes in an attempt to reduce the demand that drives sex trafficking.

The model was previously endorsed by the European Parliament as best practice in preventing sexual exploitation.<sup>238</sup> However, in recent years the model has come under scrutiny from sex workers and international support agencies. Research conducted by Amnesty International found that while in theory the model doesn’t set out to criminalise sex workers, in reality it served to disadvantage this cohort, particularly if they had been a victim of a violent or serious crime during the course of their work.<sup>239</sup>

238 European Parliament, 2014. [Punish the client, not the prostitute](#). [Accessed on 31 May 2024].

239 Amnesty International, 2016. [The Human Cost of ‘Crushing’: The Market Criminalization of Sex Work in Norway: Executive Summary](#). [Accessed on 31 May 2024].

In 2018, GRETA highlighted that while Sweden had made progress in a number of areas such as the development of the legal framework for combatting human trafficking and the establishment of specialised anti-trafficking police units, the focus appeared to be on sexual exploitation and not all forms of human trafficking were equally or sufficiently addressed.<sup>240</sup> As referenced previously, almost all transnational organised crimes are financially motivated and cyber-enabled. As a result, investigation techniques have had to adopt nuanced practices to secure convictions in cases that are less likely to have a positive outcome using traditional methods. As victims and witnesses of transnational organised crime can be at an enhanced level of risk of harm or retribution, some jurisdictions have moved more towards victimless prosecutions. There has been a successful move towards this type of prosecution in the United States of America, particularly in relation to domestic abuse where cases are progressed on physical evidence and witness testimonies, and without participation of victims.

The term ‘county lines’ is used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of ‘deal line’. Those involved in county lines are likely to exploit children and vulnerable adults by grooming them into performing roles which involve the movement and storage of drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons.<sup>241</sup> While young people may be transporting drugs, they are also vulnerable and, in some cases, must be acknowledged as victims. It

has become apparent in recent years that victims involved in county lines do not always recognise their victim status and as a result are very unlikely to give evidence against those controlling them. As a result, some UK police services have developed investigative techniques to bring organised criminals to justice without the need to rely on the evidence of the young people involved, minimising the risk to these individuals. As this type of crime predominantly relies on the use of technology, successful convictions have utilised similar methodologies to secure the evidence needed. Tactics were informed by the fact that those being exploited to transport drugs were often young, vulnerable and susceptible to manipulation and intimidation. The investigative strategy focused on identifying potential suppliers and connecting them to their vulnerable couriers through analysis of technology. Communication data analysis is used to identify the holders and controllers of the drugs lines and this forms a key evidential strand in subsequent prosecutions and the closure of a drugs line. Investigators also use other evidence gathered through surveillance and search operations to prove their case.

As a result of law enforcement focus, funded by the Home Office County Lines programme, a reduction has been achieved in traditional county lines. As of January 2024, over 5,100 county lines had been closed down, 15,600 arrests made and over 8,000 individuals referred by police for safeguarding.<sup>242</sup> The UK has also acknowledged the exploitation of children and vulnerable adults and safeguarding has been at the heart of their response, with 78 vulnerable people being referred to support services via the NRM. Police services are also delivering school

240 Group of Experts on Action against Trafficking in Human Beings (GRETA), 2018. [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden: Second Evaluation Round](#). [Accessed on 31 May 2024].

241 Interventions Alliance, 2021. [County Lines \(Literature Review\)](#). [Accessed on 31 May 2024].

242 Home Office, 2023. [County Lines Programme Data](#). [Accessed on 31 May 2024].

engagement programmes and working with partners such as The Children’s Society on the #Lookcloser campaign. The use of these techniques delivered positive outcomes for vulnerable victims without the risk of further traumatising or risk of retribution.

## Findings

### GRETA Evaluation

The latest GRETA evaluation report on Ireland was released in November 2022, and as this was the third round of evaluations, the focus was on access for victims of trafficking to justice and effective remedies.<sup>243</sup> GRETA found that Ireland has taken some positive steps, such as appointing IHREC as National Rapporteur on the Trafficking of Human Beings and the establishment of a human trafficking stakeholder’s forum. However, there are still improvements to be made in terms of meeting the requirements outlined in the Victims’ Rights Directive. Another issue identified was the lack of continuation of support from the Legal Aid Board, which currently only provides legal advice and information to human trafficking victims, but not legal representation in criminal or civil proceedings. GRETA recommends that Ireland take steps to remedy this and ensure that legal assistance is provided as soon as there are reasonable grounds for believing an individual is a victim of human trafficking.

### National Referral Mechanism

In May 2021, it was agreed that Ireland’s NRM would be revised to make it easier for people to be officially recognised as victims

of exploitation. Under the new framework, additional state bodies and NGOs will soon have a role in identifying victims and referring victims, as opposed to the Garda Síochána having sole responsibility.<sup>244</sup> As outlined in the third *National Action Plan to Prevent and Combat Human Trafficking 2023–2027*, the NRM will be placed on a statutory footing under the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2023, which is expected to be enacted in 2024.<sup>245</sup>

This is a welcome change for victim support agencies which, for years, have been providing front-line support to people who were previously not recognised as victims as they weren’t identified as such by the Garda Síochána. This change was also supported by the recent *2023 Trafficking in Persons Report: Ireland*, which made the following recommendations in relation to the identification of victims of human trafficking and labour exploitation:

- > Improve victim identification and referral by issuing a revised NRM in co-ordination with NGOs; providing victim identification training for all front-line officials, including for labour inspectors; and offering formal identification, a recovery and reflection period, and services to all victims; and
- > Allow formal victim identification by entities other than the police, including civil society, labour inspectors, social workers, and health care professionals.<sup>246</sup>

243 See note 10.

244 In addition to a number of NGOs and the Garda Síochána, other agencies will become competent authorities for the identification of victims of human trafficking: Department of Justice Immigration Service; Department of Social Protection; the Health Service Executive; Tusla – The Child and Family Agency; Department of Children, Equality, Disability, Integration and Youth; International Protection Accommodation Services; and the Workplace Relations Commission.

245 See note 11.

246 See note 188.

The vast majority of referrals to Ireland's NRM are for female victims of human trafficking and sexual exploitation. Only one Irish citizen was referred to the NRM in 2022, indicating that many people being exploited for the purpose of organised crime are not being identified and referred for support through the mechanism. A professional working in the exploitation field told the Inspectorate that at present there is nothing the current NRM can offer an individual trafficked or exploited domestically for the purpose of organised crime. This was based on the knowledge that for domestic trafficking or exploitation victims, there are nuanced supports required as the current supports in place are insufficient and do not help victims exit criminal networks that more often than not are operational in the victim's own community.

Key considerations in relation to this included the inconsistent nature of protective and special measures, the current accommodation provided (through the Direct Provision system) and the high level of personal risk posed by criminal networks in Ireland. This agency representative stated that while it is known that people residing in Ireland are being exploited for the purpose of organised crime, at present the figures don't support that, and as such it's very difficult to advocate for change and appropriate resources. When asked what contributes to the low number of referrals to the NRM, the individual stated that as the Garda Síochána is the only agency that can refer at present, this presents a barrier that will be alleviated by expanding the number of agencies that can make referrals. However, a lack of understanding of the signs of exploitation is a contributing factor. As this individual stated:

*"The threshold for referral to the NRM is quite low, yet some divisional members of the Garda Síochána don't understand this and commence an investigation before considering making a referral. If the potential victim isn't getting supports there is a risk of re-trafficking and a loss of evidence".*

Support agencies have cautioned that without the appropriate training for all criminal justice and support agencies, the expected increase in referrals to the NRM may not necessarily correlate with increased conviction rates for trafficking and exploitation offences.

### Challenges to Securing Prosecutions

In February 2019, Ireland ratified the Forced Labour Protocol. This protocol reinforces the international framework for addressing all forms of forced labour and is a legally binding instrument of the International Labour Organisation.<sup>247</sup> However, despite this, at the time of completing this inspection, Ireland had only secured one successful conviction for human trafficking offences. While the Garda Síochána referred 14 cases of labour exploitation to the DPP between 2018 and 2022, there had been no successful convictions for labour exploitation in Ireland. This is despite reports by leading academics, researchers and support agencies highlighting that labour exploitation has been steadily increasing in recent years, a trend that is supported by data from other jurisdictions. Frustration regarding the lack of prosecutions was expressed by a number of legal professionals and academics during the course of this inspection, and barriers were highlighted at various stages of the process, such as getting cases to court or securing

247 Department of Enterprise, Trade and Employment, 2019. [Ireland agrees to ratify the ILO Forced Labour Protocol](#). [Accessed on 31 May 2024].

prosecutions or convictions. A specialist from the fishing industry highlighted that there's no incentive for victims of labour exploitation to come forward and share their experience as there are no previous cases that delivered justice for victims. Even in cases where victims were identified and referred via the NRM, there appeared to be a lack of progression in relation to criminal proceedings.

Professionals working in the labour exploitation field attributed the lack of successful convictions partly to a gap in understanding among garda members about what constitutes labour exploitation and how it is one of a number of different elements of human trafficking. The Inspectorate spoke to garda members who stated that labour exploitation cases don't usually meet the criteria outlined in the definition of human trafficking, a view disputed by legal professionals working in the field. As the Garda Síochána was the only competent authority at the time of this inspection, victims of exploitation were reliant on it to make referrals to the NRM on their behalf, and if there is a lack of identification, these individuals are less likely to receive the support they need.

A legal representative working directly with victims of labour exploitation highlighted the differences in investigation techniques used during labour exploitation cases as opposed to other crime types. For example, there tends to be an over-reliance on the statement of the victim, who in most cases has been exploited, manipulated and mistreated, and an underuse of other available evidence. As one service provider stated:

*"It is difficult for victims to make good witnesses as a number of them are impacted by post-traumatic stress. Anything will be used to discredit the witness, and strong*

*witnesses can be at a disadvantage if they don't present as a victim. There is too much over-reliance on the witness, the evidence is there".*

While it is important that the Garda Síochána acts quickly to obtain and preserve any evidence that might be available, victim services and academics raised concerns about the length of time it can take the Garda Síochána to respond to reports of labour exploitation, outside the standard 60-day recovery and reflection period. Significant delays in relation to obtaining statements is one of the challenges identified.

In some cases, it took nearly a year to take a statement. In cases discussed with the Inspectorate, it was suggested that there were also lost evidential opportunities, such as phone records and absence of pay slips, work rotas or bank records. It was also highlighted that any delays by investigators in requesting access to records enhanced the risk of loss or destruction of evidence.

The Workplace Relations Commission (WRC) has a statutory responsibility to ensure compliance with employment law entitlements and obligations. While the WRC does not have an express statutory role under the Criminal Law (Human Trafficking) Acts of 2008 and 2013, it is represented on the national structures established to combat forced labour and trafficking. WRC will also be a new member of the NRM Operational Committee to be established under the new framework. WRC's Inspectorate also continues to be part of the Europol European Multidisciplinary Platform Against Criminal Threats (EMPACT) Labour Exploitation group. This group brings together labour inspectors and police officers from across Europe to exchange information and good practice to help combat forced labour and human trafficking on an ongoing basis.

Despite the lack of successful convictions in Ireland for labour exploitation, the following action was taken in cases heard by the WRC for the period between 2018 and 2022:

- > 14 human trafficking-related referrals involving labour exploitation were made to the Garda National Protective Services Bureau, but none of these resulted in successful convictions; and
- > 269 employers were prosecuted for employing workers without employment permits.

### Victimless Prosecutions

It must be noted that the lack of convictions does not only apply to cases of human trafficking including labour exploitation. Victims across the range of transnational organised crimes experience difficulties in reporting their experience and securing prosecutions due to a range of factors, including, but not limited to, fear of retribution, lack of protection and fear of self-incrimination. The lack of available and willing witnesses presents a significant barrier to securing successful convictions domestically. GRETA, in their 2017 and 2022 reports, expressed concern regarding the lack of convictions and effective sentencing in Ireland, and the subsequent impact on victims being willing to testify. GRETA reported that the Garda Síochána did not use data intercepted from mobile phones as evidence in trafficking cases, which may have had an impact on the outcome of these cases. The *2023 Trafficking in Persons Report: Ireland* supported a recommendation made by GRETA in 2022 relating to these techniques “GRETA urged the government to make use of special investigation techniques in order to gather material, documentary, financial, and digital evidence, as opposed to relying exclusively on testimony by victims or witnesses”.<sup>248</sup>

Ireland will also soon see the introduction of body worn cameras, which will enable the Garda Síochána to record evidence at the scene of a crime, including a victim’s initial statement, and help investigations to be progressed and convictions sought, even in cases where a formal complaint is not made by the victim.

### Assessment

The challenges in securing successful convictions in Ireland in relation to human trafficking and labour exploitation highlight a need for further exploration of the circumstances surrounding cases of this nature. While there have been successful convictions in other jurisdictions, particularly in relation to county lines, Ireland is yet to explore the use of similar techniques to shift the focus from cases being over-reliant on the testimonies of victims to victimless prosecutions. The investigative techniques used in the UK would alleviate the need for vulnerable victims and witnesses to always engage in criminal justice processes, removing the risk of retaliation. The Inspectorate believes that exploring this would contribute positively to the progression of cases already documented in other domestic forums, such as the WRC, to the criminal justice system.

The planned changes to the NRM will facilitate a more holistic identification, referral and support system for victims of trafficking and are in line with changes made in other jurisdictions. However, further development will be required in order to appropriately identify all victims of exploitation and provide them with tailored supports reflective of their personal circumstances and individual needs. At present, there is no incentive for victims of labour exploitation to report their experiences to the Garda Síochána as there

248 See note 188.

is no precedent for successful outcomes. Given the high level of risk associated with transnational organised crimes, cases which are over-reliant on victim testimonies are far less likely to progress to court given the personal risks and trauma faced by victims. Developing an approach to victimless prosecutions requires the support of a number of criminal justice agencies.

To increase the confidence of victims to report crimes and increase the numbers of successful prosecutions, more tailored approaches are required. In order to secure evidence and encourage victims to engage in criminal justice processes, cases will need to be prioritised, especially if there is a risk to a vulnerable victim or a danger of loss of evidence. In order to develop an approach that is evidence-based and outcomes-focused, the Inspectorate believes that an independent expert should be appointed to conduct an in-depth analysis of cases involving exploitation and trafficking referred to the DPP for direction. The Inspectorate acknowledges the complexities with data sharing and confidentiality in relation to information held on victims, witnesses and suspects involved in criminal justice processes. As a result, each agency will need to support the process by undertaking a focused review of the information it holds and reporting in an agreed format to the independent expert. The report produced by the independent expert should inform understanding of the barriers to successful prosecutions in Ireland.

## Recommendations

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendations.

### Recommendation 5.6

#### Victimless Prosecutions

The Inspectorate recommends that the Department of Justice convene a review by relevant stakeholders to explore the use of digital and technical evidence to support victimless prosecutions and develop guidelines to support this approach.

### Recommendation 5.7

#### Review of Human Trafficking and Exploitation Cases

The Inspectorate recommends that the Department of Justice commission an independent expert to conduct a review of both human trafficking and exploitation cases referred for prosecution. This person should be supported by the relevant agencies involved in the criminal justice process and the review should encompass an exploration of:

- > The identification and categorisation of trafficking and exploitation;
- > The appropriateness and use of current legislation, including the definitions under the Criminal Law (Human Trafficking) Acts;
- > Quality of evidence secured through investigation;
- > Request and provision of pre-prosecutorial advice;
- > Application of decision-making thresholds for referral before the courts; and
- > Identification of corrective action to be taken to better support victims.



## Cuckooing

'Cuckooing' is a practice where people exploit a vulnerable person by taking control of their home and using it to facilitate illegal activity.<sup>249</sup> The term was coined as a reference to the cuckoo bird that invades and exploits another bird's nest and the modern practice can serve numerous purposes, many of which link directly with transnational organised crime.<sup>250</sup> While the impacts of transnational organised crime can often be felt across multiple jurisdictions, some of the nuanced practices that have developed within these networks have been found to have a significant impact on local communities and its most vulnerable members. Cuckooing is one such practice, and this section explores the complex phenomenon and the actions required to both prevent and address it.

### International and Comparable Practice

The Toronto Police Service identified cohorts that are particularly vulnerable to cuckooing, such as people with addiction or physical/mental health issues, homes with low income, and socially isolated or elderly members of society. While there doesn't appear to be any specific international legislation to address this phenomenon, other jurisdictions have taken steps to raise awareness of the warning indicators, and signpost those most vulnerable to the appropriate agencies for support. The Thunder Bay Crime Prevention Council in Canada launched the Home Takeovers Initiative, which was a public service announcement directing individuals to a range of resources specifically relating to cuckooing.<sup>251</sup>

In Scotland, Operation Marron was developed to improve the national intelligence picture and assessment of the impact of county lines across the country. As part of this operation, cuckooing and vulnerability guidance was drafted to standardise practice. While there is an acknowledgement that different services are available across communities, the main principles remain consistent to ensure a robust and accountable approach across Scotland. This is seen as an effective safeguarding tool and acts as a deterrent to groups and individuals seeking to take over a property and exploit vulnerable individuals. One police division has gone a step further in instigating Operation Protector in conjunction with other local partner agencies in response to drug-related harm. As part of this, and in respect of the cuckooing aspect, specific periods of action would be identified, during which visits to those who use drugs or are at risk would take place. There is also an emphasis on community outreach and awareness raising in relation to county lines and cuckooing. Due to the success of Operation Protector, it is being rolled out to all divisions. The Human Trafficking and Exploitation Act (Scotland) 2015 is used in Scotland to deal with cuckooing offences.

### Findings

Ireland has seen an increase in incidents of cuckooing in recent years, with a number of high-profile cases reported in the media. These have resulted in not only physical harm to garda members,<sup>252</sup> but in some cases the death of vulnerable individuals who have

249 Spicer, J., Moyle, L. & Coomber, R., 2020. The variable and evolving nature of 'cuckooing' as a form of criminal exploitation in street level drug markets, *Trends in Organized Crime*, Volume 23, pp. 301–323.

250 Buerger, M (1992), Defensive strategies of the street-level drug trade, *Journal of Crime and Justice* 15(2), pp. 31–51.

251 City of Thunder Bay, n.d. [Home Takeovers](#). [Accessed on 31 May 2024].

252 O'Keeffe, C., 2021. [Hostile takeovers: Dealers sell from the homes of vulnerable addicts](#). *Irish Examiner*. [Accessed on 31 May 2024].

fallen victim to this trend.<sup>253</sup> While the issue of cuckooing can take place in all tenure types, including social housing owned by local authorities, private rental and privately owned properties, the examples shared with the Inspectorate related predominantly to social housing owned by local authorities. Throughout the consultation process for this inspection, victims and agencies highlighted incidents where vulnerable family members were victims of cuckooing, subjected to physical abuse and faced eviction as a result. Typically, the perpetrators use the property until it is suspected that the Garda Síochána is aware of the illegal activity, or in the case of rental properties, the landlord or owner serves the tenant with an eviction notice. For that reason, the practice only serves to further victimise those who are vulnerable, with the perpetrators moving on to another vulnerable individual or family for the same purpose. The Housing (Miscellaneous Provisions) Act 1997 facilitates “excluding orders” for tenants in supported or affordable housing as a result of anti-social behaviour, including:

- > The manufacture, preparation, exportation, sale, supply or possession of drugs; and
- > Any behaviour which is likely to cause any significant or persistent danger, injury or damage to people or property.<sup>254</sup>

Housing bodies spoke to the Inspectorate about the difficulties in identifying incidents of cuckooing, as the situation can often remain undetected until neighbours or other people make complaints about the occupiers or the property is searched by the Garda Síochána. At that point, it can be

difficult to determine who is responsible for the illegal activity occurring in the property. While the Garda Síochána has a clear focus on any crime that has been committed, housing bodies have a responsibility to the tenant. It is often difficult to determine if the tenant has been coerced or abused or if they are a willing participant in the criminal behaviour. It is also the case that most searches conducted by the Garda Síochána are conducted without any communication or co-ordination with housing bodies. While it was acknowledged that it is not always appropriate for the Garda Síochána to liaise with other agencies prior to the execution of a search warrant, it was suggested that early engagement with the housing body would allow timely and appropriate follow-up, exploring any necessary supports required for the tenants, particularly if cuckooing is present. The provision for housing bodies to request information from other relevant agencies is already present in current legislation, such as Section 15 of the Housing Act (1997).

Victims and agencies that met with the Inspectorate highlighted the differences in outcomes when incidents of cuckooing are handled in a collaborative, multi-agency manner, as opposed to agencies working in isolation, with the focus solely on the illegal activity. Professionals who had experience of working in areas with high levels of cuckooing gave positive examples of good practice where members of the Garda Síochána worked collaboratively with staff from local housing agencies and support services to co-ordinate responses. Examples included careful planning of the execution of drug searches where support agencies waited outside and provided support in the immediate aftermath. In other

253 Power, J., 2022. [Concern over increasing prevalence of drug-related ‘cuckooing’](#). *Irish Examiner*. [Accessed on 31 May 2024].

254 Government of Ireland, 1997. [Housing \(Miscellaneous Provisions\) Act 1997](#). [Accessed on 31 May 2024].

cases, interventions included the provision of addiction and rehabilitation support, with temporary supported accommodation being sourced for others. With this joint approach, victims of cuckooing were better supported to address their individual needs, as well as working more effectively with the Garda Síochána and other agencies to identify those responsible. Over time, the collaborative forum in one particular area was able to identify potential victims and use preventative interventions to support vulnerable members of communities. This also allowed housing agencies to separate the illegal activity from the tenant, in cases where they had been taken advantage of, and to source alternative accommodation for them, away from the criminal gang and the area where the cuckooing took place.

There are many examples of positive outcomes for cuckooing victims, which occurred when agencies worked closely together to provide a multi-agency response to the incident. It also increased the awareness and knowledge of cuckooing among local garda members. However, this type of multi-agency working is not formalised or standardised across the country, meaning that some incidents of cuckooing are still dealt with in isolation and vulnerable victims are suffering as a result.

### Assessment

The Inspectorate believes that, in isolation, the current legislation only serves to disadvantage a cuckooing victim, as it does not directly target the perpetrators and hold them accountable for their exploitation of the victim or the illegal activity. In most instances the person responsible is not a tenant of the property. It is also often the case that the victim of cuckooing has many needs that are being exploited as a result of the practice, such as substance misuse or mental illness,

and therefore they require more support than can be provided by a housing agency.

As cuckooing requires direct engagement between the Garda Síochána, Department of Justice and housing and support agencies, the Inspectorate believes that the development of a standardised framework for national multi-agency working would ensure the most appropriate course of action is taken to address this type of behaviour and minimise the risk of harm for all involved. While there must be an acknowledgement that the Garda Síochána has a remit to detect and respond to suspected criminal behaviour, cuckooing is a complex issue that requires a more tailored response, if the cycle of exploitation is to be broken and a more collaborative response in cases where housing bodies are unaware of the situation and the cuckooing presents to the Garda Síochána first.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

#### Recommendation 5.8

##### National Framework for 'Cuckooing'

The Inspectorate recommends that the Department of Justice work with the Department of Housing, Local Government and Heritage, Garda Síochána and other housing and support agencies to develop a national framework to address the issue of cuckooing.

## Victims with Dual Status

Victims of transnational organised crime can at times be coerced into engaging in criminal behaviour, such as drug-related activity, people smuggling or money laundering. As such, victims can hold a 'dual status' as both victim and offender, which can pose difficulties in terms of securing appropriate supports.

## International and Comparable Practice

There is a wide range of international approaches to supporting individuals who fit into the dual status category. New Zealand has taken a number of steps in recent years to adapt its criminal justice system to become more preventative and restorative. As part of the district court jurisdiction, it has established a number of specialist courts, which aim to more closely identify the underlying cause of a person's offending and break the cycle by directly addressing specific needs. These include the Alcohol and Other Drug Treatment Court which is focused on offenders with addiction issues, the New Beginnings and Special Circumstances Court, which deals with homeless offenders, and more recently, the Young Adult List, which is a rehabilitative court for those offenders aged 18 to 25.

In these specialist courts and the general court system, information about an offender's background can assist the court in determining the appropriate disposition of the proceedings and, where appropriate, the nature and length of sentence. Information about an offender's personal background can be provided to the court in a pre-sentence report, or the court can hear from any nominated person about circumstances that may be relevant in the offender's personal,

family, community, or cultural life. If the court is satisfied that an offender's previous trauma or other personal factors have causatively contributed to their offending, they may be taken into account when sentencing.

In the UK, Problem-Solving Courts have been established as a way for the court to work in partnership with other agencies to explore long-term solutions to offending. Examples include Stockport Problem-Solving Court and Manchester Women's Court.<sup>255</sup> Courts target vulnerable offenders who present with a number of needs, such as housing issues, mental health needs or substance abuse. Pre-sentencing assessments determine the needs, and a collaborative intervention is explored in conjunction with local authorities and support services. A support plan is developed to be delivered for a specified duration and offenders present to court at regular intervals to provide updates on progress. In 2022, the UK Government announced the introduction of three Problem-Solving Courts to combat drug and alcohol-fuelled crime specifically as part of its drug strategy.

While it is often acknowledged that individuals with dual victim and offender status have suffered abuse and exploitation as a result of their experiences, tailored support is not often offered, and is unlikely to be presented for consideration during sentencing.

## Findings

In a literature review commissioned by the Department of Justice in 2019 to explore victims' interactions with the criminal justice system around the world, it was found that individuals with dual offender and victim status experience unequal access

255 Smith, S. & Whitehead, S., 2021. [Problem-solving courts for women: An evidence & practice briefing](#). [Accessed on 31 May 2024].

to the criminal justice system.<sup>256</sup> The review acknowledged that these issues are not easily addressed; however, as a minimum standard, appropriate victim identification training should be provided to professionals working in the criminal justice system.

The circumstances surrounding the engagement in criminal behaviour for victims of transnational organised crime can span various personal experiences, such as drug-related intimidation, forced prostitution, or facilitating the smuggling of illicit drugs or money. An academic working in the criminal justice system told the Inspectorate that many perpetrators of crime are also victims and have a dual set of needs that require addressing. The initial relationship between perpetrators and victims of organised crime is often formed under the pretence of friendship or assistance and most of the victims who engaged with the Inspectorate spoke about this initial point of contact, and highlighted the manipulation that took place during their first meeting. Victims spoke about initially believing that these individuals were friends, parental figures and in extreme cases, saviours. In most cases, the coercion, control, manipulation and abuse didn't become apparent until later when the victims were in a very vulnerable situation, isolated from their friends or family, and indebted, with no other means of payment other than what was being asked of them.

Victims told the Inspectorate that their engagement in criminal behaviour was gradual and often unintentional; however, there came a point when they understood that what they were doing was illegal.

Victims reported that they often reached a time when they wanted to exit their situation but were deterred from speaking about it with anybody as they had been told by the perpetrators that they would face arrest and prosecution for their behaviour. This is often one of the main reasons why victims of transnational organised crime do not report their experience to the Garda Síochána. As a victim of human trafficking and forced prostitution stated:

*“They [her traffickers] told me that if I ever went to the Gardaí I would be arrested for coming to Ireland without a passport and for engaging in prostitution. I thought that was true, so I didn't think I could ever go to them”.*

In 2007, the National Crime Council published a report recommending that Community Courts be established in Ireland for specific offence types, in recognition that a number of underlying factors can contribute to offending behaviour and may require a more tailored response as an alternative to detention.<sup>257</sup> In 2014, the Oireachtas Joint Committee on Justice, Defence and Equality published a report on its hearings in relation to Community Courts.<sup>258</sup> It recommended that a pilot be established in Dublin; however, to date it doesn't appear that this has happened. Similar to other jurisdictions, Ireland has a Drug Treatment Court, which provides supervised treatment, education and rehabilitation for offenders with problem drug use. It is used as an alternative to custody in cases where a judge deems it appropriate and a referral to the court is reliant on admission of guilt and conviction of a non-violent crime.

256 See note 212.

257 National Crime Council, 2007. [Problem Solving Justice: The case for Community Courts in Ireland](#). [Accessed on 31 May 2024].

258 Houses of the Oireachtas, 2014. [Joint Committee on Justice, Defence and Equality. Report on Hearings in Relation to Community Courts](#). [Accessed on 31 May 2024].

However, other crimes are more complex and balancing the needs of the victim with the consequences of their criminal behaviour is a very complicated consideration for the Garda Síochána and criminal justice agencies. This is a common theme that featured throughout the course of this inspection. A leading academic currently engaged in research on criminal networks referenced two scales that must be taken into account when considering a victim's engagement in crime; complicity and duress. This is particularly important in cases where the ultimate price of non-compliance has significant consequences for the victim or their family. An example of this is organised crime groups, where violence and the loss of life are commonplace and the behaviours individuals will engage in to maintain the balance are on a greater scale. In considering these complex cases, the presence of trauma must be taken into account, as living with a heightened sense of fear on a daily basis impacts on the ability of a person to make rational, logical choices. As one specialist highlighted:

*"We make rational choices when we are safe and emotionally regulated, and how many people engaged in organised crime are safe and emotionally regulated?".*

## Assessment

The Inspectorate believes that in considering individuals with dual victim and offender status, the complexity lies in finding the tipping point between coercion or duress and complicity. There is also a balance to be found between the needs of the individual with dual status, while also respecting the rights of any person who was victimised as a result of that individual's behaviour. While the impact of trauma has been referenced throughout this chapter, the Inspectorate believes that it is particularly relevant in these cases and that trauma-informed and

responsive practices would not only support victims and witnesses but also offenders who have been victimised or suffered previous trauma.

While innovative initiatives have been implemented in other jurisdictions, it must be acknowledged that these usually don't extend to transnational organised crimes, given the serious nature of these offences. Also, careful consideration must be given to how the needs of victims can be met, without creating further avenues for exploitation or abuse by perpetrators. Furthermore, another key consideration presents in relation to what level of involvement in criminal or anti-social behaviour can be deemed acceptable as a victim of transnational organised crime, especially if the behaviours have had a direct consequence on another victim of crime. While this is a complex issue, the Inspectorate found that it was a key theme presenting throughout the inspection and believe that further exploration of the management of individuals with dual victim and offender status is integral to breaking the cycle of transnational organised crime victimisation.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 5.9

#### Victims with Dual Status

The Inspectorate recommends that the Department of Justice commission research to explore how individuals with dual victim/offender status are managed and supported in the criminal justice system.

# 6

## *Chapter 6*

### *Prevention and Diversion*



CIGIREACHT AN GHARDA SÍOCHÁNA  
GARDA SÍOCHÁNA INSPECTORATE

# Chapter 6 - Prevention and Diversion

## Introduction

Prevention of crime and disorder should always be the number one priority for any police service. Effective crime prevention can reduce the number of victims of crime in addition to the demands on policing services. When police services are successful in disrupting those involved in enabling and committing organised crime and dismantling their criminal groups, it is critically important that other agencies are engaged at an early stage to help the police to prevent another crime group from trying to fill the void created.

This chapter examines the crime prevention strategies and practices of the Garda Síochána and other agencies that have responsibility for preventing transnational organised crime and enhancing community safety. It also explores how individuals at risk may be identified, supported and diverted away from a life of offending. While it looks at diversion from committing crime for people of all ages, it particularly examines children and young people who are targeted by organised crime groups and are particularly vulnerable to exploitation. Specifically, this chapter explores:

- > Enablers of transnational organised crime;
- > Crime prevention;
- > Community safety;
- > Diversion;
- > Legislation;
- > Custodial support and rehabilitation; and
- > Electronic monitoring devices.

## Enablers of Transnational Organised Crime

An enabler is something which allows or facilitates an action or behaviour to take place. There are positive and negative enablers relevant to domestic and transnational organised crime. Positive enablers include legislation, practices and processes which makes it possible to effectively target or disrupt criminal activity and protect victims. In contrast, there are people, groups or companies that knowingly or unintentionally support criminals in their nefarious activity. These enablers include people who use legal and illegal companies to launder money, create counterfeit documents, allow illicit goods or people to be placed in their vehicles or vessels for transportation in and out of the country and those in positions of authority who are corrupt.

In its 2021 Serious and Organised Crime Threat Assessment (SOCTA), Europol highlighted that by analysing the roles played by those involved in organised crime, critical functions and individuals that constitute high-value targets can be identified. These are defined as key enablers and facilitators of criminal processes. They are not limited to the obvious categories of leaders, organisers, brokers, fencers or large-scale money launderers but include persons offering specialist expertise or access to crucial contacts or infrastructures, such as technical experts, or legal and financial advisors. Tackling these criminal collaborators will maximise the impact of law enforcement actions. Criminals directly control or infiltrate legal business structures in order to facilitate virtually all types of criminal activities. All types of legal



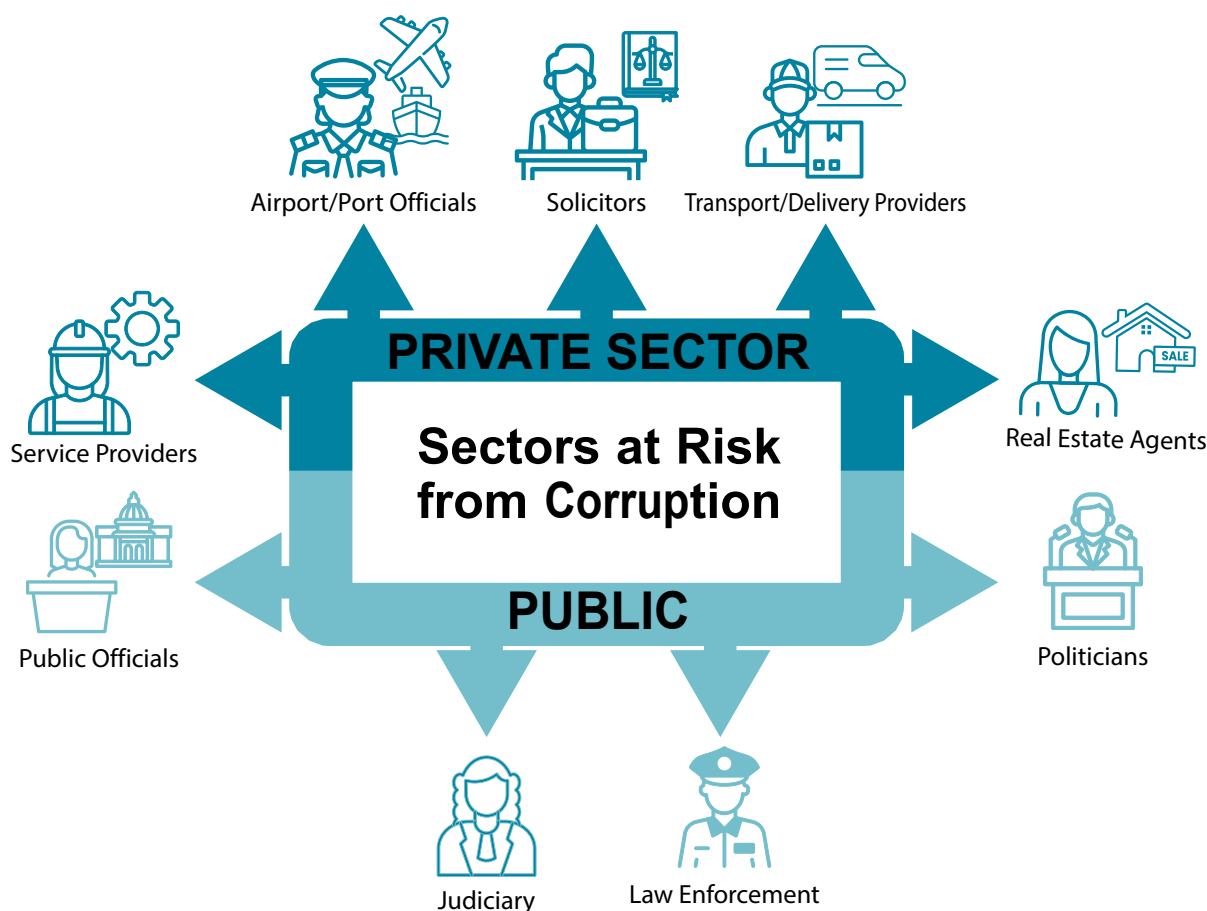
businesses are potentially vulnerable to exploitation by serious and organised crime. Europol found that more than 80% of the criminal networks active in the European Union (EU) use legal business structures for their criminal activities.<sup>259</sup> About half of all criminal networks set up their own legal business structures or infiltrate businesses at a high level. Figure 6.1 shows the types of sectors at risk of corruption.

As part of the inspection, the Inspectorate met with representatives of the Global Initiative against Transnational Organised Crime who highlighted that the way in which young men are socialised is a huge enabler for organised crime and that recruitment will often focus on those who are most vulnerable.<sup>260</sup> The

Global Initiative highlighted a number of other enablers in the public and private sector that allow organised crime groups to operate, including:

- > Social media platforms that are used to groom children;
- > Company registration where governments are reluctant to make it harder to establish companies;
- > Local transport systems;
- > Estate agents who are critical for accessing properties;
- > Lawyers involved in the criminal economy, knowingly and unknowingly; and
- > Corrupt public officials.

**Figure 6.1: Sectors at risk from corruption**



Source: Europol SOCTA 2021, adapted by the Garda Inspectorate

259 See note 99.

260 The Global Initiative against Transnational Organised Crime is an independent civil-society organisation headquartered in Geneva, Switzerland. Further information available at [globalinitiative.net](http://globalinitiative.net) [Accessed on 31 May 2024].

## Findings

To effectively address the enablers of organised crime, strong preventative legislation and targeted action is required and it needs to be conducted on a national basis. Often, identifying a weakness in a system allows for preventative action to be taken. For example, at the early stages of this inspection, the Inspectorate identified a number of vulnerabilities within the system of registering companies in Ireland. Interventions introduced in 2022 now require those seeking to register a company to provide their PPS number and if they do not have one, they are required to have a notary sign to certify their identity. This has provided a significant level of assurance compared to what was previously possible. Retrospectively, the Company Registration Office is reviewing companies that failed to submit their annual returns and striking them off, which means they can no longer legally trade.

## Crime Prevention

The everyday policing needs of a community are varied and require a wide range of services, including responding to calls, investigating crime, protecting the community from harm and improving public safety. When addressing a problem, crime prevention activity often focuses on the victim, offender and location; and examination of these enables a police service to take a number of actions to prevent further criminality.

## National Crime Prevention Strategy

The concept of crime prevention has been under development internationally for decades. The Commission on Crime Prevention and Criminal Justice is one of the functional bodies of the United Nations Economic and Social Council and provides crime prevention and criminal justice policy for the United Nations. In 2005, the Council urged the United Nations Office on Drugs and Crime to balance its criminal justice work by placing an enhanced focus on crime prevention, as opposed to relying primarily on law enforcement.<sup>261</sup> This led to the development of two publications setting out guidelines on crime prevention.<sup>262</sup>

International theories relating to crime prevention reference the community environment as a key consideration. Crime prevention through environmental design is an approach adopted by many jurisdictions and proposes that the design of buildings, landscaping and outdoor environments can either encourage or discourage crime. An objective of this approach is to limit the opportunity for crime to occur, thereby enhancing safety and security and improving positive social interaction. One of the characteristics of organised crime is to isolate individuals from society, limiting their contact with external community or support services, resulting in no other alternative than to engage in behaviours considered the 'norm' within their criminal network.

261 United Nations Economic and Social Council, 2005. [UN Economic and Social Council Resolution 2005/22: Action to Promote Effective Crime Prevention, 22 July 2005, E/RES/2005/22](#). [Accessed on 31 May 2024].

262 UNODC, 2010. [Handbook on the Crime Prevention Guidelines. Making them work](#). [Accessed on 31 May 2024]; United Nations, 2014. [International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences](#). [Accessed on 31 May 2024].

## International and Comparable Practice

In Canada, the *National Crime Prevention Strategy* is an integral part of the Government's efforts to tackle crime.<sup>263</sup> The strategy is the policy framework for implementing crime prevention interventions and is administered from the National Crime Prevention Centre, which provides national leadership on preventing and reducing crime by identifying and focusing on the risk factors. It operates on the premise that it takes many people and organisations working together to reduce crime including a network of partners, government departments, non-governmental organisations and representatives from the private sector. Its core activities are to support targeted interventions by providing funding to strategically selected projects and build and share practical knowledge about what works in preventing crime. The centre focuses on evidence-led integration with other programmes and services to deliver measurable results, which demonstrates the extent to which the risk factors are addressed.

The crime prevention model developed by the Australian Institute of Criminology on behalf of the Australian and New Zealand Crime Prevention Officers' Group has an evidence-based strategic focus, with an emphasis on inter-jurisdictional collaboration and communication. It recognises that a collective approach to delivering a safe and secure society is integral to the effective delivery of other services. While the model focuses on crime prevention in a broader sense, it references the interdependency between local crime problems and international organised crime. The police services in each jurisdiction have developed their own organisational crime prevention strategies, which focus on delivery in partnership with agencies and communities.

Governments have also sought to enable not only law enforcement but also non-governmental organisations to act to prevent crime. The Serious Crime Act 2007 in the UK provides legislative support to enable prevention of fraud. It empowers specified anti-fraud organisations, which have been identified under the Act, to disclose information for the purposes of preventing fraud. This provides legal protection for those who are in a position to identify money laundering such as through money mule accounts and to disclose information which prevents further commission of crime. The anti-fraud organisations include Cifas, which is a not-for-profit fraud prevention service in the UK. It manages a database containing records of fraudulent conduct and shares the data with its members in order to reduce instances of fraud and financial crime. Since its establishment in 1988, it has helped its members protect themselves from billions of pounds worth of fraud losses by using what it describes as the tools of communication and sharing information. This has been enabled by the provision of authority to share information provided within the Serious Crime Act 2007.

## Findings

Ireland currently does not have a national crime prevention strategy or any policy framework that draws together the whole of government to focus collectively on the risk factors relating to crime, and which sets out targeted interventions to prevent and reduce crime.

The Garda Síochána has published a *Crime Prevention and Reduction Strategy 2021–2024*, which emphasises the importance of multi-agency partnership working to tackle

263 Public Safety Canada, 2023. [National Crime Prevention Strategy](#). [Accessed on 31 May 2024].

crime.<sup>264</sup> While it refers to the need for a multi-agency approach, the commitment of partners to support the strategy is voluntary. The Policing, Security and Community Safety Act 2024 will strengthen this situation by providing a statutory basis for partnership working.<sup>265</sup> It will also set out a requirement for public service bodies to take all reasonable steps to improve community safety, including through the prevention of crime and through the prevention of harm to individuals, in particular those who are vulnerable or at risk. There will also be a duty for public bodies to co-operate to prevent crime and to share information for this purpose. The Act establishes a national framework for community safety, comprising a steering group, a director and a national office with responsibility for creating a national strategy for community safety. The Act also establishes Local Community Safety Partnerships, which will be required to publish annual safety plans. All of the bodies and agencies designated under this legislation will have a critically important role in preventing crime and making communities and wider society safer.

A Crime Prevention through Environmental Design Security Survey was recently completed by the Garda Síochána in relation to a proposed development in Dublin. Section 15.4.5 of the Dublin City Council Development Plan 2022–2028 outlines that new developments should be designed in a way that promotes safety and security, with consultation with the Garda Síochána crime prevention design advisors listed as one of the requirements. Following on from this engagement, the Garda National Crime Prevention Unit has seen an increase in the number of Crime Prevention through Environmental Design Security Surveys and positive progress has been made with

a number of local authorities during 2023 in relation to Public Private Partnership Developments.

All of Ireland's government departments have responsibility for at least one, and in most cases, multiple issues connected to domestic and transnational organised crime. This includes tackling the enablers of crime, supporting victims of crime and managing prolific offenders. For example, the Department of Health absorbs the impact of drug and substance abuse, and the Department of Justice has a critically important role in preventing organised crime and reducing offending. This includes responsibility for policing, prisons, probation and courts services and managing offenders who move through all of these agencies.

As an example of the challenges facing agencies, the threat and risk posed by organised crime groups (OCGs) in prisons is provided. Through engagement with the Irish Prison Service, the Inspectorate was informed that while in prison, many members of OCGs continue to direct criminal activities outside of prison in addition to operating within the prison environment. In prison, this includes the supply of drugs and mobile telephones as well as committing and arranging assaults on other prisoners. Phones are used to co-ordinate drugs deliveries, which are thrown over prison walls or smuggled in by people who have internally concealed them. The Prison Service is very conscious of the need to separate members of crime groups and actively seeks to prevent the use of mobile phones in prisons and the delivery of drugs. It was highlighted that some people have entered prison without a drug habit or an association to an OCG but left as members of a group and with an addiction. It is not unusual for some

264 An Garda Síochána, n.d. [Crime Prevention and Reduction Strategy 2021–2024](#). [Accessed on 31 May 2024].

265 [Policing, Security and Community Safety Act 2024](#). [Accessed on 31 May 2024].

prisoners to amass considerable drug or gambling debts and for their families to be subjected to threats of violence in order to enforce payment of the debt. Prison staff are not immune to the risks presented by OCGs. They are regularly targeted and threatened and corruption is a live risk. Protective measures such as searching of those who work in prisons, drugs testing of staff and in-service vetting are currently not available. Addressing these types of challenges requires a crime prevention approach and it needs to be conducted on a national basis.

The National Cyber Security Centre has a mandate that includes taking action to reduce the vulnerability of critical systems and networks within the State. This encompasses a preventative responsibility to identify risks and act to mitigate them. Its additional mandate, to maintain co-operative relationships with national and international partners, makes the centre a strong partner for any strategic crime prevention work.

The Banking and Payments Federation Ireland together with its affiliate organisations, the Fintech and Payments Association of Ireland and Federation of International Banks in Ireland, are the principal voice of banking, payments and fintech in Ireland. They have been working closely with their members including the Garda Síochána to prevent fraud, money laundering and the activity of money mules. They have worked with their members and Cifas to draft a statutory instrument which will introduce legislation similar to the section of the Serious Crime Act 2007 which empowers the sharing of information by or to specialist anti-fraud organisations in the UK. Having prepared the draft statutory instrument, the Banking and Payments Federation Ireland shared it with the Department of Justice, which in turn engaged with the Data Protection

Commissioner to confirm that a statutory instrument is sufficient for the proposed information sharing proposition and that no primary legislation is required. The draft statutory instrument remains with the Department of Justice; however, there is not yet any indication if or when it might progress towards becoming legislation. The Banking and Payments Federation Ireland has also worked with its members to introduce a banking protocol which will seek to protect those suspected of withdrawing or transferring money under duress or fraud. At the time of writing, the protocol was on the cusp of being launched.

Raising public awareness is a critical crime prevention component and there have been a number of high impact national initiatives, such as the domestic abuse Still Here campaign. Locally, some successful community-based crime awareness campaigns, such as the Turn off the Red Light campaign, are led by NGOs, but in order for these campaigns to be most effective, they need to be accompanied by a tailored response from the Garda Síochána to deal with any subsequent increase in enquiries and reports.<sup>266</sup>

## Assessment

Although Ireland is making good progress towards combatting transnational organised crime, the Inspectorate believes that there needs to be a more strategic, whole-of-system and co-ordinated response that makes it harder for crime groups to operate. Chapter 1 of this report recommends the creation of a National Crime Centre to deliver a co-located collaboration between all agencies that can contribute to preventing transnational organised crime. To be successful, the centre will require extensive collaborative support

266 The Turn Off the Red Light campaign seeks to end prostitution and sex trafficking in Ireland. It is run by over 70 civil society organisations, unions, non-governmental organisations and individuals and influenced the introduction of new legislation in Ireland to address prostitution and trafficking.

from across government departments. Once an OCG is dismantled, it is important that a multi-agency approach is taken to prevent another crime group from trying to fill the void.

In most other similar jurisdictions, there is a statutory requirement for agencies to work together and the Inspectorate believes that tackling crime and making places safer requires more formal arrangements to ensure that agencies work more closely together, agree shared priorities, co-locate resources where appropriate and facilitate the effective sharing of information. The rollout of the national framework for community safety and the development of Local Community Safety Partnerships presents a timely opportunity to ensure that those partnerships consider the threat posed from organised crime and take this into account when they are developing their local community safety plans.

This chapter examines the enablers of organised crime and highlights the wide range of actors that help to facilitate the commission of organised crime and support the operation of criminal networks. Responsibility for regulation and targeting of these actors spans multiple government departments and agencies. To effectively address the enablers of organised crime, strong preventative legislation and targeted action on a national basis is required.

Raising public awareness of organised crime is an effective crime prevention tool, but it also needs to be co-ordinated at a national level and will not work in isolation. It needs to accompany work such as diversionary programmes to prevent recruitment by OCGs or to reduce levels of reoffending. It also needs to include a requirement for the architectural process to design out opportunities to commit crime or carry out criminal activity. New housing, commercial

and industrial developments are an example of where specialist crime prevention advice should be a mandatory requirement in order to ensure the mistakes of the past are not repeated, such as poorly lit locations where criminals can engage in illegal activities.

The draft statutory instrument submitted by the Banking and Payments Federation Ireland to the Department of Justice proposes a credible approach to tackling accounts opened for the purposes of laundering the financial proceeds of criminal activity. The Inspectorate believes that this statutory instrument should be progressed into legislation as a matter of urgency.

As illustrated in this report, cross-government commitment is the most effective approach to protecting not only the vulnerable, but all of society from the impact of domestic and transnational organised crime. While this inspection has focused on organised crime and criminal networks, it is clear that there is a whole host of other crimes that are not recognised as organised crimes but are inextricably linked to it. The Inspectorate believes that the Department of Justice should establish and lead a cross-departmental working group to develop, implement and evaluate a National Crime Prevention and Reduction Strategy. Membership of the group should include representatives from departments identified by the Minister as having the ability to prevent domestic or transnational organised crime or to provide support to victims. It should also include representative bodies which can speak for or lobby on behalf of small, medium and large businesses and the finance and technology sectors. Consideration should be given to inclusion of the major technology providers due to their ability to intervene on behalf of or to protect victims of cyber-enabled fraud or cyber-dependent crime. While the Inspectorate believes that the strategy should

address all types of crime, it should have a strong focus on domestic and transnational organised crime. It should include actions to design out opportunities for criminal activity as well as developing education and awareness campaigns, prevention of recruitment, reduction in reoffending and tackling the enablers of organised crime.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 6.1

#### National Crime Prevention and Reduction Strategy

The Inspectorate recommends that the Department of Justice lead a cross-government working group to develop, implement and evaluate a National Crime Prevention and Reduction Strategy incorporating domestic and transnational organised crime. The following are some of the areas connected to organised crime that need to be addressed:

- > Designing out opportunities for organised criminals to operate;
- > Developing national public awareness campaigns;
- > Preventing recruitment into organised crime groups;
- > Reducing reoffending, including those who continue to operate in prison;

- > Tackling the enablers of organised crime; and
- > Progressing the statutory instrument into legislation in an effort to prevent fraud and money laundering.

## The Garda Síochána's Crime Prevention and Reduction Strategy

The impact of domestic and transnational organised crime on local communities can be wide ranging and deeply damaging. Ensuring the Garda Síochána understands this impact helps them to identify the type of crime prevention activity that can make communities safer.

## International and Comparable Practice

The Police Service of Northern Ireland's *Crime Prevention Strategy 2025* makes the connection between the victims in communities and organised crime by recognising profit as one of the drivers of crime.<sup>267</sup> The strategy commits to '*making it harder for criminals, particularly organised criminals to benefit financially from their crimes*'. It also commits to '*tackle the organised crime gangs behind the drugs trade*'. In England, Essex Police adopted a similar approach with their *Crime Prevention Strategy 2021–2025*.<sup>268</sup> This identified serious organised crime, child abuse/child sexual exploitation, cybercrime and fraud, county lines/exploitation and drugs as thematic strands. Each strand has its own specific actions identified as measurable outcomes and police are required to work in partnership to identify and reduce the enablers of serious organised crime, cybercrime and fraud.

267 Police Service of Northern Ireland, 2022. [Crime Prevention Strategy 2025 'Prevention First'](#). [Accessed on 31 May 2024].

268 Essex Police *et al.*, n.d. [Crime Prevention Strategy 2021–2025](#). [Accessed on 31 May 2024].

## Findings

The Garda Síochána National Crime Prevention Unit is responsible for the promotion of crime prevention and reduction, research into best practice, development of policies and strategies and training for crime prevention officers (CPOs). The unit has developed the current Garda Síochána *Crime Prevention and Reduction Strategy 2021–2024*, which provides a generic approach to preventing and reducing crime.<sup>269</sup> The strategy follows a common policing model of focusing on victims, offenders and locations, providing information on the principles of crime prevention and explaining the problem-solving model used by the Garda Síochána. However, it does not refer to or specifically address the threat posed by domestic or transnational organised crime and how it can be prevented. The inspection team was informed that the development of the Crime Prevention and Reduction Strategy for 2025 onwards will give further consideration to both domestic and transnational organised crime and the priorities and aims of the European Multidisciplinary Platform Against Criminal Threats (EMPACT) 2022–2025.

## Divisional Crime Prevention Officers

Each garda division should have one dedicated CPO, usually at sergeant rank. They are highly trained and provide crime prevention advice on a wide range of issues. Since 2022 a number of training courses have been organised for CPOs, including:

- > Two-day Level 3 Crime Prevention training, attended by all CPOs;
- > ProQual accredited Level 4 Crime Prevention Practitioner Course, which took place in May 2023 over

five days. This course can only be completed after the completion of the Level 3 course. At the time of writing it was being completed by all CPOs appointed during 2022 and 2023;

- > Following the completion of the Level 4 course, the ProQual accredited Level 5 Designing out Crime Practitioner course further enhances knowledge and skills and at the time of writing a number of divisional CPOs were completing this course; and
- > A number of CPOs completed Port Facility Security Officer training and it is envisaged that divisional CPOs with a port in their division will complete this in the future.

In addition to the above training, an annual conference takes place for all CPOs. The purpose of this conference is to enhance development, explore and share examples of good practice, and to raise awareness of various topics and trends.

In the Inspectorate's *Crime Investigation (2014)* report, it was highlighted that in other jurisdictions, similar crime prevention specialists are engaged to provide advice on designing out crime, which is critically important at the early stages of planning applications for new major developments. Plans are sent to local police divisions and planning committees take into account recommendations from CPOs before planning decisions are made. At that time, many garda CPOs were trained in environmental design but these skills were not always sought or applied. While this was the subject of a recommendation in 2014, some nine years later it has still not been

269 See note 264.



addressed.<sup>270</sup> CPOs are keen to be involved in the early planning stages of a major development but frustrated that they are only asked for crime prevention advice after building works are completed. In contrast to other jurisdictions, there is no legal obligation for local authorities to engage or consult with the Garda Síochána when considering local development. Without suitable training, CPOs in divisions with major seaports did not feel qualified to provide specialist prevention advice at ports. While CPOs have limited direct involvement in organised crime cases, they are consulted if a threat is made to a person's life and often assist with cases of drug-related intimidation. With the rise in fraud cases, some have provided presentations on fraud awareness and cyber security by sharing safety messages with the public. All of the CPOs who met with the Inspectorate highlighted the important role of community policing in crime prevention, although some raised concerns about the lack of resources assigned to this role. The Inspectorate was surprised to find that many CPOs were not aware of the existence of the Garda Síochána's *Crime Prevention and Reduction Strategy*, and few used it to assist with their work.

### Awareness Campaigns

Many garda members who met the inspection team highlighted the importance of raising awareness of transnational organised crime at a national level. The Environmental Crime Investigation Team within the Garda National Bureau of Criminal Investigation launched a partnership with the European Crime Prevention Network in 2022 for an awareness campaign for law enforcement officials on what constitutes wildlife crime and there is an intention to make the

awareness campaign available to the general public. The RTÉ *Crime Call* programme was described as a very useful platform for raising awareness, but it was suggested that it could be used more effectively to promote crime prevention advice. Government fraud and cybercrime campaigns were found to be effective and relevant to emerging crime trends.

The Garda National Cyber Crime Bureau has a Cyber Safety Office which works with the EU Agency for Cyber Security to deliver cyber security month each October. The Garda National Economic Crime Bureau has a Fraud Prevention and Disruption Office which identifies emerging trends in fraud activity and works with the Garda Press Office and the Financial Intelligence Unit to inform the public and financial sector. The Garda Síochána regularly runs campaigns targeted at 18 to 24 year-olds who naively act as money mules by agreeing to provide their account information in return for the promise of a small financial incentive, which is not always paid. The campaign, which warns them against becoming money mules, is also part of the Safe at College campaign aimed at students in colleges and universities.<sup>271</sup> The Garda Síochána Schools Programme Office develops the schools engagement programme which includes lessons on how to prevent crime and all divisions have gardaí who deliver the programme to primary and secondary schools.

### Watch Schemes

The Garda Síochána operates a number of watch schemes that are aimed at engaging local communities and businesses in crime prevention initiatives. These include neighbourhood watch schemes (in urban

270 Garda Inspectorate, 2014. [Crime Investigation. Recommendation 1.2](#). [Accessed on 31 May 2024].

271 A money mule is a person who allows their account to be used for the transfer of money as it is laundered between people involved in criminality.

areas), community alert schemes (in rural areas) and other schemes such as business, hospital and campus watches. A number of garda divisions have introduced a See something – Say something campaign to encourage members of the public to speak up and help others by reporting what they observe in their local community. In one division, 50% of the neighbourhood watch schemes and approximately 25% of the community alert schemes were dormant. In the divisions inspected, this inspection found no evidence of any evaluation of the progress of individual watches and no clear plans were in place to establish new watches or relaunch dormant watches in areas with high levels of crime or anti-social behaviour. Campus watch schemes operate in many divisions and most CPOs use this to provide advice about matters such as cyber safety, fraud and becoming money mules.

### Community Policing

The Garda Síochána National Community Engagement Bureau is in the process of implementing a new Community Policing Framework across all divisions. The intention is to provide a partnership-based, proactive, problem-solving policing service to the whole community. It will address crime and quality of life issues affecting communities by focusing on community engagement, crime prevention and law enforcement. The Garda Síochána Analysis Service has been engaged to conduct an internal review of its impact and the findings will support the design and delivery of future community policing approaches and initiatives.

Each division should have full-time garda members who are attached to community policing units. This inspection found that the numbers assigned across all divisions had decreased significantly, with more rural divisions having considerably fewer

people assigned to these duties. This was impacting on the ability to provide a visible uniformed presence and to address issues that are important to local communities. Agencies consulted with as part of this inspection highlighted a discrepancy between the experience of people in local communities and the overarching vision of the Garda Síochána in terms of crime prevention, visibility and community safety. Many garda members and agencies who met with the Inspectorate agreed that while the Garda Síochána had identified community safety as a priority, insufficient levels of resources had been allocated to community policing units. While allocation of resources was highlighted as a concern, there was also an understanding that it is not realistic or feasible for the Garda Síochána to have a visible presence in communities at all times and that strong feedback and communication mechanisms are needed in order to bridge the gap. It was raised that the greatest amount of visible support to communities is provided by community-based organisations and relationships between these agencies and local gardaí differed depending on the location and the availability of active community policing units. One city division provided a good example of working with local groups to tackle an area that was controlled by an OCG involved in drug supply. Through high-visibility patrols, use of CCTV and environmental design changes made by a partner agency, the area was reclaimed.

### Assessment

The Inspectorate recognises that the Garda Síochána has had considerable success in tackling domestic and transnational organised crime. It is also the case that where emerging trends are identified, crime prevention activity, such as media campaigns are used to promote public awareness.

However, this work is on an individual crime basis and not managed strategically. The current *Crime Prevention and Reduction Strategy* is focused on what it describes as ‘community-based crime problems’ and has not made the connection with OCGs operating in other jurisdictions, who commit crime in Ireland. The Inspectorate believes that the strategy needs to be updated to reflect the threat posed by domestic and transnational organised crime and outline the type of crime prevention activity that will be used to address it. When the updated strategy is launched, it should be accompanied by a training package for CPOs and community policing units.

It was also disappointing to find that CPOs were not routinely used in designing local and national responses to address and prevent organised crime or trained to provide specialist advice relating to criminality associated with seaports. They could help with issues such as smuggling of people and illegal goods, human trafficking, and tackling enablers of organised crime. The Inspectorate believes that the absence of trained crime prevention specialists who can work with partners at points of entry into Ireland to protect the vulnerable, reduce offending and prevent crime is a weakness which must be addressed if the Garda Síochána is to effectively deliver the national and Garda Síochána Crime Prevention and Reduction Strategies. While regular units are likely to be the initial responders to emergency calls in communities, the Inspectorate believes that community policing units are better placed to provide long-term support in dealing with community issues. They not only have links with other agencies to facilitate a multi-agency response, but also a greater presence in communities would result in more effective diversion of young people and prevention of crime.

The Garda Síochána needs to raise the public’s awareness of the risks posed by organised crime. While national awareness campaigns were viewed as important, the various watch schemes which exist across the country provide access to a diverse network of people and accordingly an opportunity to cascade information into households, businesses and other organisations. A lot of these schemes seem to have stagnated. They rely heavily on support from community gardaí and CPOs. They are often initially very effective as community members are engaged and focused on activity to reduce or prevent crime. They should be self-sufficient but do still need to get information on crimes that are occurring and occasional visits at meetings from local gardaí to maintain momentum. Over time, and particularly if they successfully reduce crime, community members can lose interest and schemes can become dormant. Working with these groups to deliver education and awareness campaigns has the potential to keep their members engaged and reduce the number of victims of the various types of organised crime.

NGOs felt that specific, targeted campaigns for local needs would have much more impact. For example, many of those participating as money mules have not recognised the consequences of permitting their bank account to be used, such as receiving a criminal conviction that may prevent travelling or working abroad or disqualification from working in a professional career such as medicine, accountancy or law.

The Inspectorate believes that the consequences of acting as money mules should be introduced to young people at the earliest possible opportunity so that they understand the impact that engaging in this activity can have on their lives. In

order to achieve this the Garda Síochána should include the issue of money mules in the schools programme. In addition, there should be an evaluation of each campaign to assess its effectiveness.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendations.

#### Recommendation 6.2

##### Garda Síochána Crime Prevention and Reduction Strategy

The Inspectorate recommends that the Garda Síochána develop and publish a new Crime Prevention and Reduction Strategy to reflect the threat posed by domestic and transnational organised crime and outline the type of crime prevention activity that will be used to address it. This should include:

- > Education and awareness-raising activities, such as explaining the consequences of being a money mule to potential victims by embedding it within the garda schools programme; and
- > A training package on the new Crime Prevention and Reduction Strategy delivered to all crime prevention officers and community policing units.

#### Recommendation 6.3

##### Monitoring Crime Prevention and Reduction Activity

The Inspectorate recommends that the Garda Síochána monitor deliverable outcomes and report annually in relation to:

- > The effectiveness of community watch schemes and other community-based crime prevention and reduction initiatives;
- > The utilisation of crime prevention officers in the process of designing out domestic and transnational organised crime; and
- > The training and utilisation of crime prevention officers in the prevention of crime associated with all points of entry, where this is relevant to their role.

### Working in Partnership to Deliver Community Safety

Community safety is a broad term involving both a person's experiences of crime and their perception of how safe they feel and requires multiple agencies to provide a range of prevention and harm reduction services to the areas of society in need of support.<sup>272</sup> The Organisation for Security and Co-operation in Europe describes community safety as the result of community-oriented policing and a proactive problem-solving process involving multiple strands of society including government agencies and

272 The term 'harm reduction' refers to a range of policies and practices designed to minimise the negative (personal and social) consequences associated with various human behaviours. Marlatt, G. A. (ed.) 1998. *Harm Reduction: Pragmatic Strategies for Managing High-risk Behaviors*.

other relevant stakeholders.<sup>273</sup> Community safety is an integral part of the Policing, Security and Community Safety Act 2024. The work to make communities safer is evidently more effective when it involves the police working in partnership with other public and voluntary agencies, such as local authorities, health services, criminal justice agencies and NGOs. It is not unusual for the Garda Síochána to be dealing with people or community problems when other agencies are simultaneously engaged but resources are not strategically co-ordinated.

While individual victims of crime feature throughout this report, it is important to acknowledge the impact of organised crime on local communities and society as a whole. People who experience high levels of crime within their own communities can become normalised and desensitised to the impacts of it, both in the short term and intergenerationally. This exposure to crime can lead to negative outcomes for individuals, community degradation, a collective lack of trust in policing, and an increased risk of substance misuse and other offending within communities.

### International and Comparable Practice

International research recognises the importance of community safety and the subsequent benefits for society as a whole. Australia and New Zealand's joint *National Crime Prevention Framework* highlights the importance of a localised operational tier delivering well-planned interventions to enhance community safety and contribute to the sustainable development of vibrant communities.<sup>274</sup>

In the UK, legislation to tackle crime and disorder and to promote multi-agency working is well established. In England and Wales, the Crime and Disorder Act 1998 placed a statutory obligation on the police and local authorities to work together to make places safer. This collaborative obligation was extended to include other organisations, such as the National Health Service.

### Findings

During this inspection, support agencies and representatives from local community groups highlighted the impact of crime on the overall quality of life for people living in communities across Ireland. Due to the impact of crime, some people live like prisoners in their own homes or in their communities and many feel that they are constantly being watched with some even afraid to go to their local shop. The impact of this on people varies, with some fearing retribution if they contact the Garda Síochána. A belief was expressed that positive interaction between garda members and members of the community is crucial in terms of building community trust and empowering people to report matters affecting their personal and collective safety. Community members described poor experiences when making 999 calls in connection with anti-social behaviour, drug dealing and drug-related intimidation. They expressed a belief that consistent, dedicated community policing units were a good deterrent against criminal networks and their control of local communities.

A representative of a multi-agency collective working in Dublin's inner city stated that the only time their residents see a visible garda

273 Organisation for Security and Co-operation in Europe (OSCE), 2008. [Good Practices in Building Police-Public Partnerships](#). [Accessed on 31 May 2024].

274 Australian Institute of Criminology, 2012. [National Crime Prevention Framework](#). [Accessed on 31 May 2024].

presence is when there has been a “*gangland murder*” or other serious incident. On those occasions, garda members are usually armed, which is not conducive to interacting positively with local people.

Garda members informed the Inspectorate that the legislation for dealing with anti-social behaviour is challenging and they tend to use public order legislation, as it is easier to enforce. However, this approach has less impact on long-term community problems. In most places visited by the inspection team, no Anti-Social Behaviour Orders were in place. Garda powers in relation to public order and anti-social behaviour will be reviewed by the Anti-Social Behaviour Forum as part of the government justice action plan.<sup>275</sup> The forum will also review the effectiveness of Anti-Social Behaviour Orders. Garda members reported difficulties encountered in obtaining evictions for persons who are drug dealing from local authority housing. This is managed by local authorities and the process was described as slow, as a court order has to be obtained. It was recognised that everyone has the right to be re-housed; however, relocating the offender to another area means the behaviours can perpetuate with another group of victims. Support has been provided to affected communities through conversion of assets from criminality into support activity.

In October 2022, the Minister for Justice announced €2 million in grants to reinvest proceeds of crime seized by the Criminal Assets Bureau in community safety via the Community Safety Innovation Fund. In March 2024, the Minister announced that the Community Safety Innovation Fund would finance a new All of Island Community Safety Network which will facilitate the

sharing of ideas, good practice and projects in relation to community safety and policing engagement across the island of Ireland, North and South.

### **Policing, Security and Community Safety Act 2024**

Prior to the recently enacted Policing, Security and Community Safety Act 2024, there was no primary legislation in place in Ireland that required government departments and public agencies to consider community safety in their annual plans. The Act will close this gap by enhancing community safety through effective collaboration between relevant departments and public service bodies both nationally and locally. It emphasises the whole-of-government approach sought through public service bodies co-operating to improve community safety, prevent harm and protect vulnerable people.

As previously highlighted, a new community safety framework will be established in order to promote and improve community safety. Within 12 months from becoming operational, a National Community Safety Strategy will be submitted to Government for approval. The National Community Safety Office will promote public awareness of issues affecting community safety and support the implementation of the national strategy. It will also provide training, guidance and support to community safety partnerships and monitor the implementation of local community safety plans.

### **Joint Policing Committees**

At a local level, Joint Policing Committees (JPCs) were established in all divisions under the Garda Síochána Act 2005 to allow consultation, discussion and

<sup>275</sup> The Programme for Government committed to the establishment of an Expert Forum on Anti-Social Behaviour and it was established by the Minister of State in 2020. The forum is considering the effectiveness of existing legislation and looking at proposals for new ways forward.

recommendations on policing matters. JPCs bring together representatives from divisions, local authorities and communities. The Inspectorate consulted with members of several JPCs, who shared concerns about the quality and frequency of information provided by the Garda Síochána. This differed greatly between JPCs and depended on local arrangements as the Garda Síochána did not have a defined or consistent process for disseminating important information. While garda members were clear that they have an obligation to appropriately share information relating to risks or threats to communities, there are data protection constraints and an understandable reticence to share sensitive information, especially in the open forum of a JPC meeting. JPC members acknowledged that the content of discussions to address a particular community safety issue would reach those it was designed to target at the same time as those it was designed to protect.

### Local Community Safety Partnerships

The Policing, Security and Community Safety Act will establish Local Community Safety Partnerships (LCSPs) in the administrative area of each local authority. On the date of establishment, these will replace the existing JPCs. LCSPs will include representatives from the local authority, public service bodies, voluntary bodies, and people representing local community interests, all supported by a Community Safety Co-ordinator. Each partnership will appoint a chair person and there is an expectation that at least 51% of the members should be community representatives. Community safety will be a key focus for the partnerships, who will aim to combat crime and anti-social behaviour by creating specific local community safety plans with input from local communities and

relevant agencies. These partnerships will broaden the focus for community safety by ensuring policing is only one of a number of important elements in helping communities to be safe and feel safe.

At the time of this inspection, LCSPs were being piloted in Dublin North Inner City, Waterford and Longford. An interim evaluation report found good evidence of the identification of community safety needs and priorities, and the production of community safety plans to address them. In addition, there was good buy-in by members, greater understanding of the objectives, and growing confidence outcomes can be achieved. The report also highlighted:

- > The National Office for Community Safety could be tasked with preparing guidance for LCSPs in the form of processes, resources, role descriptions for members and advice regarding collaboration and engagement;
- > The development of data sharing protocols is an important element of LCSPs; and
- > Concerns that the membership is too large and do not reflect all of society.<sup>276</sup>

A further and final evaluation report will capture learning from the full pilot cycle and better identify areas for further development.

### Assessment

The concept of a national community safety strategy informing local community safety plans is evidenced in the Australia and New Zealand model. In these countries and many other jurisdictions, community safety is a

276 McGrath, K., Eustace, A., Radomska, A., and Connolly, J. (2023). [Local Community Safety Partnership Pilot: Interim Evaluation Report](#). [Accessed on 31 May 2024].

multi-agency initiative and collective action is viewed as the most effective method. Some jurisdictions have embedded multi-agency working in legislation to ensure consistent collaboration. The introduction of a community safety framework that provides national support and guidance as well as local partnerships arrangements is a good model.

The Inspectorate welcomes the introduction of this model as a vehicle for developing a strategic community safety focus and strongly believes it is critically important that the threat and harm caused by domestic and transnational organised crime is fully considered in the development of strategic priorities. The national strategy should provide direction and guidance to LCSPs in the development of local community safety plans. The Inspectorate also believes that local plans should address the threat and harm caused by domestic and transnational organised crime. The Inspectorate recognises that agencies, departments and organisations designated to work alongside the Garda Síochána will have their own priorities and there is a risk that the requirement to commit resources to community safety initiatives may, on occasions, compete against the demands from individual agency plans.

The role of the National Community Safety Office in monitoring the implementation of local community safety plans should bring the necessary oversight to ensure sustainable and consistent commitment by all partners. However, it is critical that the monitoring process is designed and published in advance of the rollout of LCSPs. This openness and transparency should enable all public service bodies and members of local partnerships to understand what is expected from their involvement and thereby enhance delivery to communities through sustainable and consistent commitment of resources.

While the Inspectorate welcomes the multi-agency approach, including local community representatives in the partnership, the challenge remains that effective delivery of local safety plans will require consistent information sharing processes and collaborative problem solving to develop effective plans and implement solutions.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### Recommendation 6.4

#### Working Collaboratively to Deliver Community Safety

The Inspectorate recommends that the Department of Justice ensure that the National Community Safety Strategy and local community safety plans address the threat and harm caused by domestic and transnational organised crime.

## Diversion

In considering how to effectively divert people away from committing criminal or anti-social behaviour, it is first important to understand why people commit crime and how they become involved in criminal networks. It is also important to understand the environment needed in order for a person to change their lifestyle. It is often much harder for people involved in organised crime to exit from offending. In order to determine what could break the cycle of offending for an individual, it is important



to consider the structure and formation of organised criminal networks operating in Ireland.

The recruitment and subsequent exploitation of children, young people and vulnerable adults by OCGs has presented as a worrying upward trend in recent years, both internationally and domestically. With juvenile justice systems usually providing more lenient approaches and measures than adult systems, OCGs exploit these systems and find ways to target and recruit young people into a life of organised crime. This typically involves the manipulation, coercion, trafficking and exploitation of children and young people for many purposes such as drug dealing, child trafficking and sexual exploitation.

According to a national survey of garda juvenile liaison officers (JLOs) completed by the University of Limerick in 2020, approximately 1,000 young people under the age of 17 are at risk of being recruited and used by criminal networks for the purpose of organised crime.<sup>277</sup> Children involved in these networks were either found to be recruited by older blood relatives or younger recruiters for the network. In terms of the reasons for involvement in serious or persistent crime, JLOs referenced access to drugs, alcohol and money as the main drivers, followed closely by a desire for respect, power and a sense of belonging. While recognising that it is not just young people that need to be diverted from organised crime, this section will first focus on this cohort, before moving on to consider diversion initiatives for adults.

## Risks and Needs

International research has identified a number of ‘criminogenic needs’ integral to increasing a young person’s risk of engagement in offending behaviour, such as family circumstances, education-related issues, negative peer networks and pro-criminal attitudes.<sup>278</sup> Community factors, such as intergenerational disadvantage or high levels of offending are also important to consider, along with socio-economic factors such as unstable employment or housing. Individual factors known as responsivity factors also present in the research, these can impact on an individual’s ability to engage with any interventions or support services and can include learning difficulties, family addiction, trauma, child protection or welfare issues, and engagement in organised criminal networks. In contrast, protective factors are elements in a young person’s life that reduce the likelihood of engaging in negative or harmful behaviours and include engagement in pro-social activities, positive adult role-models and engagement in full-time education or employment.<sup>279</sup>

Research also indicates that engagement of young people in organised crime typically happens in local communities through close family or social circles, or by older peers who groom those they identify as suitable for involvement. Those targeted are usually from more unstable environments, where there is a lack of supervision, or are already displaying acts of defiance in other settings that lead to suspension from school or exclusion from local shops or clubs. Typically, they are from lower-income homes, with poor educational attainment, making the

277 Naughton, C. and Redmond, S., 2021. [National Prevalence Study: Do the findings from the Greentown study of children’s involvement in a criminal network \(2015\) extend beyond Greentown?](#) [Accessed on 31 May 2024].

278 Bonta, J. and Andrews, D., 2007. [Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation.](#) [Accessed on 31 May 2024].

279 Sprott, J. B., Jenkins, J. M., & Doob, A. N., 2005. [The Importance of School: Protecting At-Risk youth from Early Offending.](#) *Youth Violence and Juvenile Justice*, 3(1), 59–77. [Accessed on 31 May 2024].

opportunity of earning money even more attractive. There is also research evidencing the link between age and engagement in offending behaviour, referenced widely as the age-crime curve.<sup>280</sup> Research shows that in general, offending behaviour increases in adolescence and decreases in adulthood due to social and emotional developmental cycles. Therefore, adolescents are easier to target for engagement in criminal behaviour as they are more likely to engage in risky behaviours and less likely to consider the long-term consequences of crime.

Differential association is a particularly relevant concept in the context of crime groups.<sup>281</sup> This theory proposes that individuals learn their values, techniques, attitudes and motivations through their interaction with others and depending on the peer and social group of the individual, these can be either positive or negative. Bandura's social learning theory highlights that individuals are more likely to commit crime if they are surrounded by others involved in criminal behaviours.<sup>282</sup> Crime groups or families are the most notable example of this, with younger or inexperienced gang members learning from older or more experienced members through continual exposure or 'growing up' within its culture. They observe, replicate and master specific behaviours and rituals and intergenerational crime is a prime example of this.

### International and Comparable Practice

In Sweden, it is estimated that approximately 40 family-based criminal gangs or "clans" are

operational. The Committee on The Rights of the Child recently praised Sweden's 10-year strategy on the prevention of violence against children. In responding to the report, which posed questions about the high youth crime rate, the Minister for Social Services referenced children's exploitation by criminal networks. In an attempt to tackle this, the Minister highlighted the focus on community-based crime prevention and family support. Sweden's juvenile justice system is holistic in nature and aims to combine punitive measures with support and care in an attempt to avoid incarceration. The fundamental principle in Sweden is that young people should first engage with social services instead of the prison or probation services. As a young person's criminal behaviour is closely tied to compulsory treatment in the welfare system, the justice and welfare systems are intrinsically linked. While no juvenile courts are in operation, there is a recognition that a young person's age mitigates criminal responsibility and shorter sentences are given to young offenders to acknowledge their reduced culpability.

In the Netherlands, concerns have been growing in recent years that the criminal exploitation of young people is a much bigger issue than the official statistics reflect. In a study published in 2022, criminal exploitation across 13 different municipalities was explored.<sup>283</sup> This found that the number of victims of criminal exploitation was significantly higher than the official statistics, and concerns regarding the criminal exploitation of children has increased.

280 Hirschi, T., & Gottfredson, M. (1983). [Age and the explanation of crime](#). *American Journal of Sociology*; Farrington, D. P. 1986. Age and crime. *Crime and Justice* 7. [Accessed on 31 May 2024].

281 Matsueda, R.L., 2000. [Differential Association Theory](#). [Accessed on 31 May 2024].

282 Tadayon Nabavi, R. & Bijandi, M., 2021. [Bandura's Social Learning Theory & Social Cognitive Learning Theory](#). [Accessed on 31 May 2024].

283 Leito T.L.M., van Bommel S.R. & Noteboom F., 2022. [Kijken met andere ogen: Deel I: Een landelijke verkenning naar criminele uitbuiting in dertien \(middel\) grote gemeenten in Nederland](#) (Dutch) [Accessed on 31 May 2024].

The engagement of young people in organised crime internationally has predominantly presented in the drug trade, with young people being trafficked to transport drugs around a particular area. This concept, known as county lines, was covered in Chapter 5 and the UK National County Lines Coordination Centre recognises the fact that in addition to the supply of drugs and violent crime, it involves modern slavery and the exploitation of children and young people. In July 2023, it was reported by the National Police Chief's Council that approximately 20% of those known to be involved in county lines are juveniles; this equates to 4,000 children but as many others remain undetected the figure is likely to be greater.<sup>284</sup>

Merseyside Police have had significant success in tackling county lines with Project Medusa, which encompasses five strands all designed to target different elements. The project utilises a multi-agency approach to deliver a holistic programme encompassing in-school prevention initiatives, network disruption, alternatives to court, employment and pro-social recreation initiatives, family support and peer mentoring. Learning from lived experiences has also been utilised to develop engaging drama productions and training material to enhance organisational learning. Merseyside Police was included as part of an inspection completed by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services in 2023 on regional responses to serious and organised crime and

was rated as 'outstanding' in terms of their approach.<sup>285</sup> Operation Stonehaven, which is the prevention and diversion pathway, was specifically commended as a good example of collaborative working and pro-social focus.

In 2020, the UK's Child Safeguarding Practice Review Panel published a review which explored whether young people in need of state protection from criminal exploitation get the right help, at the right time, and how the services can work together to better protect young people from further harm.<sup>286</sup> The review specifically focused on young people drawn into criminal exploitation, who were identified as being at high risk of serious harm. In doing this, the cases of 21 children from 17 local areas who had died or experienced serious harm were examined.<sup>287</sup> The qualitative study identified that in relation to criminal exploitation a number of factors are relevant, such as ethnicity, gender and engagement in mainstream education. It also highlighted that the National Referral Mechanism is not well understood or effectively used, and a long-term strategic approach is needed to protect young people and their families. The review recommended the development of a framework, which would include relationship-building with the child and parents, and targeted support including full-time education packages.

In February 2021, the Home Office in the UK published a practitioner's toolkit for those working with young people to prevent

284 Boyle, C. 2023. [Around 4,000 children estimated to be involved in county lines](#). *Police Oracle*. [Accessed on 31 May 2024].

285 HMICFRS, 2023. [PEEL 2022/23: An inspection of the north-west regional response to serious and organised crime](#). [Accessed on 31 May 2024].

286 Child Safeguarding Practice Review Panel, 2020. [It was Hard to Escape: Safeguarding children at risk from criminal exploitation](#). [Accessed on 31 May 2024].

287 The study uses the following definition for 'serious harm': "Serious harm includes (but is not limited to) serious and/or long-term impairment of a child's mental health or intellectual, emotional, social or behavioural development".

involvement in serious and organised crime.<sup>288</sup> The toolkit includes a range of interventions and initiatives to prevent engagement and facilitate desistance from serious and organised crime. These interventions are implemented across six stages, including understanding the threat of organised crime, identifying cohorts for targeting, and exit strategies. The toolkit also recognises that one of the key motivators for involvement in organised crime is financial gain, and highlights the importance of pro-social, educational and employment opportunities in achieving long-term diversion from criminal networks.

The UK charity Action for Children has a broader remit in terms of improving outcomes for children, but also provides specific services designed to work with children involved in serious and organised crime. The Side Step programme supports young people who are involved or at risk of becoming involved in serious or organised crime.

First developed in 2012, the programme utilised an integrated services approach to provide supports including intensive casework, early intervention, family support, education or employment supports and peer mentoring. The service design depends on the specific area in which the programme will be delivered, and engagement and collaborative partnerships with law enforcement, employers and other key agencies are integral to the success of the programme. In Glasgow, where the programme was initiated, staff were co-located with social work services in order to ensure an integrated practice model.

The programme was evaluated between 2018 and 2021. Outcomes for young people engaged with the programme identified

that 95% had an improved understanding of risk, 77% demonstrated a reduction in risk taking and 83% had reduced their offending behaviour.

## Findings

### Garda Youth Diversion Programme

In Ireland, the age of criminal responsibility is 12, reducing to 10 for the most serious offences such as murder, manslaughter, rape or aggravated sexual assault. The Garda Youth Diversion Programme is the national scheme for all youth offending and was placed on a statutory basis under Part 4 of the Children Act 2001. The purpose of the programme is to divert young people referred to it from engaging in further anti-social or criminal behaviour. It is the decision of the Director of the Diversion Programme as to whether or not to admit a young person to the programme, and this is based on a number of factors such as the nature of the offence, the impact on the community and the offending history of the young person. The programme is delivered through a national network of JLOs, overseen by the Garda Youth Diversion Bureau and supported by a Monitoring Committee. The assessment of a child's suitability for inclusion in the programme is carefully considered and the oversight on all aspects of youth referrals and timely processing of referrals is vital to the integrity of the programme.

Identifying a young person's involvement in transnational organised crime is difficult as PULSE does not provide a specific category in which this can be recorded. Related offence types that are recorded on the system include organised crime offences (Criminal Justice Act 2006), sale and supply or cultivation of controlled drugs, and money laundering. Garda members and support agencies

288 Home Office, 2021. [A Practitioner Toolkit. Working with young people to prevent involvement in Serious and Organised Crime](#). [Accessed on 31 May 2024].

suggested that the official statistics recorded on PULSE were not a true representation of the scale of involvement of young people in both domestic and transnational organised crime. Figure 6.2 shows these three serious crime offence types and the number of cases referred to the Youth Diversion Programme from 2013 to 2023.

As illustrated, drug offences have steadily increased since 2016, and money laundering

has seen a significant increase in referrals since 2017. However, in terms of the organised crime offences category, only five offences have been referred since 2021. This reflects feedback that children are exploited by criminal networks but remain ‘under the radar’ and do not feature in official statistics. As such, they are not targeted for support or diversion.

**Figure 6.2: Transnational organised crimes recorded on PULSE**



Source: Garda Síochána, adapted by the Garda Inspectorate

### Youth Diversion Projects

The Garda Youth Diversion Programme is supported by a network of Youth Diversion Projects, which are “Community based, multi-agency, youth crime prevention initiatives which primarily seek to divert young people involved or at risk of becoming involved in criminal/anti-social behaviour away from the criminal justice system by providing suitable activities

to facilitate personal development, promote civic responsibility and improve long-term employability prospects”.<sup>289</sup> Engagement is voluntary, and projects typically work with young people assessed as being at moderate or high risk of engaging in offending behaviour based on an evidence-based standardised risk and need assessment.<sup>290</sup>

289 Department of Justice, 2022. [Youth Diversion Projects Operational Requirements](#). [Access on 19 April 2024]

290 Young people’s level of risk is determined using the standardised, evidence-based risk and need assessment tool *Youth Level of Service/Case Management Inventory 2.0*.

The Youth Justice Strategy 2021–2027 outlines an ambition for all young people at risk of offending in Ireland to be able to access this service in the near future.<sup>291</sup> Nationally, there is regular collaboration between the Department of Justice, Garda Síochána and community-based organisations responsible for the management and delivery of front-line services through the National Youth Diversion Projects Advisory Committee.

It was highlighted by garda members and representatives from other agencies that organised criminals actively discourage young people from engaging with diversion and support services, as they know these projects will try to divert them from criminal behaviour. Instead, inducements are given to entice them to remain engaged solely with members of that network. While this can feel positive at first, with gifts such as clothes, technology, modes of transport or money, as time progresses young people become further embroiled to the point where their disengagement may no longer be a viable option. The criminal acts that they have been ‘asked’ to do may generate a fear of incriminating themselves, which prevents them from speaking to support services. As such, they may feel that the only option is to continue doing what is asked of them, further engaging them in the criminal network.

## Detention and Probation

Oberstown Children Detention Campus is the dedicated facility for young people who progress through the juvenile justice system and are sentenced to a period of detention. Young people in detention are typically convicted of serious crimes, such as murder, manslaughter, sexual assault and robbery. Approximately a third of the young people are detained for drug-related offences or activity linked to organised crime groups. The Probation Service provides support to

those who have been sentenced to a period of supervision as an alternative to detention. It has a range of community-based services and supports available to young people across Ireland. While provisions are in place for young people involved in the highest level of offending, and community-based supports are available for young people to engage with on a voluntary basis, there remains a gap in support options for those involved in organised crime. This is particularly relevant for young people who are engaged in these networks but remain absent in the official records as they are either below the age of criminal responsibility or have not officially come to the attention of the Garda Síochána. These young people are often identified as at risk by community-based organisations but as engagement is predominantly voluntary, it is often very difficult to engage them in structured, evidence-based and outcomes-focused interventions. As stated by a member of the Garda Síochána with experience of the youth justice system:

*“A Criminal Assets Bureau for children is what is needed. It should be inter-agency, diversion-led and welfare-considered. There should be a second tier for higher-risk young people and all young people should have an intervention and a care plan in place with careful monitoring”.*

## Youth Engagement with the Garda Síochána

While agencies praised the knowledge and skills within the network of JLOs and community gardaí, the lack of awareness of youth-related issues across the wider organisation was evident throughout the course of the inspection. Garda members and agencies highlighted a lack of knowledge not only in relation to targeted initiatives available to young people, but even more generally in terms of the *Youth Justice Strategy*

291 Department of Justice, 2021. [Youth Justice Strategy 2021–2027](#). [Accessed on 31 May 2024].

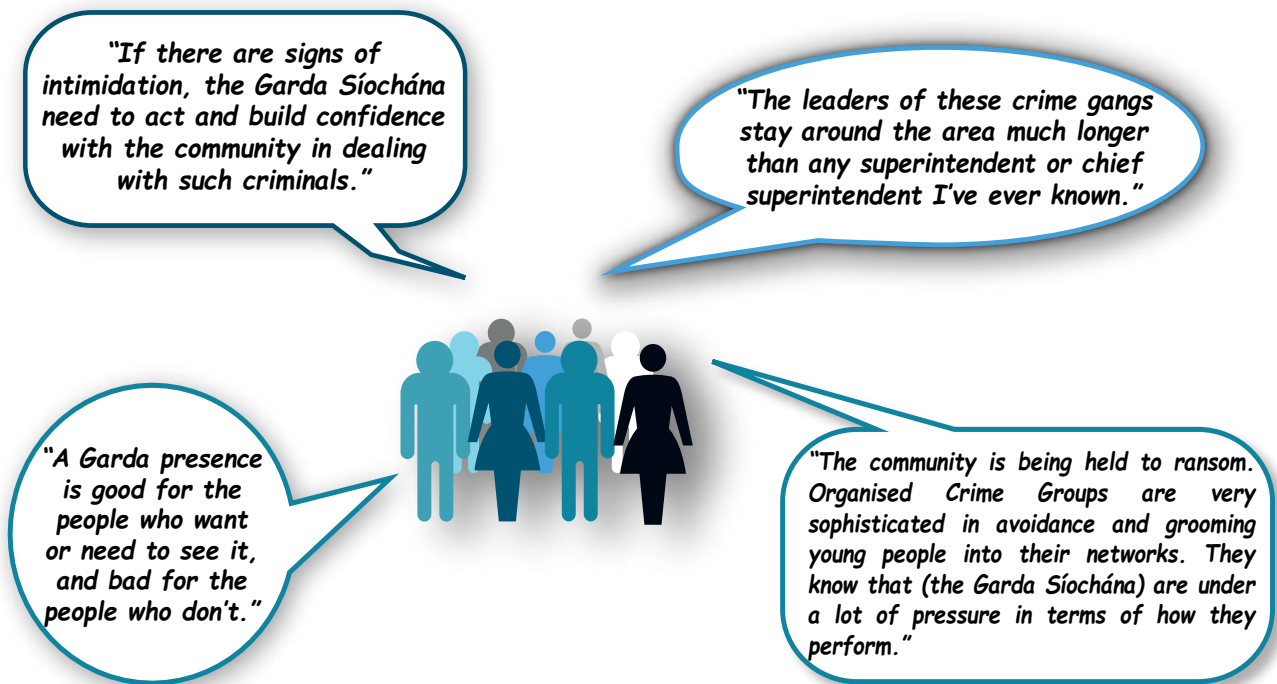
and current legislation. When asked about the Garda Síochána’s approach to preventing young people’s involvement in criminal networks, one senior garda member stated that this is often exaggerated and prevention is not a focus for the national units as they have “*bigger fish to fry*”. They referenced the fact that young people are not usually the ones responsible for murdering members of rival gangs or importing large quantities of drugs and the responsibility for young people should sit with the division or region. However, other senior gardaí acknowledged that in order for criminal networks to be dismantled effectively, prevention has to be part of the plan. One chief superintendent stated that young people should be a higher priority in the operating model, with more resources allocated academically and operationally.

Many external stakeholders identified the inconsistent approach taken by the Garda Síochána in relation to children involved in organised crime. One agency representative

highlighted that some members have great relationships with young people in local communities, while others can display quite “*toxic and discriminatory*” attitudes. Many drug-related intimidation victims referenced this as a reason why they would not report their experiences to the Garda Síochána. Support agencies were strong in stating that if real change is going to happen, young people need to be empowered to engage with the Garda Síochána and have the security of knowing they will be protected. They also need clearly identified exit strategies and appropriate follow-up support. Another agency representative stated that these networks give young people a sense of belonging and value, and highlighted that progress will only be possible when young people feel part of the policing process.

Figure 6.3 illustrates some of the views shared by NGOs and service providers in relation to community-based experiences of organised crime.

**Figure 6.3: Community-based experiences of organised crime shared with the Garda Inspectorate**



Source: Garda Inspectorate

## Grooming and Criminal Exploitation of Young People

The engagement of young people in criminal networks typically follows a grooming process where they are gradually coerced into criminal exploitation. Some agencies highlighted that children as young as eight were manipulated and coerced into crime, with one professional stating:

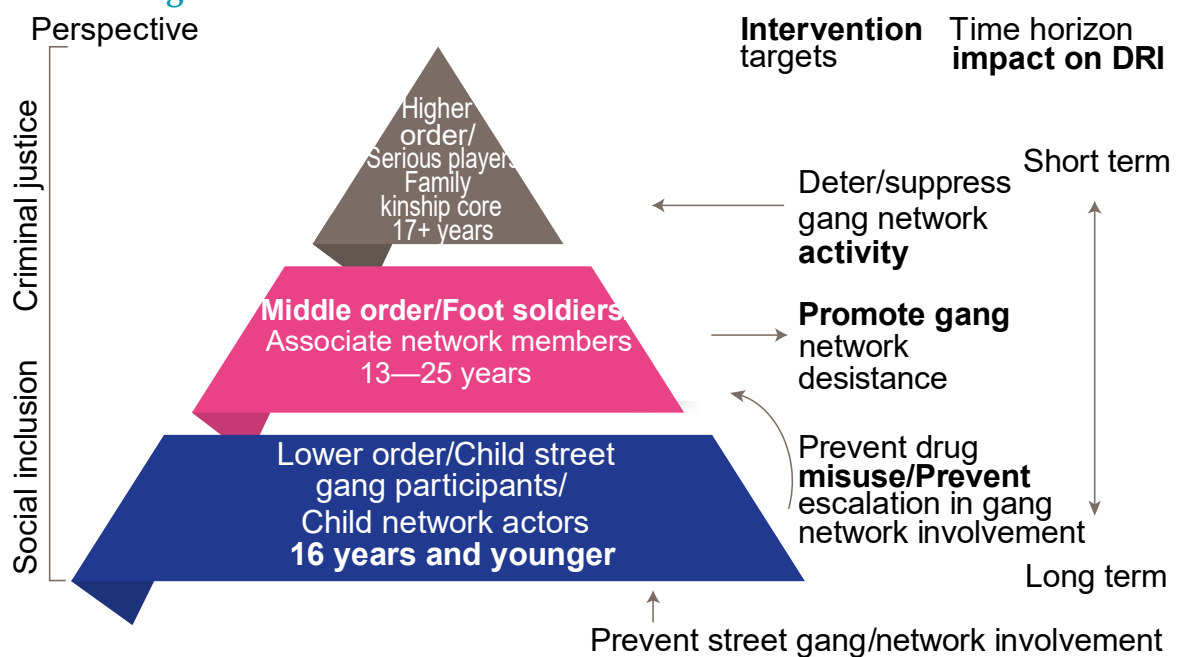
*“They [OCG members] ask these kids to hide packages for them, but they follow the kids and watch where they hide it. When the kids leave, they take the package and from that point the kids ‘owe’ them because when the adults ask them to return the package it’s gone”.*

It was highlighted that even though these children are young, the concept of ‘owing’ somebody a favour because you have ‘lost’ something that belongs to them is easy for them to understand. From that point, the involvement gradually deepens, the control tightens and before they know it, they are holding or transporting significant quantities of drugs on a regular basis. Agencies also highlighted that young people’s involvement

changes over time, and while initially they might be ‘running’ drug packages, they eventually progress to recruiting their own young people to do this work for them. While young people may engage in support services at the initial point of involvement with a criminal network, they slowly pull away over time and can often not be involved with any service as they are taught how to stay ‘off the radar’, allowing other young people or children (often under the age of criminal responsibility) to carry out tasks for them.

As discussed previously, the norms created as part of these networks can differ greatly from other social norms, and even the families of young people become entwined in the criminal networks. Drug-related intimidation is one such phenomenon; it can have a significant hold over young people and their families. The Health Research Board has provided a conceptual framework for understanding drug-related intimidation and potential intervention targets in the context of organised criminal networks. This is shown in Figure 6.4.

**Figure 6.4: Framework for understanding drug-related intimidation and potential intervention targets**



Source: Health Research Board, 2017. Drug-related intimidation. The Irish situation and international responses: an evidence review.



The framework demonstrates that the issues come in a three-tier structure and describes the type of interventions that should be targeted at each tier. The lower order are directly involved in carrying out the drug running or acts of intimidation, the middle order are involved in more serious crime, such as transporting drugs and the top order are the most serious members and form the core of the network.

During the course of the inspection, service providers told the Inspectorate about young people who gradually built up drug debts and ultimately ended up facing violent intimidation. In some cases, young people were unable to pay their debts and fled the area, resulting in the debt being transferred to their family who were then subjected to intimidation. On return to the community after one family paid a drug debt, a young person was deemed “*too dangerous*” by his peers and staff in services were warned about engaging with him. This resulted in him re-engaging with the criminal network as he viewed this as his only means of avoiding complete isolation. In another example shared with the Inspectorate, a young person who had left his community due to drug-related debt was asked by his family to come back and “*take his beating*”, hoping that they would be able to go back to some kind of “*bizarre normality*”. Service providers also highlighted that there are young women groomed and abused as part of these networks, yet they are often overlooked:

*“They don’t have a role in selling the stuff but they are often dragged into places they don’t want to be. That is sexual abuse and rape and they should get identified as victims.”*

Involvement in organised crime can have long-term and at times devastating consequences for young people and their families, as in the case of the death of a 17-year-old in Drogheda in 2020.<sup>292</sup> The teenager was dismembered and his remains found at different locations across Dublin and Louth and his death was attributed to his involvement with an OCG. His death prompted a local initiative to disrupt the activity of the criminal networks and loosen their hold on young people being targeted by these networks.

### Youth Justice Strategy

Ireland’s *Youth Justice Strategy 2021–2027* embodies a vision for a more co-ordinated system which ‘*wraps-around*’ young people at every stage of their involvement with the criminal justice system. The aim of the strategy is to enhance ‘*collaboration across all sectors of government and society in the development and delivery of opportunities for children and young people, to harness support in their families and communities in order to strengthen their capacities to live free from crime and harm*’.<sup>293</sup> The Minister for State highlighted that ‘*It takes a village to raise a child*’ and the strategy aims to address the fragmented delivery of services and strives to establish more accountable cross-departmental oversight mechanisms to ensure that the needs of young people are met in a holistic, collaborative manner. The strategy outlines initiatives to address early intervention, prevention, family support and targeted approaches for young people deemed hard to engage. In terms of implementation, the strategy outlines a number of initiatives to better support young people at risk of coming into contact with the juvenile justice system including

292 Reynolds, E., 2023. [Two men jailed for aiding in abduction and murder of Keane Mulready-Woods](#). *Irish Times*. [Accessed on 31 May 2024].

293 See note 289.

ongoing research, training for professionals working in the justice system, and enhanced juvenile justice processes to limit young people's exposure to the system. The strategy also supports a number of other targeted initiatives to engage higher-risk young people including the Bail Supervision Scheme, Greentown Project, and Youth Joint Agency Response to Crime.

### Bail Supervision Scheme

The Bail Supervision Scheme was developed as an alternative to detention for young people presenting before the courts. The programme, which won the Civil Service Excellence and Innovation Award in 2019, aims to reduce the need for remand places, develop successful community resources and prevent young people from continuing down the path of criminality. One of the key interventions delivered through the scheme is multisystemic therapy, an evidence-based, family-focused intervention seeking to change how young people function in their natural environments in ways that promote positive social behaviour and reduce levels of anti-social behaviour. An evaluation of the programme found that it contributed to a 72% reduction in reoffending over a six-month period.<sup>294</sup>

### Greentown Project

The Greentown Project is a partnership between the University of Limerick's School of Law, the Department of Justice, and the Department of Children, Equality, Disability, Integration and Youth. The project is an evidence-informed, community-based intervention with the aim of reducing the influence of criminal networks on children.

The programme's desired outcomes are to reduce a criminal network's capability for recruiting young people to engage in criminal behaviour and to provide an exit route for children who are already engaged or embedded in criminal networks. The first iteration of the project, Greentown, found that family and kinship networks were key factors in maintaining the longevity of the network. The second site study, Redtown, found that the structure of the network was based on the type of crime committed. The study also found evidence of intergenerational pro-criminal norms, with parents 'coaching' their children to offend. The third study, Bluetown found four active criminal networks in one geographical area. These were slightly different in structure and ranged from a family-based hierarchical structure to a peer and community-based format. The project won the European Crime Prevention Award in 2020 and is still ongoing. While it continues to build an evidence base in relation to young people's involvement in criminal networks in Ireland, it has not yet reached the stage where it is delivering sustainable diversion activities.<sup>295</sup>

### Youth Joint Agency Response to Crime

The Youth Joint Agency Response to Crime (YJARC) is a multi-agency initiative established after the success of the Joint Agency Response to Crime (JARC), which provides support for adult offenders engaging in burglary. YJARC was established to work with the most prolific young offenders and, unlike the adult model, is not exclusively focused on specific offence types. In order to be included, a young person should typically have five convictions. To date, there have been two YJARC pilots and,

294 Coonan, B., Naughton, C., and Redmond, S., 2019. [Evaluation of The Bail Supervision Scheme for Children \(Pilot Scheme\)](#). [Accessed on 31 May 2024].

295 Department of Children and Youth Affairs, 2016. [Lifting the Lid on Greentown. Why we should be concerned about the influence criminal networks have on children's offending behaviour in Ireland](#). [Accessed on 31 May 2024].

while an evaluation report is still pending, there is an appetite among stakeholders to amend and develop this initiative to include collaboration with other structures providing support to the same cohort. Stakeholders also believe that dedicated support in the form of case workers is required to provide more intensive support if a young person's behaviour starts to become too chaotic.

### Other Targeted Initiatives

There are other recent initiatives which, while not specifically covered under the *Youth Justice Strategy 2021–2027*, contribute to the protection and diversion of young people from organised crime. Some of these provide support to not only young people and their families, but other vulnerable people and wider communities.

### Drug Related Intimidation and Violence Engagement

The Drug Related Intimidation and Violence Engagement (DRIVE) programme is a data-driven intervention model to respond effectively to drug-related intimidation and violence in communities in Ireland.<sup>296</sup> Adopting a multi-agency approach, the model encompasses awareness raising, delivery of evidence-based supports in the community, problem-oriented policing, and recording of data and analysis of trends. The project strives to improve understanding of drug-related intimidation, increase reporting within communities, enhance the evidence base and understanding of how it manifests in communities, improve collaboration in the design of community-based supports, and enhance garda intervention and confidence in community policing.

### Drogheda: Creating a Bridge to a Better Future

A scoping review completed on behalf of the Department of Justice in 2020 documented the impact of organised crime in Drogheda.<sup>297</sup> It explored violent and drug-related crime specifically, and the impact on individuals, families and the wider community. The review aimed to assess the issues and challenges in Drogheda and identify measures that could be taken to improve outcomes while also building on local strengths and resources. The review found that in order to tackle the local issues, a greater level of co-ordination and accountability was required. It acknowledged that for young people currently involved at various levels in serious crime, there is a need for a different, more tailored response to disrupt engagement in criminal networks. Specific recommendations made in the review included continued targeting of senior members of organised networks by the Garda Síochána, implementation of an intensive wraparound service for young people involved in criminal networks, strengthening community policing, and training in trauma and adverse childhood experiences for all professionals working in the area. A number of recommendations are currently being implemented with the support of the Drogheda Implementation Board, and local agencies report that there has already been a notable improvement in how agencies work with each other to address a collective problem.

### Organisational Learning

Despite the profile of these targeted programmes and the involvement of garda members in their development and implementation, this inspection found

296 Further information about the Drug Related Intimidation and Violence Engagement programme is available at [driveproject.ie/](https://driveproject.ie/). [Accessed on 31 May 2024].

297 Geiran, V., 2021. [Drogheda: Creating a Bridge to a Better Future. Community Safety & Wellbeing: Report of a Scoping Review for the Department of Justice](#). [Accessed on 31 May 2024].

limited knowledge of them across the wider organisation. When asked how learning from initiatives such as Greentown and DRIVE is disseminated, the Inspectorate found that there is no specific process or plan in place to do so. The decision regarding development of programmes and dissemination of learning lies with each individual policy owner and is not managed centrally to ensure learning is shared nationally. Throughout the course of the inspection, the Inspectorate asked garda members about ongoing initiatives, examples of good practice and successful outcomes. The Inspectorate observed a culture which did not appear to be open to learning from effective practice or initiatives in other divisions or regions. Members involved in these initiatives reported that they had not been asked to share their experience or learning within the organisation, and in one high-profile case that yielded particularly positive outcomes, staff reported that the request from the Inspectorate to share their approach was the first they had received. A senior garda who was involved in one of these initiatives stated:

*“We need to encourage a level of consistency that isn’t there at the moment. Problems are similar in other areas but this approach is only in our area”.*

The Inspectorate was also informed that in order for these programmes to work, the Garda Síochána needs to resource them consistently and appropriately, and a process for ensuring this is not currently in place. Garda members and external support agencies highlighted that investment is needed to ensure that learning from initiatives is considered at a policy level and incorporated into practices and procedures. They felt that the only way this can be achieved is if they are recognised nationally and resourced appropriately.

## Assessment

Other jurisdictions have acknowledged the influence of criminal networks on children and young people, and the worrying upward trend in terms of their involvement in more serious crime. International research has identified the various factors that increase a young person’s risk of becoming involved in criminal behaviour, and these span many areas of their lives. In terms of targeted responses, other jurisdictions such as Sweden acknowledge that welfare and juvenile justice should be strongly linked, and the UK recognises financial gain as a key motivator for the involvement of young people in organised crime. Responses in these jurisdictions consist of multi-agency, welfare-focused structures, and education or employment-based initiatives. Most notable is the recognition that in order to meet the complex needs of young people involved in organised crime, a multi-faceted collaborative response is needed. The benefits of agencies working more closely to tackle organised crime is well documented in this report.

Ireland has taken positive steps to further develop the juvenile justice system in recent years. The current *Youth Justice Strategy* is an example of the strategic vision and collaborative methods designed to meet the needs of young people involved in criminal and anti-social behaviour in an outcomes-focused, evidence-based way. The Garda Youth Diversion Programme, Young Person’s Probation, Bail Supervision Scheme and the Youth Diversion Projects all support cohorts of young people who come to the attention of the Garda Síochána for a range of different offences. Other initiatives, such as the Greentown Project, provide a depth of knowledge and understanding about how criminal networks recruit young people and operationalise them in an Irish context. The strategy acknowledges that the needs of young people involved in crime are complex and strongly advocates for a

cross-departmental collaborative approach. These needs span the remit of various departments such as health, welfare and education and while departments endeavour to work together to meet them, it is often the case that approaches can vary because of their different policies and responsibilities. Key Action 1.1.3 of the strategy references consideration of a *“Dedicated youth justice service which would interact with national and local structures and the possibilities of co-location or co-delivery of services by relevant agencies, professionals, and community partners, as well as the interaction of youth justice services with local service coordination structures”*. The Inspectorate believes that in order to enhance the vision outlined in the *Youth Justice Strategy* and build a more co-ordinated, sustainable service for young people involved in criminal behaviour, the establishment of a dedicated youth justice agency is required. The main function of the agency would be to operationalise any strategies relating to young people involved in criminal behaviour in a coherent, consistent and accountable manner. It should be staffed appropriately by representatives from the Garda Síochána, Tusla, and the various government departments with responsibilities for children and young people and should also include operational staff responsible for oversight and front-line delivery of targeted and community-based interventions across the country.

Additionally, there is a cohort of young people who are at the highest level of risk of engaging in organised crime and whose involvement in criminal networks is likely to escalate, but who are unlikely to engage with support services. The Inspectorate believes that given the complex needs of this cohort, a more targeted approach by dedicated resources is required. To address this, a new youth organised crime service should be established. As with the youth justice agency, this should be staffed by

representatives from the Garda Síochána, Tusla and community-based organisations and in the longer-term could become part of a new youth justice agency. Garda resources allocated to this initiative should not only work collaboratively with colleagues to design local and national responses to target organised crime, but they should also:

- > Maintain regular contact with Tusla in relation to young people identified through the National Referral Mechanism for the purpose of organised crime;
- > Review and update existing data sharing agreements with the relevant agencies responsible for the care of young people;
- > Liaise with the Director of Public Prosecutions in relation to cases referred on the grounds of the Criminal Justice (Engagement of Children in Criminal Activity) Act 2024 and Criminal Law (Human Trafficking) Acts 2008 and 2013;
- > Enhance awareness of the *Youth Justice Strategy 2021–2027* across the Garda Síochána; and
- > Consult with young people to ensure youth-specific services within the Garda Síochána are co-designed in line with best practice.

Given the identified trends in relation to the recruitment of children below the age of criminal responsibility into criminal networks, it is important that there is an evidence-based mechanism to identify those most at risk and intervene appropriately to prevent them becoming involved. For young people already involved in organised criminal activity, intensive monitoring throughout the delivery of a multi-agency case management plan would ensure that they receive the support needed at each stage of the detachment process from a criminal network. Also, in order to ensure long-term diversion,

a monitoring mechanism with accompanying family support should be put in place until adulthood. As research shows that education and employment are significant protective factors, work should take place to establish a formal programme with the Department of Education, Department of Further and Higher Education, Research, Innovation and Science, and Department of Enterprise, Trade and Employment to ensure educational and employment opportunities are made available. On 1 March 2024, the Department of Justice and Department of Skills and Further Education launched a guidance document to assist young people in Youth Diversion Projects in accessing further education and training opportunities. The guidance makes reference to traineeships, apprenticeships, Post Leaving Cert courses, literacy and numeracy services and community and adult education. Reference is also made in the guidance to the Higher Education Access Route which is an admission scheme for Leaving Certificate students (under 23) whose economic or social background are underrepresented in higher education. The Inspectorate recognises this as a positive development and believes that further initiatives could evolve from this.

The *Youth Justice Strategy* outlines a number of initiatives designed to target high-risk young people, and there is an opportunity for existing structures to be further developed to more specifically meet the needs of young people involved in organised crime. To further increase the effectiveness of YJARC, the Inspectorate believes that structured integration and collaboration mechanisms are needed to ensure the appropriate sharing of information, and most effective use of resources across the youth justice sector. The expansion of the model should be carefully considered based on a needs assessment, and a lead agency should be identified in order to implement the initiative consistently. While YJARC is a short-term initiative, closer

collaboration with the network of Young Person's Probation and Youth Diversion Projects would ensure the appropriate step-down supports are in place for a young person when deemed no longer suitable for engagement in YJARC. Similarly, while the Bail Supervision Scheme is not directly designed to target young people involved in organised crime, the Inspectorate recognises that some elements of the programme, such as intensive supervision and targeted support for caregivers, could also be effective for young people involved in organised crime. The Inspectorate acknowledges the ongoing work of the Greentown Project and recognises that it takes time to build an evidence base to fully understand the complexity associated with criminal networks. The Inspectorate recognises that the Department of Justice already has an Economic, Transnational and Organised Crime unit and some departmental work is ongoing to support young people engaged in criminal networks. Learning from this and other initiatives could provide great insight in designing the new services proposed and delivering local and national responses to prevent and disrupt young people's involvement in criminal networks.

In terms of investment, the Garda Síochána has resourced many initiatives over the years and significant knowledge has been built up within the organisation. Through this investment, success has been achieved, as demonstrated through the establishment of the community engagement teams in Drogheda. Similarly, although the DRIVE programme is still being implemented, there is significant learning to be gained from garda members' involvement in these structures across the country which could contribute to more tailored responses based on local needs.

As referenced previously, there is no standardised mechanism for the Garda Síochána to implement learning from

academic or community-based initiatives across the organisation. In addition, the Inspectorate observed a culture which was not open to learning from ongoing developmental initiatives, effective practice or innovative methods. This has been illustrated through the lack of awareness of ongoing initiatives across the organisation and failure to replicate methods used during complex cases where successful convictions were achieved. Apart from the loss of key learning, if the resource demands and effectiveness of these interventions are not being considered at a national level, there is a danger that the Garda Síochána will not be able to support them appropriately moving forward. The Inspectorate believes that a standardised evaluation and implementation framework should be developed in order to incorporate and disseminate learning across the organisation, both from examples of good practice and ongoing academic and developmental initiatives.

## Recommendations

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendations.

### Recommendation 6.5

#### Diversion of Young People – Establishment of a Cross-Departmental Agency

The Inspectorate recommends that the Department of Justice work with other departments to establish a youth justice agency to holistically meet the needs of young people involved or at risk of involvement in criminal or anti-social behaviour. This agency should be staffed appropriately by the Garda Síochána, other key departments and agencies and should have responsibility for:

- > Overseeing the implementation of governmental policies relating to youth justice;
- > Co-designing, implementing and evaluating research and practice development initiatives to improve outcomes for young people and families; and
- > Monitoring the national delivery of community-based supports.

### Recommendation 6.6

#### Youth Organised Crime Service

The Inspectorate recommends that the Department of Justice establish a youth organised crime service to support young people engaged in criminal networks. This unit should be staffed appropriately by the Garda Síochána, other key departments and agencies and specifically focus on developing and operationalising:

- > Initiatives to prevent young people's recruitment and engagement in criminal networks;
- > An evidence-based framework for identifying at-risk young people at the earliest opportunity to enable multi-agency intervention and diversion from organised crime;
- > Exit strategies to facilitate young people's safe disengagement from criminal networks;
- > Structured mechanisms to support young people to engage in pro-social education and employment opportunities;

- > A welfare-focused, multi-agency intervention model to address the needs identified; and
- > A structured after-care and family support framework to ensure long-term diversion from criminal networks.

### Recommendation 6.7

#### Evaluation and Implementation of Community-based Interventions

The Inspectorate recommends that the Garda Síochána develop an evaluation and implementation framework to assess and incorporate learning from organisational initiatives and community-based interventions. This should enable:

- > Identification of examples of effective or innovative practice;
- > Assessment of suitability for engagement in academic and community-based initiatives;
- > Evaluation of learning from involvement in initiatives;
- > Development of a mechanism for disseminating learning across the organisation; and
- > Allocation of appropriate resources to new and ongoing initiatives.

## Legislation

While the concepts of human trafficking and child exploitation are not new, only in recent years have conversations taken place regarding the criminal exploitation of children in a domestic setting.<sup>298</sup>

### International and Comparable Practice

The Modern Slavery Act 2015 in the UK is internationally recognised as being groundbreaking in terms of acknowledging the complexities of exploitation and taking appropriate action to prosecute those responsible. This legislation explicitly references the exploitation of young people and acknowledges that modern slavery or trafficking victims are often coerced into committing offences and provides certain protections for this cohort, including specific protection for child victims. The approach used in county lines explicitly recognises that young people in this context are victims of criminal exploitation, are at an enhanced level of risk if they engage with the criminal justice process, and alternative investigative methods are required in order to protect them.

Developments in this area are ongoing and in 2021, Barnardos UK published a report which acknowledged the dangers of young people continuing to be involved in criminal networks,<sup>299</sup> and referenced the UK Children's Commissioner's 2019 study which found that only 24% of children involved in gang violence are known to children's services.<sup>300</sup> Following the inclusion

298 The National Society for the Prevention of Cruelty to Children defines criminal exploitation as '*Child abuse where children and young people are manipulated and coerced into committing crimes*'. Further information available at: [nspcc.org.uk/](https://www.nspcc.org.uk/) [Accessed on 31 May 2024].

299 Jones, E. 2021. [Exploited and Criminalised: What can the Police, Crime, Sentencing and Courts Bill do to ensure that children who are criminally exploited receive the care and support they need?](#) [Accessed on 31 May 2024].

300 Children's Commissioner, 2019. [Keeping Kids Safe. Improving safeguarding responses to gang violence and criminal exploitation.](#) [Accessed on 31 May 2024].



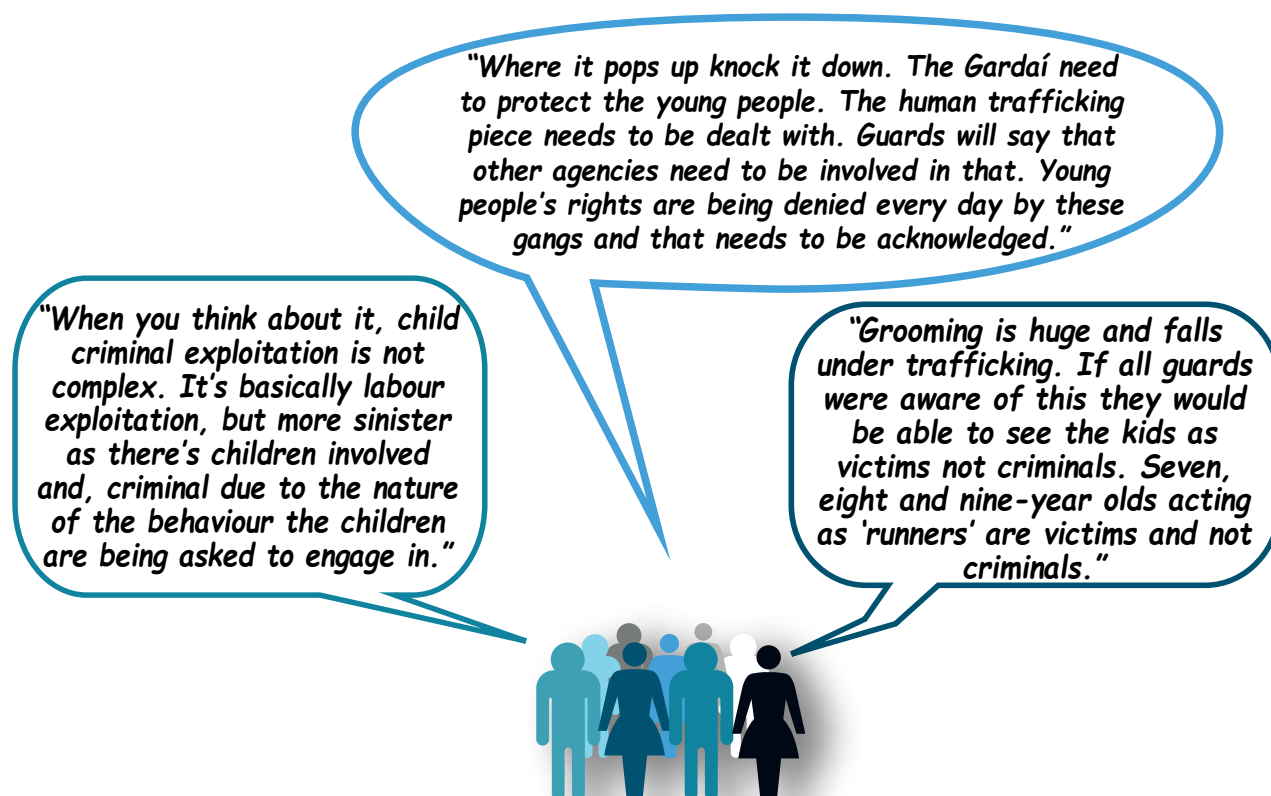
of a definition of child sexual exploitation in law after a consultation process in 2016, agencies were better able to identify victims and children at risk of sexual exploitation and felt that this would also be the case with child criminal exploitation. In 2023, the Home Office published guidance on criminal exploitation of children, young people and vulnerable adults and defined child criminal exploitation as *'An individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18. The victim may have been criminally exploited even if the activity appears consensual. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology'*.<sup>301</sup>

## Findings

### Legislation to Tackle Grooming

In March 2024, the Criminal Justice (Engagement of Children in Criminal Activity) Act 2024 was signed into law.<sup>302</sup> This makes it an offence for an adult to compel, coerce, induce or invite a child to engage in criminal activity, for which there is a penalty of up to five years' imprisonment. In addition to the current provisions in law where an adult who uses a child to commit crime can be found guilty as the principal offender, this new Act recognises the harm caused by bringing a child into criminality. Figure 6.5 reflects views shared with the Inspectorate in relation to community-based experiences of child criminal exploitation.

**Figure 6.5: Public experiences of child criminal exploitation shared with the Garda Inspectorate**



Source: Garda Inspectorate

301 Home Office, 2023. [Criminal Exploitation of Children, Young People and Vulnerable Adults. County lines](#) [Accessed on 31 May 2024].

302 [Criminal Justice \(Engagement of Children in Criminal Activity\) Act 2024](#). [Accessed on 31 May 2024].

## Modern Slavery Victims

Under the Criminal Law (Human Trafficking) Act 2008 a trafficker is defined (among other characteristics) as somebody who *'Abused his or her authority or took advantage of the vulnerability of the trafficked person to such extent as to cause the trafficked person to have had no real and acceptable alternative but to submit to being trafficked'*. The Act also provides a definition for the term "trafficks" which is detailed and complex.<sup>303</sup>

During this inspection, the Inspectorate encountered a high level of inconsistency of views in relation to whether young people who are coerced into criminal behaviour meet the definition of trafficking or exploitation. The Inspectorate attended a one-day event hosted by the Drugs and Organised Crime Bureau on the topic of drug-related intimidation. A number of case studies were presented, and while these highlighted characteristics of trafficking and exploitation, neither of these terms were used. As such, these cases were explored in the context of young people's involvement in drug dealing and organised crime and did not consider the vulnerability of young people or the manipulation or control exercised by organised criminals. In contrast, NGOs consulted as part of the inspection were clear that young people coerced into organised crime in Ireland should be recognised as victims of trafficking or exploitation and need to be supported as such. Service providers also highlighted that until there is universal acknowledgement that young people are trafficked, they are facing an additional layer of victimisation and trauma.

During the passage through the Dáil of the Criminal Justice (Engagement of Children in Criminal Activity) Act, deputies highlighted the importance of community-based supports in order to ensure the protection of communities, detection of criminal activity and ultimately prevention of recruitment of young people into criminal networks.<sup>304</sup> The safety of young people engaged in criminal networks was also a significant consideration, with one academic stating that our criminal justice system is heavily based on witnesses giving evidence and it would take a *"brave person to provide evidence on these networks"*. Agency representatives from both domestic and international service providers highlighted the importance of universal understanding in order to effectively identify and support victims appropriately. One suggestion related to the need for a clear definition of child criminal exploitation, which would enable all agencies to better identify young people involved in criminal networks.

## National Referral Mechanism

At the time of this inspection, Ireland's National Referral Mechanism was being updated, and under the proposed new model, Tusla will be the dedicated service for young people identified as potential human trafficking victims. However, it was acknowledged by support agencies that young people trafficked for the purpose of organised crime have a specific set of needs, and there is a lack of expertise in Ireland in addressing these. One youth justice expert stated that some of the key agencies are not equipped to deal with children being exploited for organised crime and do not operate well with the interface of the criminal justice system. There was

303 [Section 1, Criminal Law \(Human Trafficking\) Act 2008](#). [Accessed on 31 May 2024].

304 Hosford, P. 2023. [Bill to criminalise recruitment of children by drug gangs will not solve problem, Dáil told, Irish Examiner](#). [Accessed on 31 May 2024].

an acknowledgement among service providers that better sectoral training and education is needed in order for all services to identify domestic victims of trafficking and exploitation. Agencies highlighted a concern that, under the current legislation, if they were to refer a young person they believed had been a victim of domestic criminal exploitation to the Garda Síochána, there is a risk that the young person would be prosecuted for their involvement instead of being supported as a victim. Agencies felt that the dual status of young people in this context is a key piece that needs to be considered and this is a recommendation in Chapter 5 of this report.

### Assessment

Internationally, developments have been ongoing in relation to defining child criminal exploitation and the operationalisation of legislation to secure successful convictions. While the UK's Modern Slavery Act 2015 is a developmental step in terms of defining exploitation, identifying victims and prosecuting perpetrators, some cohorts remain in need of further support and the under-identification of victims of child criminal exploitation is an issue facing multiple jurisdictions.

While the Inspectorate welcomes the new domestic legislation relating to grooming young people into organised crime, further supports are needed to facilitate the safe reporting of crime by young people engaged in criminal networks. At present, there is confusion regarding the interpretation of definitions of trafficking and exploitation. In Chapter 5, the Inspectorate recommends an independent examination of human trafficking and exploitation cases referred to the Office of the Director of Public

Prosecutions (DPP) for prosecution with a view to identifying the barriers which prevented a successful outcome. The Inspectorate believes that consideration of the definitions within the Criminal Law (Human Trafficking) Act 2008 should be included in the terms of reference for this review.

The UK Home Office guidance that defines child criminal exploitation provides an opportunity to draw from the experience of a jurisdiction with which Ireland shares a common travel area. Its definition is simple and provides for circumstances in which *'the victim may have been criminally exploited even if the activity appears consensual'*.<sup>305</sup> Without the appropriate identification of young people as victims of criminal exploitation and trafficking, it is exceptionally difficult to establish a support structure for them as victims or to protect them from criminalisation. The Inspectorate believes that a definition of child criminal exploitation would enhance the identification of these victims. The Inspectorate also believes that further exploration is required in order to understand how the current legislation can be best operationalised to prevent young people's engagement in criminal networks and support young people already entangled in criminality to engage with the criminal justice process without facing incrimination and personal risk.

### Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

305 See note 301.

### Recommendation 6.8

#### Supporting Victims of Child Criminal Exploitation

The Inspectorate recommends that the Department of Justice convene a working group of criminal justice partners to assess how the Criminal Justice (Engagement of Children in Criminal Activity) Act 2024 and Criminal Law (Human Trafficking) Acts 2008 and 2013 can be best operationalised to support child trafficking and criminal exploitation victims. The working group should develop guidance for the sector in relation to:

- > A clear legislative definition of child criminal exploitation;
- > A standardised victim identification framework;
- > Clearly identified referral pathways to appropriate supports; and
- > Protected reporting mechanisms for young people involved in criminal networks.

## Custodial Support and Rehabilitation

This section explores the availability of support systems for adults who are imprisoned as a result of organised crime.

### International and Comparable Practice

#### Prison Models

In the 1990s, Norway redeveloped its prison system to focus on reintegrating prisoners as stable contributors to communities through a peaceful, restorative environment. A significant feature in the Norwegian system is the use of smaller, community-based facilities instead of large, centralised prisons. This keeps prisoners geographically close to their homes and allows them to maintain family relationships and links to their communities. Norway recognises the importance of family links and is adapting rooms and facilities in prisons to make them more child-friendly. Prisons offer a range of programmes designed to develop skills and facilitate opportunities for prisoners to change their habits, so they are more employable and have more options available to them when they leave prison. In order to achieve this, all inmates are required to have an ongoing activity or job inside the prison. These developments coincided with a decrease in recidivism rates from 60–70% to approximately 20% in recent years.<sup>306</sup>

The Scottish Prison Service uses police mapping data every quarter to gain a better understanding of the activity taking place in communities. This allows it to carefully consider the placement of each individual based on the risks and threats in the community setting and it translates to the prison context. The police provide an

306 Denny, Meagan, 2016. [Norway's Prison System: Investigating Recidivism and Reintegration](#), Bridges: A Journal of Student Research: Vol. 10: Iss. 10, Article 2. [Accessed on 31 May 2024].

information pack on new prisoners and, to disrupt criminal gangs, the prison service monitors and moves prisoners as necessary. On release, the prison collaborates with other agencies to ensure an integrated case management plan is developed. Violent and sexual offenders are managed through the Multi-agency Public Protection Arrangements (MAPPA) process, which is a mechanism through which agencies can support the individual and protect the public in a co-ordinated manner.<sup>307</sup> A community-based social worker is responsible for co-ordinating the assessment of an individual through the process and monitoring the implementation of the management plan. The MAPPA process is also operational in England and Wales and a similar process is operated through the Public Protection Arrangements service in Northern Ireland.

### Family Impact

Intergenerational crime is well documented in international research and refers to the trend of children and parents both engaging in criminal behaviour. Research has found that organised crime can tend to concentrate in families and to also be transmitted across generational lines.<sup>308</sup> This has particular relevance in the Irish context where the vast majority of criminal networks consist of family members and close family friends.

### Findings

#### Information Sharing

While the Irish Prison Service has a good working relationship with the Garda Síochána, it tends to engage on a case-by-case basis, and there is no established forum for the two organisations to discuss organised

crime specifically. However, there are some well-established and functioning forums to discuss other matters such as the Prison Information Management System. Regular meetings also take place with Crime Legal, National Crime & Security Intelligence and Liaison and Protection Services and the Garda Síochána provide vital intelligence to the Irish Prison Service to assist with the management of offenders. The Inspectorate was told that information sharing tends to depend on individual relationships established between staff in the different agencies, however a lot of work has been completed during 2023 to seek to address the primary information gap which is to work towards a consistent approach to information flow on committal.

Members of the Prison Service informed the Inspectorate that the information shared by the Garda Síochána on those committed to prison is less detailed than it was in the past. Previously information was provided through a telephone call, but this has now changed to a standardised template, which usually contains a minimal amount of information. The EU Law Enforcement Directive is in place and the Inspectorate was told that this should be sufficient to enable the sharing of information between agencies engaged with pre- and post-release of prisoners. In the past, a C63 form was completed by the Garda Síochána and provided to the prison. This was useful as it provided key information relating to the background, past convictions and health information. However, while some issues presented in relation to its consistent use across prisons, during 2023 a joint working group encompassing the Irish Prison Service, Garda Síochána and Probation Service

307 Ministry of Justice, National Offender Management Service, and HM Prison Service, 2014. [Multi-agency Public Protection Arrangements \(MAPPA\): Guidance](#). [Accessed on 31 May 2024].

308 Beaver, K. M. (2013). The familial concentration and transmission of crime. *Criminal Justice and Behavior*, 40(2), 139–155.

progressed an updated C63 form which is intended to be re-introduced on a consistent basis in 2024. On arrival, prisoners meet the prison Governor during which their location within the prison population is discussed. Sometimes, the prison only has access to information in the public domain and any details provided by the prisoner regarding their affiliation to a criminal network in order to decide where to house a prisoner safely. A member of the Prison Service told the Inspectorate:

*“We try to balance senior members of organised crime groups across the different prisons but the power balance can change so quickly and under the European Convention on Human Rights you can’t lock somebody up for 24 hours a day”.*

A Garda Information Message form is an official written warning issued by the Garda Síochána to let people know of a threat to their life. These warnings are hand-delivered, with accompanying information relating to security measures. There is an existing Under Threat Protocol in place between the Garda Síochána and the Probation Service, which enables the Probation Service to confirm the existence of a Garda Information Message form in relation to a person referred to the Probation Service.

### **Existing Pre and Post-release Support**

The Probation Service is the dedicated community-based service for convicted offenders who receive court orders as an alternative to detention. In terms of the delivery of services, the Probation Service has a remit to ensure that court orders are implemented and reduce the risk of harm and reoffending by supporting rehabilitation. The Community Return Programme is a collaborative early-release scheme managed by the Prison Service and

the Probation Service. The incentivised early-release programme targets prisoners who demonstrate genuine efforts to desist from reoffending and are serving between one and eight-year sentences.

The Prison Service also works with the Irish Association for the Social Integration of Offenders (IASIO) to provide both the Gaining Access to Employment (GATE) and resettlement services. IASIO is a national community-based organisation focused on alternatives to offending and re-incarceration and GATE offers guidance counselling and placement supports to prisoners with the overall aim of securing a placement in training or employment post-release. The resettlement service provides individual support in relation to accessing housing and welfare services on release but starts while prisoners are still in prison. The Irish Prison Service works with IASIO and a range of other non-government community-based organisations to offer desistance guidance, motivation and support pre- and post-release. In 2016, the Prison Service introduced a new central information platform where the prison-based multidisciplinary team can record a range of information with regard to ongoing sentence management for individual prisoners and raise post-release concerns. This centralised platform assists prison-based services to improve the transition from custody to the community for offenders with the overall aim of reducing risk to the individual and reducing risk of reoffending post-release.

The Prison Service’s Prisoner Release Planning Policy indicates that individuals are referred to various services including housing, social welfare and medical services. However, the Inspectorate was informed that there are differences in relationships with local authorities and this has led to an inconsistency in terms of post-release

support. For individuals on early release, an assessment is completed by a prison-based multi-agency team who identify needs and make referrals to community-based state and non-state agents for care and resettlement support. However, while needs are identified, it can be difficult for individuals to access support upon release due to the lack of co-ordination with community-based service providers. Representatives highlighted that the MAPPA process in the UK is a good model which could be used in Ireland as it is underpinned by legislation that compels the co-operation and response of community-based state parties. The Housing First Scheme for people engaged with the criminal justice system was also highlighted as a model of good practice. However, it was highlighted that the limited number of spaces would prevent all suitable individuals from accessing housing and there is a need for criminal justice sector clients to become a target group within the general national Housing First model.

Agencies told the Inspectorate that in some cases it is impossible to separate an individual from a criminal gang, as they often have to return to the same community, usually in a more vulnerable position than when they left. This issue is not helped by social housing regulations that require a person seeking state housing support to return to the local authority where they had established links pre-custody. Various NGOs and community-based services offer support to individuals on release from prison and their families including phone-based listening supports and more structured services offering accommodation and reintegration support. As highlighted in Chapter 4, the JARC is a strategic offender management initiative led by the Garda Síochána, Probation Service and Prison Service, with the active support

and engagement of the Department of Justice. JARC aims to tackle repeat offenders of specific crimes, such as burglary and find out why they are offending, with the ultimate goal of reducing crime. However, there is currently no service specifically designed to meet the complex needs of individuals who have been involved in organised crime.

### **Intergenerational Crime in Ireland**

Research has found that the vast majority of organised crime networks in Ireland consist of family members or close family friends and intergenerational crime is particularly relevant in an Irish context. Professionals consulted with during the inspection highlighted the impact not only on young children being recruited into criminal networks, but also on the younger family members and children of individuals involved in this type of criminal behaviour. In July 2021, the Irish Penal Reform Trust launched a report that made a number of recommendations including the establishment of a charter of rights for children with a family member in prison, the establishment of a national support service, and a whole-of-government recognition that children with a family member in prison are at increased risk of negative outcomes.<sup>309</sup> In December 2023, the Irish Prison Service advertised to recruit its first National Families Connection Officer to improve and co-ordinate service delivery to families of those in prison.

309 Irish Penal Reform Trust, 2021. [Piecing It Together: Supporting Children and Families with a Family Member in Prison in Ireland](#). [Accessed on 31 May 2024].

## Assessment

Internationally, there is an acknowledgement that organised crime is complex and it can be extremely difficult for individuals involved in criminal networks to disengage fully. This can be even more difficult when they are imprisoned and reliant on that network for safety or financial security for families on the outside. In Scotland, significant effort is placed on data collection and the mapping of trends from the community to understand criminal activity and assists with the placement of prisoners. This data is influential in shaping the briefing pack provided to prisons, which provides valuable insight into the circumstances surrounding an individual's imprisonment. The importance of the information shared by the Garda Síochána and Probation Service is also evident. Given the withdrawal of the previously used C63 form and the absence of fluency in information sharing, it is important that the relationship with the Prison Service and Probation Service is considered in the context of development of information sharing agreements as recommended in Chapter 4. This can be further enabled by ensuring the Prison Service is represented in the National Crime Centre recommended in Chapter 1.

Post-release, the difficulties relating to re-entering the community are heightened further for individuals involved in organised crime, as their local community is often where their involvement with a criminal network started and people from that same network may still live in the area and target individuals for re-engagement. The Norwegian model acknowledges the importance of reintegration and tries to ensure individuals are not completely disconnected from the outside world while in prison. Norway also recognises the importance of education and employment

as protective factors and strives to develop employment skills while individuals are in prison to place them in a better position to secure employment on release. It must be acknowledged that the Irish Prison Service, Probation Service and other agencies have ongoing initiatives to support prisoners pre-release and post-detention. However, there is currently no structure or process that specifically addresses the complexities facing individuals involved in organised crime both during incarceration and post-release. The Inspectorate believes that a pre-release and post-detention model should be developed in order to meet the needs of individuals more holistically. This model could build on existing initiatives that are working well, while also incorporating more intensive and targeted support for individuals and families. In order for this model to work effectively, cross-Departmental investment would be required to ensure that the relevant services required to support individuals post-release were tailored to meet the complex needs of individuals re-entering society and available to provide support pre and post-release.

A more structured approach would also provide an opportunity to tackle intergenerational crime and address the risks posed to family members of individuals involved in organised crime through the development of evidence-based and multi-agency interventions. The Inspectorate supports the recommendations made by the Irish Penal Reform Trust and believes that any services developed should include tailored support for family members of organised crime specifically.

## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.



### Recommendation 6.9

#### Pre- and Post-release Support Model

The Inspectorate recommends that the Department of Justice lead on the development and implementation of a cross-Departmental pre-release and post-detention support model for individuals with connections to organised crime. This should include:

- > Development of an evidence-based, multi-agency mechanism to prepare individuals for leaving detention and provide continued support on release; and
- > Establishment of a dedicated family support service for family members including:
  - » Tailored multi-agency support relating to involvement with criminal networks such as drug-related intimidation, financial support, housing placements and physical and mental health issues; and
  - » Evidence-based interventions and support for children to address and prevent intergenerational crime.

## Electronic Monitoring Devices

Electronic monitoring devices are used in some jurisdictions for persons who are on bail, as part of a non-custodial sentence or as part of a post-release supervision order. Devices are used to monitor movements and when first introduced they were often used to monitor convicted sex offenders. They are not used for live surveillance purposes, but more as a preventative and reactive

monitoring mechanism. In the UK, some police services are now using monitoring devices in relation to those involved in county lines and organised crime offences. The initial use has seen some unintended but powerful consequences, with some OCGs wanting to disassociate themselves from a member of the group who is wearing a device as they fear it can also provide intelligence on their movements if the monitored person is in their company.

## Findings

The Criminal Justice Act 2006 contains the provisions for the introduction of electronic monitoring. Since 2014, electronic monitoring has been used by the Prison Service for prisoners granted temporary release as part of the Community Return/Community Support Scheme as well as for monitoring some prisoners who were patients in hospitals. Since it was introduced, a total of 151 prisoners have been subject to monitoring. Due to cost considerations, a decision was taken to cease electronic monitoring in 2021. At the time of this inspection, policy proposal was being developed for the future use of electronic monitoring by a working group involving representatives from the Garda National Offender Management Unit and the Department of Justice.

## Assessment

Electronic monitoring can be used as part of a temporary release process, where it enables offenders to regain their liberty early while providing a technological tool to monitor their movements. Other jurisdictions are also using devices for those on bail who are awaiting trial as an alternative to remanding them in custody. Concerns relating to any invasion of privacy should be balanced against the benefits that monitoring brings in enabling adults and young people to

retain their liberty. The benefits identified by other police services in connection with organised crime show that it can also be used as a means of preventing an individual from engaging with a criminal network.

With the evidence from other jurisdictions of how electronic monitoring is causing offenders to be ostracised from their crime group thereby preventing them from reintegrating into their OCG, the Inspectorate believes that it would be appropriate at this time to conduct a review of the use of electronic monitoring in Ireland. The Inspectorate also believes that the Department of Justice should remain open-minded in relation to the age demographic suitable for electronic monitoring, particularly in relation to those involved in organised criminal networks.

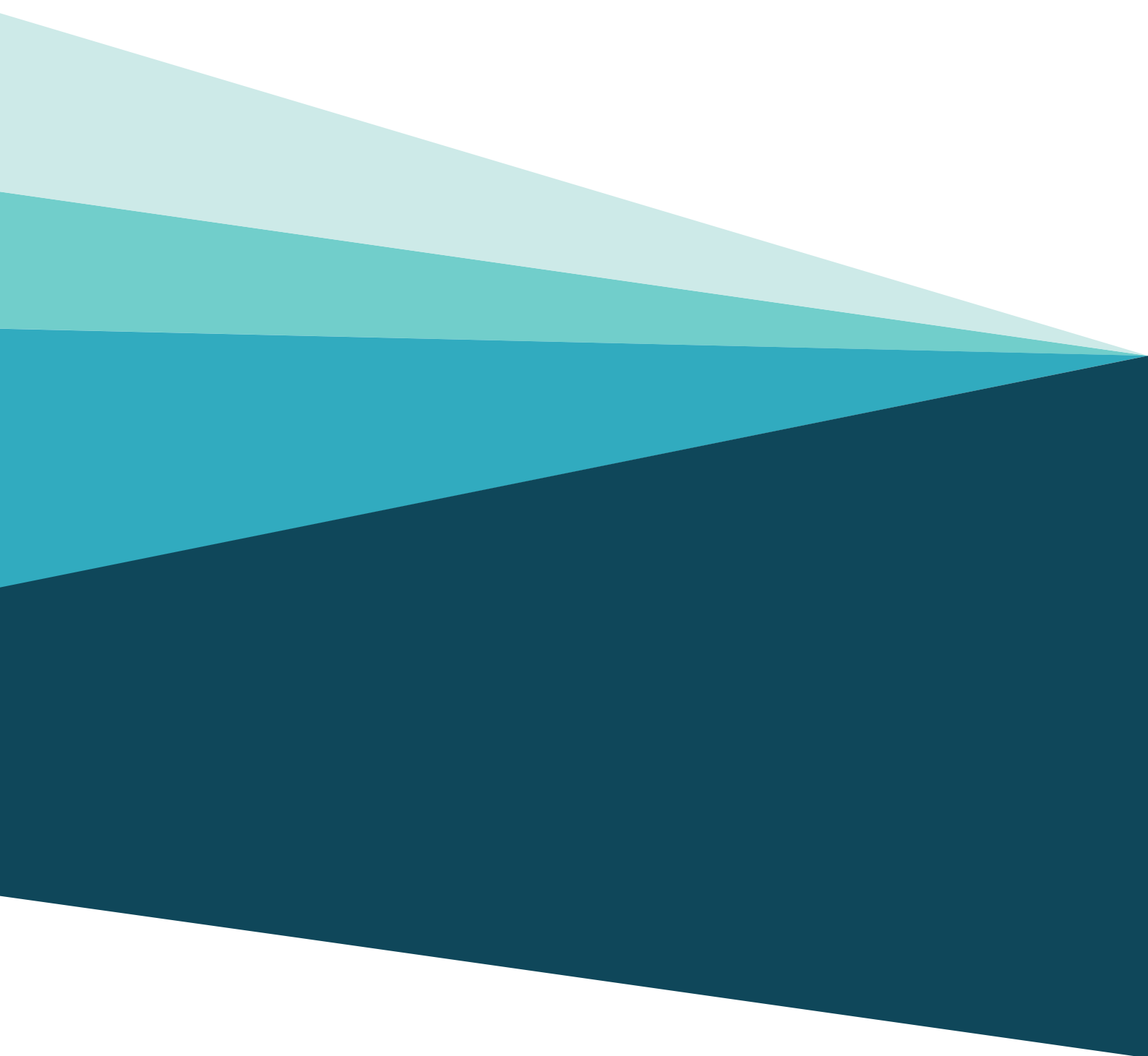
## Recommendation

In light of these findings and review of international and comparable practice, the Inspectorate makes the following recommendation.

### **Recommendation 6.10**

#### **Electronic Monitoring**

The Inspectorate recommends that the Department of Justice resume and expand the use of electronic monitoring in the pre-sentence and post-release stages of the criminal justice process.

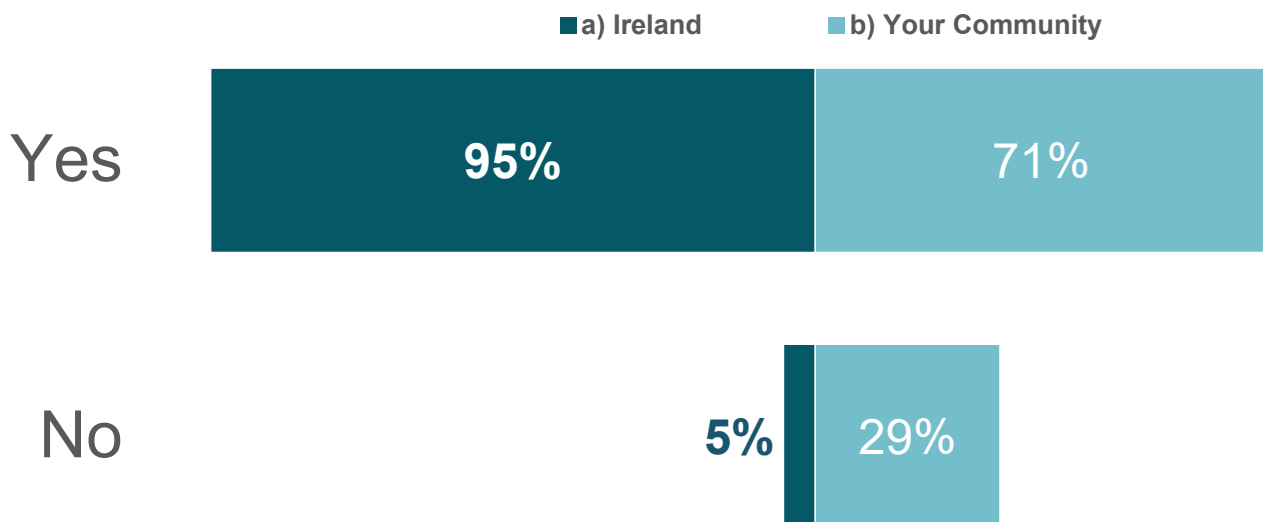


CIGIREACHT AN GHARDA SÍOCHÁNA  
GARDA SÍOCHÁNA INSPECTORATE

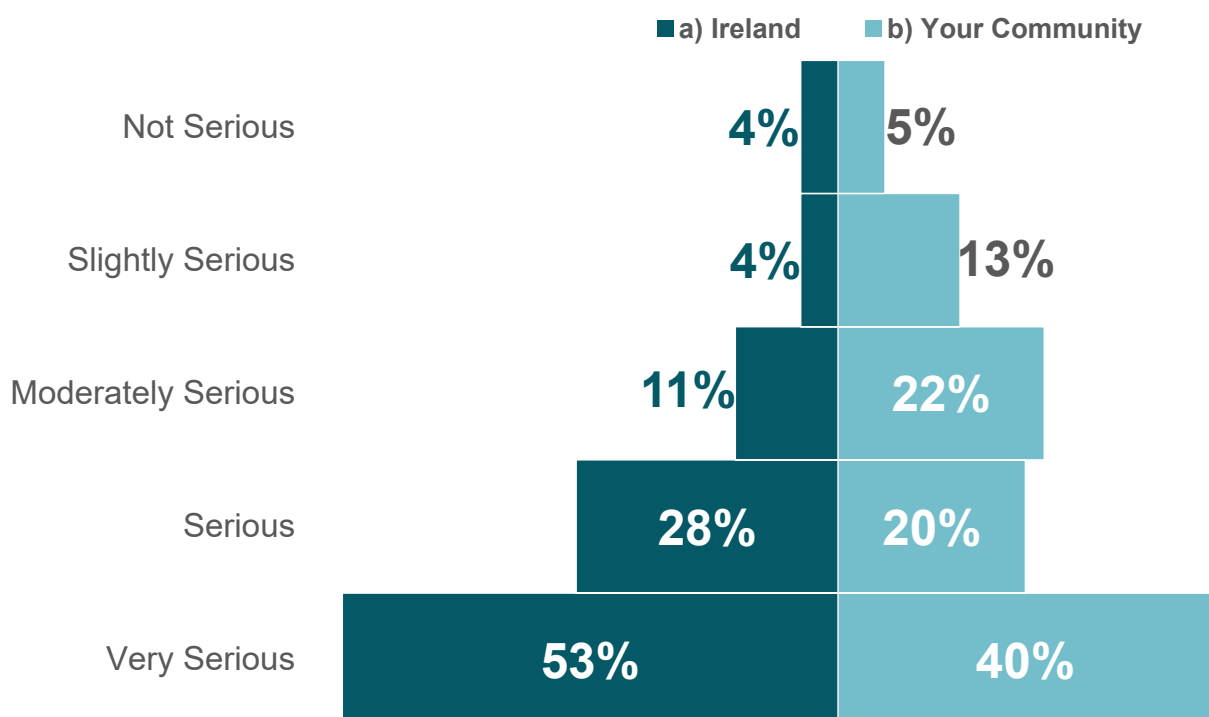
# Appendix 1: Results from Public Consultation

## Section 1 - General Understanding of Transnational Organised Crime

Q1: Are you aware of transnational organised crime occurring in: a) Ireland, b) Your Community



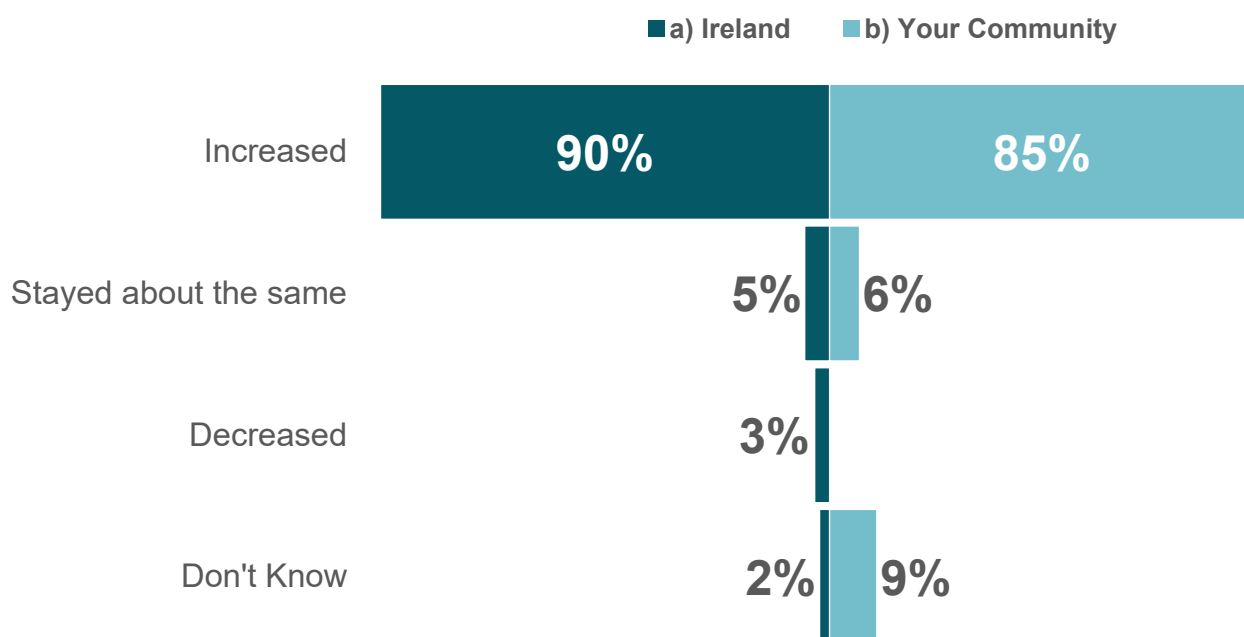
Q2: Please indicate on a scale from 0 to 5 (0 being not serious and 5 being very serious) how serious you perceive the level of transnational organised crime is in: a) Ireland, b) Your Community



**Q3: In your opinion, please rank the impact of the following transnational organised crime types in order of seriousness in both Ireland and your community (1 being most serious and 8 being least serious) in: a) Ireland, b) Your Community**



**Q4: In the last five years please indicate if the level of transnational organised crime has increased, stayed the same or decreased in: a) Ireland, b) Your Community**



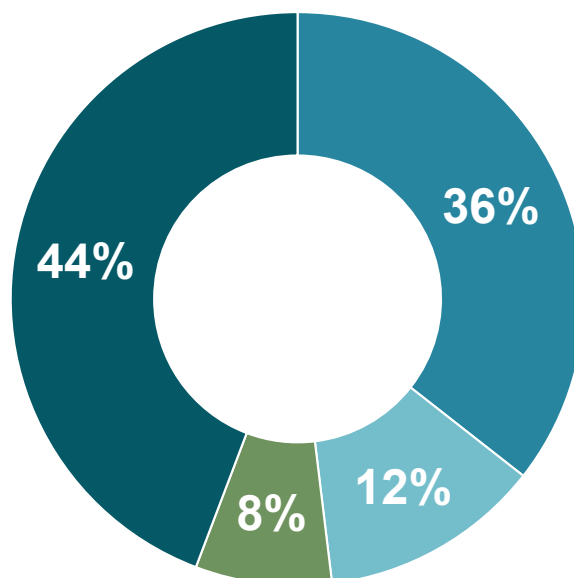
**Q5: Please select the two main impacts of transnational organised crime in; *a) Ireland, b) Your Community***



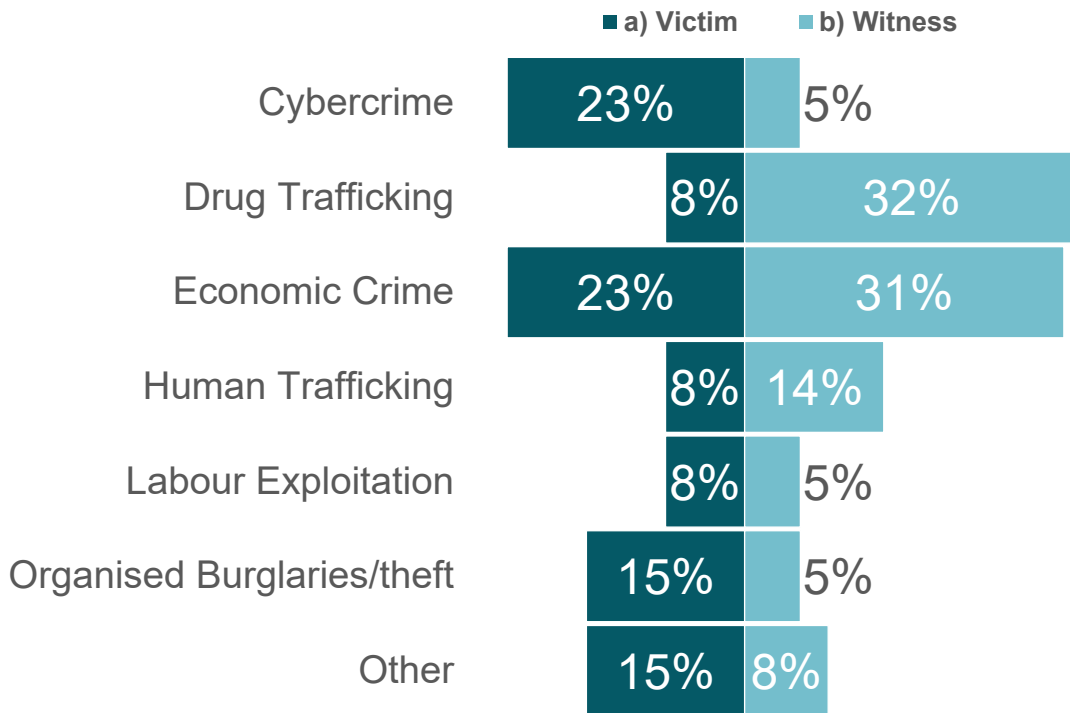
## Section 2 - Victims

**Q6: In the past five years, have you been a victim of, or a witness to, transnational organised crime?**

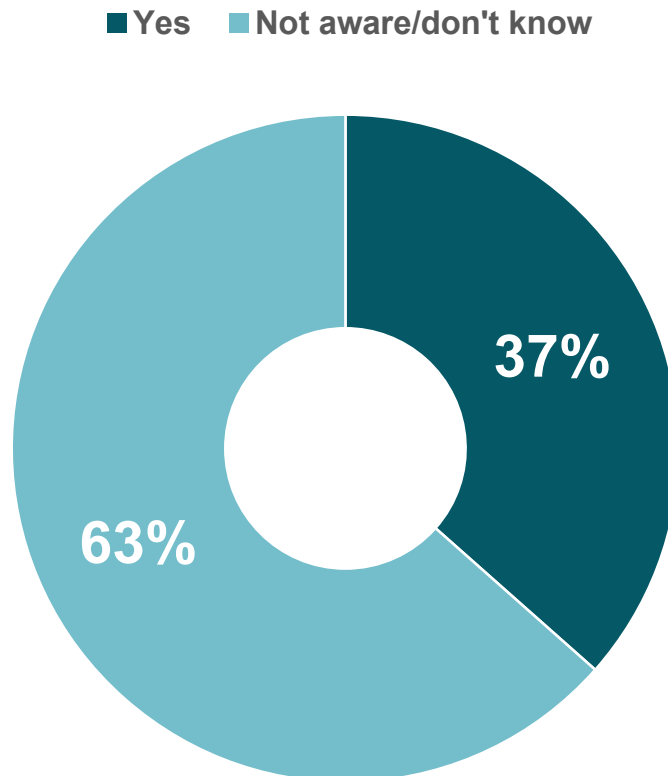
■ Witness ■ Victim ■ Prefer not to say ■ Neither



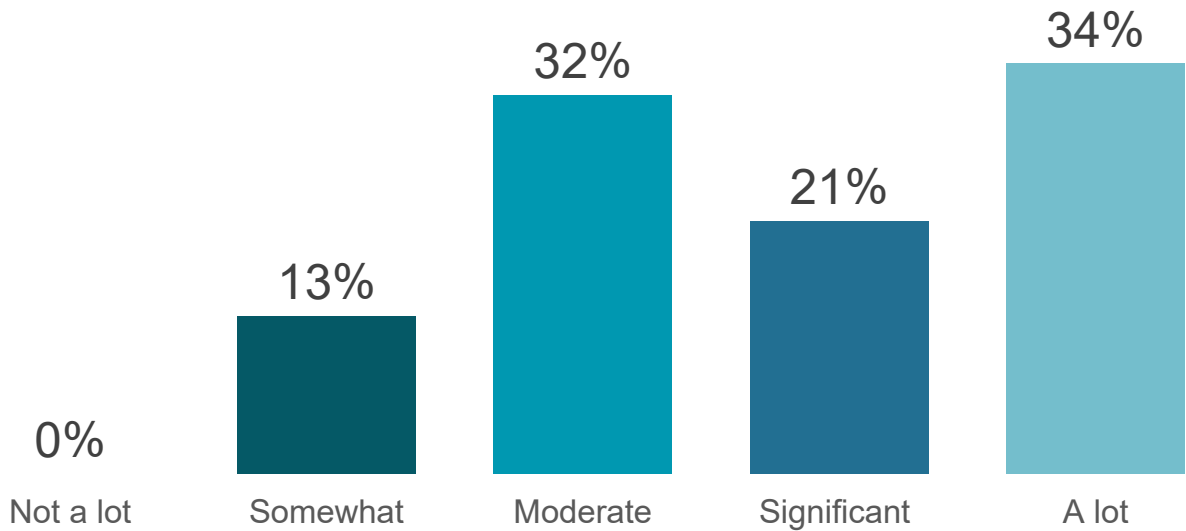
**Q6a: Please select one of the following transnational organised crime types that best describes the crime as a: a) victim, b) witness**



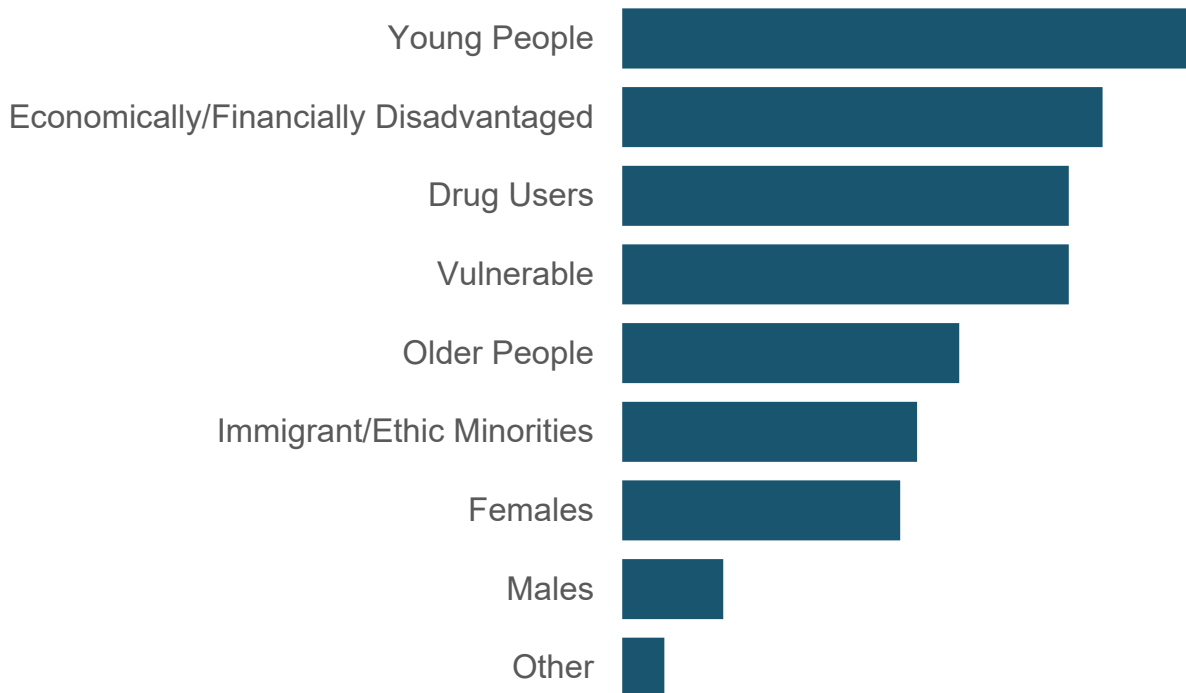
**Q7: Are you aware if intimidation is used by transnational organised crime groups to control your community?**



**Q7a: To what extent on a scale from 1 to 5 (1 being not a lot and 5 being a lot) is intimidation used by transnational organised crime groups to control your community?**



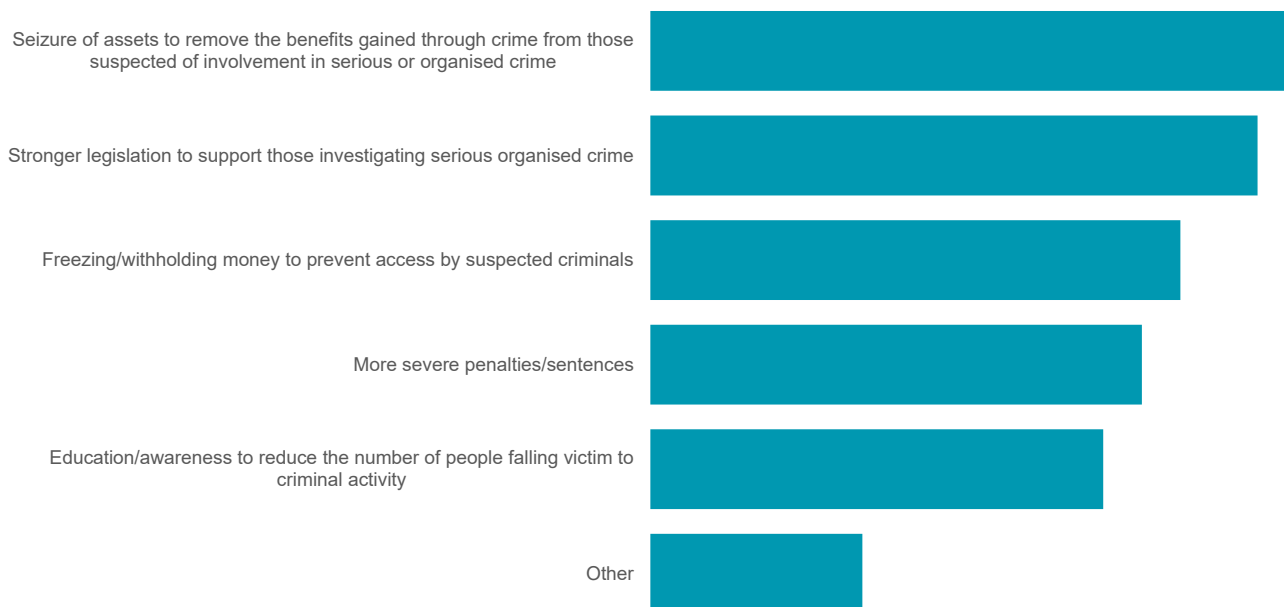
**Q8: Please select the groups which you feel is the most affected by transnational organised crime:**





## Section 3 - Prevention

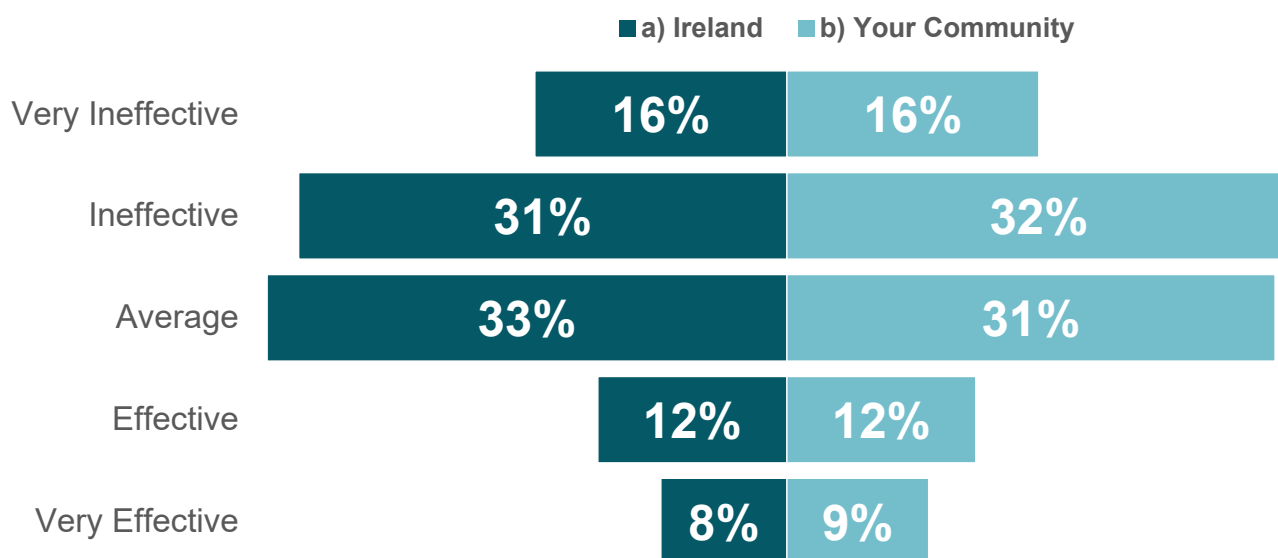
### Q9: What do you consider to be the most effective method to prevent transnational organised crime?



### Q10: Please select possible approaches that the Garda Síochána could use to decrease transnational organised crime in your community?



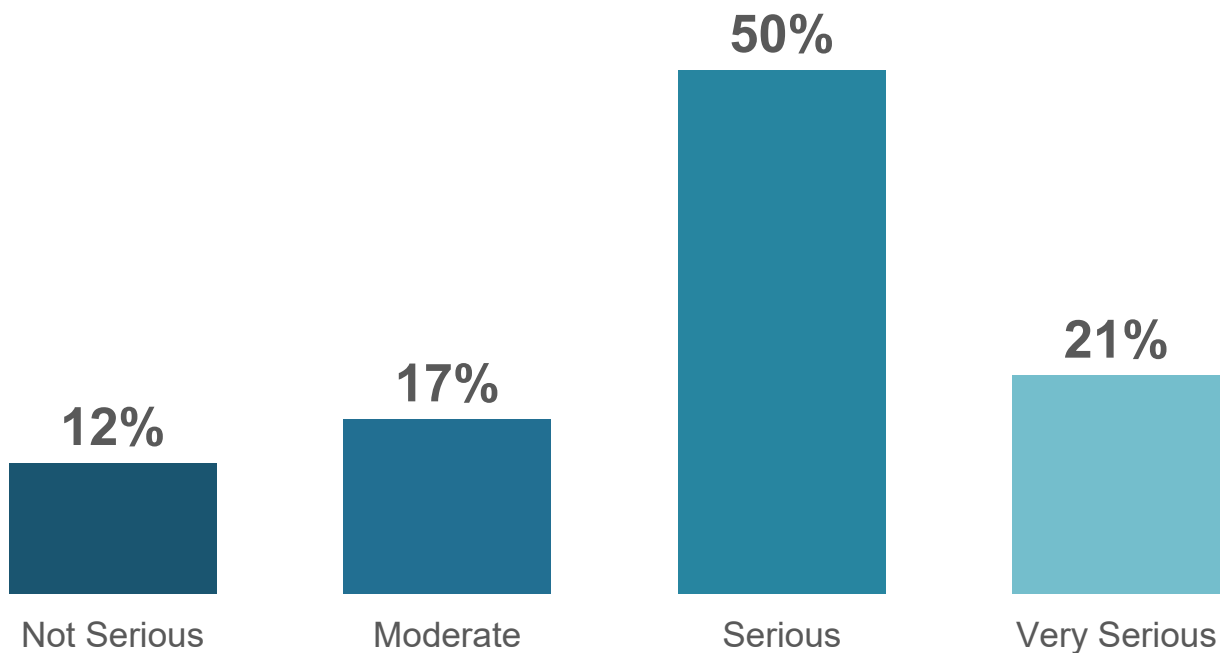
**Q11: Please rate on a scale from 1 to 5 (1 being very ineffective and 5 being very effective) how effective the Garda Síochána are at preventing transnational organised crime in: a) Ireland, b) Your community**



# Appendix 2: Results from Consultation with State bodies, Non-Government Organisations and Academia

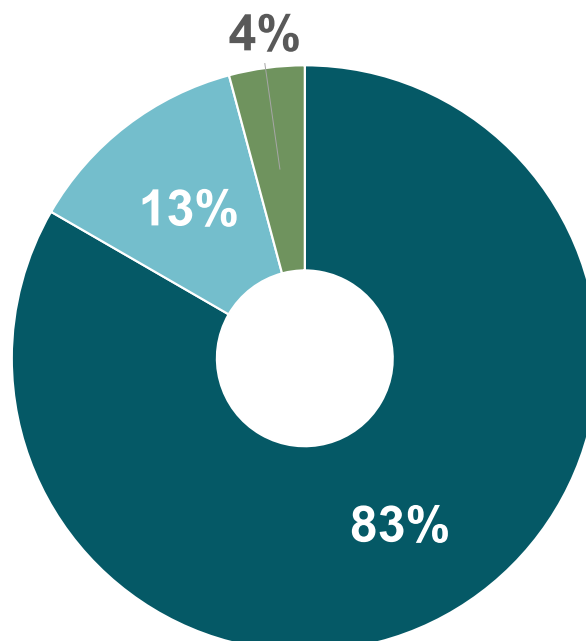
## Section 1 - Overall

Q1: Please indicate on a scale from 1 to 5 (1 being not serious and 5 being very serious) how serious you perceive the level of transnational organised crime is in Ireland:

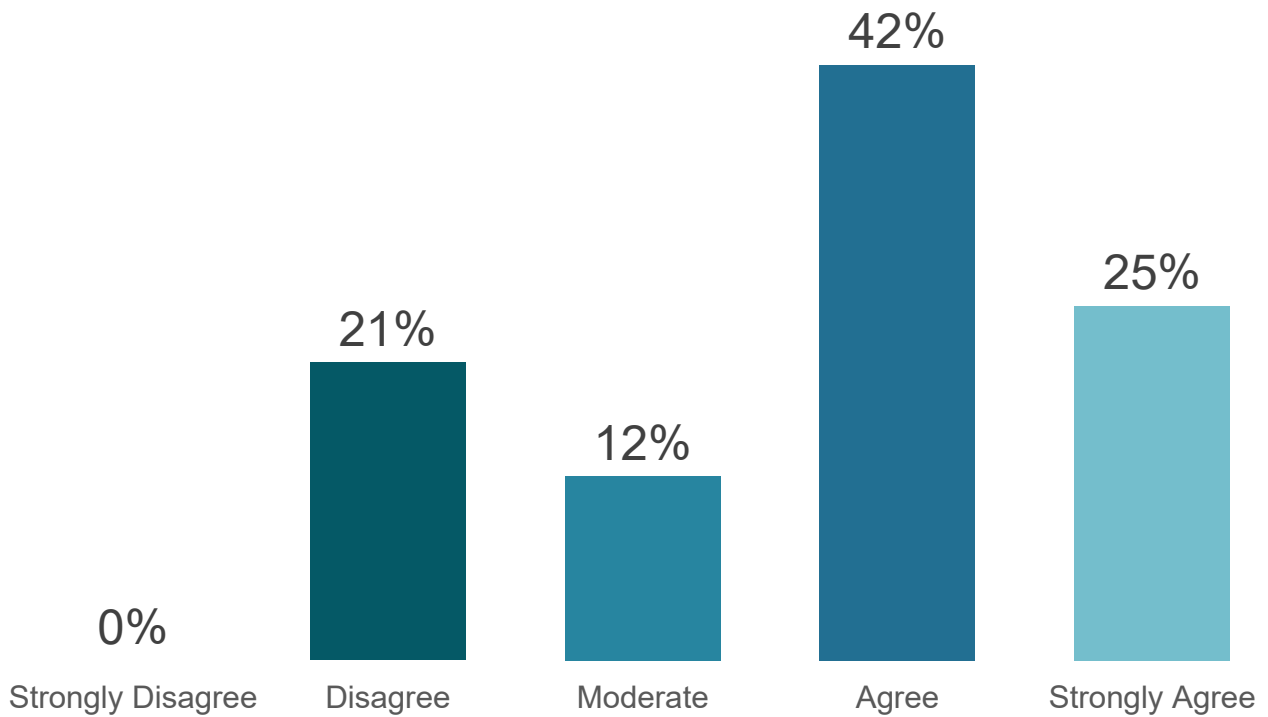


Q2: In the last five years please indicate if the level of transnational organised crime in Ireland has increased, stayed the same or decreased:

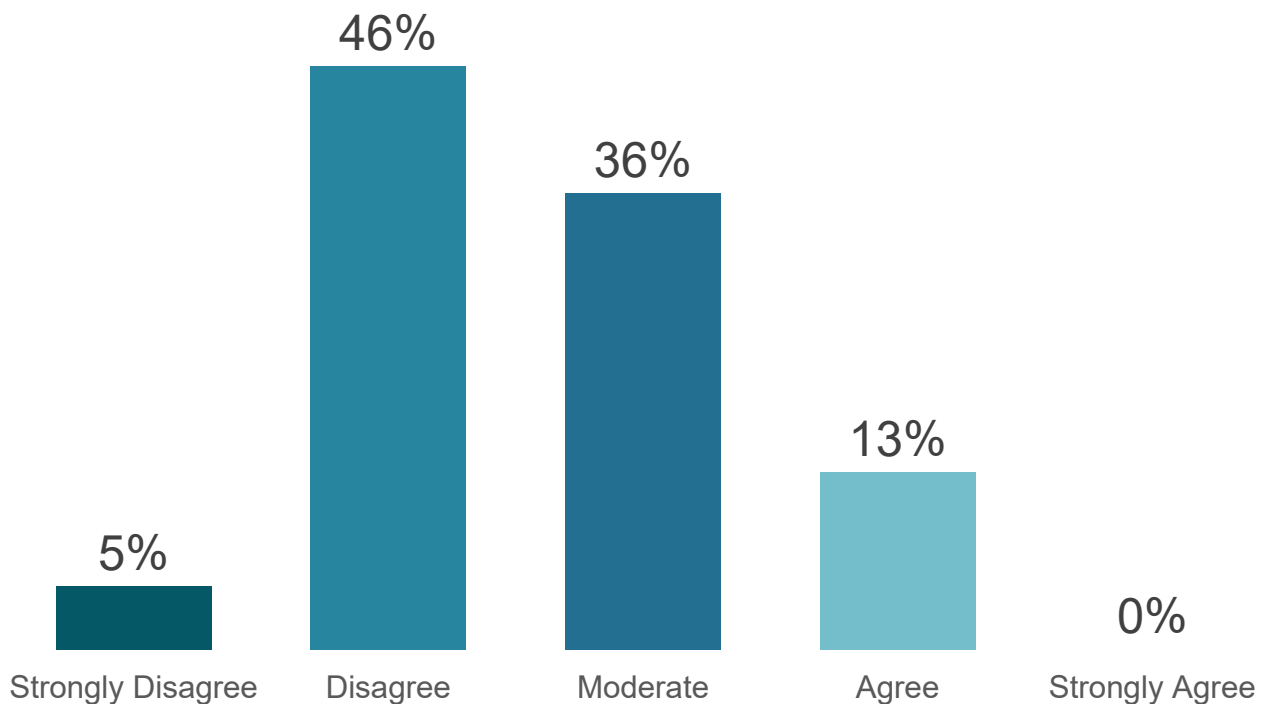
■ Increased, ■ Stayed about the same, ■ Don't know



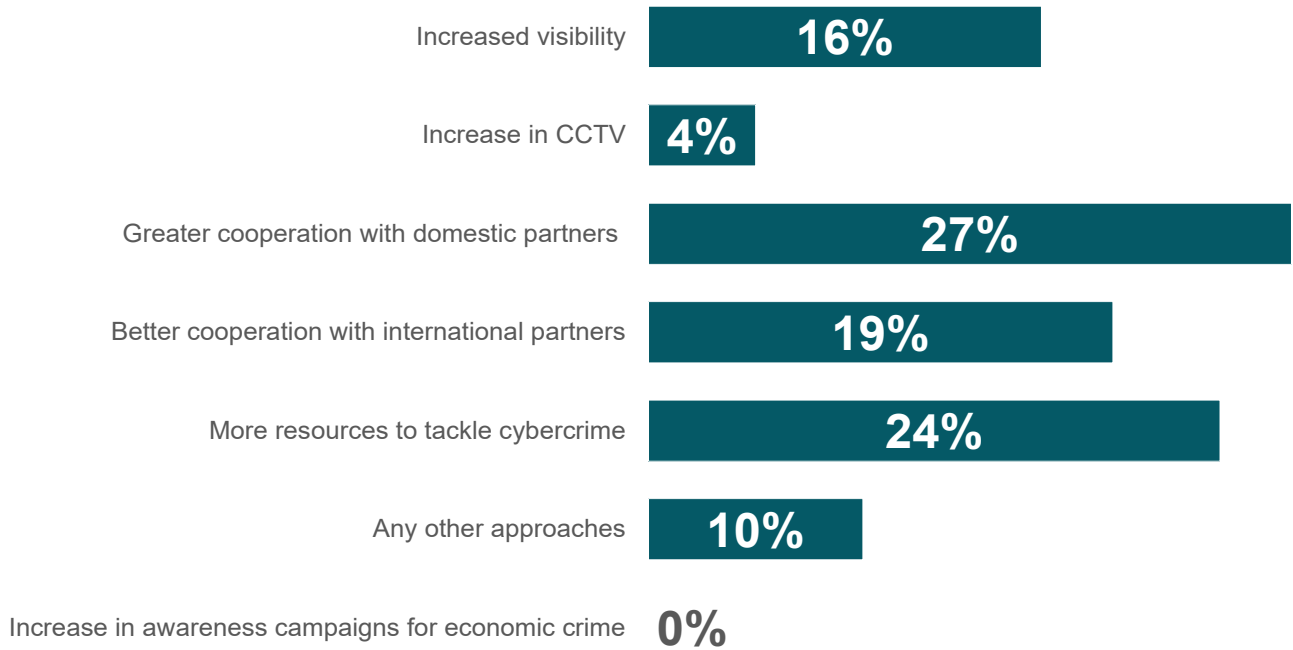
**Q3: Do you agree on a scale from 1 to 5 (1 being strongly disagree and 5 being strongly agree) that the fight against transnational organised crime is a high priority of the Garda Síochána?**



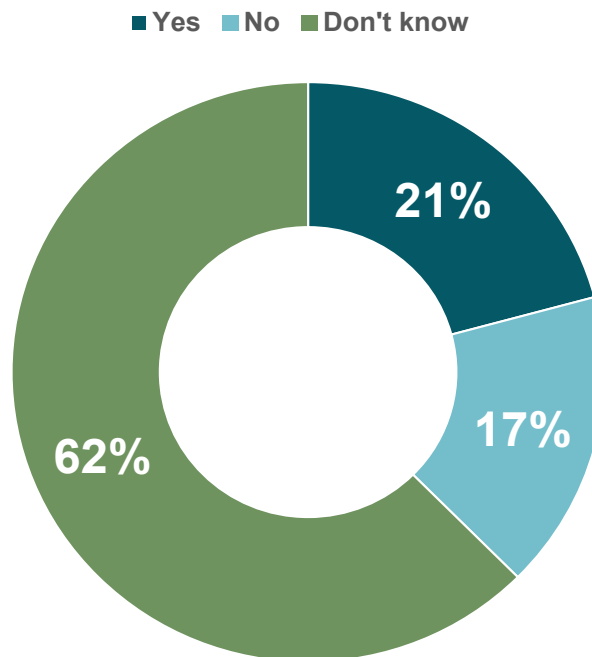
**Q4: Do you agree on a scale from 1 to 5 (1 being strongly disagree and 5 being strongly agree) that the appropriate procedures, structures and resources are in place to effectively tackle the challenge of transnational organised crime?**



**Q5: Please select possible approaches that the Garda Síochána could use to decrease transnational organised crime:**

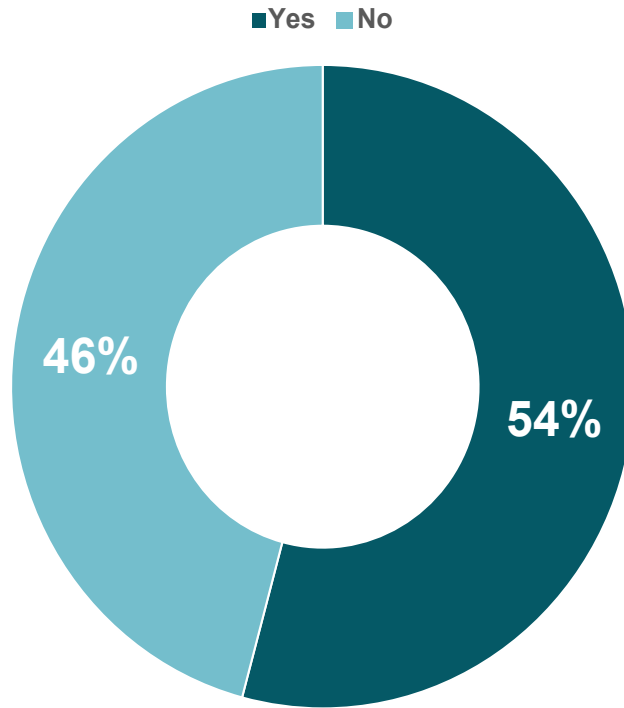


**Q6: In your experience are the needs and expectations of your organisation’s work in partnership with the Garda Síochána in relation to transnational organised crime met sufficiently?**

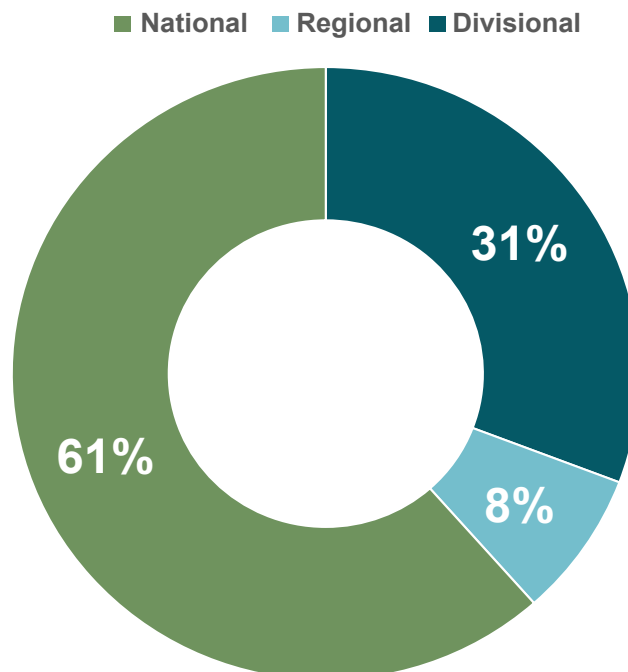


## Section 2 - Engagement

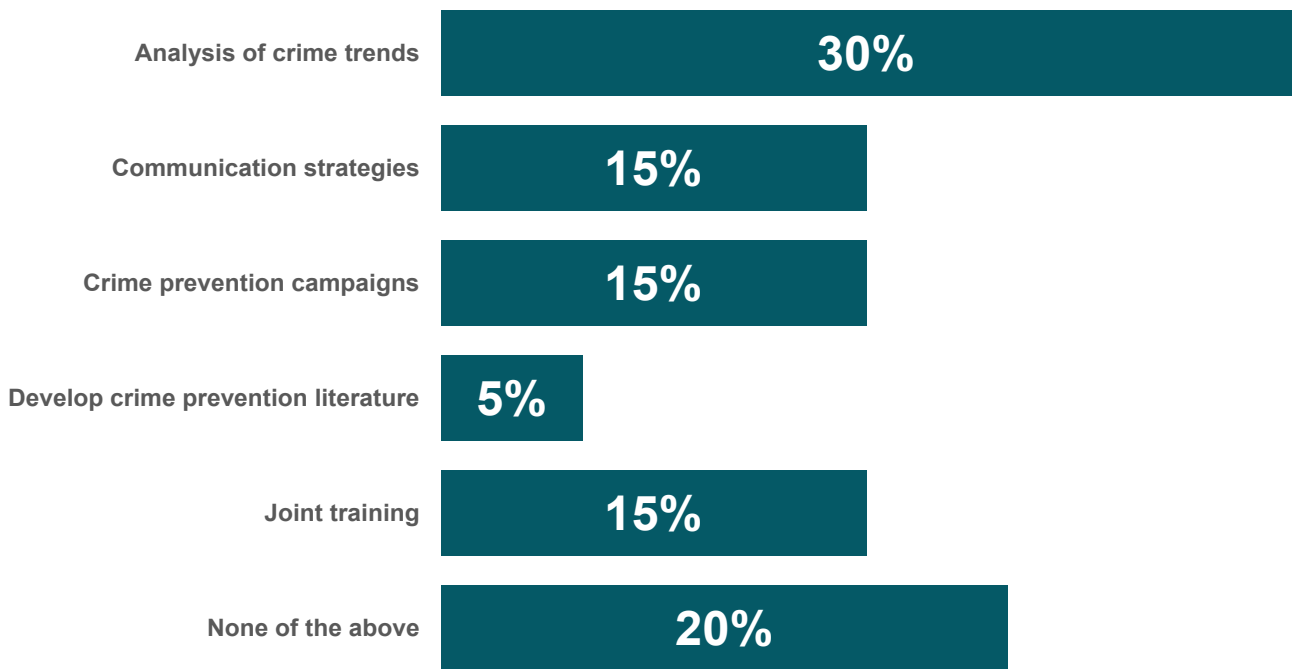
Q7: In the past five years have you engaged or shared data with the Garda Síochána in relation to their strategies plans or activities to tackle transnational organised crime?



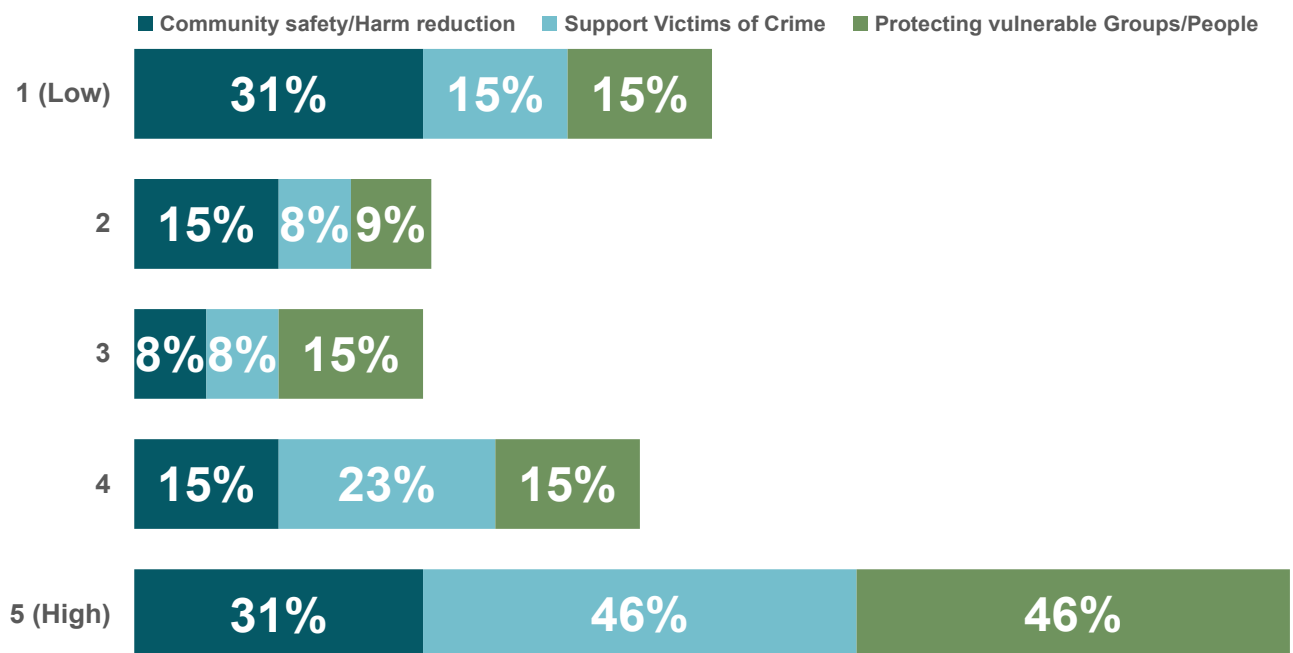
Q7a: If yes, what was the level of engagement with the Garda Síochána; *Divisional, Regional, National?*



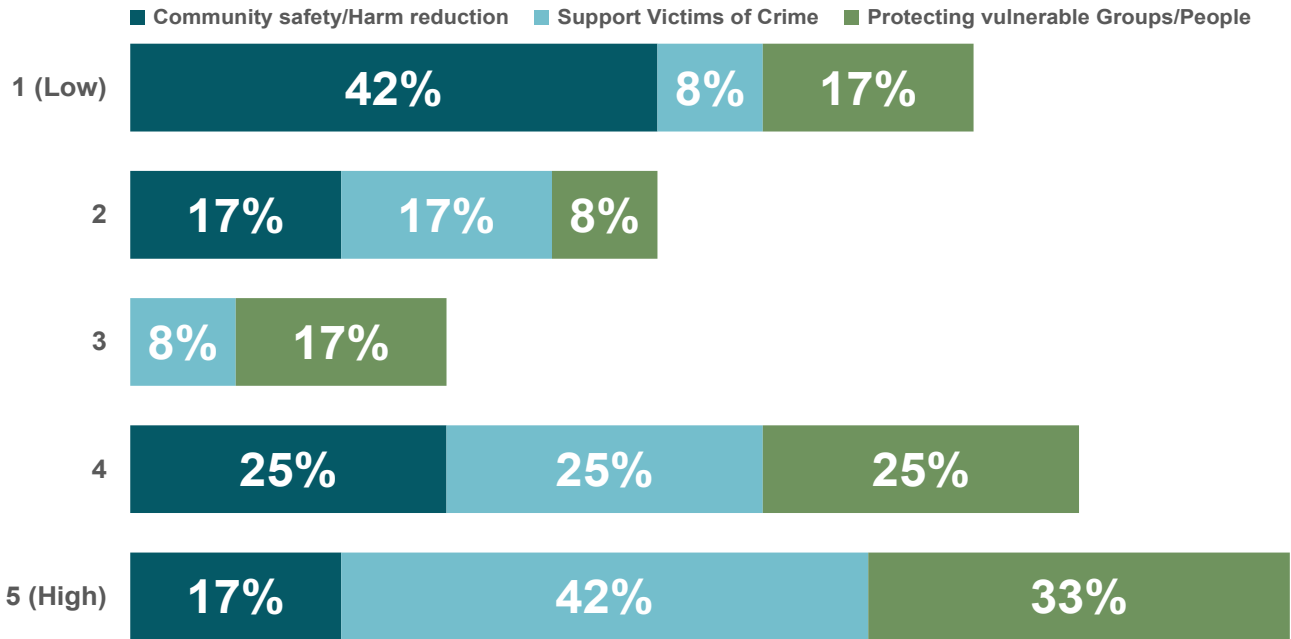
**Q8: Have you engaged in any of the following:**



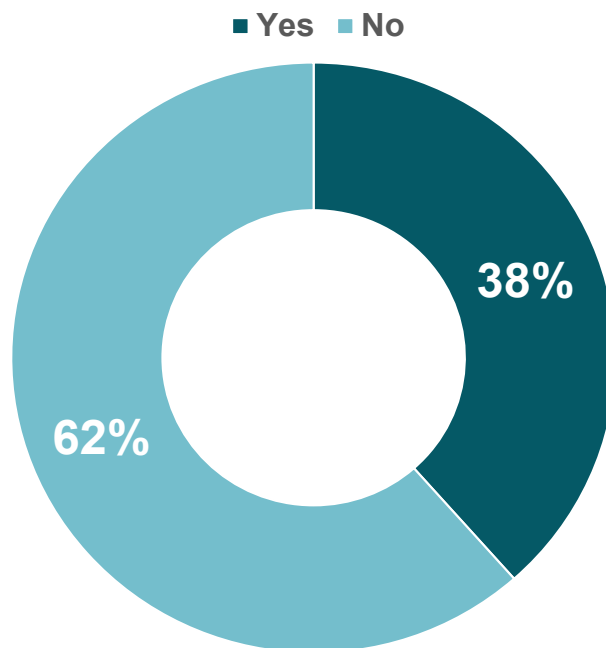
**Q9: Please rate on a scale from 1 to 5 (1 being low and 5 being high) the level of engagement you or your organisation have had with the Garda Síochána in the past five years in each of the following areas; *Community safety/Harm reduction, Support Victims of Crime, and Protecting vulnerable Groups/People*:**



**Q10: Please rate on a scale from 1 to 5 (1 being low and 5 being high) the level of information sharing you or your organisation have had with the Garda Síochána in the past five years in each of the following areas; *Community safety/Harm reduction, Support Victims of Crime, and Protecting vulnerable Groups/People:***

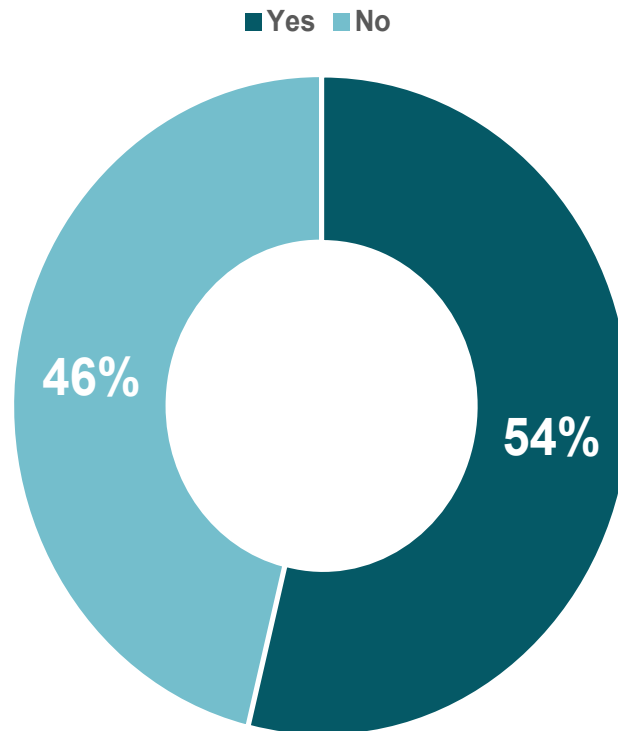


**Q11: Do you have a memorandum of understanding or other formal agreements in place with the Garda Síochána to facilitate information sharing?**

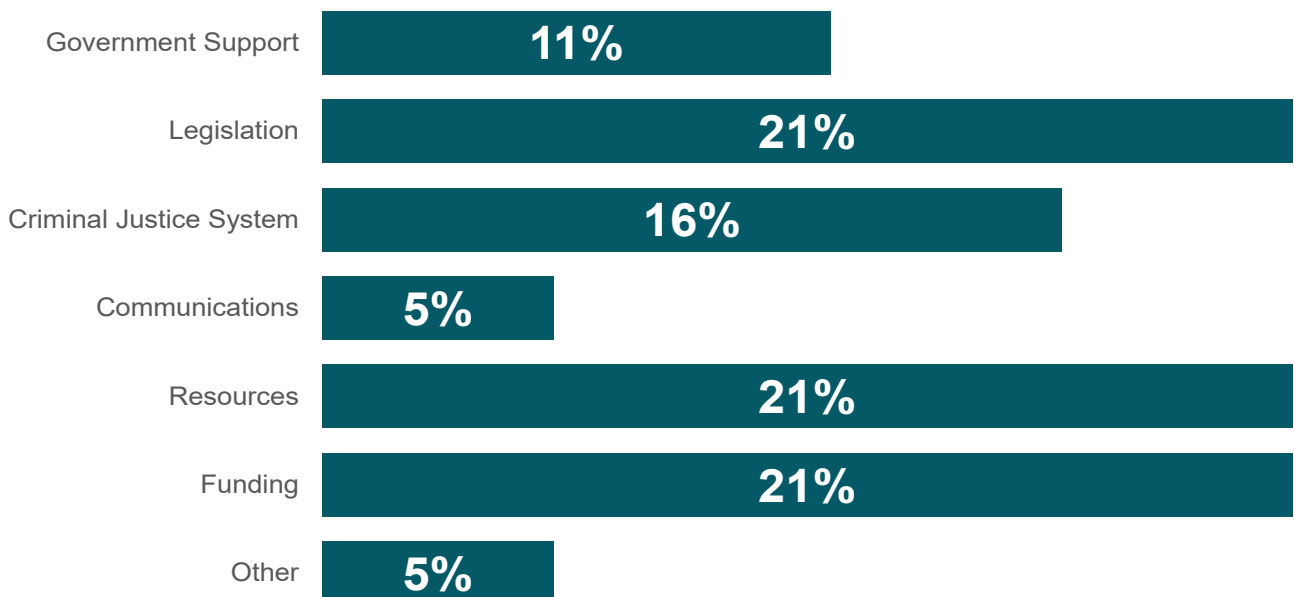




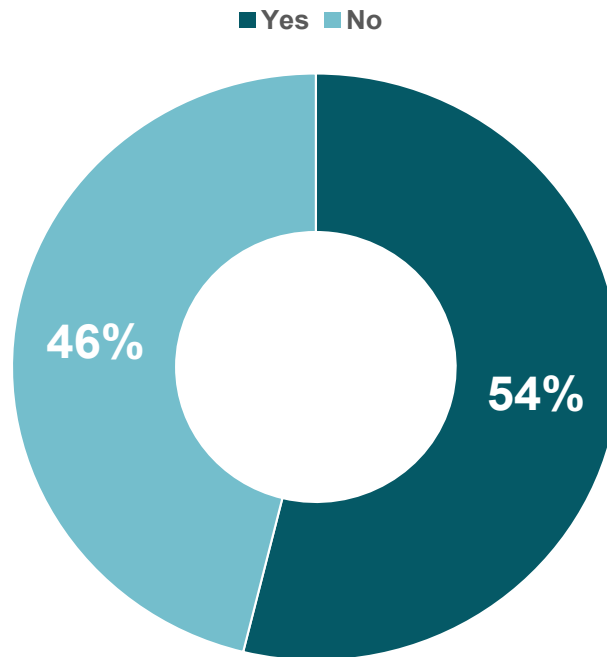
**Q12: Do you or your organisation provide support to victims of transnational organised crime?**



**Q13: Please select the challenges or barriers you encountered while trying to provide supports to victims of transnational organised crime:**

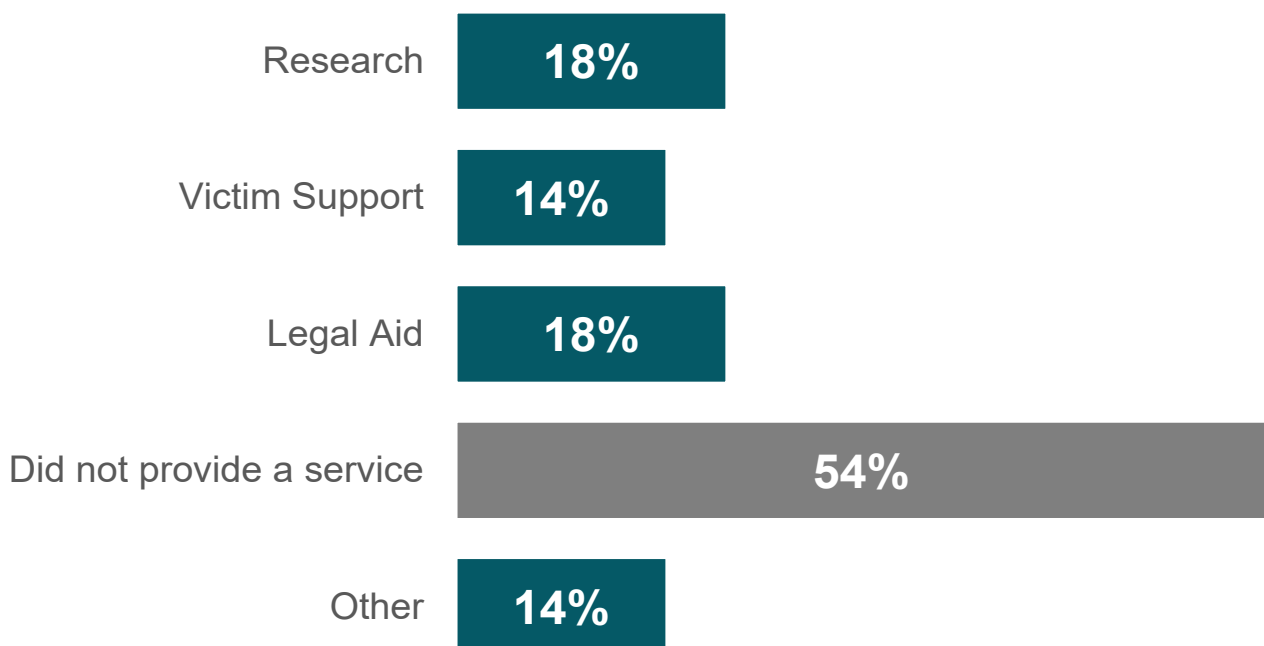


**Q14: Have you encountered any challenges or barriers while engaging with the Garda Síochána as a result of transnational organised crime?**



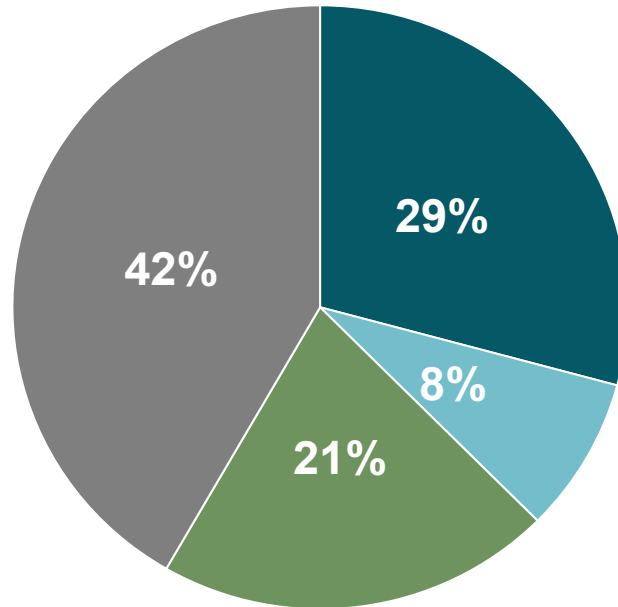
### Section 3 - Partnership Structures

**Q15: In the past five years, did you or your organisation provide any of the following services to the Garda Síochána in relation to transnational organised crime:**



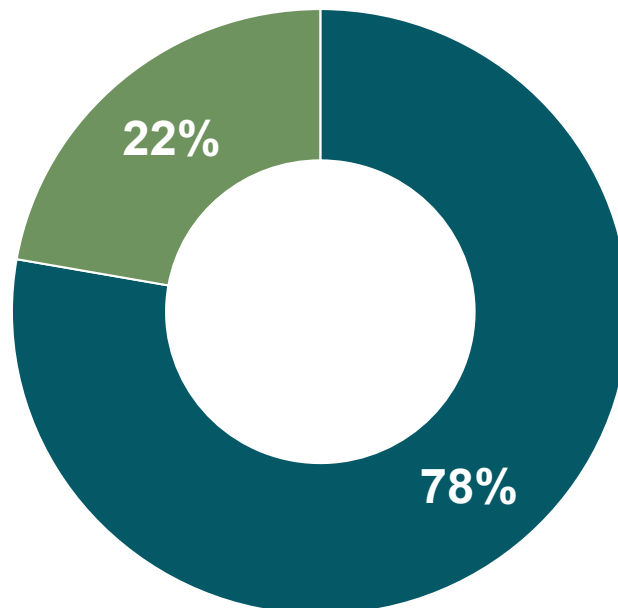
**Q16: To your knowledge did the Garda Síochána participate in programmes and access resources developed by your organisation in relation to transnational organised crime over the past five years?**

■ Yes ■ No ■ Don't know ■ Does not provide programmes or resources



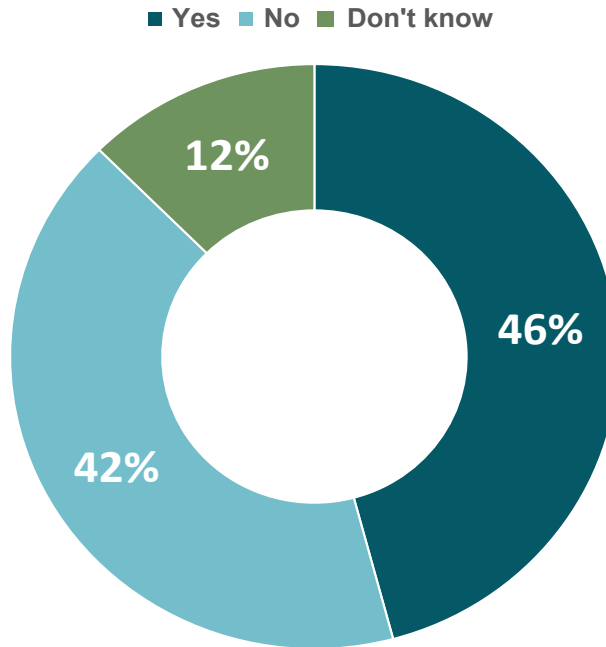
**Q16a: If yes, did other government bodies/agencies participate in those programmes and resources?**

■ Yes ■ Don't know

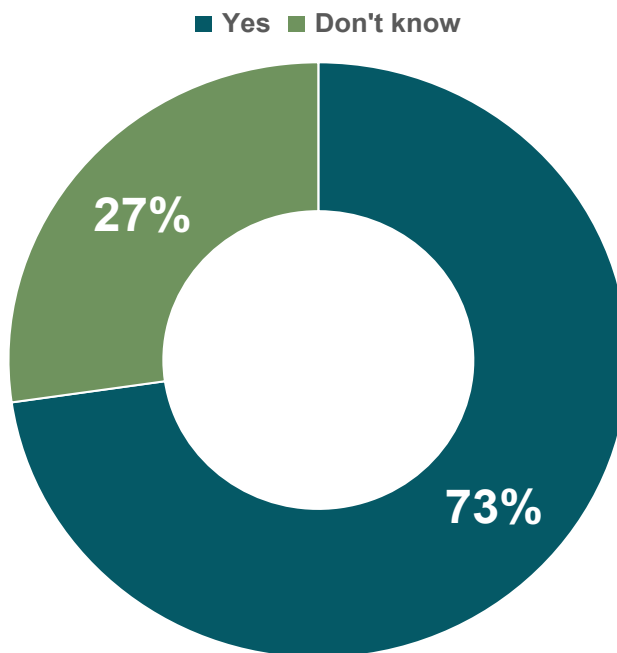


## Section 4 – Active Participation

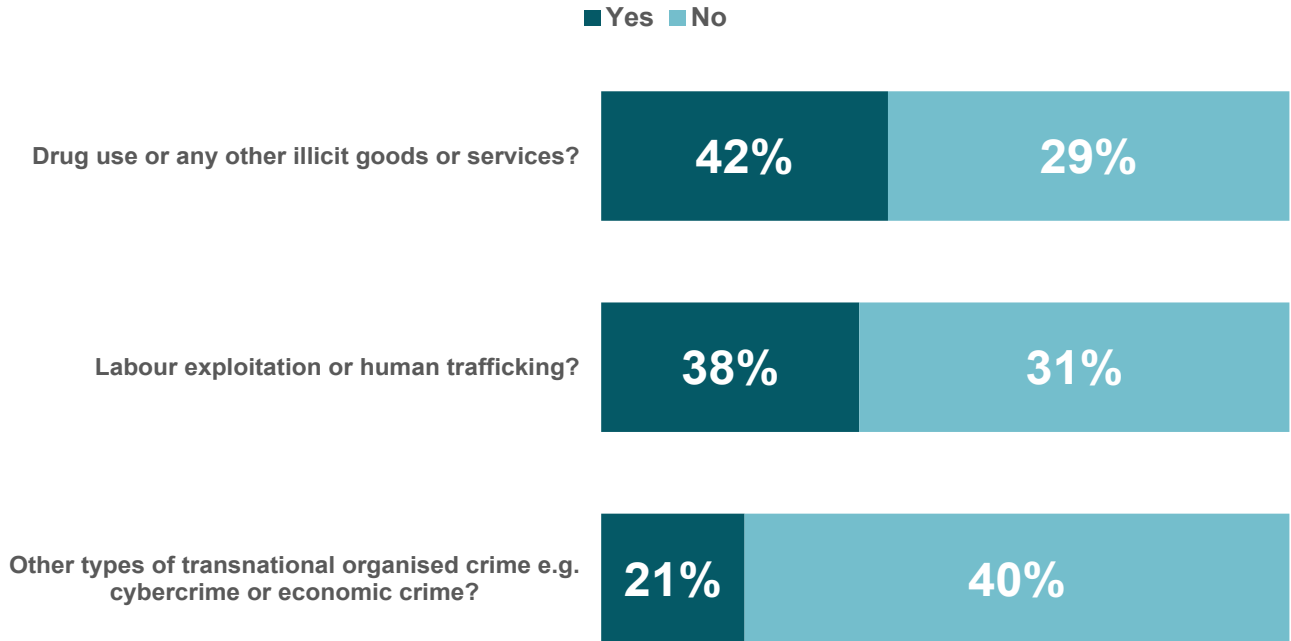
Q17: Have you or your organisation attended any taskforce or working group meetings with the Garda Síochána over the past five years?



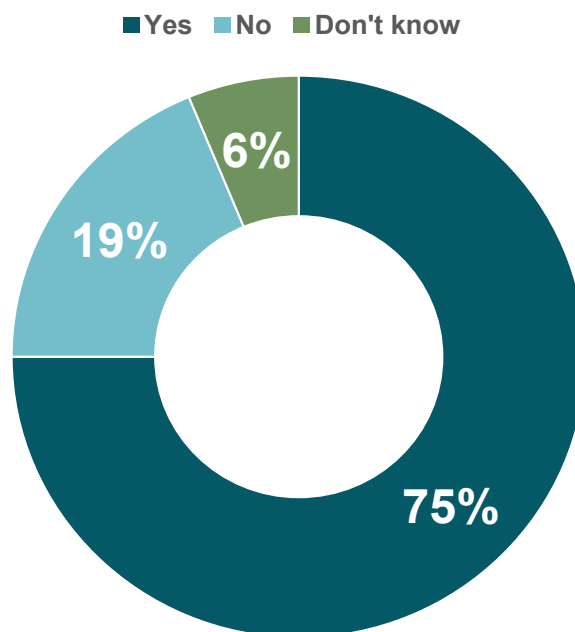
Q17a: If yes, do you believe that your participation was effective?



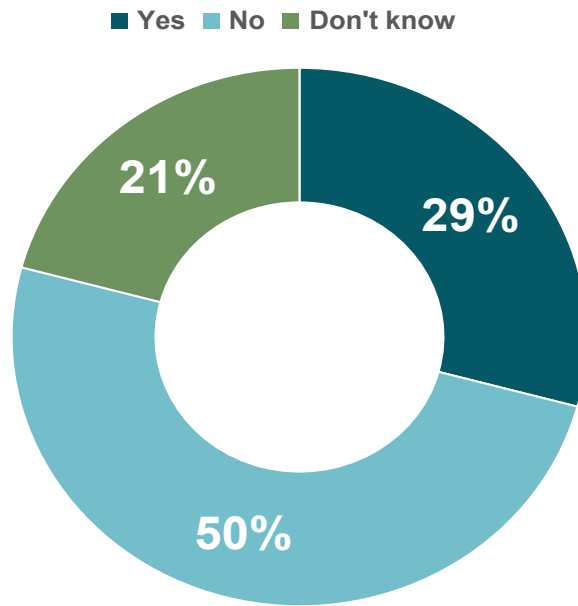
**Q18: Have you or your organisation been involved in the delivery of government strategies to reduce harm and support recovery of vulnerable victims engaged in; Drug use or any other illicit goods or services, Labour exploitation or human trafficking and Other types of transnational organised crime e.g. cybercrime or economic crime?**



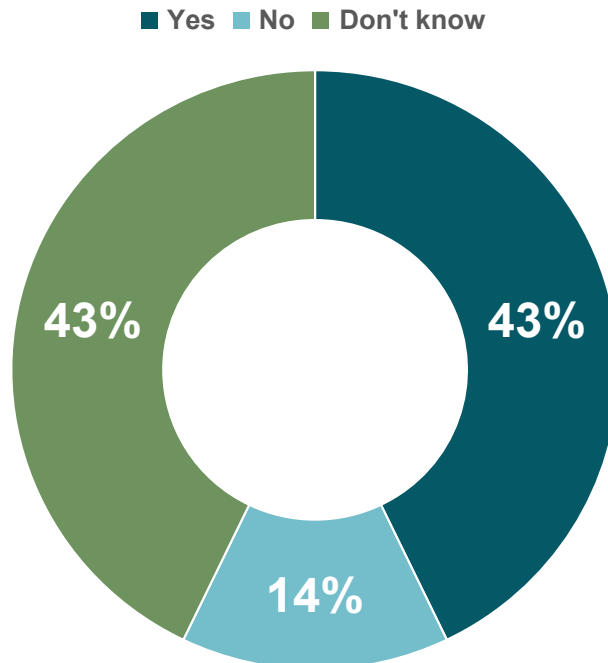
**Q18a: Do you believe that your involvement in the delivery of government strategies to reduce harm and support recovery of vulnerable victims was effective?**



**Q19: Do you have an awareness of any cross border organised crime threat assessments, strategies or joint prevention measures?**



**Q19a: Do you believe the cross border organised crime threat assessments, strategies or joint prevention measures were effective?**



# References

Action Fraud, 2021. *Fraud Crime Trends 2020–21*. [Online] Available at: <https://data.actionfraud.police.uk/cms/wp-content/uploads/2021/07/2020-21-Annual-Assessment-Fraud-Crime-Trends.pdf> [Accessed on 31 May 2024].

Amnesty International, 2016. *The Human Cost of ‘Crushing’; The Market Criminalization of Sex Work in Norway: Executive Summary*. Available at <https://www.amnesty.org/es/wp-content/uploads/2021/05/EUR3641302016ENGLISH.pdf> [Accessed on 31 May 2024].

An Garda Síochána 2020. *Guide to How Crime is Recorded and Counted by An Garda Síochána*. Available at: <https://www.garda.ie/en/about-us/publications/policy-documents/guide-to-how-crime-is-counted-and-recorded.pdf> [Accessed on 31 May 2024].

An Garda Síochána, 2023. *Garda Public Attitudes Survey 2022*. Available at: <https://www.garda.ie/en/about-us/publications/research-publications/garda-public-attitudes-survey-2022.pdf> [Accessed on 31 May 2024].

An Garda Síochána, n.d. *Crime Prevention and Reduction Strategy 2021–2024*. Available at: <https://www.garda.ie/en/about-us/publications/policing-plans/strategy/crime-prevention-reduction-strategy-2021-2024.pdf> [Accessed on 31 May 2024].

An Garda Síochána, n.d. *Garda Reserve Strategy 2021–2025*. Available at: <https://www.garda.ie/en/about-us/publications/policy-documents/the-garda-reserve-strategy-2021-2025-english.pdf> [Accessed on 31 May 2024].

An Garda Síochána, n.d. *Information-led Policing: An Garda Síochána Information and Tech Vision 2020–2023*. Version 1.0 for stakeholder engagement (not published).

Australian Institute of Criminology, 2012. *National Crime Prevention Framework*. Available at <https://www.aic.gov.au/sites/default/files/2020-05/national-crime-prevention-framework.pdf> [Accessed on 31 May 2024].

Beaver, K. M. (2013). The familial concentration and transmission of crime. *Criminal Justice and Behavior*, 40(2), 139–155.

Bonta, J. and Andrews, D., 2007. *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation*. Available at: [https://www.researchgate.net/publication/310747116\\_Risk-Need-Responsivity\\_Model\\_for\\_Offender\\_Assessment\\_and\\_Rehabilitation](https://www.researchgate.net/publication/310747116_Risk-Need-Responsivity_Model_for_Offender_Assessment_and_Rehabilitation) [Accessed on 31 May 2024].

Boyle, C. 2023. Around 4,000 children estimated to be involved in county lines. *Police Oracle*. Available at: [https://www.policeoracle.com/news/children\\_and\\_young\\_people/2023/Jul/04/Around-4,000-children-estimated-to-be-involved-in-county-lines\\_111270.html](https://www.policeoracle.com/news/children_and_young_people/2023/Jul/04/Around-4,000-children-estimated-to-be-involved-in-county-lines_111270.html) [Accessed on 31 May 2024].

Breen, M., 2021. *Analysis of the non-governmental organisation supports available to all victims of crime including victims of domestic abuse, sexual violence and human trafficking within the criminal justice system that are funded by the Department of Justice*. Available at <https://assets.gov.ie/277040/54186a3a-d3ce-48fb-ac61-a0fb679b20d8.pdf>. [Accessed on 31 May 2024].

- Buerger, M (1992), Defensive strategies of the street-level drug trade, *Journal of Crime and Justice* 15(2), pp. 31–51.
- Chance, A, 2022. *Exploring Serious and Organised Crime Across Ireland and the UK. Towards a shared understanding of a shared threat*. Available at: <https://www.azureforum.org/wp-content/uploads/2022/03/Exploring-SOC-across-Ireland-and-the-UK.pdf> [Accessed on 31 May 2024].
- Chartered Institute of Personnel and Development, 2023. *Workforce Planning*. Available at: <https://www.cipd.org/en/knowledge/factsheets/workforce-planning-factsheet/> [Accessed on 31 May 2024].
- Child Safeguarding Practice Review Panel, 2020. *It was Hard to Escape: Safeguarding children at risk from criminal exploitation*. Available at [https://assets.publishing.service.gov.uk/media/5e5e7f47e90e077e3385cb44/Safeguarding\\_children\\_at\\_risk\\_from\\_criminal\\_exploitation\\_review.pdf](https://assets.publishing.service.gov.uk/media/5e5e7f47e90e077e3385cb44/Safeguarding_children_at_risk_from_criminal_exploitation_review.pdf) [Accessed on 31 May 2024].
- Children’s Commissioner, 2019. *Keeping Kids Safe. Improving safeguarding responses to gang violence and criminal exploitation*. Available at <https://assets.childrenscommissioner.gov.uk/wpuploads/2019/02/CCO-Gangs.pdf> [Accessed on 31 May 2024].
- CIFAS, 2017. *Fraud is now a volume crime - we need police volume to fight it*. Available at: <https://www.cifas.org.uk/insight/fraud-risk-focus-blog/fraud-now-volume-crime-need-police-volume-fight> [Accessed on 31 May 2024].
- City of Thunder Bay, n.d. Home Takeovers. Available at: <https://www.thunderbay.ca/en/city-services/home-takeovers.aspx> [Accessed on 31 May 2024].
- College of Policing, 2015. *From Local to National: A toolkit to support the police in understanding demand, Final Version 1*. Available at: [https://library.college.police.uk/docs/college-of-policing/Understanding\\_Demand\\_Toolkit\\_final.pdf](https://library.college.police.uk/docs/college-of-policing/Understanding_Demand_Toolkit_final.pdf) [Accessed on 31 May 2024].
- College of Policing, 2018. *Responding to Trauma in Policing. A Practical Guide*. Available at: <https://assets.college.police.uk/s3fs-public/2021-02/responding-to-trauma-in-policing.pdf> [Accessed on 31 May 2024].
- Commission on the Future of Policing in Ireland, 2018. *The Future of Policing in Ireland*. Available at: <https://assets.gov.ie/180551/8b6b5065-5720-4a24-a40c-a2b15446770c.pdf> [Accessed on 31 May 2024].
- Competition and Consumer Protection Commission, 2018. *Bid-rigging. What you Need to Know*. Available at: [https://www.ccpic.ie/business/wp-content/uploads/sites/3/2018/10/CCPC\\_Business\\_Guide\\_Bid\\_Rigging\\_WEB.pdf](https://www.ccpic.ie/business/wp-content/uploads/sites/3/2018/10/CCPC_Business_Guide_Bid_Rigging_WEB.pdf) [Accessed on 31 May 2024].
- Coonan, B., Naughton, C., and Redmond, S., 2019. *Evaluation of The Bail Supervision Scheme for Children (Pilot Scheme)*. Available at <https://assets.gov.ie/44387/f5c278637a844b199cea79ba497886d7.pdf> [Accessed on 31 May 2024].
- Council Directive 2004/80/EC relating to compensation to crime victims. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0080> [Accessed on 31 May 2024].



- Council of Europe, 1959. *European Convention on Mutual Assistance in Criminal Matters*. Available at: <https://rm.coe.int/16800656ce> [Accessed on 31 May 2024].
- Council of Europe, 2013. *Deployment of Special Investigative Means*. Available at: <https://rm.coe.int/deployment-of-special-investigative-means-eng/16807828fa> [Accessed on 31 May 2024].
- Council of Europe, GRECO, 2020. *Fifth Evaluation Round. Preventing Corruption and Promoting Integrity in Central Governments (Top Executive Functions) and Law Enforcement Agencies*. Available at: <https://www.coe.int/en/web/greco/evaluations/ireland> [Accessed on 31 May 2024].
- CPS, n.d. *Organised Crime – Strategy*. Available at: <https://www.cps.gov.uk/organised-crime-strategy> [Accessed on 31 May 2024].
- Crime Victims Helpline, 2023. *Annual Report 2022*. Available at: <https://wp.crimevictimshelpline.ie/wp-content/uploads/2023/09/2022-Crime-Victims-Helpline-Annual-Report-FINAL.pdf> [Accessed on 31 May 2024].
- Criminal Injuries Compensation Scheme, 2021. *Terms and Conditions of the Criminal Injuries Compensation Scheme*. Available at: <https://www.gov.ie/en/publication/90be4-terms-and-conditions-of-the-criminal-injuries-compensation-scheme/> [Accessed on 31 May 2024].
- Criminal Justice (Engagement of Children in Criminal Activity) Act 2024. Available at <https://www.irishstatutebook.ie/eli/2024/act/8/enacted/en/html> [Accessed on 31 May 2024].
- Government of Ireland, 2017. *Criminal Justice (Victims of Crime) Act 2017*. Available at: <https://www.irishstatutebook.ie/eli/2017/act/28/enacted/en/html> [Accessed on 31 May 2024].
- Cusack, A., 2020. *Beyond Special Measures: Challenging traditional constructions of competence and cross-examination for vulnerable witnesses in Ireland*. *Irish Judicial Studies Journal*, 4(2). Available at: <https://www.ijsj.ie/assets/uploads/documents/pdfs/2020-Edition-02/6.%20Cusack.pdf> [Accessed on 31 May 2024].
- Deloitte LLP, 2018. *Policing 4.0 Deciding the future of policing in the UK*. Available at: <https://www2.deloitte.com/content/dam/Deloitte/uk/Documents/public-sector/deloitte-uk-future-of-policing.pdf> [Accessed on 31 May 2024].
- Denny, Meagan, 2016. *Norway’s Prison System: Investigating Recidivism and Reintegration*, *Bridges: A Journal of Student Research*: Vol. 10: Iss. 10, Article 2. Available at: <https://digitalcommons.coastal.edu/bridges/vol10/iss10/> [Accessed on 31 May 2024].
- Department of Children and Youth Affairs, 2016. *Lifting the Lid on Greentown. Why we should be concerned about the influence criminal networks have on children’s offending behaviour in Ireland*. Available at [https://www.drugsandalcohol.ie/26850/1/DCYA\\_Greentown\\_%20Full%20report%20final%20version.pdf](https://www.drugsandalcohol.ie/26850/1/DCYA_Greentown_%20Full%20report%20final%20version.pdf). [Accessed on 31 May 2024].
- Department of Enterprise, Trade and Employment, 2019. Ireland agrees to ratify the ILO Forced Labour Protocol. Available at <https://enterprise.gov.ie/en/news-and-events/department-news/2019/january/28012019c.html#:~:text=The%20Forced%20Labour%20Protocol%2C%20a,ensure%20their%20access%20to%20remedies> [Accessed on 31 May 2024].

Department of Justice and Equality, 2016. *Second National Action Plan to Prevent and Combat Human Trafficking in Ireland*, Available at: <https://assets.gov.ie/122491/77689f87-157b-4335-a6e8-48ad0fcb9860.pdf> [Accessed on 31 May 2024].

Department of Justice and Equality, n.d. *Supporting a Victim's Journey. A plan to help victims and vulnerable witnesses in sexual violence cases*. Available at: <https://assets.gov.ie/94023/bb7d391d-2198-4f94-a3bf-64fdd2538bf2.pdf> [Accessed on 31 May 2024].

Department of Justice, 2021. *A Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption: Implementation Plan*. Available at: <https://assets.gov.ie/132711/23849405-f3ce-4910-8cab-45f3c757370c.pdf> [Accessed on 31 May 2024].

Department of Justice, 2021. *Youth Justice Strategy 2021–2027*. Available at: <https://assets.gov.ie/132269/2d81d8ff-db61-4f13-8037-d66249de526c.pdf> [Accessed on 31 May 2024].

Department of Justice, 2022. *Youth Diversion Projects Operational Requirements*. Available at: <https://assets.gov.ie/240584/95edb188-4889-421b-8555-9d62eaf4780c.pdf> [Accessed on 31 May 2024].

District Court of New Zealand. *Te Ao Mārama – Enhancing Justice for All*. Available at: <https://www.districtcourts.govt.nz/te-ao-marama/> [Accessed on 31 May 2024].

ECTHR, 2010. *Information Note on the Court's case-law, No. 135. Undercover police operation resulting in conviction for drug-trafficking offences: Bannikova v. Russia - 18757/06 Judgment 4.11.2010 [Section I]*. Available at [https://www.echr.coe.int/documents/d/echr/CLIN\\_2010\\_11\\_135\\_ENG\\_884616](https://www.echr.coe.int/documents/d/echr/CLIN_2010_11_135_ENG_884616) [Accessed on 31 May 2024].

Egmont Group of Financial Intelligence Units, 2013. *Principles for Information Exchange Between Financial Intelligence Units*, Available at <https://egmontgroup.org/wp-content/uploads/2021/09/Egmont-Group-of-Financial-Intelligence-Units-Principles-for-Information-Exchange-Between-Financial-Intelligence-Units.pdf> [Accessed on 31 May 2024].

Essex Police *et al.*, n.d. *Crime Prevention Strategy 2021–2025*. Available at: <https://www.essex.pfcc.police.uk/wp-content/uploads/2021/10/Crime-Prevention-Strategy-2020-v17-1.pdf> [Accessed on 31 May 2024].

EU Observer, 2022. *Just under 16,000 European Arrest Warrants issued in 2020*. Available at: <https://euobserver.com/rule-of-law/156568>, [Accessed on 31 May 2024].

Eurojust, 2017. *Joint Investigation Teams: Practical Guide*. Available at: <https://www.eurojust.europa.eu/publication/jits-practical-guide>, [Accessed on 31 May 2024].

Eurojust, 2020. *Report on Eurojust's Casework in the Field of the European Investigation Order*. Available at: [https://www.eurojust.europa.eu/sites/default/files/assets/2020\\_11\\_eio\\_casework\\_report\\_corr.pdf](https://www.eurojust.europa.eu/sites/default/files/assets/2020_11_eio_casework_report_corr.pdf). [Accessed on 31 May 2024].

Eurojust, 2021. *Eurojust Report on Drug Trafficking; Experiences and challenges in judicial cooperation*. [Online] Available at: [https://www.eurojust.europa.eu/sites/default/files/Documents/pdf/2021\\_04\\_15\\_drug\\_trafficking\\_casework\\_report.pdf](https://www.eurojust.europa.eu/sites/default/files/Documents/pdf/2021_04_15_drug_trafficking_casework_report.pdf) [Accessed on 31 May 2024].

European Commission, 2020. *EU Strategy on victims' rights (2020-2025)*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258>[Accessed on 31 May 2024].

European Commission, 2021. *Police Co-operation Code: Boosting police co-operation across borders for enhanced security*, Available at: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_6645](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6645) [Accessed on 31 May 2024].

European Commission, 2022. *EU Proposes New Rules to Fight Child Sexual Abuse*. Available at: [https://home-affairs.ec.europa.eu/news/eu-proposes-new-rules-fight-child-sexual-abuse-2022-05-11\\_en](https://home-affairs.ec.europa.eu/news/eu-proposes-new-rules-fight-child-sexual-abuse-2022-05-11_en), [Accessed on 31 May 2024].

European Commission, 2023. *Questions and Answers: Amending the Victims' Rights Directive*. Available at: [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_23\\_3725](https://ec.europa.eu/commission/presscorner/detail/en/qanda_23_3725) [Accessed on 31 May 2024].

European Commission, n.d. *European Arrest Warrant*. Available at: [https://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant\\_en](https://commission.europa.eu/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant_en) [Accessed on 31 May 2024].

European Commission, n.d. *What is SIS and How Does it Work?* Available at: [https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-information-system/what-sis-and-how-does-it-work\\_en](https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-information-system/what-sis-and-how-does-it-work_en), [Accessed on 31 May 2024].

European Council, n.d. *Better Access to e-Evidence to Fight Crime*. Available at: <https://www.consilium.europa.eu/en/policies/e-evidence/> [Accessed on 31 May 2024].

European Court of Human Rights, 2017. *Decision Mills v. Ireland - Complaint concerning alleged police entrapment declared inadmissible*. Available at: <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-5903890-7532824&filename=Decision%20Mills%20v.%20Ireland%20-%20complaint%20concerning%20alleged%20police%20entrapment%20inadmissible%20.pdf> [Accessed on 31 May 2024].

European Court of Human Rights, 2022. *Guide on Article 4 of the European Convention on Human Rights. Prohibition of slavery and forced labour*. [Online] Available at: [https://www.echr.coe.int/documents/d/echr/Guide\\_Art\\_4\\_ENG](https://www.echr.coe.int/documents/d/echr/Guide_Art_4_ENG) [Accessed on 31 May 2024].

European Court of Human Rights, n.d. *European Convention on Human Rights*. Available at: [https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG) [Accessed on 31 May 2024].

European Monitoring Centre for Drugs and Drug Addiction, 2022. *Europe and the Global Cocaine Trade*. [Online] Available at: [https://www.emcdda.europa.eu/sites/default/files/pdf/14572\\_en.pdf?668060](https://www.emcdda.europa.eu/sites/default/files/pdf/14572_en.pdf?668060) [Accessed on 31 May 2024].

European Parliament, 2014. *Punish the client, not the prostitute*. Available at: <https://www.europarl.europa.eu/news/en/press-room/20140221IPR36644/punish-the-client-not-the-prostitute?quizBaseUrl=https%3A%2F%2Fquizweb.europarl.europa.eu> [Accessed on 31 May 2024].

European Public Prosecutor's Office, n.d. *Mission and Tasks*, Available at: <https://www.eppo.europa.eu/en/mission-and-tasks> [Accessed on 31 May 2024].

Europol, 2021. *Public Access to Europol documents: Transparency is key*. Available at: <https://www.europol.europa.eu/publications-events/public-access-to-europol-documents> [Accessed on 31 May 2024].

Europol, 2021. *Serious and Organised Crime Threat Assessment. A Corrupting Influence: The Infiltration and Undermining of Europe's Economy and Society by Organised Crime*. Available at: [https://www.europol.europa.eu/cms/sites/default/files/documents/socta2021\\_1.pdf](https://www.europol.europa.eu/cms/sites/default/files/documents/socta2021_1.pdf) [Accessed on 31 May 2024].

Europol, 2021. *SIRIUS EU Digital Evidence Situation Report. 3 Annual Report 2021*. Available at [https://www.eurojust.europa.eu/sites/default/files/assets/sirius\\_eu\\_digital\\_evidence\\_situation\\_report\\_2021.pdf](https://www.eurojust.europa.eu/sites/default/files/assets/sirius_eu_digital_evidence_situation_report_2021.pdf) [Accessed on 31 May 2024].

Europol, 2023. *EU Policy Cycle - EMPACT*. Available at: <https://www.europol.europa.eu/crime-areas-and-statistics/empact> [Accessed on 31 May 2024].

Europol, 2023. *Joint Cybercrime Action Taskforce (J-CAT)*. Available at <https://www.europol.europa.eu/operations-services-and-innovation/services-support/joint-cybercrime-action-taskforce>. [Accessed on 31 May 2024].

Europol. *Trafficking in Human Beings*. Available at: <https://www.europol.europa.eu/crime-areas/trafficking-in-human-beings> [Accessed on 31 May 2024].

Federal Ministry of Justice, 2022. German Code of Criminal Procedure (Strafprozeßordnung – StPO). Available at: [https://www.gesetze-im-internet.de/englisch\\_stpo/englisch\\_stpo.html#p0969](https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html#p0969) [Accessed on 31 May 2024].

Felitti, V. J., 2002. The Relation Between Adverse Childhood Experiences and Adult Health: *Turning Gold into Lead*. *The Permanente Journal*, 6(1), pp. 44–47. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6220625/> [Accessed on 31 May 2024].

Forensic Service Ireland, 2022. *Annual Report 2022*. Available at: <https://forensicscience.ie/news-article?ContentID=92> [Accessed on 31 May 2024].

Garda Inspectorate, 2009. *Resource Allocation*. Available at: <https://www.gsinsp.ie/wp-content/uploads/2021/04/Garda-Inspectorate-Resource-Allocation-Report-2021-1.pdf> [Accessed on 31 May 2024].

Garda Inspectorate, 2014. *Crime Investigation*. Available at: <https://www.gsinsp.ie/wp-content/uploads/2019/07/Crime-Investigation-Full-Report.pdf> [Accessed on 31 May 2024].

Garda Inspectorate, 2015. *Changing Policing in Ireland*. Available at <https://www.gsinsp.ie/wp-content/uploads/2022/06/Policing-with-Local-Communities-Report.pdf>. [Accessed on 31 May 2024].

Garda Inspectorate, 2017. *Responding to Child Sexual Abuse. A follow-up review*. Available at: <https://www.gsinsp.ie/wp-content/uploads/2019/07/Responding-to-Child-Sexual-Abuse-A-follow-up-review-Full-Report.pdf> [Accessed on 31 May 2024].

Garda Inspectorate, 2018. *Policing with Local Communities*. Available at: <https://www.gsinsp.ie/wp-content/uploads/2022/06/Policing-with-Local-Communities-Report.pdf> [Accessed on 31 May 2024].

Garda Inspectorate, 2020. *Countering the Threat of Internal Corruption*. Available at: <https://www.gsinsp.ie/wp-content/uploads/2022/06/Garda-Inspectorate-Countering-the-Threat-of-Internal-Corruption.pdf> [Accessed on 31 May 2024].

Garda Síochána, n.d. *Schengen Information System (SIS)*. Available at: <https://www.garda.ie/en/about-us/our-departments/garda-national-crime-security-intelligence-service1/schengen-information-system-sis/>, [Accessed on 31 May 2024].

Geiran, V., 2021. *Drogheda: Creating a Bridge to a Better Future*. Community Safety & Wellbeing: Report of a Scoping Review for the Department of Justice. Available at <https://droghedaimplementationboard.ie/wp-content/uploads/2022/02/Scoping-Report.pdf> [Accessed on 31 May 2024].

Global Organised Crime Index, 2023. United Kingdom. [Online] Available at: <https://ocindex.net/country/united-kingdom> [Accessed on 31 May 2024].

Government of France, 2023. *Code de Procédure Pénale*. Available at: [https://www.legifrance.gouv.fr/codes/texte\\_lc/LEGITEXT000006071154?etatTexte=VIGUEUR&etatTexte=VIGUEUR\\_DIFF](https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071154?etatTexte=VIGUEUR&etatTexte=VIGUEUR_DIFF) [Accessed on 31 May 2024]. (in French)

Government of Ireland, 1997. Housing (Miscellaneous Provisions) Act 1997. Available at: <https://www.irishstatutebook.ie/eli/1997/act/21/section/3/enacted/en/html#sec3> [Accessed on 31 May 2024].

Government of Ireland, 2021. *A White Paper to End Direct Provision and to Establish a New International Protection Support Service*. Available at: <https://www.gov.ie/pdf/124757/?page=0> [Accessed on 31 May 2024].

Government of Ireland, 2022. *ZERO TOLERANCE: Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022–2026*. Available at: <https://assets.gov.ie/228480/67b6e3af-a0d2-4d70-889f-0b1e2001995b.pdf> [Accessed on 31 May 2024].

Government of Ireland, 2023. *Criminal Justice Sectoral Strategy 2022–2024*. Available at: <https://assets.gov.ie/217964/ebd9df7f-cdfb-4cf7-82a8-6f2e66a85d2a.pdf> [Accessed on 31 May 2024].

Government of Ireland, 2023. *National Action Plan to Prevent and Combat Human Trafficking 2023–2027*. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/275645/a08d95b1-9701-41a3-87f6-5424625ad325.pdf#page=null> [Accessed on 31 May 2024].

Group of Experts on Action against Trafficking in Human Beings (GRETA), 2017. *Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland*. Available at: <https://rm.coe.int/greta-2017-28-fgr-irl-en/168074b426> [Accessed on 31 May 2024].

Group of Experts on Action against Trafficking in Human Beings (GRETA), 2022. *Evaluation Report Ireland. Third Evaluation Round: Access to justice and effective remedies for victims of trafficking in human beings*. Para 149. Available at: <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-ireland> [Accessed on 31 May 2024].

Group of Experts on Action against Trafficking in Human Beings (GRETA), 2020. *Compendium of Good Practices in Addressing Trafficking in Human Beings for the Purpose of Labour Exploitation*. Available at: <https://edoc.coe.int/en/trafficking-in-human-beings/10984-compendium-of-good-practices-in-addressing-trafficking-in-human-beings-for-the-purpose-of-labour-exploitation.html> [Accessed on 31 May 2024].

- Group of Experts on Action against Trafficking in Human Beings (GRETA), 2018. *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden; Second Evaluation Round*. Available at: <https://rm.coe.int/greta-2018-8-fgr-swe-en/16808b1cd7> [Accessed on 31 May 2024].
- Healy, D., 2019. *Exploring Victims' Interactions with the Criminal Justice System: A Literature Review*. Available at: <https://assets.gov.ie/122886/12269037-6e49-4878-8800-0c93cbfc1c01.pdf> [Accessed on 31 May 2024].
- Hirschi, T., & Gottfredson, M. (1983). Age and the explanation of crime. *American Journal of Sociology*; Farrington, D. P. 1986. Age and crime. *Crime and Justice* 7. Available at: <http://www.jstor.org/stable/1147518> [Accessed on 31 May 2024].
- His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), 2023. *An Inspection of How Well the Police and National Crime Agency Tackle the Online Sexual Abuse and Exploitation of Children*. Available at: <https://hmicfrs.justiceinspectors.gov.uk/publications/inspection-of-how-well-police-and-national-crime-agency-tackle-online-sexual-abuse-and-exploitation-of-children/> [Accessed on 31 May 2024].
- His Majesty's Inspectorate of Constabulary in Scotland, 2022. HMICS Assurance Review of Police Scotland Strategic Workforce Planning. Available at [https://www.hmics.scot/sites/default/files/publications/HMICS20220802PUB\\_0.pdf](https://www.hmics.scot/sites/default/files/publications/HMICS20220802PUB_0.pdf) [Accessed on 31 May 2024].
- His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, 2023. *PEEL 2021/2022. An Inspection of the East Midlands Regional Response to Serious and Organised Crime*. Available at: <https://assets-hmicfrs.justiceinspectors.gov.uk/uploads/inspection-of-the-east-midlands-regional-response-to-serious-and-organised-crime.pdf> [Accessed on 31 May 2024].
- HM Government, 2018. *Victims Strategy*. Available at: <https://assets.publishing.service.gov.uk/media/5bbca235ed915d23aa4c2e2d/victim-strategy.pdf> [Accessed on 31 May 2024].
- HMICFRS, 2023. *PEEL 2022/23: An inspection of the north-west regional response to serious and organised crime*. Available at <https://hmicfrs.justiceinspectors.gov.uk/publications/inspection-of-the-north-west-regional-response-to-serious-and-organised-crime/>. [Accessed on 31 May 2024].
- Home Office, 2014. *Modern Slavery: how the UK is leading the fight*. Available at: [https://assets.publishing.service.gov.uk/media/5a7d5f6c40f0b60aaa294080/Modern\\_slavery\\_booklet\\_v12\\_WEB\\_2\\_.pdf](https://assets.publishing.service.gov.uk/media/5a7d5f6c40f0b60aaa294080/Modern_slavery_booklet_v12_WEB_2_.pdf) [Accessed on 31 May 2024].
- Home Office, 2021. *A Practitioner Toolkit. Working with young people to prevent involvement in Serious and Organised Crime*. Available at [https://assets.publishing.service.gov.uk/media/601d3e4cd3bf7f70bc2e1f3e/6.7152\\_HO\\_Updates-SOC-Prevent-intervention-toolkit\\_v5\\_2\\_.pdf](https://assets.publishing.service.gov.uk/media/601d3e4cd3bf7f70bc2e1f3e/6.7152_HO_Updates-SOC-Prevent-intervention-toolkit_v5_2_.pdf) [Accessed on 31 May 2024].
- Home Office, 2023. *County Lines Programme Data*. Available at: <https://www.gov.uk/government/publications/home-offices-county-lines-programme-data/county-lines-programme-data> [Accessed on 31 May 2024].

- Home Office, 2023. *Criminal Exploitation of Children, Young People and Vulnerable Adults. County lines*. Available at [https://assets.publishing.service.gov.uk/media/65322ad1e839fd001486720d/2023\\_FOR\\_PUBLICATION\\_-\\_Criminal\\_exploitation\\_of\\_children\\_young\\_people\\_and\\_vulnerable\\_adults\\_county\\_lines1.pdf](https://assets.publishing.service.gov.uk/media/65322ad1e839fd001486720d/2023_FOR_PUBLICATION_-_Criminal_exploitation_of_children_young_people_and_vulnerable_adults_county_lines1.pdf) [Accessed on 31 May 2024].
- Home Office, n.d. *National Centre for Policing Excellence. Code of Practice. National Intelligence Model*. Available at: <https://library.college.police.uk/docs/npia/NIM-Code-of-Practice.pdf> [Accessed on 31 May 2024].
- Hosford, P. 2023. Bill to criminalise recruitment of children by drug gangs will not solve problem, Dáil told, *Irish Examiner*. Available at <https://www.irishexaminer.com/news/politics/arid-41153116.html> [Accessed on 31 May 2024].
- Houses of the Oireachtas, 2014. Joint Committee on Justice, Defence and Equality. *Report on Hearings in Relation to Community Courts*. Available at: [https://www.drugsandalcohol.ie/22396/1/Community-Courts\\_Final-Report.docx](https://www.drugsandalcohol.ie/22396/1/Community-Courts_Final-Report.docx) [Accessed on 31 May 2024].
- INTERPOL, 2022. *Financial and cybercrimes top global police concerns, says new INTERPOL report*. Available at: <https://www.interpol.int/en/News-and-Events/News/2022/Financial-and-cybercrimes-top-global-police-concerns-says-new-INTERPOL-report> [Accessed on 31 May 2024].
- Interventions Alliance, 2021. *County Lines (Literature Review)*. Available at <https://interventionsalliance.com/county-lines-literature-review/> [Accessed on 31 May 2024].
- Irish Human Rights and Equality Commission, 2023. *Trafficking in Human Beings in Ireland; Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*. Available at: [https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023\\_FA\\_web-Final.pdf](https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023_FA_web-Final.pdf) [Accessed on 31 May 2024].
- Irish Penal Reform Trust, 2021. *Piecing It Together: Supporting Children and Families with a Family Member in Prison in Ireland*. Available at [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) [Accessed on 31 May 2024].
- J-ARC Evaluation Framework Working Group, 2018. *Critical Review of Initial Evaluations on the Three J-ARC Pilot Projects*. Available at: <https://assets.gov.ie/47504/646c36a7132940e5a771b4e602afd92b.pdf> [Accessed on 31 May 2024].
- Jones, E. 2021. *Exploited and Criminalised: What can the Police, Crime, Sentencing and Courts Bill do to ensure that children who are criminally exploited receive the care and support they need?* Available at <https://www.barnardos.org.uk/sites/default/files/2021-10/Exploited%20and%20Criminalised%20report.pdf> [Accessed on 31 May 2024].
- Kiedrowski, J. et al., 2015. *The Civilianization of Police in Canada, Research Report: 2015–R042*. Available at: <https://www.publicsafety.gc.ca/cnt/rsracs/pblctns/2015-r042/2015-r042-en.pdf> [Accessed on 31 May 2024].
- Kildarestreet.ie, 2014. *Written Answers, Wednesday, 4 June 2014, Department of Justice and Equality, EU Directives*. Available at: <https://www.kildarestreet.com/wrans/?id=2014-06-04a.456>, [Accessed on 31 May 2024].

- Leito T.L.M., van Bommel S.R. & Noteboom F., 2022. *Kijken met andere ogen; Deel I: Een landelijke verkenning naar criminele uitbuiting in dertien (middel) grote gemeenten in Nederland*. Available at [https://www.hetckm.nl/wp-content/uploads/2023/03/CKM\\_-\\_Rapport-kijken\\_met\\_andere\\_ogen\\_2022\\_deel\\_1.pdf](https://www.hetckm.nl/wp-content/uploads/2023/03/CKM_-_Rapport-kijken_met_andere_ogen_2022_deel_1.pdf) (Dutch) [Accessed on 31 May 2024].
- Matsueda, R.L., 2000. *Differential Association Theory*. Available at <https://faculty.washington.edu/matsueda/courses/371/Readings/DA.pdf> [Accessed on 31 May 2024].
- McGrath, K., Eustace, A., Radomska, A., and Connolly, J. (2023). *Local Community Safety Partnership Pilot: Interim Evaluation Report*. Available at <https://assets.gov.ie/263398/6351adfc-5e5b-4225-b6f8-170b8160db17.pdf> [Accessed on 31 May 2024].
- Ministry of Foreign Affairs and International Cooperation. Inter-ministerial Committee for Human Rights, 2019. *Italy's Remarks, Following UN Human Rights Council Resolution 41/9*. Available at: <https://www.ohchr.org/sites/default/files/Documents/Issues/Corruption/Challenges/Italy.pdf> [Accessed on 31 May 2024].
- Ministry of Justice, 2022. *Achieving Best Evidence in Criminal Proceedings: Guidance on Interviewing Victims and Witnesses, and Guidance on Using Special Measures*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1164429/achieving-best-evidence-criminal-proceedings-2023.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1164429/achieving-best-evidence-criminal-proceedings-2023.pdf) [Accessed on 31 May 2024].
- Ministry of Justice, 2022. *Victims Funding Strategy*. Available at: <https://www.gov.uk/government/publications/victims-funding-strategy/victims-funding-strategy> [Accessed on 31 May 2024].
- Ministry of Justice, 2023. *Female Offender Strategy Delivery Plan 2022–25*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1132790/female-offender-strategy-delivery-plan-2022-25.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1132790/female-offender-strategy-delivery-plan-2022-25.pdf) [Accessed on 31 May 2024].
- Ministry of Justice, 2023. *Statutory Guidance. Code of Practice for Victims of Crime in England and Wales (Victims' Code)*. Available at: <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code> [Accessed on 31 May 2024].
- Ministry of Justice, National Offender Management Service, and HM Prison Service, 2014. *Multi-agency Public Protection Arrangements (MAPPA): Guidance*. Available at <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa-guidance> [Accessed on 31 May 2024].
- HM Government, 2015. *Modern Slavery Act 2015*. Available at: <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted> [Accessed on 31 May 2024].
- Moloney, C. J., Unnithan, N. P. & Weiqi, Z., 2022. *Assessing Law Enforcement's Cybercrime Capacity and Capability*. [Online] Available at: <https://leb.fbi.gov/articles/featured-articles/assessing-law-enforcements-cybercrime-capacity-and-capability-> [Accessed on 31 May 2024].
- Murphy L, Farragher L, Keane M, Galvin B and Long J (2017) *HRB Drug and Alcohol Evidence Review; Drug-related Intimidation. The Irish situation and international responses: an evidence review*. Available at [https://www.hrb.ie/fileadmin/publications\\_files/fHB3037\\_HRB\\_Drug\\_and\\_Alcohol\\_Review\\_-\\_Drug\\_Related\\_Intimidation\\_WEB.pdf](https://www.hrb.ie/fileadmin/publications_files/fHB3037_HRB_Drug_and_Alcohol_Review_-_Drug_Related_Intimidation_WEB.pdf) [Accessed on 31 May 2024].



National Crime Agency, 2022. *Annual Plan 2022–2023*. Available at: <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/594-nca-annual-plan-2022-23/file> [Accessed on 31 May 2024].

National Crime Council, 2007. *Problem Solving Justice: The case for Community Courts in Ireland*. Available at: <https://www.drugsandalcohol.ie/24889/1/Crimecouncil.pdf> [Accessed on 31 May 2024].

National Police Chiefs Council, 2023. *Evidential Drug Identification Testing (EDIT); Good Practice Guide*. [Online] Available at: <https://www.fcn.police.uk/sites/default/files/2023-01/FCN-MGT-GUI-0028%20Evidential%20Drug%20Identification%20Testing%20%28EDIT%29%20Good%20Practice%20Guide%20-%202023%20v1.0.pdf> [Accessed on 31 May 2024].

Naughton, C. and Redmond, S., 2021. *National Prevalence Study: Do the findings from the Greentown study of children's involvement in a criminal network (2015) extend beyond Greentown?* Available at [https://www.drugsandalcohol.ie/28326/7/Greentown\\_National\\_Prevalence\\_Study.pdf](https://www.drugsandalcohol.ie/28326/7/Greentown_National_Prevalence_Study.pdf). [Accessed on 31 May 2024].

New Zealand Police, 2020 *Transnational Organised Crime in New Zealand: Our Strategy. 2020–2025*. Available at: <https://www.police.govt.nz/sites/default/files/publications/transnational-organised-crime-in-new-zealand-our-strategy-2020-to-2025.pdf> [Accessed on 31 May 2024].

New Zealand Police, 2021, *Organised Crime & Our Operational Response. Five Year Strategy*. Available at: [https://www.police.govt.nz/sites/default/files/publications/organised\\_crime\\_and\\_our\\_operational\\_response.pdf](https://www.police.govt.nz/sites/default/files/publications/organised_crime_and_our_operational_response.pdf) [Accessed on 31 May 2024].

Nordic Co-Operation, n.d. Official Nordic Co-operation. Available at: <https://www.norden.org/en/information/official-nordic-co-operation> [Accessed on 31 May 2024].

Northern Ireland Executive, 2015. *A Fresh Start. The Stormont Agreement and Implementation Plan*. Available at: <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/northernireland/20151117-A-Fresh-Start---The-Stormont-Agreement-and-Implementation-Plan.pdf> [Accessed on 31 May 2024].

Office of the Director of Public Prosecutions, 2019. *Guidelines for Prosecutors. 5th Edition*. Available at: <https://www.dppireland.ie/app/uploads/2023/01/Guidelines-for-Prosecutors-5th-Edition-eng.pdf> [Accessed on 31 May 2024].

O’Keeffe, C., 2021. Hostile takeovers: Dealers sell from the homes of vulnerable addicts. *Irish Examiner*. Available at: <https://www.irishexaminer.com/news/spotlight/arid-40268606.html> [Accessed on 31 May 2024].

Organisation for Economic Co-operation and Development, 2005, *Managing Conflict of Interest in the Public Sector. A Toolkit*. Available at: <https://www.oecd.org/gov/ethics/49107986.pdf> [Accessed on 31 May 2024].

Organisation for Security and Co-operation in Europe (OSCE), 2008. *Good Practices in Building Police-Public Partnerships*. Available at <https://www.osce.org/files/f/documents/8/4/32547.pdf>. [Accessed on 31 May 2024].

- Organisation for Security and Co-operation in Europe (OSCE), 2017. *OSCE Guidebook Intelligence-Led Policing*. Available at: <https://www.osce.org/files/f/documents/d/3/327476.pdf> [Accessed on 31 May 2024].
- Organised Crime Taskforce, 2021. *Organised Crime Strategy; Northern Ireland 2021–2024*. Available at: [https://www.octf.gov.uk/files/octf/2022-02/organised-crime-strategy-2021-24\\_0.pdf](https://www.octf.gov.uk/files/octf/2022-02/organised-crime-strategy-2021-24_0.pdf) [Accessed on 31 May 2024].
- Police Scotland, 2021. Strategic Workforce Plan. Available at <https://www.spa.police.uk/spa-media/yi2f1efq/rep-b-20210120-item-7-strategic-workforce-plan.pdf> [Accessed on 31 May 2024].
- Police Service of Northern Ireland, 2022. *Crime Prevention Strategy 2025 ‘Prevention First’*. Available at: <https://www.psni.police.uk/sites/default/files/2022-09/crime-prevention-strategy-spreads.pdf> [Accessed on 31 May 2024].
- Policing, Security and Community Safety Act 2024. Available at <https://www.irishstatutebook.ie/eli/2024/act/1/enacted/en/index.html> [Accessed on 31 May 2024].
- Power, J., 2022. Concern over increasing prevalence of drug-related ‘cuckooing’. *Irish Examiner*. Available at: <https://www.irishtimes.com/ireland/housing-planning/2022/11/09/concern-over-increasing-prevalence-of-drug-related-cuckooing/> [Accessed on 31 May 2024].
- Privacy Commissioner, 2019. *Approved Information Sharing Agreement: Reducing gang-related harm to individuals and New Zealand society generally: Report by the Privacy Commissioner to the Minister of Police under section 96P of the Privacy Act 1993*. Available at: <https://www.privacy.org.nz/assets/New-order/Privacy-Act-2020/Information-sharing/Approved-Information-Sharing-Agreements/Report-to-Minister-of-Police-under-section-96P-Gang-Intelligence-Centre-AISA.pdf> [Accessed on 31 May 2024].
- Public Safety Canada, 2023. *National Crime Prevention Strategy*. Available at: <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crm-prvntn/strtg-en.aspx>. [Accessed on 31 May 2024].
- PwC, 2018. *Policing in a Networked World*. Available at: <https://www.pwc.com/gx/en/government-public-services/assets/pwc-policing-in-a-networked-world.pdf> [Accessed on 31 May 2024].
- Reeves, H., 1985. Victims Support Schemes. The United Kingdom Model. *Victimology*, 10(1–4), pp. 679–686.
- Regeringskansliet, 2022. *Sweden’s National Reform Programme 2022*. Available at: <https://www.government.se/contentassets/52ae212bd7964d9d9ed10f329226f92d/swedens-national-reform-programme-2022.pdf> [Accessed on 31 May 2024].
- Reynolds, E., 2023. Two men jailed for aiding in abduction and murder of Keane Mulready-Woods. *Irish Times*. Available at <https://www.irishtimes.com/crime-law/courts/2023/02/10/two-men-jailed-for-aiding-in-abduction-and-murder-of-keane-mulready-woods/> [Accessed on 31 May 2024].
- Roux, C. et al., 2022. *The Sydney Declaration – Revisiting the essence of forensic science through its fundamental principles*. *Forensic Science International*, 332(111182). Available at <https://www.sciencedirect.com/science/article/pii/S0379073822000123> [Accessed on 31 May 2024].

- Scottish Government, 2023. *Trauma Informed Justice: A Knowledge and Skills Framework for Working with Victims and Witnesses*. Available at: <https://transformingpsychologicaltrauma.scot/media/2tzbc0lf/trauma-informed-justice-knowledge-and-skills-framework.pdf> [Accessed on 31 May 2024].
- Smith, S. & Whitehead, S., 2021. *Problem-solving courts for women: An evidence & practice briefing*. Available at: <https://justiceinnovation.org/sites/default/files/media/document/2021/Problem%20solving%20courts%20for%20women.pdf> [Accessed on 31 May 2024].
- Spicer, J., Moyle, L. & Coomber, R., 2020. The variable and evolving nature of ‘cuckooing’ as a form of criminal exploitation in street level drug markets, *Trends in Organized Crime*, Volume 23, pp. 301–323.
- Sprott, J. B., Jenkins, J. M., & Doob, A. N., 2005. *The Importance of School: Protecting At-Risk Youth from Early Offending*. *Youth Violence and Juvenile Justice*, 3(1), 59–77. Available at: <https://doi.org/10.1177/1541204004270943> [Accessed on 31 May 2024].
- Svensson, K. & Gallo, C., 2021. Saying or doing human rights? A study of victim support Sweden. *International Journal of Comparative and Applied Criminal Justice*, 45(1), pp. 127–138. Available at: <https://doi.org/10.1080/01924036.2020.1719526> [Accessed on 31 May 2024].
- Sveriges Riksdag, 1962. *Brottsbalk (1962:700)*. [Online] Available at: [https://www.riksdagen.se/sv/dokument-och-lagar/dokument/kommittedirektiv/brottsbalk-1962700\\_enb1700/html/](https://www.riksdagen.se/sv/dokument-och-lagar/dokument/kommittedirektiv/brottsbalk-1962700_enb1700/html/) (Swedish) [Accessed on 31 May 2024].
- Swedish National Audit Office, 2021. Online child sexual abuse – major challenges for police and prosecutors. Available at [https://www.riksrevisionen.se/download/18.6b8765131817fcab19b6cd53/1655971016878/RiR\\_2021\\_25\\_summary.pdf](https://www.riksrevisionen.se/download/18.6b8765131817fcab19b6cd53/1655971016878/RiR_2021_25_summary.pdf). [Accessed on 31 May 2024].
- Swedish Police Authority *et al.*, 2021. *Multi-Agency Situation Report on Organised Crime 2021*. Available at: [https://polisen.se/siteassets/dokument/organiserad\\_brottslighet/myndighetsgemensam-lagesbild-om-organiserad-brottslighet-2021\\_eng.pdf](https://polisen.se/siteassets/dokument/organiserad_brottslighet/myndighetsgemensam-lagesbild-om-organiserad-brottslighet-2021_eng.pdf) [Accessed on 31 May 2024].
- Tadayon Nabavi, R. & Bijandi, M., 2021. *Bandura’s Social Learning Theory & Social Cognitive Learning Theory*. Available at: <https://www.researchgate.net/publication/367203768> [Accessed on 31 May 2024].
- Taylor, M, 2016. *The Law of Informer Privilege. Final Report of the Working Group*. Uniform Law Conference of Canada. Available at: <https://www.ulcc-chlc.ca/ULCC/media/Criminal-Section/The-Law-of-Informer-Privilege.pdf> [Accessed on 31 May 2024].
- The Houses of the Oireachtas, 2022, *Prüm II Proposal: Motion*. Available at: <https://www.oireachtas.ie/en/debates/debate/dail/2022-04-26/15/> [Accessed on 31 May 2024].
- The Law Reform Commission, 1990. *Report on Child Sexual Abuse*. Available at: [https://www.lawreform.ie/\\_fileupload/Reports/rChildSexAbuse.pdf](https://www.lawreform.ie/_fileupload/Reports/rChildSexAbuse.pdf) [Accessed on 31 May 2024].

The Police Foundation, 2022. *The Final Report of the Strategic Review of Policing in England and Wales, A New Mode of Protection. Redesigning policing and public safety for the 21st century*, Available at: [https://www.policingreview.org.uk/wp-content/uploads/srpew\\_final\\_report.pdf](https://www.policingreview.org.uk/wp-content/uploads/srpew_final_report.pdf) [Accessed on 31 May 2024].

Tusla, 2017, *Joint Protocol for Interagency Collaboration between the Health Service Executive and Tusla – Child and Family Agency to Promote the Best Interests of Children and Families*. Available at: [https://www.tusla.ie/uploads/content/HSE\\_Tusla\\_Joint\\_Working\\_Protocol\\_v\\_1.0\\_March\\_2017\\_Signed.pdf](https://www.tusla.ie/uploads/content/HSE_Tusla_Joint_Working_Protocol_v_1.0_March_2017_Signed.pdf) [Accessed on 31 May 2024].

United Nations Economic and Social Council, 2005. *UN Economic and Social Council Resolution 2005/22: Action to Promote Effective Crime Prevention, 22 July 2005, E/RES/2005/22*. Available at [https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Resolution\\_2005-22.pdf](https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Resolution_2005-22.pdf) [Accessed on 31 May 2024].

United Nations Office on Drugs and Crime, 2003. *United Nations Convention against Transnational Organized Crime and the Protocols Thereto*. Available at <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> [Accessed on 31 May 2024].

United Nations Office on Drugs and Crime, 2009. *Technical Guide to The United Nations Convention Against Corruption*. Available at: [https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395\\_Ebook.pdf](https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf) [Accessed on 31 May 2024].

United Nations Office on Drugs and Crime, n.d. *Money Laundering*. Available at: <https://www.unodc.org/unodc/en/money-laundering/overview.html> [Accessed on 31 May 2024].

US Department of State, 2023. *2023 Trafficking in Persons Report: Ireland*. Available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/ireland/> [Accessed on 31 May 2024].

Victim Support Europe, 2009. *Annual report 2008-2009*. Available at: [https://victimsupporteurope.eu/activeapp/wp-content/files\\_mf/1348506693VSEAnnualReport20082009.pdf](https://victimsupporteurope.eu/activeapp/wp-content/files_mf/1348506693VSEAnnualReport20082009.pdf) [Accessed on 31 May 2024].

Victim Support Europe, 2019. *A Journey from Crime to Compensation: An Analysis of Victims' Access to Compensation in the EU*. Available at: [https://victim-support.eu/wp-content/files\\_mf/1574261567A\\_Journey\\_From\\_Crime\\_To\\_Compensation\\_2019.pdf](https://victim-support.eu/wp-content/files_mf/1574261567A_Journey_From_Crime_To_Compensation_2019.pdf) [Accessed on 31 May 2024].



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