



**ADDENDUM TO GARDA INSPECTORATE REPORT -
'RESPONDING TO CHILD SEXUAL ABUSE'**

On 13 July, 2011, when releasing the *Commission of Investigation Report into the Catholic Diocese of Cloyne* (Cloyne Report), Minister for Justice Equality and Defence, Mr. Alan Shatter TD and Minister for Children and Youth Affairs, Ms. Frances Fitzgerald TD issued a joint statement. The statement includes this excerpt:

“Following publication of the Dublin Archdiocese report, the Garda Síochána Inspectorate was requested to carry out a comprehensive review of Garda arrangements for dealing with child sex abuse. While that work has been completed, it has been agreed with the Chief Inspector Kathleen O’Toole, that prior to publication of their report, they would be given a chance to review it in the light of the findings of the Cloyne Report. This review is expected to take only a matter of weeks.”

This addendum is the result of the Inspectorate’s review of the Cloyne Report.

Overview

Allegations and cases involving nineteen clerics are addressed in the Cloyne Report. Twelve of the cases cited were referred to the Garda Síochána. While acknowledging that a number of complainants were “highly complimentary about the way in which the Gardaí dealt with their complaints,” the Commission stated that it was very concerned with Garda handling of certain cases. For example, in one instance, a senior garda stated that an investigation had commenced but the Commission found no evidence to corroborate that. Also, a victim’s statement was placed in a drawer by a garda who was soon to retire. It was forgotten about and discovered only after the Commission inquired about it several years later. In addition, a garda interviewed by the Commission made statements that conflicted with those he had made on two previous occasions. In other instances, the Commission expressed concerns about the lack of documentary evidence to confirm that Gardaí had conducted required risk assessments relating to two priests about whom complaints had been made.

The Inspectorate approached its review of the Cloyne Report in the same manner it applied to the Ryan, Ferns and Murphy reports. It was not within the Inspectorate’s remit to duplicate the Commission’s work, but rather, to review the comprehensive findings to identify possible gaps and/or flaws in Garda practices.

Having completed the process, the Garda Inspectorate has determined that no supplemental recommendations are required. The issues of concern identified in the Cloyne Report are the same or similar in nature to issues previously addressed in the Inspectorate's review of the Ryan, Ferns and Murphy reports. The concerns raised by the Commission underscore the need to implement the Inspectorate's recommendations published in the main body of this report.

Summary of Issues

The following is a summary of the three most significant issues identified in the Cloyne Report that relate to handling of cases by the Garda Síochána.

Nature of Complaint

The Commission cites five cases in which allegations of child sexual abuse were brought to the attention of the Garda Síochána, but no formal complaints were made.

The reasons formal complaints are not made vary depending on the circumstances. For instance, it was noted in the Cloyne Report that in the case of Fr. Calder, a boy's father declined to make a formal complaint because he thought his son's word would not be taken over the word of a priest. As stated previously, it is the view of the Inspectorate that the Garda Síochána should investigate all matters relating to allegations of child sexual abuse whether there has been a formal complaint or not. In the case of Fr Calder, Gardaí did take action. In contrast, they did not in the case of Fr Baird.

A formal complaint is not a legal requirement per se, but it can be important evidence when attempting to secure a conviction in court. As such, Gardaí should encourage complainants to formalise their statements whenever possible and assist them in doing so. All necessary support should be provided to victims and witnesses throughout an investigation and prosecution. Recommendation 9 and Chapter 4 of the Inspectorate's report address this issue in detail.

Investigative Processes

The Inspectorate shares the concerns of the Commission in relation to poor Garda practices in four specific cases cited in the report. Similar concerns emerged in the Inspectorate's prior review. As the result, the Inspectorate has made several recommendations relating to Garda investigation files, systems for case tracking, specialisation, training and supervision of investigations.

The Commission noted the following Garda deficiencies when investigating certain complaints of child sexual abuse. In the case of an allegation against Fr. Ronat, the one in which the victim's statement was eventually discovered in a drawer, the Commission did not accept Garda explanations as to how the case was handled. In another allegation made against the same priest, the Commission "found it surprising that the garda did not ask the diocese about any similar incidents" even though the Garda Síochána concluded that there was insufficient evidence for prosecution.

In relation to complaints made against Fr Corin, the Commission again noted serious concerns about the investigative process. The Commission found there was no documentary evidence that a file had been opened in relation to the complaints. The Garda Síochána failed to give the Commission a satisfactory explanation as to why a file on these complaints was not retained.

These issues and similar ones identified in the previous reports are highlighted and addressed in Chapter 4 of the Inspectorate's report.

Chapter 4 also addresses the need for robust and reliable information systems. Improper recording and processing of reports of child sexual abuse are highlighted again in the Cloyne Report. In one case, the Commission is critical of a senior Garda, who "had no recollection of the case but contends that a file was opened and that an investigation commenced." The Commission outlined that "no files in relation to this case have been found by the Gardaí and it is clear that at minimum, proper procedures in relation to the recording of notifications were not followed." The delay in investigating this case is a concern, as is the lack of an assessment to determine whether the priest involved was a risk to other children.

In another case of delayed investigation, Gardaí received notification of an alleged abuse case from Monsignor O'Callaghan in October, 2002. The victim (Peter) refused to make a formal complaint, but sent a statement to Gardaí in February, 2003 through his solicitor. The Commission stated, "Gardaí were never able to progress their investigation because no formal complaint had been made to them by Peter." In August, 2004 the priest, who was the subject of the complaint died. It is troubling that no investigation took place and no risk assessment was conducted despite the fact that Fr Baird was still alive at the time of the notifications to Gardaí.

Recommendation 16 in Chapter 4 of the Inspectorate's report suggests that every reported case of child abuse be the subject of a formal risk assessment. In addition, Recommendation 19 of the report calls for timely investigations, suggesting that all but complex and difficult investigations be completed with three months.

Child Protection and Interagency Notifications

The Cloyne Report highlights a number of deficiencies in Garda practices relating to child protection, including failure to adhere to the Children First Guidelines. The Commission found in two cases (Fr Drust and two unnamed priests) that "there is no documentary evidence that they (the Garda Síochána) addressed the question of whether or not there was on going risk to children." In both cases, Gardaí maintained that an assessment was done, but it is clear there was serious ongoing risk to children in the case of Fr Drust that went undetected.

The Commission also noted a number of cases where the Children First guidelines on notifying the HSE were not adhered to. In its report, the Inspectorate makes eight recommendations (2,3,4,5,6,13,17 and 18) that address the need for more effective interagency working and notifications. The Inspectorate considers this subject of paramount importance and addresses it extensively in Chapter 3 of the report. Government's recent decision to place the revised Children First National Guidelines

on a statutory basis will address some of the Inspectorate's concerns as it creates a legal obligation of compliance.

Conclusion

The Inspectorate appreciated the opportunity to review its previous work in light of the findings of the Cloyne Report. While official publication of the Inspectorate's report was delayed pending the resolution of legal issues involving the Cloyne work, it is important to note that the draft report and recommendations were forwarded to the Garda Síochána in late 2010 for their observations prior to its submission to the Minister. The Inspectorate acknowledges that the Garda Síochána is addressing the issue of child sexual abuse as a top priority and progress has been made in recent years. The Inspectorate will continue to monitor the implementation of recommendations in its report, '*Responding to Child Sexual Abuse*'.