



CIGIREACHT AN GHARDA SÍOCHÁNA
GARDA SÍOCHÁNA INSPECTORATE

Press Release

Publication of Garda Inspectorate Report

“Delivering Custody Services – A Rights-Based Review of the Treatment, Safety and Wellbeing of Persons in Custody in Garda Síochána Stations”

Thursday 24 February 2022

The Garda Inspectorate welcomes the publication today by the Minister for Justice of the Inspectorate’s most recent report entitled “Delivering Custody Services”. This self-initiated inspection was a comprehensive examination of the standard of treatment, safety and wellbeing provided to persons in custody in Garda Síochána stations.

The inspection adopted a rights-based approach, with particular consideration given to the arrangements for children and adults who are vulnerable and, for the first time, included unannounced visits to garda stations. Other significant elements of the inspection included engagement with people who were or had been in custody and a detailed examination of custody records.

Commenting on the review the Chief Inspector, Mark Toland said *“the decision to deprive a person of their liberty is a significant interference with their rights under the Constitution of Ireland and the European Convention on Human Rights. As such, it’s important for the Garda Síochána to have an efficient and effective custody system in place that protects and upholds the rights of persons in custody and keeps them safe”*.

The inspection found that the fundamental rights of people in custody to legal advice, medical attention and to have a third party notified of their being in custody were well understood. It also identified examples of good practice and high standards of treatment in some of the places visited.

Despite custody being a challenging and high-risk area of policing, the Inspectorate was concerned to find that there was no overarching custody strategy beyond adherence with the relevant legal requirements, governance and accountability were

weak and many members in charge were not adequately trained for the role. Poor record keeping was a recurring theme throughout this review, a problem that was exacerbated by the absence of an electronic custody management system. A number of areas of concern regarding the safety, care and treatment of people in custody were also identified.

Mr Toland explained, *“this report sets out a pathway for those concerns to be addressed and contains a number of recommendations aimed at strengthening the safeguards that protect the rights of persons in custody, ensuring the consistent operation of custody services and, where necessary, raising standards”*.

Other important findings of the inspection included:

- Gardaí were aware of the need for adult support for children in custody, but the needs of vulnerable adults were not always identified and met.
- A number of concerns were identified in relation to the searching of people in custody, in particular the lack of specific safeguards for children and vulnerable adults.
- Although custody provides an opportunity to intervene to divert people from offending behaviour, there was little evidence of partnership working to achieve this.
- People suffering from a mental disorder and taken into custody under Section 12 of the Mental Health Act, 2001 must, by law, be brought to a garda station rather than directly to a mental health facility, even though they may not have committed a criminal offence.
- While risk assessments were completed for almost every person in custody, plans to manage identified risks were not evident and the assessments were not reviewed during their time in custody.
- Not all incidents of force used on persons prior to their arrival at a garda station were reported and recorded in accordance with garda policy.
- The standard of facilities visited during this inspection ranged from purpose-built custody suites to those that were unsafe and not secure.

The inspection identified a number of opportunities to better protect the rights of people in custody through changes in legislation, policy and practice. Consequently,

the report contains 41 recommendations directed to the Garda Síochána and the Department of Justice.

Those made to the Garda Síochána relate to strategic and operational changes to deliver a better custody service. Some of these recommendations are to:

- Develop and implement an organisational strategy for custody, including a custody estate plan to support it.
- Implement a formal governance, accountability and performance management framework for custody.
- Develop mandatory training for all those who undertake custody duty.
- Better safeguard the right to consult a solicitor in private.
- Improve the identification, assessment and management of risk in respect of persons in custody.
- Improve the standard of general care and treatment provided to persons in custody in garda stations.
- Immediately close cells that do not fully meet the Garda Síochána's safety specification for cells.
- Review and update policies and practices in relation to searching persons in custody, particularly children, vulnerable adults and those identifying as transgender.
- Ensure that everyone in custody is informed that they have the right to make a complaint and know how to do so.

It also recommends that the Department of Justice:

- Develop partnership approaches to address some of the issues identified;
- Establish an independent custody visiting scheme and a scheme to support children and vulnerable adults in garda custody; and
- Consider a number of proposed legislative changes.

A number of custody-related recommendations from previous Inspectorate reports have not yet been implemented. These include the appointment of sergeants as members in charge and the introduction of an electronic custody record. It is acknowledged that some of the recommendations, such as improving the custody estate, will require investment.

In conclusion, Chief Inspector Toland stated; *“I am convinced that the implementation of all the recommendations contained in this report will result in better overall standards of treatment, safety and wellbeing for those who are taken into custody, particularly the most vulnerable”*.

Ends.

Note to Editors

Please see link to press pack <https://www.gsinsp.ie/media-kit-enquires/>, and link to report <https://www.gsinsp.ie/delivering-custody-services/>

For any follow up requests for information, please contact:

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Additional information

The terms of reference are available [here](#).

In considering which aspects of policing should be examined in its Work Plan for 2019-2021, the Inspectorate consulted widely with a number of key stakeholders including the Garda Síochána, the Policing Authority, and the Department of Justice. The final Work Plan outlines several distinct areas of operation and administration, prioritised for examination taking into account the level of risk to human rights, public safety, public confidence, reputation and financial management in the Garda Síochána. One such area is the treatment of persons in custody in garda stations.

The Inspection was led by Deputy Chief Inspector Pauline Shields and deals with all aspects of the treatment of persons in custody in garda stations.

In relation to the unannounced visits to garda stations, a protocol was agreed with the Garda Síochána. This enabled the Inspectorate to make 12 unannounced visits to a variety of locations, during which the inspection team examined the facilities and spoke with gardaí on custody duty and persons in custody.

The report comprises seven chapters:

Chapter 1 sets out the Legal, Ethical and Policy Framework for Custody.

Chapter 2: Strategy, Governance and Accountability considers the Garda Síochána's strategic approach to achieving safe and effective custody arrangements; strategic partnership working in the context of custody and the arrangements for governance of and accountability for custody, including external scrutiny.

Chapter 3: Protecting the Rights of Persons in Custody examines how the rights of persons in the custody of the Garda Síochána, including children and adults who are vulnerable, are protected.

Chapter 4: Care and Treatment of Persons in Custody examines how the Garda Síochána cares for and treats people in custody and provides a safe custody environment. It considers risk management, how people in custody are treated with regard to their needs and reviews the condition of custody facilities visited during this inspection.

Chapter 5: The Roles of Member in Charge and Gaoler looks at these roles and responsibilities in relation to persons in custody at a garda station and considers how members are selected, authorised and trained to carry them out.

Chapter 6: Local Supervision and Management of the Custody Process examines the custody-related responsibilities of sergeants, inspectors, superintendents and chief superintendents.

Chapter 7: Other Custody-related Powers and Safeguards examines the application of powers to search people in custody, seize their property and use force. It considers the right of people in custody to make a complaint and examines the custody record as the primary tool for recording details of a person's time in custody.