

## Disgraceful - Annual Report of the Garda Complaints Board

01/08/2001

There is only one word to describe the Annual Report for 1999 of the Garda Siochana Complaints Board - disgraceful.

In the report the Board appears to concentrate on its annual plea for more resources and power, rather than presenting a dispassionate, objective, review of the state of the police complaints system in this country in the year under review.

The shopping list of demands appears very early on in the report - pages 9 and 10 - which are in fact the first detailed pages of the report after the usual list of Board members, contents, foreword etc. High on the list are the Board's now familiar demands for even more staff and its own, independent, investigation unit.

It is perhaps in one of the later sections of the report - section 5 - that the most serious example of un-professionalism appears and where the Board has gravely over-reached itself in mounting a public relations campaign to win its objectives.

In that section the Board has related 26 anecdotal examples of some of the cases which came before it during 1999. The cases are stated baldly and simply, with only the allegations against the garda given in each case. No attempt is made to balance the anecdotes with the refuting evidence which must have been available from the garda side. The anecdotes related to cases which went to full Tribunal hearing; to minor cases involving breaches of discipline dealt with informally; to cases ruled inadmissible and to cases withdrawn.

The cases are stated in such black-and-white terms that they were a boon to the media at the time of the report's issue and papers and electronic media were full of the details of excessive force, intimidating behaviour etc. The overall impression given was of a force which is no longer under control and which was indulging in an orgy of violence and

threatening behaviour.

No attempt was made to point out that the incidents represented only a very tiny fraction of the vast number of operations carried out by An Garda Siochana in any one year. Who decided what anecdotes would appear in the report and who produced them in their final form?

In its anxiety to bolster its case for more resources the Board has also over-reached itself in many other areas, offering gratuitous insults to many people of high integrity and using questionable public relations messages to 'sell' its message to the public via the media. The report is unprofessional in that it fails to provide statistical support for the many generalised statements throughout its pages.

On page 11 the Board complains that almost all complaints accepted as admissible are formally investigated, a procedure which the Board feels is time consuming and expensive. Once again the Board is making a case that many complaints against gardai could be dealt with under the informal resolution procedure. Thus the case is that a complaint, which could have enormous consequences to gardai in the pursuit of their careers, should be treated in a trivial, dismissive fashion in order to suit the Board's requirement for a higher statistical throughput. Later in the report, the Board proposes the removal of the right of the parties involved to refuse informal resolution - thus peoples' rights are to be trampled on in the interests of higher numbers of resolved complaints.

In a similar theme on page 15 the Board complains that the number of legal challenges, by both complainants and gardai, are growing year upon year, adding to the pressures on staff. However, the Board does not provide any figures for the legal challenges received.

Page 12 contains a disgraceful slur on the integrity of the staff of the Department of Justice who are assigned as staff to the Board. This means of staffing is 'not appropriate' as staff must 'be independent and be seen to be independent', states the report in what can only be interpreted as an insult to the honour of the staff involved. On page 12 also the Board makes a case for independent funding from central funds, rather than relying on a sub-head vote on the Department

budget.

Annually, the Association of Garda Sergeants and Inspectors points out that complaints considered frivolous or vexatious consist of a very high percentage of the overall cases. In 1999 they numbered 140 or 27.7% of the total complaints which were ruled to be inadmissible. Yet the report as usual contains not one word about what the Board did about these complaints - were any of them referred to the DPP for instance?

Not content with casting aspersions on the integrity of Department of Justice staff, the Board returns to attack the Chief State Solicitor on page 16 when it states that 'it is not appropriate' that the CSS provide legal representation to the Board. The CSS also acts for the Garda Commissioner in cases where he and the Board are on opposite sides, the report points out. The Board conveniently ignores the fact that legal personnel are bound to do their utmost for those they represent and that they frequently appear in separate cases on both prosecution and defence sides, irrespective of who is their ultimate employer. The Board's comments are an expression of no confidence in one of the chief law officers of the State.