

The Lord Mayor's Commission on Crime and Policing

February 2005



“The Commission believes that responsibility for reducing crime, disorder and anti-social behaviour should not be the sole responsibility of the Gardaí but should be shared out amongst public bodies and communities”.



The Lord Mayor's Commission on Crime and Policing

The Committee Members



Back Row – left to right
Cllr. Gerry Breen, Dr. Barry Vaughan, Mr. Philip Maguire, Cllr. Vincent Jackson, Cllr. Mary Murphy,
Cllr. Christy Burke, Cllr. Bronwen Maher

Front Row- left to right
Lord Mayor Cllr. Michael Conaghan, Cllr. Wendy Hederman, Cllr. Eibhlin Byrne
(Dr. Aogan Mulcahy not pictured).

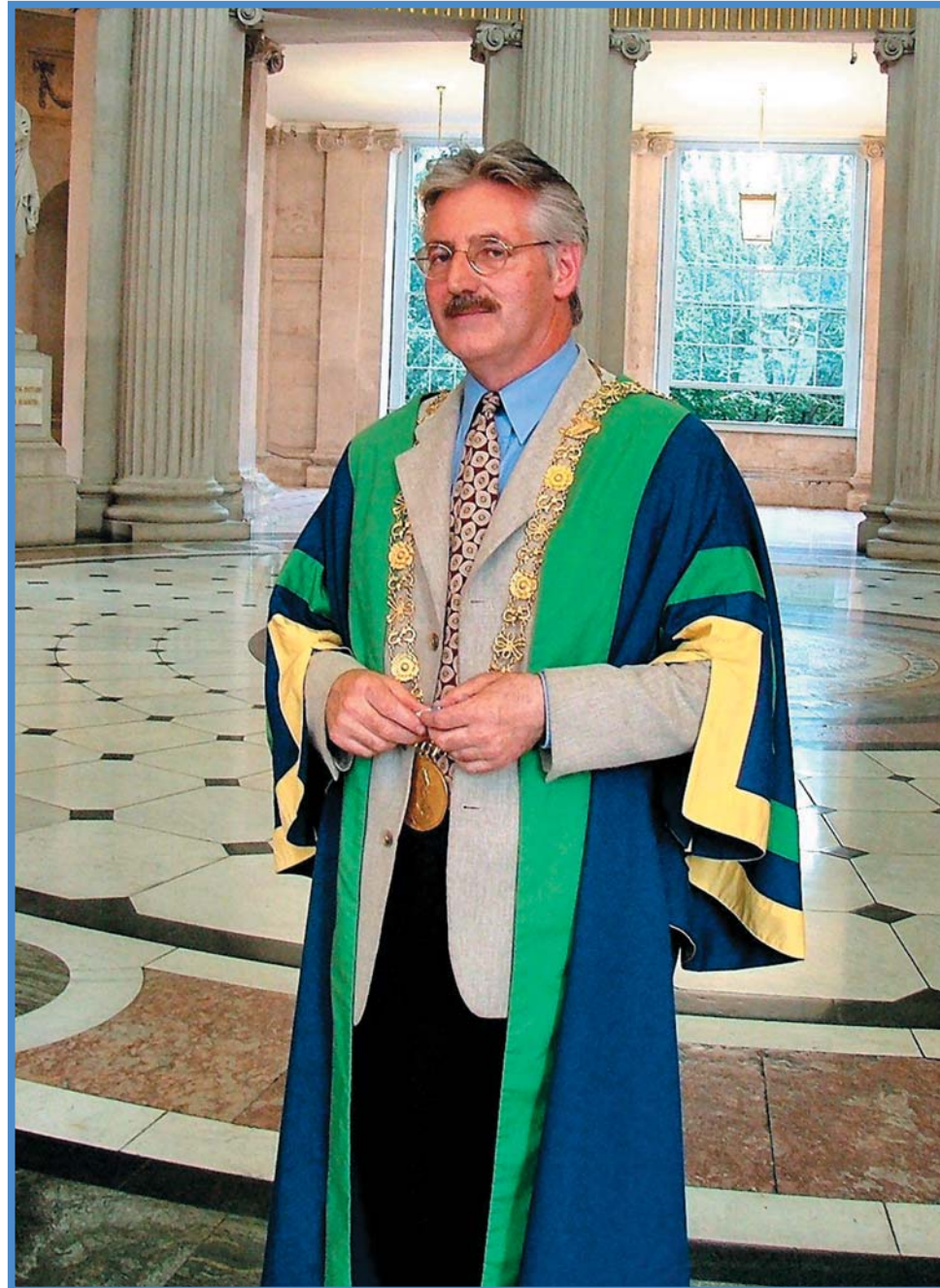
Contents

| | |
|--|----|
| Lord Mayor's Introduction | 7 |
| Forward | 9 |
| Key Recommendations | 10 |
| Trends in Crime and Disorder in Dublin | 12 |
| Peoples' perceptions of Crime and Disorder in Dublin | 18 |
| Policing and changing structures of Crime prevention | 24 |
| Broadening the role of the Courts | 34 |
| Beyond law-enforcement | 40 |

List of Figures and Tables

| | |
|--|----------|
| The role of alcohol and drugs by category of offence | Figure 1 |
| Offences committed under Intoxicating Liquor Act and Sec. 4 of Criminal Justice Act 1994 in Dublin Metropolitan Region 1997-2003 | Figure 2 |
| Proceedings commenced in relation to public order offences Dublin Metropolitan Region 1997-2003 | Figure 3 |
| Proceedings commenced under Misuse of Drugs Act 1997-2003 | Figure 4 |
| Trends in Use of Probation Sanctions 1985-2003 | Figure 5 |

The Lord Mayor of Dublin
Councillor Michael Conaghan



Lord Mayor's Introduction

This report grew out of the frustrations of Dublin City communities and neighbourhoods. Again and again residents tell me and other City Councillors how their neighbourhoods are persistently bedevilled by antisocial behaviour, disorder and low-level crime.

Some people leaving pubs at night are aggressive and noisy and leave pools of vomit and urine behind them. Groups congregate in parks, on street corners and in other public places, to drink or take drugs. While these activities are not of themselves major crimes, persistent exposure to them creates an atmosphere of fear and intimidation in communities. People can no longer fully enjoy parks, their neighbourhoods or even their own homes. Those who made submissions to this Commission spoke eloquently of the corrosive effect these behaviours are having on their communities.

The Gardai, in particular along with the courts, local communities and Local Authorities, have made laudable efforts to combat these intractable behaviours. We acknowledge these initiatives in this report. We also look at initiatives that have worked in other countries. However to be truly effective activities of all agencies have to be consistent, persistent and coordinated. Gardai, Courts, local authorities and communities have to work together in a more cohesive manner. We have made a number of key recommendations on policing, the courts and local services.

The new Garda Bill is currently before the Dail this year. This legislation offers us an opportunity to get the right community policing structures in place. I am very grateful for the continued support this Commission has received from the Minister of Justice, Equality and Law Reform Mr Michael McDowell, TD, Senior Gardai and members of the Judiciary. I would like to thank all those who made submissions and those who participated in Focus groups.

I wish to especially thank the members of the Commission.

Cllr. Michael Conaghan
Lord Mayor of Dublin,



Dublin, St. Patrick's Day



Forward

In September, 2004 the Lord Mayor of Dublin, Cllr. Michael Conaghan announced the establishment of a Commission on Crime and Policing. Councillors were determined to respond to public anxiety and to take action on this matter. The Council are aware of the proposals for new local policing structures contained in the Garda Bill 2004 and are determined that this Bill should reflect the concerns of citizens for local responsive and accountable policing.

The Commission was established to put forward solutions to issues relating to public order, anti-social behaviour, drugs and alcohol abuse identified by citizens of Dublin. This report is a result of the determination of local representatives to ensure that the concerns of citizens are heard and reflected in national debates on crime and policing.

Consultation

The Commission embarked on a wide-ranging process of consultation so that the public and all relevant organisations could make their opinions known and influence the findings of the Commission.

Advertisements were placed in the print media asking members of the public to make their views known on the issues identified above. The Commission also requested various community associations and organisations such as business groups to make their voices heard. The Commission also identified a number of key groups, including ethnic minorities, youth groups, local authority managers, gardaí, judiciary, and students from secondary schools whose opinions were elicited through a number of focus groups.

Policing

The Commission sets out its recommendations in this report for improving security and safety in Dublin. It makes a series of recommendations in relation to policing but does not believe that greater Garda numbers can be a complete solution to problems of crime and disorder. Such a model of policing can often only deal with problems as they occur, and may be hampered by the unrealistic expectations of what the police can generally achieve.

The Commission believes that there is much greater scope for other public bodies, such as the Courts, local authorities, health boards and communities themselves to take a more structured role in crime prevention.

Frequently individuals or single initiatives in particular areas have been praised but these efforts are short-lived since they do not necessarily receive institutional backing.

Without wishing to downplay 'hands-on' work in communities, the Commission believes

... "crime prevention should not be solely dependent on informal relations between individuals or be always the sole responsibility of the Gardaí"...

The Commission proposes, in the context of the Gardá Síochána Bill 2004, that Dublin City Council take an overseeing role in establishing partnerships to reduce crime.

Key Recommendations

Dublins City Councillors, under the auspices of the Lord Mayor Councillor Michael Conaghan, have responded to public anxiety on crime and disorder by establishing this Commission on Crime and Policing which has produced the following recommendations.

Policing

- 1 Establish a National Gardá Board to enhance democratic policing and promote best practice in crime reduction
- 2 Set up a Community Safety and Policing Team answerable to Dublin City Council. This team will oversee a quarterly review of crime and policing matters in the five area committees of Dublin City Council.
- 3 In areas with distinctive policing needs, set up community safety fora,

with as wide a membership as necessary, to develop and implement local crime reduction strategies.

- 4 Establish Community Safety Personnel with powers appropriate for dealing with low-level disorder.
- 5 Appoint an Assistant Commissioner to be responsible for driving the ethos and practice of community policing within An Gardá Síochána.
- 6 Select gardaí to work as community police officers for a minimum period of two years in the same area, with the possibility of promotion whilst remaining within community policing.
- 7 Embed policing in the community by having gardaí work alongside local authority officials in civic offices.
- 8 Extend the Court Presenter System to all of Dublin.

Courts

- 1 Pilot a problem-solving court in the Dublin district Courts to deal with low-level crime.
- 2 Extend model of integrated assessment of offenders currently operating in the Drugs Courts.
- 3 Increase initially by 10 the number of judges operating in the District Courts with training for all new judges.
- 4 Establish the Community Service order as a sanction in its own right.
- 5 Extend the use of Temporary the Closure Order against premises found guilty of offences under the Intoxicating Liquor Act 2000.

Other Services

- 1 Extend opening of public facilities for young people to out-of hours and the weekend.

- 2 Instigate a public Information campaign directed against anti-social behaviour.
- 3 Mainstream parenting courses run by local drugs task forces into all health board programmes.
- 4 Expand the role of the local drugs task forces to take action against the misuse of alcohol in each area committee of Dublin City Council.
- 5 Dublin City Council to campaign for greater powers in relation the operation of premises selling alcohol. City Council to develop policy in relation to use of existing powers regarding the sale of alcohol to comment on applications to courts for extension of licensing hours.
- 6 Dublin City Council to provide additional wet hostels in key locations for chronic alcoholics.

The Lord Mayor meets members of Comhairle na nÓg



Trends in Crime and Disorder in Dublin

2.1 Garda Figures on Crime

The Garda Annual Report is the main source of information on crime figures but has a number of limitations. There are a significant number of crimes that are not reported to Gardaí, and therefore cannot be included in the annual reports. There is no guarantee that a reported criminal incident will necessarily be recorded. More importantly, how citizens rate the seriousness of crimes may not match the criteria used by Gardaí.

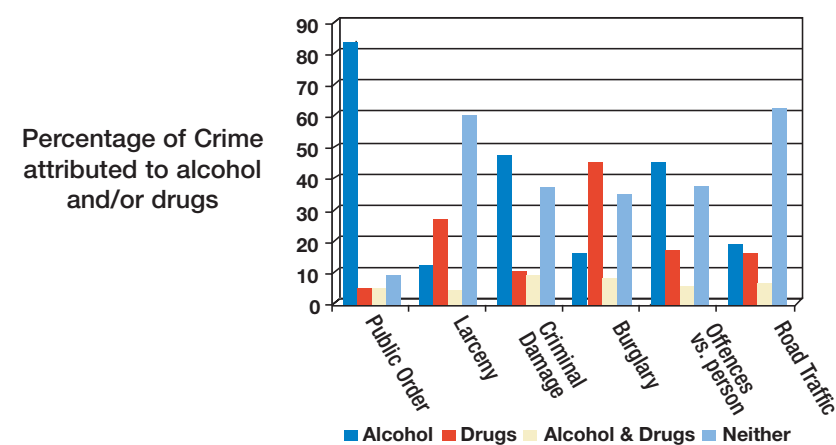
The Garda Annual Report distinguishes between headline and non-headline offences. Non-headline offences are usually tried in the District Court where the maximum sentence is one year's imprisonment. Headline offences can be tried in the higher courts before a judge and jury.

A reduction or increase in headline offences is usually how Garda performance is judged but fluctuations in the non-headline rate, which makes up the bulk of crime, may be more significant to people.

There are many offences that might seem serious to members of the public. Certain categories of assault, are labelled as non-headline with the implication being that they are minor crimes.

Another problem with classifying offences as non-headline is that only those in which Judicial proceedings are taken are recorded. It is for these reasons that many criminal incidents either do not feature on the crime statistics or else are regarded as 'non-headline' offences.

Figure 1: The Role of Alcohol and Drugs by Category of Offence



The results in Figure 1 cannot be viewed as exhaustive in examining the links between alcohol and/or drug consumption and crime. That said, it might be worthwhile examining certain Garda crime categories in order to gain an insight into broad trends.

2.2 Alcohol, Drugs and Crime

Part of the Commission's brief is to look at the factors that contribute to alcohol and drug-related crime. For many years, it was thought that it was illegal drugs and particularly heroin that was fuelling the increase in crime. This perception may be changing as the responses from Gardaí given in Figure 1 below indicate. Alcohol plays a greater role than illegal drugs in all but two categories of crime.

"Alcohol plays a part in 42% of the total number of offences listed, in contrast to drugs which plays a part in 17% of the offences".

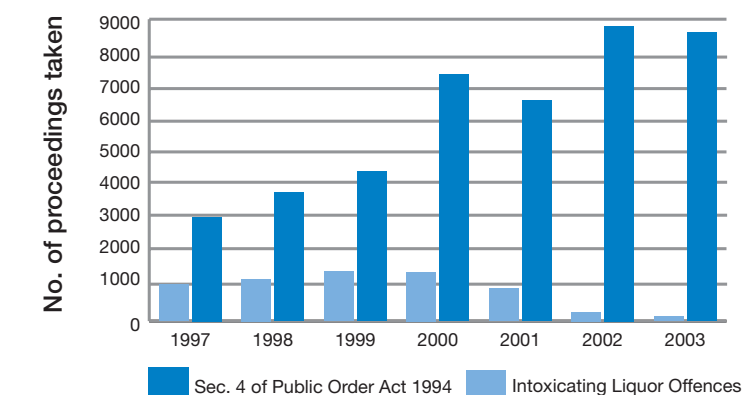
2.3 Alcohol and Crime

Many of the submissions argued that there is a strong link between alcohol and social disorder. Figure 2 below details offences pertaining to alcohol. It examines offences

committed under the Intoxicating Liquor Act, most of which entails some breach of the licensing laws such as serving alcohol to persons under 18 years of age or permitting drunkenness on their premises. Figure 2 compares the trends in prosecution under this act to Section 4 of the Public Order Act 1994 which relates to intoxication in public places.

Previously, the Intoxicating Liquor Act encompassed simple and aggravated drunkenness but these offences have been gradually encompassed by Section 4 of the Public Order Act 1994. This may partly explain the tenfold reduction in offences prosecuted under the Intoxicating Liquor Act since 1998 in Dublin. However, written submissions and information from focus groups indicate that the sale of alcohol to those aged under 18 years of age is a major concern. It is surprising that there has been such a significant fall in the use of the Intoxicating Liquor Act in the Dublin region.

Figure 2: Judicial proceedings commenced under Intoxcating Liquor Act and Sec.4 of the Public Order Act 1994 in Dublin Metropolitan Region 1997-2003



2.4 Alcohol and Public Disorder

Figure 3 highlights the increases in incidents of intoxication in a public place (Sec. 4 of the Public Order Act 1994) since 1997 in the Dublin Metropolitan region. There has been a 177% increase in the number of such incidents recorded. This rise seems to track closely those incidents classified as threatening and abusive behaviour (Sec. 5 of the Public Order Act 1994).

...It has been reported that Gardaí believe that 98% of public order offences are connected to excessive consumption of alcohol...

although others argue that it plays a role in just over half the total number of public order offences.

2.5 Prosecution of Drug-Offences

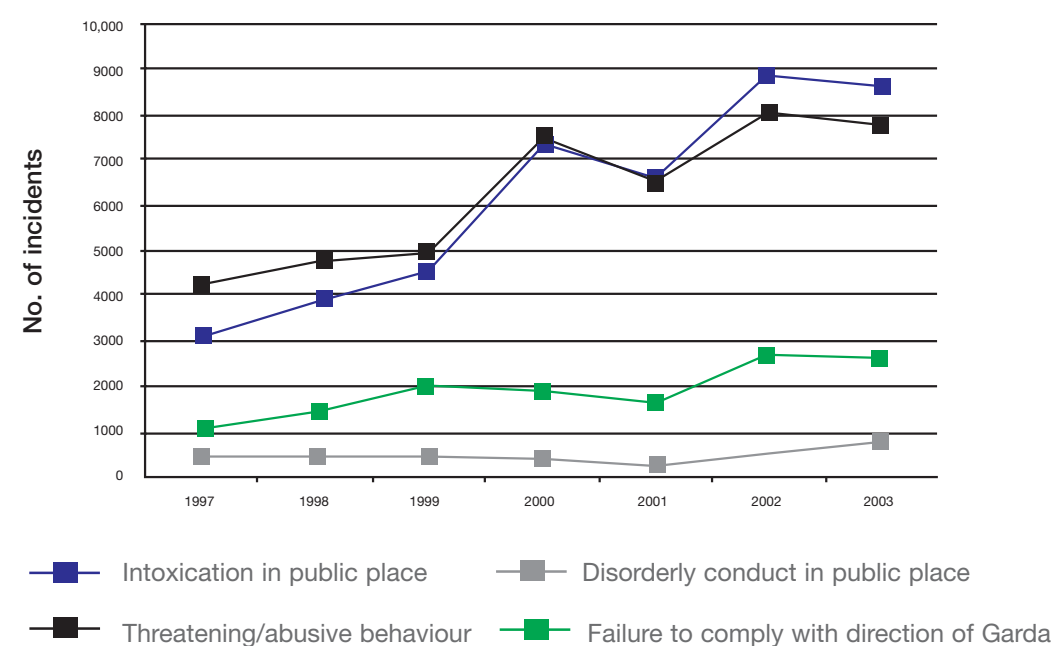
The classification of drugs offences in the Garda figures is somewhat ambiguous. Drugs-related offences are classified both

as headline and non-headline offences. The latter category accounts for about 80% of the total number of recorded drug offences. In both categories, over 85% of cases relate to either possession or supply. By definition, suspects charged with non-headline offences are dealt with in the District Courts. This means that they can attract a maximum of one year's imprisonment but will often be dealt with by way of a fine.

Figure 4 charts the changes in the number of non-headline drug offences in which proceedings were taken in the Dublin Metropolitan Region (the headline drug offences are not broken down by region). There have been significant falls in the number of proceedings taken in relation to cannabis (-45%), heroin (-34%) and ecstasy related offences (-120%) since 2001. It is not clear if this reflects a change in Garda activity or a change in drug-using behaviour. Many submissions spoke of the dispiriting effect of public drug use at the present time.

Figure 3

Judicial proceedings commenced in relation to public order offences
Dublin Metropolitan Region 1997-2003



2.6 Anti-Social Behaviour

The last category with which the Commission is concerned is anti-social behaviour. All crime is anti-social but the Commission has a more restricted definition in mind. The Housing (Miscellaneous) Provision Act 1997 defines anti-social behaviour as *any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person and... includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.*

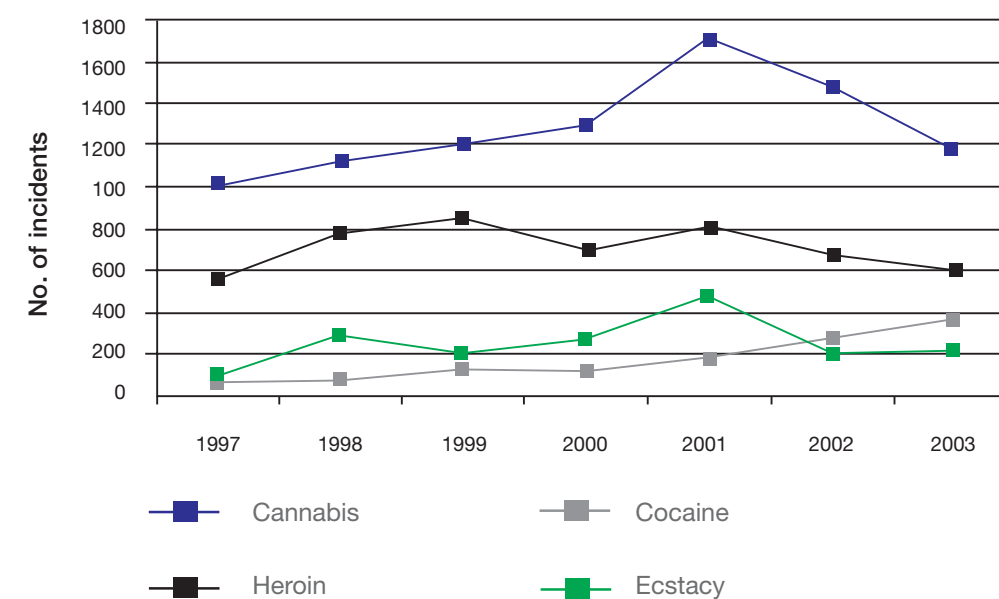
Anti-social behaviour is less about a single action than a continued series of actions, which taken together, indicate a lack of concern for other people and which have a detrimental impact upon peoples' quality of life. One could count up a great variety of single incidents that could be thought of as examples of anti-social behaviour but this may misconstrue their impact. Official statistics on crime present criminal offences on a national or regional basis and as discrete self-contained events, unconnected to each other.

Anti-social behaviour may be better thought of as a cumulative process that gradually undermines peoples' confidence and belief in their neighbourhoods. Various incidents, such as open drug dealing, public consumption of alcohol and so on, weave together to present people with an unappealing vision of life in their neighbourhood.

Taken singly, these incidents do not seem so serious but it is their persistent re-occurrence that proves so dispiriting to people and may give an area an unwelcome reputation. If these incidents are not checked, the fear is that a 'spiral of decline' may set in as some people move out, others are too afraid to intervene and the atmosphere of a neighbourhood changes for the worse. This kind of experience is not best captured by counting single incidents, as in the Garda report, but by looking at how people experience them, as told in their own words.

Figure 4

Judicial proceedings commenced under misuse of Drugs Act 1997- 2003



An Garda Síochána

Peoples' perceptions of Crime and Disorder in Dublin

3.1 Introduction

The Commission has sought to understand how people experience crime and disorder in Dublin. This information supplements the incidents recorded by Gardaí and portrays them from a victim's perspective, whether directly or indirectly. The Commission is aware that the testimonies from focus groups and submissions cannot be completely representative. However, the Commission does believe that it puts crime and disorder in a perspective that is often absent from official statistics.

3.2 Quality of Life Offences

Many of the problems identified in the written submissions centred on the persistence of seemingly minor, 'quality-of-life' incidents in residential areas. These incidents are not confined to areas that might be thought of as disadvantaged but occur throughout the Dublin Metropolitan Region.

For example, some residents from a relatively affluent area complained of problems occurring in the vicinity of a public house after closing time.

These included

...“vomiting on the street, urinating in residents' gardens, shouting and screaming and stone throwing in the early morning hours”.

This kind of issue was frequently identified in several submissions, namely a

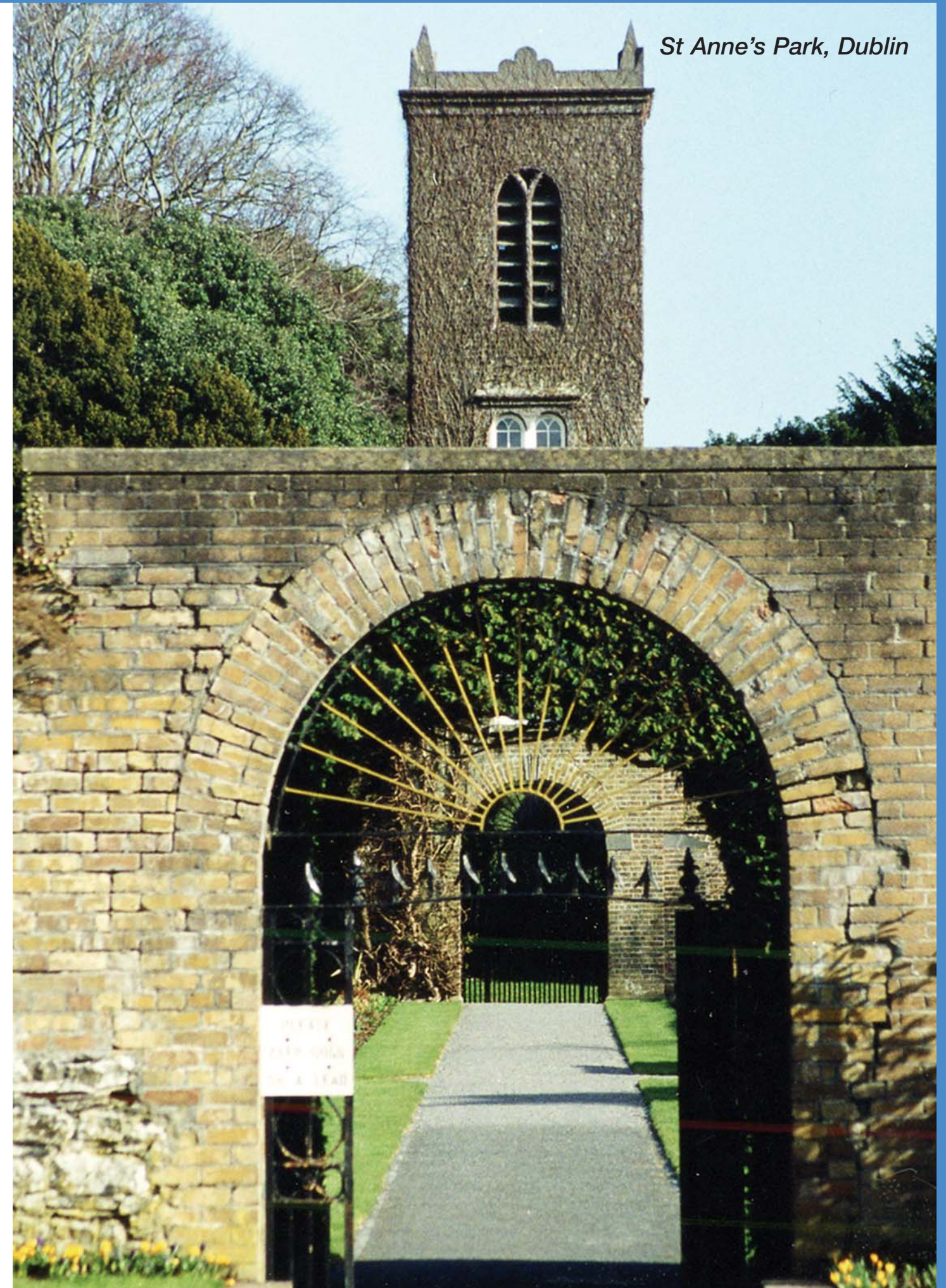
...“lack of control on drinking up time in local club(s) causing nuisance to residents in the early hours of the morning”.

Many of the submissions and focus groups associated excessive public drinking with the more intensive marketing of alcohol and its greater availability from retail outlets and off-licences. This is as true of the city centre as the suburbs. In some areas, drink can be obtained from off-licences via delivery to the door, like a take-away meal, with practically no scrutiny about who is receiving it. Therefore, easy availability of alcohol leads to it being consumed in public places such as public paths, parks and apartment complexes.

This is said to be 'very intimidating for ordinary people and children who want to use the park' and the residue in the form of broken bottles can make public places such as parks unsafe to use. Other groups spoke of a

...“sense of intimidation from large groups, often drinking, at our local shops, in the laneways at the rear of houses and in open and parkland areas”.

St Anne's Park, Dublin



One submission from a group living in flats complained of

....“On-going drinking and smoking hash openly being done on the stairwells and in the large garden attached to these flats”.

The upsurge in alcohol related crime and disorder should not overshadow the problems that the use of illegal drugs, particularly heroin, causes. Media attention on this subject has diminished, partly due to the expansion of methadone maintenance. Between 1996 and 2004, the numbers on methadone have increased dramatically, from 1,861, to 7,190. Many users are reporting that they are committing fewer crimes as a result. Whilst the provision of methadone is useful in stabilising addiction, more treatment services are required to help people address addiction and the difficulties associated with it.

Problems of alcohol and drug abuse are a significant issue in the city centre.

“Garda data shows that 70 % of recorded public order incidents occur between the hours of 10 pm and 4 am”

Business groups claim that the public does not distinguish between levels of safety in the city centre during the day time and night

time. Retailers claim that there is a public perception that the streets of Dublin are not safe generally.

3.3 Fear of Crime

People do not need to be a victim of crime for this sort of perception to develop. Often, it can be enough to witness...

...“addicts injecting in public places...a sight [which] causes distress to members of the public who feel threatened by such overt drug abuse on the streets...and a perception of lawlessness often ensues”.

Many people made the point, both in focus groups and written submissions, that fear of crime and disorder could be even more detrimental than the actual occurrence of crimes. Fear of crime can spread beyond immediate victims and impact on the general population of the city, causing them to adjust their routines in the expectation that they might become victims of crime.

Females demonstrate a higher level of fear of crime than men, with...

...“63% of women concerned that they or someone in their household might become a victim of crime, as opposed to 49% of men”.

Women show a particular level of concern about personal theft and sexual assault. The Commission is concerned about how this fear might impact on women's lives.

3.4 Broken Windows

What some submissions described as a cycle – occurrence of minor crimes giving rise to heightened feelings of insecurity leading to a greater hesitancy on the part of communities to police themselves resulting in more crime – has been described as ‘broken windows’ theory. The idea is that if a single window in a building is not mended, people passing by will think that no one cares about the building. Some people become more daring and more windows are broken with the result that none are left intact. The innovation of ‘broken windows’ theory was its suggestion that minor crimes or ‘incivilities’ are deeply connected to the committing of more serious crimes. Both have a common origin, namely that a community is unable to exercise adequate control over peoples’ behaviour that gradually worsens.

This sense that communities are degenerating and slipping out of control has led to calls for a more intensive style of policing, what some called a ‘zero-tolerance’ model against alleged anti-social behaviour. However, some sectors of the community, such as young people and ethnic minorities, complained that they are already the subject of intensive police attention despite doing nothing wrong. In addition, they claimed that the police had little time for them when they reported

being a victim of crime. As a result, they are ‘over-policed and under-protected’. For example, a group of early school leavers complained that the Gardaí were...

...“Hassling people to move on when they are doing nothing except hanging out with friends. Young people are not always drinking but usually just hanging out – there is nothing to be afraid of”.

The Commission considers that it is important that those charged with keeping the peace do not take unilateral action against one group on the word of another but strive to moderate different demands.

Some members of ethnic minority groups do not believe that they receive a similar service as the indigenous population. They complained that if they go to a Garda station to report a crime...

...“the Gardaí are more interested in their status than whether they are the victims of a crime”

This leads to a level of distrust and a reluctance to report crime.

Similarly, focus groups with young people reported that there is a genuine feeling that police are not providing protection to young people – even when you are stabbed or robbed, to them there is no point in reporting to the police because they don't take it seriously.

These feelings are intensified in the case of travellers who believe that the policing policy toward them is either one of minimal or disproportionate intervention. Obviously, this is not an easy issue to resolve and gardaí may feel that it is a 'no-win' situation.

What the Commission found was a twofold image. On the one hand...

...“many communities reported that they were under-policed, that there was an ‘apparent lack of interest of our local Gardaí in what would be considered minor crime’.”

On the other hand, some sections of the community felt that they were being over-policed and that the police were not affording them sufficient protection. This points to a dilemma that we will attempt to resolve in this report, namely how to guarantee communities an adequate level of security whilst ensuring that it is extended to all members of these communities.



Policing and changing structures of crime prevention

4.1 Introduction

In this chapter and the next we look at the issue of how communities might be policed more effectively and how courts might adjust their role in dealing with criminals. Many of our focus groups believe that the criminal justice system seems too distant from local concerns. One of the instigators of the "broken windows" theory put this point best when he spoke of 'the judge sees a snapshot of the street at one moment; the public, by contrast, sees a motion picture of the street slowly, inexorably decaying'. Our proposals for change are designed to make both policing and the courts more responsive to community concerns.

4.2 Lack of A Policing Presence

Many submissions stressed that a great deal of crime and disorder can be attributed to the lack of a Garda presence and that the remedy is a more constant police presence.

"At present, there is no visible police patrol in our area".

"The lack of a consistent visible police presence in the community is a continual complaint...The need for Garda foot patrols is a must".

"People want to see a visible Garda presence on the streets, both day and night".

"A squad car occasionally driving around does not solve or prevent the problems".

4.3 Problems of Police Numbers

It is not the case that having 2,000, additional police officers will translate into an equal rise in the number of Gardaí patrolling the streets. International research tells us that for every extra 10 police officers, only one officer might be available at any one time to patrol the streets. The Dublin Metropolitan Region currently has about 33% of Garda personnel. On this basis, Dublin would be assigned about 650 of the extra 2000 Gardaí. If International research applies to Dublin only about 65 of these extra Gardaí might be available for patrol at any one point in time.

4.4 Deploying Policing to Good Effect

As welcome as any extra Gardaí are, more effective policing is not simply a matter of numbers. How policing is deployed and conducted is even more crucial.

"Research shows that 70% of public order incidents occur at weekend nights."

The Commission believes that it is crucial that there is a clear match between the rostering of Garda personnel and the escalation of offences at predictable times.

The Commission is aware of the introduction of a new roster system in the cities of Cork, Limerick and Waterford in 2002. This new

system allows Superintendents to determine the number of members required to meet demands at peak times. The Commission considers it a matter of urgency that such a system is introduced in Dublin.

4.5 Responsive Policing

The submissions made the point that not only did citizens want to see more Gardaí patrolling local areas but they also wished to see the Gardaí being responsive to communities in a more structured way. Many of the submission praised the good work of Gardaí but pointed out that this was dependent upon the initiative of individual members of the force. They requested that structures be established to facilitate greater accountability and responsiveness on the part of An Garda Síochána. Communities should not be dependent solely on the goodwill of individual Gardaí.

Neighbourhood Watch was established in the 1980's as a mechanism by which the public could report any suspicious activity in their area and could be encouraged to take security precautions. The role of the public was that of passive provider of information and they were unable to set priorities for local policing.

Neighbourhood Watch has been easiest to establish in middle-class areas with low crime problems in which the most commonly cited aggravation is teenagers hanging around streets. Even so, many of

the schemes are moribund. It has proven extremely difficult to set up Neighbourhood Watch in areas that are not middle-class, especially where there is a history of conflict, antagonism, or suspicion between the local community and Gardaí.

4.6 Community Police Fora (CPF)

In recent years, An Garda Síochána in Dublin has attempted to move beyond Neighbourhood Watch through the establishment of six Community Policing Fora in various parts of Dublin. Although these Fora are not identical, they usually entail monthly meetings at a Garda station between local police commanders, representatives of local and community-based organisations, and local residents.

Whilst these structures have been welcomed, the manner of their operation has also attracted criticism. Participants have queried how committed An Garda Síochána is to these structures, particularly when citizens raised questions concerning operational matters. The major criticism, perhaps reflecting its relatively low priority, relates to the lack of funding for the Community Police Fora. One participant complained that...

..."because it [CPF] hasn't been resourced in terms of personnel driving it, and liaising and mediating, because of those things, it's been lost".

The Report of the Garda SMI Implementation Steering Group (2004) reinforced many of these points when it concluded that the role of community policing is...

...“Not well defined, that it is poorly organised, suffers from a diversion of resources and lacks performance management and planning. Inconsistency and lack of priority are key issues to be addressed”.

Community Policing Fora represent an effort to establish a more responsive service to communities they serve. The Commission believes that these efforts could be reinforced by several further changes. The most important of these is that an Assistant Commissioner in An Garda Síochána is given responsibility for community policing with a fixed budget. The responsibilities of this office would include raising the status of community policing within the organisation ensuring that individuals can be promoted and remain within community policing so that it is not seen as the ‘poor relation’ and ensuring that there is adequate liaison between An Garda Síochána and new local policing bodies.

4.7 Community policing and training

Consideration should be given to making community policing an essential feature of

Garda training, both at the Garda College in Templemore and during in-service training. The Commission understands that Garda recruits already receive instruction in communication skills and undertake to present a case in a simulated courtroom.

Recruits should be trained in the skills of liaising with members of the public in a public setting, responding to their demands and offering feedback on Garda operations. Greater emphasis should be given in training to scientifically proven methods of crime reduction and to how this involves working with other agencies.

The perceptions of policing by young people and ethnic minorities are a matter of concern to the Commission. Research by the National Crime Council shows that policing is conducted in an aggressive, confrontational way in certain suburbs as opposed to a more benign form in other parts of the city. This has disturbing implications: there is an obvious inequity in the manner of policing and this directly influences peoples’ readiness to report crimes and to provide the information necessary for the police to solve crimes that are reported.

This issue of equitable policing should be covered in Garda Training and reviewed in an audit of policing. This may require liaising and consulting with groups that are considered ‘hard to reach’. This is all part of a process to ensure that policing serves all members of a community.

4.8 Embedding Policing within the Community

A continuous source of frustration for many members of the public is the frequency with which individual Garda members, who are doing commendable work, are moved out of community policing. Obviously, this makes it more difficult for relationships to be built up. The Commission considers that community policing personnel should be designated to work in an area for at least two years and should only be diverted to other areas in cases of extreme urgency.

The Commission believes that having Gardaí work alongside local government officials in one building can enhance the process of embedding policing in the community. Most callers to Garda stations require a signature for such matters as a passport or some form of licence. There seems to be no reason why such business could not be conducted in close proximity to services such as the Money Advisory Service or local housing offices.

This would have several advantages. Firstly, it would support the perception that policing is just another service to the community. This would have benefits for both the police and the community. Gardaí may feel less isolated and members of the community may be more inclined to report incidents to Gardaí if their offices are alongside other required services. People may be unwilling to enter a garda station but might be more inclined to enter local authority offices. Having Gardaí work in a

‘one-stop shop’ may lessen the intimidation factor that often exists with reporting an alleged crime. Lastly, there are many areas where local authority and Garda functions overlap. For instance, applications for lettings of local authority residences are often checked by Gardaí but this can be a lengthy process, during which time properties lie empty. Having council and Garda personnel work in the same building can make this process more efficient.

If such a logistical move were to happen, it may be that some garda stations would need to be relocated to allow for greater interchange with the public.

4.9 Supplementing the Gardaí

Given the intrinsic constraints to Garda resources, the Commission believes that the Gardaí should be supplemented by alternative policing personnel. Many other countries have successfully adopted this model. The Netherlands pioneered the idea of Civic Wardens, employed by local councils. These personnel provide assistance and information to people they meet on the streets. They are an unarmed and uniformed service who patrol public areas but do not have police powers. Their relationship with the police is reasonably close, with some of them being managed by police officers for whom they watch over local matters.

Several police forces in Britain have taken up this idea and developed the role of the Community Support Officer. This officer is

able to issue fixed penalty tickets for minor anti-social behaviour; demand the name and address of a person acting in an anti-social manner; confiscate alcohol being consumed in a public place, confiscate tobacco from young people and seize any vehicles that are being used to potentially harm other people. Currently the provision for Community Support Officers to detain individuals for up to 30 minutes while they wait for a police constable is being piloted in six forces.

4.10 Community Safety Personnel

The Commission believes that there is scope for such personnel to be employed in Dublin, and could be designated as 'Community Safety Personnel'. They should have powers similar to their counterparts in Britain so that they are able to deal with anti-social behaviour and low-level crime. They would work closely with the Gardaí and be funded by the Department of Justice, Equality and Law Reform.

There may be reservations about the establishment of such a service but the Commission believes that the advantages far outweigh any possible disadvantages. Some people may counter that this means offering the public a watered-down version of policing. The Community Safety Personnel are intended to supplement rather than replace a Garda presence. They will be deployed in areas that experience a disproportionate level of crime and disorder and when offending is at its peak.

In many respects, Community Safety Personnel will be the eyes and ears of Gardaí alerting them to problems that cannot be addressed without the exercise of formal police powers such as arrest. However, the Commission believes that in the majority of cases the power of the Community Safety Personnel will be adequate to the task. Gardaí deal with the majority of public order offences informally without resorting to such a power as arrest and the Commission believes that the Community Safety Personnel will be able to do the same. They will represent a visible policing presence that provides reassurance and that will be able to intervene in the majority of cases in which Gardaí usually become involved.

4. 11 The Police and the Courts

The police are one part of the criminal justice system and their effectiveness depends partly on how well the overall system is working. Some Gardaí have expressed the opinion that the courts are not taking 'quality-of-life offences' seriously and that this influenced Garda decisions on whether or not to arrest and prosecute. One-third of public order cases that are forwarded for prosecution are struck out due to non-appearance of Gardaí in court or due to lack of evidence. A further 22% are dismissed under section one of the Probation of Offenders Act (this means that the facts were proven but the case dismissed before proceeding to conviction). The most common sanction is a fine, which is dispensed in 14% of cases.

The Report of the Garda SMI Implementation Steering Group (2004) referred to an 'unacceptably high strikeout rate in the DMR [Dublin Metropolitan Region] in the District Courts' and that the 'delivery of evidence by some Gardaí in the DMR falls short of an appropriate standard in some cases'. The Commission is concerned about this since it means that many non-headline cases, which represent...

...“the bulk of recorded crime and accordingly impact upon the greatest number of people, are thrown out of court leading to public frustration”.

The Commission is aware that a Court Presenter System is in operation in some parts of the DMR whereby a Sergeant manages the case up to its final hearing and only then does the arresting Garda appear in court. The SMI Steering Group recommended that Court presenters should manage criminal cases to completion. Most cases will be disposed of by a guilty plea so the arresting officer may not need to appear as a witness, but in contested cases the arresting officer is likely to be required to attend. This may well reduce the number of cases being struck out and free up Garda resources. The Commission supports this proposal.

4.12 Broadening the scope of crime reduction

Many different bodies, apart from An Garda Síochána, have a role to play in a broad model of crime reduction. For example, health boards, local authorities and educational Bodies all have a part in combating drug abuse.

International best practice is converging on a model whereby central government sets out various ground rules – commitments to effectiveness, equity, evaluation – in return for allocating resources and local bodies determine the detail. These local bodies are given a specific crime reduction mandate and are required to collaborate as extensively as possible in order to do this.

This is to avoid segregating the problem into a distinct institutional area, such as leaving crime to criminal justice organisations. The Crime and Disorder Reduction Partnerships in England and Wales are required to:

- produce a joint crime audit
- consult and involve other local agencies
- publish a community safety strategy

The probation and health services have a statutory duty to co-operate in any arrangements for community safety. Many of these partnerships have gone out to consult with 'hard-to-reach' groups such

as young people and ethnic minorities who have traditionally been marginalised in the formulation of policy. It is important that any crime reduction partnership enjoys a degree of local autonomy to enable action to be taken in respect of issues that are of primary concern locally.

4.13 The Garda Síochána Bill and Crime Reduction

Chapter 4 of the Garda Síochána Bill (2004) sets out a model for enhanced co-operation between police and local authorities through the establishment of a joint policing committee. This is intended to be a forum where matters relating to policing can be discussed and strategies to deal with crime-related issues can be formulated. The Gardaí are not formally bound to accept any recommendations coming from this body. The establishment of local policing fora is also included in the Bill. These are intended to serve as a forum for discussion of policing matters as they pertain to particular neighbourhoods and channel any recommendations to the joint policing committee.

The Commission has made several recommendations in relation to this Bill in an effort to put crime reduction on a more sustainable footing.

4.14 Community Safety Structures for Dublin

The Commission considers that the name "Community Safety and Policing Team" (C.S.P.T.) to be a more appropriate name than

"Joint Policing Committee". In view of the population of Dublin City, the Commission believe that one "Community Safety and Policing Team" (C.S.P.T.) should be established under the direct aegis of Dublin City Council and not the City Development Board. This will enhance the democratic mandate for policing in Dublin by ensuring that policing matters are driven by elected representatives.

The role of the C.S.P.T. should be one of local oversight, governance and accountability on the one hand with a strong emphasis on partnership working and relationship building on the other. The Commission believe that the C.S.P.T. should be sufficiently empowered and have a wide remit to target specific problems. The C.S.P.T. will have to undertake detailed survey work of its own to discover those areas most in need of intervention. This will include making contact with 'hard to reach' groups whose experiences are often not recorded in either police data or conventional victim surveys.

4.15 Area Committees and Local Policing

The Commission believe that there should be provision (either in the act or regulations) for a formal review of crime and policing matters on a quarterly basis with the five area committees of the City Council and the local Garda Chief Superintendent. Other agencies (Health, Welfare, Education etc) and Community representatives should attend as required. It is envisaged that a considerable amount of the operational work of the C.S.P.T. would be carried out at this level.

The Commission believes that these meetings and subsequent follow-up action will enable the production of local policing plans, action lists with lead agencies identified, progress reports on identified objectives particularly in relation to areas with a disproportionate crime problem.

4.16 Community Safety Fora

In areas / neighbourhoods with special policing needs Community Safety Fora should be established. The function of the Community Safety Fora should be to devise and implement an integrated response to specific local crime problems with an emphasis on crime reduction. Membership would be drawn from the Gardaí, elected local councillors, City Council staff, Probation and Welfare Services, local community leaders and representatives from the Department of Education and Science and the Department of Health and Children. Personnel drawn from these organisations would serve on the Fora for a limited or prolonged period as required.

The establishment of such Fora should not be subject to the consent of the Garda Commissioner. The Commission believe the wording of section 32(2)(c) of the Bill should not limit the functions of these Fora to "making recommendations to the committee" (i.e. the C.S.P.T. as proposed by the Commission), but should have the ability to pursue and progress crime prevention programmes in its area.

4.17 A National Garda Board

The Commission has outlined an extensive series of adjustments for An Garda Síochána in order to make it more responsive. To drive the necessary cultural and structural changes, the Commission believes that a National Garda Board is necessary to work in partnership with the Garda Commissioner. The functions of the board would be to:

- (1) ensure that policing is democratically accountable through setting medium term policing strategies
- (2) monitor Garda compliance with these strategies
- (3) oversee promotions for appointment to the ranks of Commissioner and Assistant Commissioner
- (4) channel public concerns via regular meetings with the Garda Commissioner
- (5) co-ordinate work between An Garda Síochána and other relevant bodies in reducing crime

The composition of the Board would be drawn from elected representatives, public organisations and from the general public. The Commission believes that as policing is of such manifest and persistent concern to the public, it is appropriate that there is a mechanism through which their voices can be heard and their influence felt.

Key Recommendations

- 1 Appoint an Assistant Commissioner to be responsible for driving the ethos and practice of community policing within An Garda Síochána.
- 2 Select Gardaí to work as community police officers for a minimum period of two years in the same area, with the possibility of promotion whilst remaining within community policing
- 3 Embed policing in the community by having Gardaí work alongside local authority officials in Civic Offices.
- 4 Establish Community Safety Personnel, to be funded by the Department of Justice Equality and Law Reform, with powers appropriate for dealing with low-level disorder.
- 5 Extend the Court Presenter System to all of Dublin.
- 6 Set up a Community Safety and Policing Team (CSPT) answerable to Dublin City Council. CSPT to oversee a quarterly review of crime and policing matters in the five area committees of Dublin City Council.
- 7 CSPT to establish Community Safety Fora to develop and implement a crime reduction strategy, in areas with special policing needs.
- 8 Establish a National Garda Board to enhance democratic policing and promote best practice in crime reduction.



Broadening the role of the Courts

5.1 Introduction

One of the recurring themes of this report is that legal systems are often not oriented to the same concerns that animate communities. They often fail to understand the impact that offences have on people's lives and can seem focused on processing cases rather than solving problems.

5.2 The Innovation of the Drugs Court

In Dublin, there has already been one judicial innovation that has attempted to embrace this problem-solving philosophy. If a person has pleaded or been found guilty of a drug-related offence, and the offence is not violent in nature, he or she can request a referral to the Drugs Court. The offender is then assessed by a Drugs Court Team, which is designed to process 100 referrals over 18 months. The team comprises the following:

- Two Gardaí (part-time)
- One Nurse (full-time) and one cover nurse
- One Education Co-ordinator (full-time) and one support staff
- Two Probation and Welfare Officers (full-time) and one Senior Officer
- One Community Welfare Officer (part-time)
- One Drugs Court Co-ordinator

This team assesses the needs of the offender and draws up a personal progression plan with which the offender is required to comply. Compliance with the plan and abstention from drugs, results in

a favourable hearing of the drug-related charges against the person in question. This integrated model of working enables an assessment and plan to be drawn up in 2-3 weeks compared to the 3-6 months that it takes for a pre-sentence report to be completed. Through the collaboration of Gardaí, the Judge is kept continually appraised of the offender's progress.

Perhaps the real innovation in the Drugs Court is the establishment of a team drawn from many different agencies that pools information about offenders in order to draw up a plan relevant to their circumstances. This entails greater supervision than other existing non-custodial options. It is hoped that such intervention will have a more meaningful impact on offenders' lives. An evaluation of the Drugs Courts argued that what was innovative was that the Court was focused on helping people to move on with their lives, to progress beyond their current problems as opposed to moving them through the criminal justice system with little possibility of helping them desist from crime.

5.3 Problem-solving Courts

The Commission is of the opinion that such a court may prove a worthwhile way of dealing with persistent anti-social behaviour and 'quality-of-life offences'. The Commission has been made aware of the Midtown Community Court, operating in New York. This Court was established out

of a sense of frustration that the criminal justice system was not designed to deal with so-called low-level offences such as prostitution, shoplifting, minor drug possession and disorderly conduct. Felony or what we would call headline offences dominated caseloads so that 'quality of life offences' failed to attract the attention of the justice system. The traditional response was moving offenders through the system in a ritualistic way that had little meaningful impact either on the offender or on the community.

The goal of the Midtown Community Court is to move away from sanctions which purportedly bound the offender over to keep the peace but which in reality had little effect. The sanctions of the Midtown Court were designed to make a more meaningful connection between crime and punishment by requiring the offender to make restitution mainly through community service.

One of the most positive features of the Court is the existence of an assessment team that determines the needs of an offender, such as drug-dependency or homelessness; a resource co-ordinator who matches offenders with services; and a co-ordinating team that enables collaboration between criminal justice agencies and with the community. The Court offers help both to the community and to the victim in the form of restitution and to the offender in the offer of treatment services.

The Midtown Community Court has moved away from an adversarial, legalistic stance and towards a problem-solving orientation that is rooted in the local community. It weaves together disparate parts of a criminal justice system that would normally operate in isolation and brings in new elements such as mediators, social services, and employment mentors. The assessment team broadens the pre-trial assessment beyond questions relating to bail; the resource co-ordinator matches the offender's needs with services.

5.4 Restorative Justice

Both the Midtown Community Court and the Dublin Drugs Court were born out of a sense that the traditional way of delivering justice was increasingly ill-suited to the problems that they were confronting. Another scheme in Tallaght has a similar origin. Cases are referred from the District Court and are usually completed within 6-8 weeks. Mediation is used to explore what form of apology, reparation or resolution can be explored and agreed by the victim and the offender. A report is sent back to the court, the judge makes a decision. In some cases, the community can be considered a victim if a church, school or community property has been damaged.

It is clear that there is innovation occurring within the judicial system in the Dublin District Courts but it is being carried out on an uncertain and fragile basis. The Drugs Court has no budget of its own and has to

be funded from within the provision for existing services. The Commission has been informed that similar efforts have been attempted elsewhere but that these have been conducted on a relatively haphazard basis. Judges in Dublin are well aware of innovations such as the Midtown Community Court and believe that they too try to achieve the twin aims of treatment and restitution but are hamstrung by a lack of resources and a lack of personnel.

5.5 Restorative Justice and Children

Restorative Justice features strongly in the Children's Act 2001 that re-orientates the judicial process for young people who are alleged to have offended. The model of family group conferencing, pioneered in New Zealand, has influenced the Act. Conferences are Fora at which decisions are made about a young person's future direction, in partnership with parents and relevant agencies. This system recognises the importance of parental responsibility and seeks to channel it in a positive direction.

Conferencing can be undertaken by Gardai as a young person is diverted away from appearing in court. Proceedings in court can be adjourned whilst a health board convenes a family welfare conference to determine if the child is in need of special care. A conference can be arranged by the probation and welfare service which

formulates an action plan for the young person.

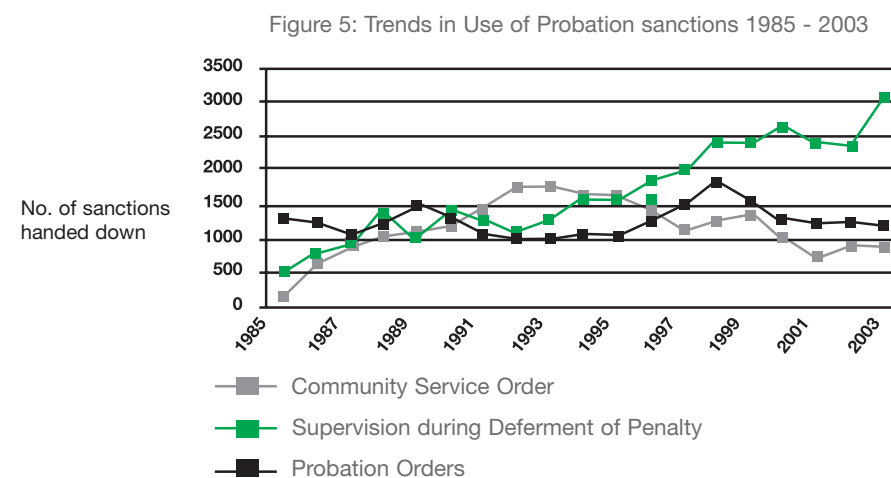
The Children's Act 2001 contains many laudable features as it tries to create a more meaningful response to young people's offending by engaging them and their parents/guardians. Its full implementation has been delayed due to the resource implications of running the three different kinds of conference. The Commission considers it a matter of urgency that appropriate resources be channelled to implement the Children's Act as quickly as possible.

5.6 Judicial Resources

The most important resource in any judicial system is the members of the judiciary themselves. The most recent United Nations Survey of the Organisation of Criminal Justice Systems shows that out of 47 countries surveyed, Ireland has the fifth lowest rate of judges per 100,000 inhabitants.

"Many other jurisdictions in Europe have at least six times the level of judges compared to the Irish system".

The Court and Court Officers Act 2002 sets a maximum of 52 judges that may work in the District Courts.



The Commission believes that this number is too low to handle the volume of cases coming before the District Courts judges. There is scope for increasing the number of judges operating in the District Court by at least ten. This would reduce the workload and allow judges to devote more time to individual cases.

Any new judge should have to undertake an initiation programme, delivered by a suitably qualified institution, to ensure that they are fully cognisant with the most recent developments in law and problem solving approaches to justice delivery. This may involve, as with other professions, an ongoing programme of continuing professional development for members of the Judiciary.

5.7 A New Role for the District Courts

The Commission is aware that provision has been made in the 2005 Estimates for the construction of a new Criminal Court Complex in Parkgate Street adjacent to Heuston Railway Station. The administration of justice in the Criminal Courts will be in the new Parkgate St. Complex. The Commission considers that this is an opportune moment to capitalise on the success of the Drugs Court and attempt to mainstream it in an effort to cater for offenders who have alcohol/drug addictions, who are homeless, or who have educational needs or psychiatric difficulties.

Judges whom the Commission consulted noted that the integrated model of working typified by the Drugs Courts had been tried in other District Courts but had been too

haphazard. In addition, liaison with voluntary groups who provided, for example, shelter was fractured and the outcomes uncertain. The Commission believes that provision should be made in the new Courts Complex for the housing of multi-disciplinary teams that can assess the needs of offenders and draw up a rehabilitative plan for judges' consideration. The team should be drawn from the following bodies

- Gardai
- Probation and Welfare Service
- Health Board Staff
- Psychiatric Nurses
- Employment agencies
- Educational Staff
- Welfare Officers
- Voluntary Bodies, especially those dealing with homelessness

The Commission believes that membership of the team must be as comprehensive as possible since many offenders have multiple problems, be they related to drug addictions, unemployment, homelessness, lack of education or psychiatric issues. It is vital that progress be made in these problem areas as soon as the court receives people. Initially the Drugs Court had not anticipated the need for educational services but these prove to be a vital instrument in weaning people off addictions.

It is difficult to gauge what demand there will be on such teams but given the success of the Drugs Court Team, it seems reasonable to recommend that the existing

complement working at the Drugs Court should be doubled to work at the new District Courts in Parkgate St., with the possibility of expansion after a review.

5.8 Making Restitution

The District Court judges and their counterparts in the Community Court in New York base their interventions on the twin strategies of treatment and restitution. One of the problems of the treatment-based model is that it seems to prioritise the criminal over the more law-abiding members of the community. The Commission deems it important that increasing emphasis be put on the restitution that offenders can make to the community. These kinds of sanctions are likely to be more cost-effective, more responsive to victims' needs and more likely to reduce offending.

The most important non-custodial sanction in this regard is the community service order. This requires unpaid work in the community of between 40-240 hours duration, to be completed over a twelve-month period. Use of community service orders may only be considered if the judge deems that a custodial sentence is warranted, i.e. it does not exist as a sanction in its own right. Judges deemed this a great restriction that has been responsible for the decline in use of the Community Service Order over the last number of years.

The Commission believes that the Community Service Order is a valuable sanction that allows offenders to 'make good' their crimes by allowing them to make some sort of reparation to the community that they have harmed. Community Service Orders could include such actions as tidying up parks, erasing graffiti from public places and so on, activity that is of clear benefit to communities.

The Commission supports the opinion of the judiciary that the Community Service Order should exist as a sanction its own right to encourage its greater use.

Key Recommendations

- 1 Examine scope for piloting a problem solving court in the Dublin District Courts
- 2 Extend the model of integrated assessment of offenders operating in the Drugs Court in Dublin into the District Courts, with its own budget.
- 3 Implement the provisions for conferencing contained in the Children Act 2001 as soon as possible.
- 4 Increase initially by ten the number of judges operating in the District Court, accompanied by training to ensure continued professional development for duration of career on the bench.
- 5 Establish the Community Service Order as a sanction in its own right.
- 6 Extend the use of Temporary Closure Orders against premises found guilty of offences under the Intoxicating Liquor Act 2000 (see chapter 6 also).

Garda on the Beat



Beyond Law Enforcement

6.1 Introduction

Although many of the submissions that the Commission received identified a need for greater policing, they also identified limitations to a solution based on law-enforcement alone. An example was given of 'youths loitering and causing trouble. When moved on by the Gardaí, they return later'. This is not an argument for dispensing with enforcement-led strategies but for supplementing them.

It is clear that policing and the courts should come at the end of a continuum of policy responses that aim to prevent rather than provide a cure after the problem has occurred.

"The Commission believes that responsibility for reducing crime, disorder and anti-social behaviour should not be the sole responsibility of the Gardaí but should be shared out amongst public bodies and communities".

Rather than trying to change everything, the Commission have chosen to strategically limit itself to some key recommendations in four areas: access to public services, reducing the supply of alcohol, community and family supports and harm reduction strategies. Many of the recommendations require communities to accept a fair share of services, be it by providing alternatives to street level drinking, drug abuse or anti social behaviour. This will enable us to reduce the

harm and impact of anti social behaviour on families and local communities. However, to work, these services must be located in communities and we must accept them into our communities.

6.2 Access to public services

Several of the submissions and focus groups identified the issue of restricted opening hours of services as being hugely detrimental to communities. Young people often have no option but to hang around on the street. One young person commented that...

...“Young people don't want to hang around on the street all the time – nothing else to do – [they] want somewhere unstructured to hang out with friends – somewhere indoors but not something like a youth group where you have to do something all the time”.

The Commission believes that all council managed and funded services should be open and accessible to provide alternative activity to anti social activity.

To further this aim, the Council should lobby the City of Dublin Youth Services Board to ensure that recruitment and human resource policy is oriented to providing an effective out of hours and

weekend youth service. Furthermore, the Council should try to ensure that all leisure centres, swimming pools and parks over which they have control should be open late during weeknights and at the weekend.

The Commission recognises that many young people wish to gather in places where they feel safe and endorse the proposals currently under consideration by County Dublin V.E.C. that youth halls should be open for a reasonable period of time for unstructured hang out spaces.

6.3 Community, Family and Parental supports

Many people believe that anti-social behaviour, particularly by young people, reflects poorly on parents' ability to raise their children in an appropriate way and an unwillingness to take responsibility for their actions. The Commission seeks to ensure that all the necessary support and structures are in place so that parents, families and communities are encouraged and if necessary challenged to play their role in preventing anti social behaviour and in turning around local problems.

The first step towards reducing unacceptable behaviour is convincing people that it is wrong. The Commission believes that there should be a strongly worded public campaign aimed at changing attitudes towards anti-social behaviour, creating a debate about what level of behaviour is considered acceptable

and enabling communities to challenge each other about taking family and community level responsibility.

Some anti-social behaviour, such as excessive public drinking, may arise because people do not realise the full impact of their actions upon others. Feelings of insecurity may arise because some people do not understand the motivations of others, i.e. a group of youths congregating in the streets may appear menacing to some observers/residents but that may not be their intent and they themselves may be completely unaware of this.

The Commission believes that structures akin to the Tallaght Mediation Bureau should be established to facilitate understanding between groups. This would enable young people involved in anti social behaviour and residents who bear the brunt of this behaviour to communicate and understand how they impact on each other.

Many people involved in the criminal justice system are convinced that they witness criminality that spans different generations of families. The Commission believes that the focused parenting courses piloted by Local Drugs Task Forces in Finglas, Cherry Orchard and the North Dublin Inner City be mainstreamed into all Health Board parenting programmes.

6.4 Reducing alcohol supply and availability.

One of the strongest messages from the public submissions is the growing concern about increasingly easy access to alcohol for people of all ages. The Commission considers that greater availability of alcohol is the main contributor to many forms of anti-social behaviour and that reducing this easier supply should be a major objective for the next five years.

This report demonstrates that it is likely that alcohol is a greater contributory factor than illegal drugs in the committing of many criminal offences (see Figure 1). To reflect the increasingly damaging role that alcohol is playing in Irish society, the Commission believes that the National Drugs Strategy should be reformed into the National Alcohol and Drugs Strategy and the remit of each Local Task Force be expanded to include both alcohol and drugs.

The Commission noted that prosecutions under the Intoxicating Liquor Act have fallen sevenfold since 1997, yet recorded incidents of intoxication in a public place has increased threefold over the same period (see Figure 2). It is clear that some publicans are behaving in an irresponsible manner yet they are not being prosecuted. As part of a strategy to promote more responsible drinking, the Commission believes that this matter should be scrutinised when licences are being renewed. If a publican has been found guilty of a number of offences under the Intoxicating Liquor Act, then his or her

premises should be the subject of a Temporary Closure Order.

The Commission is concerned about the increasing availability of alcohol from retail outlets, a service that is being advertised with increasing prominence. This service is facilitating the public consumption of alcohol, a phenomenon that alarms many people because of anti-social behaviour associated with such alcohol consumption. In light of this, the Commission believes that the council should review guidelines and planning bylaws to make off-licensing and beer/wine sales licences for local shops more difficult to obtain. In addition, the practice of door-to-door alcohol delivery services should be curtailed.

As with anti-social behaviour, the Commission believes that there should be a public awareness campaign, highlighting the ugly consequences of excessive alcohol consumption and a concerted community led campaign to stop adults serving alcohol to children under 18 years of age.

6.5 Harm reduction

Whilst it is desirable to reduce the use of excessive alcohol consumption and the use of illegal drugs, it is essential to recognise that we will not eliminate these from our society. Harm reduction strategies are necessary. This model accepts the reality of alcohol or drug misuse and attempts to work within it. This does not mean condoning the activity.

This idea has informed the running of Dublin's wet shelter. Residents are allowed to continue drinking while staff develop

care plans for them, encourage a good diet, help develop sleep patterns etc. They are offered health and mental health supports, detox programmes and drink harm reduction plans. However, for many there is the likelihood that they will continue to drink. A wet shelter allows them a certain safety in their vulnerability and contributes to the general security of the city by removing a certain level of anti-social behaviour from the streets.

The age profile of drug users tends to be younger than street drinkers. A harm reduction shelter such as Clancy Nightshelter offers a minimum number of rules. Drugs cannot be used on the premises (illegal) but residents do not have to be "clean" in order to access a bed. Again, this allows staff to encourage good diet etc. and eventually hope to encourage detoxification, although this is not a condition. These shelters contribute to street safety and therefore are a benefit to the general population. For the addict they offer non – conditional support. Many of the people in these hostels would have been barred from other hostels because of their behaviour.

Aungier Street is Dublin's only fully wet hostel and it has a capacity of only 23 beds. The Clancy Night shelter has only 16 beds and about one third of young residents from there end up back in prison because there is no back up support. The Commission believes that it needs to deliver on the recommendations of the Homelessness Strategy of Dublin City Council to provide 8 wet hostels and indoor drinking spaces for these chronic alcoholics.

Key Recommendations

- 1 Extend opening of public facilities for young people to out-of-hours and at weekends.
- 2 Instigate a publicity campaign directed against anti-social behaviour.
- 3 Mainstream parenting courses run by local drugs task forces into all health board programmes.
- 4 Expand the role of the local drugs task forces to take action against alcohol in each area committee of Dublin City Council.
- 5 Dublin City Council to campaign for greater powers in relation to operation of premises selling alcohol. City Council to develop policy in relation to use of existing powers to comment on applications to courts for extension of licensing hours for pubs and clubs.
- 6 Dublin City Council to provide additional wet hostels in key locations for chronic alcoholics.

The Four Courts



Appendix

This Commission agreed two methods of consultation. Written submissions from members of the public and interested parties as well as face to face meetings with invited representative groups.

The Commission wishes to thank those who submitted written submissions and those individuals who met with members of the Commission.

Those who met with members of the Commission include the following:

The Minister for Justice, Equality and Law Reform, Michael McDowell, TD

His Honour, Judge Peter A. Smithwick and members of the Judiciary

Garda Commissioner, Noel Conroy and senior members of an Garda Síochána

Representatives from different representative groups who met with the Commission are captured under the following headings:

*Residence Associations,
Business Associations,
School Liaison Officers,
Drug Taskforce,
Those working with the Homeless,
Ethnic minorities' representatives,
Travellers' representatives,
Youth representatives,
Staff within Dublin City Council.*

The following individuals and associations made written submissions to this Commission:

*Belcamp Estate Steering Committee
Madeleine Bevan
Tom Brennan
Colm Breathnach
Councillor Christy Burke
Catherine Cavendish
Cherry Orchard Community Development Project
Community Policing Forum
Niall Counihan
Darndale Tenants & Residents Assoc.
Donevin Estates Ltd.
Gerard F. Dowling
Dublin City Business Association
Carter R. Fly
Henry St. Mary St. Partnership
Amanda Kealy Baker
Iona District Residents Association
Councillor Nicky Kehoe
Kinvara Area Residents Association
Licensed Vinters Association
Austin Maher
Merchants Quay Ireland
Justin Moran
Councillor Mary Murphy
Navan Road Community Council
Neighbourhood Watch Regional Committee
Northern Area Health Board
D. O'Connor
Aisling Reidy,
Residents of Brendan Behan Court Russell St.
Residents of Cuffe Street/Digges Street Flats
Martha Rose Howard
Sandymount and Merrion Residents Association
Seamus Fitzpatrick
Traders in the Area supporting the Cultural Quarter
TRUST
Margaret Tuffy
Victim Support
Working Class Action*

*In respect of the photographs used in this document the Commission wishes to thank the following for the supply and permission to use their copyright images. The Courts Service for the use of the Photograph of the Four Courts
An Garda Síochána Press Office for those Images that include members of the force.
The Corporate Services Department of Dublin City Council.*

