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ar Chiníochas agus Idirchultúrachas**

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National Consultative Committee on Racism and Interculturalism

**Submission to An Garda Síochána
Policing Plan 2005**

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Introduction

An Garda Síochána have taken a number of initiatives in recent years which reflect a growing understanding of the challenges of policing in an intercultural society. The establishment of the Garda Racial and Intercultural Office (GRIO); the ethical framework developed by the Garda Human Rights Office; the development of diversity and anti-racism training; and the appointment of Ethnic Liaison Officers (ELO) are testament to the commitment of the Gardaí to providing a service which is responsive to the needs of minority ethnic groups, including the Traveller community.

The NCCRI¹ welcomes the opportunity to make a submission to An Garda Síochána Policing Plan for 2005. The focus of our submission is the protection of minority ethnic groups including the Traveller community, it will build upon the document submitted by the NCCRI to the Policy Plan 2004, which is available at: <http://www.nccri.ie/policy-submissions.html>

The first section of this submission will briefly provide an update on the experiences of racism by minority ethnic groups, including the Traveller community, and the emerging policy context represented by the forthcoming National Action Plan against Racism (NPAR). The second section will detail the paradigm shift which has emerged in relation to policing diverse societies, drawing on international and Irish good practice it will highlight a number of key principles which underpin an intercultural approach to policing. These principles underpin the recommendations for the Policing Plan 2005 contained in the final section of this submission.

I. The context of policing in Ireland

As detailed in the NCCRI's submission to the Policing Plan for 2004, diversity in Ireland has significantly increased in recent years. The 2002 Census of Population indicates that Irish non-nationals make up 5.8% of the population (almost half were UK nationals). The Census also enumerated approximately 24,000 members of the Traveller community, and demonstrated growing cultural and religious diversity.

a. Racism in Ireland

In recent years there has been a public debate about racism in Ireland. To date, this debate has often been robust, and at times conflictual, but has generally been constructive and reflective of the widely held concern by representatives of Government and broader civil society that racism deprives people of their basic human rights, dignity and respect and is a threat to social and economic cohesion within States.

During 2003 and 2004 evidence racism continued to undermine the life experiences on minority ethnic groups in Ireland including the Traveler community, refugees and asylum seekers, migrants, and 'people of colour'.

¹ The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in 1998 as an independent expert body on racism. It is a partnership body, which brings together government and non-government organisations to develop initiatives and to provide expertise in tackling racism and promoting interculturalism. Further information is available at: www.nccri.ie

The government's Know Racism campaign² published research findings on racism and attitudes to minority groups in February 2004. The study found that 18 per cent of respondents had personally witnessed racist behaviour. 48 per cent of respondents believe that Irish society is racist to some degree. 72 per cent agreed that the settled community is not willing to accept the Traveller community living among them.³

2003 was the first full year in which racially motivated incidents was clearly defined to members of An Garda Síochána, and recorded through PULSE. According to An Garda Síochána (August 2004) 81 incidents of racist motive were recorded in 2003. This compares to 102 in 2002, 43 in 2001, 65 in 2000, and 12 in 1999. The most common forms of incidents were criminal damage, assault and public order offences.

In May 2001 NCCRI established a system for recording incidents related to racism in Ireland. Incidents are analysed and compiled into six monthly reports.

Table 1: Summary of incidents reported to the NCCRI to August 2004

May 2001- October 2001	41
November 2001- April 2002	40
May 2002 - October 2002	67
November 2002 - April 2003	48
May 2003 - October 2003	46
November 2003 - April 2004	42
May 2004 - end of August 2004 (NOTE: For 4 Month period)	50

In its latest report, covering November 2003 to April 2004, the NCCRI recorded forty-two racist incidents.⁴ Examples of racist incidents that involved assaults, abuse and harassment, include:

- A Nigerian candidate for local elections in Galway received hateful and abusive mail, asking her to return to her own country. The mail was forwarded to the local Gardai.
- A witness reported an incident in which two Irish women verbally abused two non-national males on a Dublin bus. The woman stated that the Gardaí did not treat it as a racist incident.
- A Croatian mother and daughter were attacked and jeered by a gang of children from the daughter's class. They also received racist insults. The incident was reported to the Gardaí and to the school principle.
- An accommodation centre for asylum seekers in Cork was broken into and vandalised. Residents were threatened and racist graffiti was sprayed on the emergency door. The residents stated that they were very frightened as there is no security in the house. They lodged a complaint with the local Gardaí but considered their response to the gravity of the incident to be inadequate.

² The government's three year Know Racism public awareness campaign came to an end in 2004, though it is expected that the activities of the campaign will be continued through the implementation of the NPAR.

³ Millward Brown IMS (2004) *Presentation of Research Finding on Opinions on Racism and Attitudes to Minority Groups*, 26 February 2004, Dublin: Know Racism

⁴ NCCRI (2004), *Reported Incidents relating to Racism, November 2003 – April 2004*, available at: <http://www.nccri.ie/pdf/RacistIncidentsNov-Apr04.pdf> (27.09.2004)

- A South African woman reported ongoing racist incidents in a city centre housing estate. She has suffered verbal abuse, as well as local youths throwing stones at herself and her child. She reported the incident and stated that she got a satisfactory response from the GRIO.

In 2002 the Victim Support Service identified five cases as racist in motive, this increased to eight in 2003. In the first six months of 2004 the service has recorded 11 cases which were identified as racist in motive. The Tourist Victim Support Service did not record any incidents as racist.

b. Impact of negative experiences of policing

While the experiences of the Traveller community must be considered in the broader context of the challenges of policing diverse societies, recent events have highlighted the potential to undermine relations between the Gardaí and the Traveller community. Effective policing relies on close cooperation and communication with the communities which the Gardaí serve. Incidents such as that at Dunsink in October 2004 highlight the need for effective and ongoing dialogue between the police and Traveller groups.

The Irish Refugee Council has expressed similar concerns regarding the police of implementing deportation order against failed asylum seekers, particularly the practice of picking up individuals at night. The IRC recommends that;

“In rounding up intended deportees, care should be taken that unnecessary fear is not caused in the wider immigrant community by the arrival of unreasonable numbers of Gardaí at unsociable hours to the home of the deportee.”⁵

c. Policy context: National Action Plan Against Racism

Arising from commitments at the United Nations World Conference against Racism, which was held in Durban, South Africa in September 2001, the Irish government is in the process of developing a National Action Plan against Racism (NPAR). The Plan is expected to be published before the end of 2004, and thus will provide a significant context for the work of An Garda Síochána in 2005.

The Plan will reflect the outcomes of the consultative process undertaken by the Department of Justice, Equality and Law Reform between March and December 2002 which was overseen by a broad based steering group representing government and non-government organisations with support from the NCCRI. The Department of Justice, Equality and Law Reform published a summary of the consultative process entitled “Diverse Voices”.⁶

One of the key objectives identified in the summary of outcomes of the consultative process for the NPAR is protection. Objective One states that:

“The NPAR should seek to enhance protection against racism, including protection against discrimination, assaults, incitement and abuse”

⁵ IRC (2004) ‘Irish Refugee Council Interim Guidelines on Deportation’, available at: <http://www.irishrefugeecouncil.ie/press04/deportation.doc> (04.11.04)

⁶ The report, entitled ‘Diverse Voices’, is available online at www.justice.ie or from the Department of Justice, Equality and Law Reform at 01-479 0272

During the consultation process, the role of the Gardaí in providing protection and the need to enhance the relationship between the police and minority ethnic communities was highlighted. It was acknowledged that the Gardaí have been proactive in developing a range of important initiatives to combat racism and to build relationships with minority ethnic groups. There were concerns raised about operational issues related to frontline immigration policing and the perceived uneven response from some Garda stations to reports of racist incidents. It was recognised that there is a need for more vigilance against racism at times of international tension when reported racist incidents can increase.

II. Policing in Intercultural Societies

Policing intercultural societies presents challenges for all democratic states. Attention has focused on these challenges in recent years given increasing global mobility; and a recognition that respect for cultural and ethnic diversity should underpin all aspect of state policy.

It is clear that minority ethnic groups suffer from specific disadvantages in relating to the criminal justice system. Evidence from the UK has long demonstrated that people from ethnic communities are: more likely to have worse experiences in the criminal justice system; are over-represented in all stages of the criminal justice system and under-represented as employees of criminal justice services and agencies; and lack confidence in the police.

Irish and international good practice has emerged in recent years in order to promote intercultural policing. Key principles which can be identified include:

- Promoting diversity
- Responding to specific needs of minority ethnic groups
- Recognising the impact of racist crime
- Respond to the needs of victims of racist crime
- Promote community policing and cooperation
- Recruitment and training
- Mainstreaming anti-racism and diversity

a. Shifting Paradigms

Demographic shifts and increased mobilisation globally is impacting all aspects of modern societies, not least the police. Changing societies have been recognised as presenting a unique challenge for the police, who are charged with maintaining public order and protecting public safety. As societies change questions arise about the philosophy and practice of policing.⁷ This debate was reflected in the discussions during the consultation on the NPAR described above. As Erez et. al put it:

“An increase in the number of ethnic, cultural, and linguistic communities and racial groups can give rise to conflicts about the legitimacy of legal and communal

⁷ Erez, E. Finckenauer, J. and Ibarra, P (2003) ‘Policing a Multicultural Society’, in: *Police and Society*, Issue No. 7, p. 6

standards and definitions, and hence present an enormous challenge to law enforcement and order maintenance activities”.⁸

Consequently police forces all over the world have had to adapt and change in response to changing societies and the promotion of diversity, this has been identified in the literature as a ‘paradigm shift’ in the theoretical framework for policing.

“The old paradigm was about maintaining order by keeping people in their place, both socially and geographically... The new paradigm is about integration, not segregation; equal protection, not domination; mutual respect, not deference. In the old paradigm, enforcing the law was the highest value. In the new paradigm, enforcing the law is still important but increasingly is being placed second to maintaining racial and ethnic harmony”.⁹

This shift is characterised by a balance between enforcing law and order, and promoting intercultural societies, ambitions which are not mutually exclusive but which may exhibit tensions.

b. Challenge of new diversity

Diversity is not limited to migration in Ireland, but it is clear that in Ireland, like other democratic states, increasing globalisation in recent years has highlighted challenges in relation to policing in diverse societies. Immigrant communities may not speak the language, are not necessarily familiar with cultural norms, and can be deeply suspicious of any contact with officialdom. The challenge for the police is to respond to these challenges in a way which meets the needs of all minority ethnic groups.

c. Impact of Racist Crime and victim support

One of the biggest challenges of policing in intercultural societies is, and is likely to continue to be, responding to racist incidents and racism crime. A commitment to preventing and responding to racist crime is very important given the impact that these type of incidents have on minority ethnic communities. As described in the British Crown Prosecution Service policy on racist crime:

“This type of crime is particularly hurtful to victims as they are being targeted solely because of their personal identity, their actual or perceived racial or ethnic origin, beliefs or faith. Black and minority ethnic victims can also be targeted because they belong to other minority groups and may experience multiple discrimination”.¹⁰

The impact on victims is different for each individual, but many experience similar problems. They can feel extremely isolated and fearful of going out or staying home. They may become withdrawn and suspicious of organisations and strangers. Their mental and physical health may suffer. For young people in particular the impact can be damaging to self-esteem and identity and, without support, a form of self-hatred of their

⁸ Erez, E. Finckenauer, J. and Ibarra, P (2003) ‘Policing a Multicultural Society’, in: *Police and Society*, Issue No. 7, p. 6

⁹ McDonald, W (2003) The emerging paradigm for policing multiethnic societies: glimpses from the American experience’, in in: *Police and Society*, Issue No. 7, p. 234

¹⁰ CPS, Racist and Religious Crime – CPS Prosecution Policy

racial or religious identity can result, which may take the form of self-harm or even suicide.¹¹

The confusion, fear and lack of safety felt by the victims of these crimes can have a ripple effect on their racial or religious group in the wider community. Communities can feel victimised and vulnerable to further attack.

A 2002 report by the Commission for Racial Equality in the UK recommends that police forces should develop guidelines on dealing with victims, witnesses and their families, particularly where racist incidents are involved. The report also encourages the police to make greater use of contacts within local ethnic minority communities to help them with victim support, family liaison and interviewing witnesses. The nature and impact of racist crime provides a context in which victim and witness support is particularly important, both for the individual in question, but also for promoting reporting of racist crime and confidence in the police force.

d. Community policing and local supports

Community policing has been identified, in Ireland and other contexts, as one of the most important responses to the challenge of policing in intercultural societies. Community policing builds upon the recommendation that law enforcement cannot succeed without the cooperation and input from the communities they work with. Community policing initiatives recognise that the trust and support of ethnic minority communities is essential to the success of law enforcement functions.

An important element of community policing is the establishment of local multi-agency networks which can support the needs of victims and help prevent racist crime. In a 2003 study in the UK Chahal emphasises the importance of teams of professional caseworkers with a local base that advocate on behalf of victims and offer emotional and practice support. In the UK racial harassment community projects have grown out of a gap in service provision and have made a positive difference to the quality of life of clients. However as voluntary and community projects they face problems of funding and the need of further professionalisation of their services.¹²

e. Reporting and recording racist incidents

Promoting an effective definition of a racist incident, such as that employed in Ireland, is essential to combating racist incidents; without a commonly applied definition racist incidents, even where reported, may remain unrecorded by the police force. However police forces must remain vigilant. It is important that the all racist incidents are accurately recorded as such.

One of the most significant problems undermining the recording of racist incidents by police forces is that they are not reported by minority ethnic groups in the first place. This is widely recognised as a serious problem, undermined, not least, by the distrust some minority ethnic groups feel towards the police.

¹¹ CPS, Racist and Religious Crime – CPS Prosecution Policy

¹² Chahal, K. (2003) Racist Harassment Support Projects, York: Joseph Rowntree.

Police services should cooperate closely with local agencies and local communities to encourage people to report racist incidents, including facilities for reporting at any time of the day and at locations other than police stations.

f. Recruitment and training

The NCCRI welcomes the recent statement by the Minister for Justice, Equality and Law Reform that the police should reflect society and remove potential barriers to recruitment.

Professional role models are an important part of the integration process in all sectors of society, and can be identified as particularly important in the context of police forces, as they service to promote trust, and understanding of the needs of minority ethnic communities.

Consequently police forces in intercultural societies must have a focus on recruitment, promotion and retention of ethnic minority staff. A key mechanism for overcoming barriers to recruitment, which has been adopted in the UK is setting targets. Targets are not quotas; they do not fix the numbers or proportions of people from ethnic groups regardless of merit. Targets involve setting priorities, removing (hidden) barriers and regularly measuring performance so that additional steps can be taken if success is not achieved.

Another key aspect of intercultural police forces is the principle that anti-racism and diversity training should infuse every level of the police force. Training should reflect both internal policing procedures, as well as relations with minority ethnic communities. Involving minority communities in police training, while it should be sensitively incorporated, can be a useful tool in promoting effective training. In the UK the Commission of Racial Equality advocates that training should be independently evaluated, as well as monitored.

g. Mainstreaming

Anti-racism and intercultural approaches to policing must not be limited to specific units or initiatives but must be mainstreamed throughout the whole organisation. The ultimate goal of anti-racism and diversity polices within the police force, as with other sectors of society, is that they will work themselves out of existence. As polices are mainstreamed into general practice, there may no longer be a need for separate approach, procedures or units. As a member of the GRIO recently put it:

“Our job will be complete when every member is an Ethnic Liaison Officer and the title is no longer needed to denote any special role. It might be far into the future – but one day there should be no need for this office (GRIO).”¹³

¹³ Ward, N (2004) ‘Policing by Consent’, in: *Garda Review*, July/August 2004, p. 13

III. Recommendations for the Policy Plan 2005

1. Garda Racial and Intercultural Office: Since the establishment of the GRIO it has undertaken a significant amount of work in supporting members of An Garda Síochána in responding to the needs of minority ethnic communities. The Policing Plan 2004 identified the need to provide the GRIO “added functionality, including provisions for liaison, training, research and administration functions so that the services provided meet the needs and expectation of everyone who contacts us in 2004.” The Office’s limited resources must be expanded in order for it to build upon the work it has undertaken to date.

2. Training: There is a need for continued and enhanced diversity and anti-racism training for all members of the Gardaí. Training is an ongoing requirement to ensure an effective service to minority ethnic groups, and promoting trust and good relations with all communities. Strategic Goal Eight of the Policing Plan 2004 (Public Order) identified that “training and familiarization in recording amongst Gardaí, and information programmes in the community will see more accurate, usable and useful trends emerging. Analysis of these trends will guide future Garda action to combat racist incidents”. A stated objective of the Garda training programme should be the enhancement of recording of racist incidents.

3. Community Policing: A commitment to developing community relations and local partnerships and the important role of community policing, including the ELOs, should be included in the Strategic Goals of the Policing Plan 2005. The value of the Community Policing Fora should be named and resources allocated to their continued development. A key ambition of all community policing initiatives must be to build trust with all minority ethnic groups, including the Traveller community. There should be an increased focus in promoting relations with the Traveller community in the context of the targets for the GRIO and the Ethnic Liaison Officers in the 2005 Plan.

4. Ethnic Liaison Officers: The appointment of ELOs has been a very valuable development in the Irish context. However there is a need to remain vigilant and promote and support the role of individual officers. In 2005 initiatives should be undertaken to:

- Increase the link between ELOs and local partnerships which seek to respond to racist incidents
- Enhance the gender balance in the appointment of ELOs, this is particularly important considering the experiences of women who experience racist violence and racist crime.
- Ensure that the functions of the ELOs do not conflict with other responsibilities. ELOs should not be immigration officers this has the potential to undermine service provision to minority groups, not least to illegal immigrants who are entitled to the full protection of the law.

The NCCRI welcomes the commitment in the 2004 Plan to “conduct a needs analysis of Ethnic Liaison Officers, arrange for the appointment of such officers where required and devise support structures”, and would identify the above priorities in the context of maximising the potential of the ELOs.

5. Victim Support: The role of ELOs in supporting the victims of racist crimes and their families, and witnesses should be enhanced both locally, as well as through Victim Support. In line with the 2004 commitment to increase referrals to Victim Support, the victims of racist crime should be particularly encouraged to avail of this valuable service. There is a need for ongoing training in victim support skills for members of minority ethnic communities.

6. Recruitment: Currently there are no members of An Garda Síochána from any diverse ethnic group. While the NCCRI welcomes the recent announcement to review the Irish language requirement, the Policing Plan in 2004 should include a commitment to conduct an independent audit of what other hidden or unhidden barriers might exist which have the potential to undermine minority ethnic group recruitment.

7. Data collection: There have been important developments in data collection on racist crime in recent years. While still nascent, the PULSE system has the potential to provide a significant contribution to the picture of racism in Ireland. The NCCRI recommends that the Gardaí explore the possibility of mainstreaming of racism into other data collection mechanisms:

- Public attitude surveys undertaken by the Gardaí should specifically include minority ethnic groups, including the Traveller community, this would serve as a useful tool to assess satisfaction with existing Garda performance. Racially motivated crime should also feature as an option in all public attitude surveys.
- The PULSE system currently includes the category of anti-Semitism, however it does not appear to be effectively operational at this point. In addition consideration should be given to recording racist incidents when these are motivated by Islamophobia or directed against members of the Traveller community.

8. Research priorities: In recent years An Garda Síochána has responded to the challenges of policing an intercultural society in a range of proactive ways; however questions remain:

- Progression of racist incidents from initial detection to conviction. Evidence from the UK suggests that in cases of racist crimes there are poor progression rates.
- An analysis of the legislative tools which are used in holding perpetrators to account in cases of racially motivated crime.
- An audit of the potential hidden and unhidden barriers to recruitment of minority ethnic groups, including the Traveller community.
- An analysis of strategies to address institutional racism.

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