



ITM Submission to the Committee on Justice, Defence and Equality into the effectiveness of the legislation relating to oversight of An Garda Síochána

Thursday 17th April 2014

The Irish Traveller Movement- a Movement for Change- is delighted to make a submission to the Joint Committee on Justice, Defence and Equality into the effectiveness of the legislation relating to the oversight of An Garda Síochána.

The Irish Traveller Movement as a national representative organisation representing Travellers and Traveller organisations, was founded in 1990 and one of its core principles was to challenge the racism that Travellers face in Ireland and promote integration and equality in Irish society. It is with over 23 years of experience of developing policies that have aimed to influence State policy that we present to the members of the Committee. The Irish Traveller Movement, as a membership-based grassroots organisation provides insight into experiences between members of the Travelling Community and An Garda Síochána with recommendations on how best effective oversight can build on existing relationships between Gardai and Travellers.

Context: relationships between Travellers and An Garda Síochána

The Irish Traveller Movement, as a membership organisation, engaged its members to ascertain the nature of local relationships between Travellers and An Garda Síochána.

While Traveller organisations recognise some advances based on the development of Local Traveller Interagency Committees, at which Traveller organisations and State agencies plan actions collectively (and where representatives of An Garda Síochána also participate) ⁱ there are a number of significant issues that provides the context for the Irish Traveller Movement submission to the Committee in relation to oversight of An Garda Síochána:

Travellers stressed repeatedly the need for ongoing Equality & Traveller Cultural Awareness Training for members of An Garda Síochána as a means of building trust and relationships locally.

Trust between Travellers and An Garda Síochána is repeatedly raised by our members as an issue. Many Travellers do not feel the Gardai offer protection to them in terms of Travellers being victims of crime (e.g. slow response time to Traveller calls of incidents on halting sites).

Travellers feel that Gardai see them only as criminals and never victims and cite practices of frequent stop & search/ question of Travellers (especially van drivers and young Traveller men generally), which further erodes trust between the force and the community.

Some Travellers report frequent Garda car patrols on halting sites / group housing schemes up to 3 times a day. Travellers feel this is merely to “keep them under surveillance” as during these patrols, there is no interaction from the Gardai with the community

The surveillance, or perceived surveillance, of the entire community by Gardai further alienates Travellers from An Garda Síochána. Installation of CCTV cameras beside existing or planned Traveller accommodation, without notification or public consultation further erodes trust (see Dail Debates for recent example <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2014040900074?opendocument#WRX00550>)

Travellers often feel that the frequent use of armed response units and large numbers of Gardai, when State officials are ‘visiting’ halting sites creates a conflictual stance whereby the Gardai are no longer “their” police force. The presence of large number of (often armed) Gardai at the behest of Local Authorities strains relationships further.

In terms of Travellers using the Gardai, many Travellers do not feel they are treated with respect when they need to use Garda stations (e.g. lack of eye contact, unfriendly manner, Gardai casually dropping into an unrelated conversation stating they know other family members who have criminal records, makes innocent people feel criminalised and racially profiled). This negative relationship is not only noted by our members, it is borne out by research carried out by An Garda Síochána in the past.

In “*Public Attitudes Survey & Traveller/Ethnic Minority Communities attitudes Survey to An Garda Síochána*” (2007) whereas 14% of the general population were “very satisfied” with the service provided by An Garda Síochána, only 5% of Travellers were; and more tellingly, while 16% of the population were “dissatisfied”, 26% of Travellers were; with 22% of Travellers “very dissatisfied” (as opposed to 3% of general population).ⁱⁱ

In an independent human rights audit of An Garda Síochána the researchers found that “Officers and members (of An Garda Síochána) expressed negative views about some communities, in particular Travellers, and the Nigerian community” and found “allegations about levels of criminality among the Traveller and the Nigerian communities were made at every level of those taking part in this survey, with very little hard evidence provided to substantiate them”. The chapter in this audit on Human Rights and Operational Policing concluded: “on the basis of this audit it seems clear that there is institutional racism within An Garda Síochána in its dealing with certain groups in the community and in the absence of organisational structures

which would identify and deal with what is a very fundamental abuse of human rights”.ⁱⁱⁱ Academic research on the poor relationships between Travellers and An Garda Síochána also highlights the scale of the problem^{iv}

While work locally has happened through Traveller Interagency Committees, Joint Policing Committees and links between our members, Local Traveller Organisations, and the Ethnic Minority Liaison Officers within An Garda Síochána, this trust has rapidly eroded based on a string of allegations raised by Garda “whistleblowers” in relation to ethnic profiling of Travellers, including Traveller infants, on the Garda PULSE System (see among others, Dail Debates <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2014031100072?opendocument#WRV01250>)

The Irish Traveller Movement has been inundated with calls and emails from Travellers who fear their details and their children’s details will have been entered onto the PULSE system simply because of their identity. In recent history, it is the opinion that very few allegations have caused such widespread distress among the community, which has seriously impacted on relationships between An Garda Síochána and Travellers in Ireland.

The need for independent oversight to challenge institutional racism

It must be recognised, that even with the best intentions, policies designed to serve some dominant notion of society, or indeed policing, produce inferior outcomes for those outside of the dominant groups. It would not be surprising, given the pervasive levels of anti-Traveller racism for discrimination and bias not to be found in the practices of the force. The Mac Pherson enquiry^v into the Metropolitan Police Service investigation into the death of Stephen Lawrence concluded the force was “institutionally racist” and stated that:

“Institutional racism consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people.”

The important features of this definition are as follows: firstly that racism can be unconscious and unintended; secondly that the focus is on behaviour and effects; and thirdly that it focuses on the performance of whole organisations and groups rather than just individuals. It allows that the discrimination might be direct against people because of their ethnic or racial group; or it might be indirect, in that routine operating procedures simply have the effect of disadvantaging certain groups.

The independent human rights audit of An Garda Síochána raised serious concerns about institutional racism that would need to be addressed in terms of oversight of the force. It claimed that through discussions “assumptions were made about criminality which cannot help but impact on the policing of those communities and lead to a respect for their rights and failure to protect them from abuse. The submissions from various organisations mentioned at the start of this chapter, as well as the comments

expressed in community groups, suggest that it is not just a matter of attitude. These attitudes are being expressed in the behaviour of some members towards some members of different communities.”^{vi}

Given the concerns outlined by our members, it appears that not enough has been done to overcome potential institutional bias; indeed the allegations in relation to ethnically profiling Traveller infants has confirmed for many Travellers the existence of institutional anti-Traveller racism within the force.

Irish Traveller Movement recommendations in relation to Oversight of an Garda Síochána

An Independent Policing Board.

Based on best international practice, a policing board would be formed in order to oversee the practice of An Garda Síochána. Legislation should be developed and enacted to create an Independent Policing board with nominations from both political parties and civil society. Given the historical lack of relationship between the force and the community, at least one Traveller would be part of the policing board, from a representative organisation that would allow Travellers’ voices to be brought from a local level to a national oversight committee

The policing board would make clear recommendations for the force in relation to ethnic monitoring, racism and challenging institutional racism as per the Mac Pherson report, within An Garda Síochána. This would include defining policies in relation to information gathering and the instances of ethnic profiling.

Annual independent human rights audits with recommendations made to the Policing board in order to identify and combat all forms of institutional racism

In terms of oversight, legislation introduced to ensure that An Garda Síochána were no longer exempt from the Equal Status Act and future equality legislation

A full and thorough independent enquiry into the PULSE system and allegations of ethnic profiling needs to happen in order to re-establish trust between Travellers and An Garda Síochána. In the interim period, all PULSE records of Traveller children to be wiped from the system.

ⁱ Report of the High Level group on Traveller Issues, March 2006
<http://www.justice.ie/en/JELR/HLGReport.pdf/Files/HLGReport.pdf>

ⁱⁱ Public Attitudes Survey & Traveller/Ethnic Minority Communities attitudes Survey to An Garda Síochána (2007)
<http://www.garda.ie/Documents/User/communiquedec2007.pdf>

ⁱⁱⁱ An Garda Síochána Human Rights Audit, Ionann Management Consultants, June 2004
http://www.minelres.lv/reports/ireland/PDF_Ireland%29Comhlamh_GardaHRreport.pdf

^{iv} ‘Alright in their own place’: Policing and the spatial regulation of Irish Travellers” Aogán Mulcahy
Criminology and Criminal Justice July 2012 vol. 12 no. 3 307-327

^v Report of the Stephen Lawrence inquiry
<https://www.gov.uk/government/publications/the-stephen-lawrence-inquiry>

^{vi} An Garda Síochána Human Rights Audit, Ionann Management Consultants, June 2004
http://www.minelres.lv/reports/ireland/PDF_Ireland%29Comhlamh_GardaHRreport.pdf