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INTRODUCTION

Contextualising Police Custody in Ireland

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Introduction

The past 100 years have seen many changes in Irish society, across its criminal justice system, and, of course, in policing. An Garda Síochána (AGS), Ireland's national police service, celebrated its centenary year in 2022. The turn of a century presents an opportunity for renewed focus on offering the very best that a police service can provide to the communities that it serves.

This book does not set out to recount a history of AGS or to assess its culture, its success in resolving crime, or its public satisfaction ratings. All of these are interesting, of course, but the focus of this book is on one particular aspect of policing which has been under-researched in Ireland to date: the detention in custody of persons suspected of committing criminal offences. With an overarching human rights lens and a concern for procedural fairness for all, this book draws on the expertise of 19 leading experts across policing studies, law, criminology, and psychology, to critically examine police custody in Ireland, what we know about it, how it operates, how it is experienced, and how it might be improved.

This introductory chapter sets out the background, aim, and structure of the book, before outlining the history of investigative detention and police custody in Ireland. It highlights significant developments, particularly from the 1970s to the present day, which will give the reader foundational context for the substantive chapters that follow.

Background, Aim, and Structure of This Book

In 2021, the Garda Síochána Inspectorate published a report titled *Delivering Custody Services: A rights-based review of the treatment, safety and wellbeing*

*of persons in custody in Garda Síochána Stations.*¹ This was the first time that the material conditions of police custody had been reviewed by a national policing oversight body in any significant way.² In his Foreword, Chief Inspector Mark Toland noted that despite the fact that police custody is a “challenging and high-risk environment” AGS lacked any “organisational vision or strategy beyond adherence to the legal requirements” in relation to same.³ He said that “there was a lack of strategic leadership, and formal oversight of custody was weak.”⁴ While examples of good practice were highlighted within the report, concerns were also raised about poor record-keeping, inadequate management of risks, failure to meet the needs of detainees with particular vulnerabilities, the physical conditions of custody, and a lack of structured processes to engage with external support agencies which might assist individuals who come into contact with gardaí.⁵ With the agreement of AGS senior management, the Inspectorate’s self-initiated inspection involved, for the first time, unannounced visits to custody areas in garda stations, along with engagement with people in custody, examination of custody records, and discussions with working gardaí. The report shone a light on this aspect of police work in Ireland, and the significant need for improvements.

This book aims to further fill the knowledge gap on contemporary police custody in Ireland, providing, across a wide range of chapters, a critical appraisal of current issues in police custody and recommending necessary improvements and potential advancements. The book goes beyond the Garda Inspectorate report, examining some of the key features of custody and the experiences of those who are detained. It highlights the importance of police custody within the criminal justice system and within society more broadly; the impact of experiences in custody on individuals, particularly those with additional vulnerabilities, and on communities; and the contemporary challenges and opportunities for change.

The book begins with an “appreciative” and comparative enquiry into police custody in Ireland and a consideration of what “good” police custody looks like (Chapter 2). It then sets out, in broad terms, the concepts of

1 Garda Síochána Inspectorate, ‘Delivering Custody Services: A Rights-Based Review of the Treatment, Safety and Wellbeing of Persons in Custody in Garda Síochána Stations’ (2021) <www.gsinsp.ie/wp-content/uploads/2022/06/Garda-Inspectorate-Delivering-Custody-Services.pdf> accessed 27 July 2023.

2 The European Committee on the Prevention of Torture has examined garda station detention during its periodic visits to Ireland and often highlighted concerns around the protection of suspect rights, such as the right to legal assistance and the right to medical treatment, and ill-treatment therein. See the reports of the CPT on its visits to Ireland from 1993 to 2019 <www.coe.int/en/web/cpt/ireland> accessed 27 July 2023.

3 Garda Síochána Inspectorate (n 1) I.

4 Ibid.

5 Ibid.

vulnerability (Chapter 3) and trauma (Chapter 4) as they apply to those in custody. It examines modern advancements in police interviewing techniques (Chapter 5), and certain safeguards for suspects within the Irish detention process, including the right of access to legal advice/assistance (Chapter 6) and the right to an interpreter (Chapter 7). Next, the perennial issue of police oversight and future plans in this context in Ireland are critically explored (Chapter 8). The book then turns to examine specifically the needs and experiences of certain groups in Irish society in the custody context, including Mincéirs/Travellers (Chapter 9), racialised minorities (Chapter 10), children (Chapter 11), people with intellectual disabilities (Chapter 12), and people with autism spectrum disorders (Chapter 13). The concluding chapter (Chapter 14) draws themes from across the book and looks at what might be achievable in the future.

Garda Detention and Custody

Under Article 40.4.1 of *Bunreacht na hÉireann*, the Irish Constitution, no citizen shall be deprived of their personal liberty save in accordance with law. In the early years of policing by AGS in Ireland, right up until the late 1980s, the law provided no general power of arrest for the purposes of detention and questioning. If an individual was arrested on suspicion of involvement in the commission of a criminal offence, they could only be held in custody in order to be brought before the next sitting of the relevant court “as soon as practicable,” to be arraigned and/or formally charged.⁶ Arrest for detention and questioning was not a recognised concept.

In the absence of a power to arrest suspects to detain and question them, gardaí sometimes invited persons to attend at garda stations to “help with enquiries.” There is no legal difficulty with this unless and until “helping with enquiries” amounts to a *de facto* detention of a suspect without a formal arrest.⁷ This practice was questioned by the courts in the 1930s;⁸ however, it continued until it was expressly disapproved of by the courts in the late 1970s.⁹

Statutory provision for arrest for the purpose of detention and questioning was first introduced into Irish law under the Offences against the State Act

6 This common law conception of the powers of arrest was placed on a statutory footing by the Criminal Justice Act 1951, s 15, as substituted by the Criminal Justice (Miscellaneous Provisions) Act 1997, s 18, which provides that both a person arrested on foot of a warrant and a person arrested without warrant must be brought as soon as practicable before a District Court judge.

7 See M Zander, ‘When Is an Arrest Not an Arrest?’ (1977) 127 NLJ 352.

8 See *Dunne v Clinton* [1930] IR 366.

9 *People (DPP) v O’Loughlin* [1979] IR 85.

1939, which was enacted as a response to growing subversive activity within the State relating to the Conflict in Northern Ireland.¹⁰ A significant part of the armoury of the 1939 Act was the provision of certain investigatory powers to gardaí which had never before been recognised under Irish law. Notably s 30 allowed for persons arrested thereunder to be detained for a specified period of time, and s 52 expressly allowed for the questioning of an arrested suspect while in custody under the Act.

The Oireachtas (the Irish legislature) confined this power of arrest for the purpose of detention and questioning to the offences covered by the 1939 Act and scheduled offences.¹¹ In 1976, with ongoing concerns around the Conflict in Northern Ireland and the operation of the IRA, the Emergency Powers Act 1976 was introduced and it allowed for extended detention of up to seven days for an individual arrested in relation to offences under the 1939 Act.¹² No general power of arrest for detention in relation to offences other than those covered by the 1939 Act was established. However, certain practices which circumvented this difficulty sprung up.¹³ First, gardaí employed the anti-subversive legislation in cases which lacked any element of a subversive nature. Persons were arrested and detained for questioning under the auspices of the 1939 Act where the offence for which they were being questioned had no link to any dissident behaviour. Second, “holding charges” were used; that is, persons were arrested and detained in relation to offences covered by the detention provisions where the real investigative interest in the individual related to a wholly different offence which was not so covered. A number of conflicting judgments were issued by the courts in relation to the legality of these garda practices,¹⁴ though legal imprimatur was ultimately given to their use by the Supreme Court in *People (DPP) v Quilligan* in 1986.¹⁵ By that time, however, the Oireachtas was already in the process of providing a more general power of arrest for the purposes of detention, for a specified period, under s 4 of the Criminal Justice Act 1984.

10 See M Coen, *The Offences Against the State Act, 1939 at 80: A Model Counter-Terrorism Act* (Hart 2021); A Harrison, *The Special Criminal Court: Practice and Procedure* (Bloomsbury Professional 2019).

11 In regard to the scheduling of offences, see ss 35 and 36 of the Offences Against the State Act 1939.

12 Emergency Powers Act 1976, s 2.

13 See D Walsh, ‘The Impact of Anti-Subversive Laws on Police Powers and Practice in Ireland: The Silent Erosion of Individual Freedom’ (1989) 62 Temple Law Review 1099.

14 See, for example, *People (DPP) v Towson* [1978] ILRM 122 and *State (Trimbole) v Governor of Mountjoy Prison* [1985] IR 550; [1985] ILRM 465.

15 [1986] IR 495; [1987] ILRM 606.

This applies to all arrestable offences, which are those with a possible prison sentence of five or more years.

Considering the enactment of the 1984 Act, Keane J. in *People (DPP) v Finnerty*¹⁶ suggested that the legislative policy behind its enactment was:

to end the dubious practice of bringing people to the station for the purpose of “assisting the gardaí with their inquiries,” or in purported reliance on the legislation directed primarily at subversive crime, and to substitute therefore an express statutory regime under which the Gardaí would have the right to detain a person in custody for a specified period . . . for the purpose of investigating specified crimes.¹⁷

While 2024 sees the 40th anniversary of the introduction of the legislation which provided this general power of arrest for the purposes of detention, its provisions were not in fact commenced until 1987, following the introduction of the Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987. These “Custody Regulations” set out some specifics around the treatment of persons in custody, and are referenced throughout this book. While it took three years to promulgate those regulations, provision for the audio recording of garda interviews with suspects was not made for a further ten years, under the Criminal Justice Act 1984 (Electronic Recording of Interviews) Regulations 1997, and it took until the mid-2000s for the recording of garda interviews to become routine.¹⁸ Nowadays, garda interviews in relation to serious offences are almost invariably audio-visually recorded.

Over the past 35–40 years, the relative weight and impact of the investigative stage of the criminal process have been increasing, following the increase in garda powers of arrest for the purposes of detention. Since the introduction of s 4 of the 1984 Act, additional legislative provision for detention post-arrest has also been made in relation to specific offences, and existing detention periods have been lengthened by legislative amendment. Maximum detention periods range from 24 hours for most serious offences up to seven days for offences relating to drug trafficking, organised crime, or murder involving the use of a firearm. Table 1.1 sets out the current detention periods:

16 (1999) 4 IR 364.

17 *Ibid.*, 378. On arrest and detention, see further D Walsh, *Human Rights in Policing in Ireland* (Clarus Press 2009) chapters 22–23.

18 See *People (DPP) v Holland* (15 June 1998) CCA; *People (DPP) v Connolly* (2003) 2 IR 1; *People (DPP) v Kelly* (26 November 2004) SCC.

TABLE 1.1 Detention Periods¹⁹

| <i>Legislation - and Relevant Offences</i> | <i>Initial Detention Period</i> | <i>Garda-authorized Extensions - and Minimum Rank of Authorising Member</i> | | <i>Court-authorized Extensions</i> | | <i>Total Detention Period</i> |
|---|---|---|---------------------------------|--|--|---------------------------------------|
| Criminal Justice Act 1984 s 4 - all arrestable offences (potential sentence of 5yrs+). ²⁰ | 6 hours | 6 hours -Superintendent | 12 hours - Chief Superintendent | N/A | | 24 hours |
| Offences Against the State Act 1939 s 30 - specific offences listed in the Act and schedule to the Act. | 24 hours | 24 hours - Chief Superintendent | | 24 hours - District Court (application by Superintendent) | | 72 hours |
| Criminal Justice (Drug Trafficking) Act 1996 s 2 - certain drug trafficking offences. | 6 hours | 18 hours - Superintendent | 24 hours - Chief Superintendent | 72 hours - District or Circuit Court (application by Chief Superintendent) | 48 hours - District or Circuit Court (application by Chief Superintendent) | 168 hours (7 days) |
| Criminal Justice Act 2007 s 50 - murder involving the use of a firearm/explosive; capital murder; false imprisonment with use of firearm; possession of firearm with intent to endanger life. | 6 hours | 18 hours - Chief Superintendent | 24 hours - Chief Superintendent | 72 hours - District or Circuit Court (application by Chief Superintendent) | 48 hours - District or Circuit Court (application by Chief Superintendent) | 168 hours (7 days) |

19 Drawn from Y Daly, A Muirhead and C Dowd, 'EmpRiSe Ireland Final Report' <<https://empriseproject.files.wordpress.com/2022/06/ab912-emprise-ireland.pdf>> accessed 27 July 2023. Note that persons arrested under s 42 of the Criminal Justice Act 1999, s 16 of the Criminal Procedure Act 2010, or s 17 of the Criminal Procedure Act 2010 may also be detained for the same period as is authorised under s 4 of the Criminal Justice Act 1984.

20 Persons arrested under s 42 of the Criminal Justice Act 1999, s 16 of the Criminal Procedure Act 2010, or s 17 of the Criminal Procedure Act 2010 may also be detained for the same period as is authorised under s 4 of the Criminal Justice Act 1984.

The General Scheme of the Garda Síochána (Powers) Bill 2021 seeks to standardise these detention periods,²¹ alter the rank of garda who can apply to the courts in certain contexts,²² and provide for the exclusion of certain time periods from the overall reckoning of the detention period, amongst other things.²³

The contemporary “front-loading” of the criminal process, whereby the centre of gravity is now in the garda station as opposed to the courts,²⁴ is evidenced by the fact that, on average, 90% of prosecutions on indictment in Ireland result in a guilty plea. This means that there is no trial on the evidence, and no judicial assessment or query into the methods of interrogation employed by gardaí or the treatment of the individual while in garda custody.²⁵ For most people suspected of criminal offending, the garda station is the main site of contestation, and the main formal interaction with the criminal structures of the State. The custody stage of the criminal process is thus of extreme importance, not only in the sense of ensuring procedural fairness and the accuracy of criminal justice outcomes but also in terms of the impact on individuals of how they are treated by the agents of the state at this point. Indeed, it is also important for gardaí working in custody that the system is operating well, that they can stand over the procedures in place, and engage as professionals in the work they need to do.

In terms of the physical custody environment, there are currently 564 operational garda stations in Ireland. 120 of those have custody facilities providing a total of 492 cells.²⁶ Many garda stations are housed within old buildings, and while recent upgrade projects and new builds have brought a more modern feel and additional facilities to certain custody suites, many have not had their physical structures upgraded in some time. The Inspectorate’s report noted that “with the exception of the purpose-built custody suites, very few stations had all the components required in a modern, safe and secure custody facility such as those seen in other jurisdictions.”²⁷

Context

Some further historic and indeed contemporary context is important for readers of this book. Interrogation techniques and practices in AGS were

21 General Scheme of the Garda Síochána (Powers) Bill 2021, Heads 45 and 47.

22 Ibid.

23 Some such periods are already excluded under existing law, others are new: Heads 39, Head 40, Head 42 or Head 53 and Head 54.

24 See Y Daly and J Jackson, ‘The Criminal Justice Process: From Questioning to Trial’ in D Healy and others (eds), *The Routledge Handbook of Irish Criminology* (Routledge 2016) 280, at 287, 292.

25 See V Conway and Y Daly, *Criminal Defence Representation at Garda Stations* (Bloomsbury 2023) Chapter 4.

26 Garda Síochána Inspectorate (n 1) 16.

27 Ibid 76.

deeply questionable in the 1970s and early 1980s. Conway has argued that “violence was institutionalised in the force” at this time,²⁸ tolerated by Irish society, and facilitated by the law and a lack of both internal and democratic accountability.²⁹ A particular group of gardaí who were drawn together and said to specialise in “extracting information under interrogation”³⁰ came to be known as the “Heavy Gang.” While its existence has never been officially accepted, 13 of 42 retired gardaí interviewed by Conway expressly confirmed that it did exist and many were very uncomfortable with this fact.³¹ The Heavy Gang was said to employ serious violence in interrogating suspects, in particular those thought to be members of the IRA. They breached suspects’ rights of access to lawyers and doctors; they arrested family members and girlfriends of suspects; and confessions were made by those who simply could not take all of this anymore.³²

Miscarriages of justice occurred at this time, and beyond, with false confessions at the heart of many such cases. High-profile examples include the confessions and ultimate convictions of Martin Conmey for the manslaughter of Una Lynskey in 1971³³ and Nicky Kelly for the Sallins mail train robbery in 1978.³⁴ In 1984, a young woman called Joanne Hayes and her family members falsely confessed to the killing of a baby who had been found, stabbed, on the beach at Cahirciveen in County Kerry. This led to a Tribunal of Inquiry, which while critical of the garda investigation, ultimately exonerated the gardaí involved.³⁵ In 2020, some 36 years later, Joanne Hayes received a state apology.³⁶

Miscarriages of justice followed by public enquiries and tribunals carried on into the 1990s and 2000s. Discussing several high-profile cases and reports

28 V Conway, *Policing Twentieth Century Ireland: A History of An Garda Síochána* (Routledge 2014) 139.

29 *Supra* n 28, 151.

30 S Kilcommins and others, *Crime, Punishment and the Search for Order in Ireland* (Irish Academic Press 2004) 209.

31 *Supra* n 28, 146.

32 *Ibid* 141 in relation to the cases of Nicky Kelly and the Sallins mail train robbery. See also Walsh (n 17) Chapter 24.

33 *Conmey v DPP* [2014] IECCA 31; (2014) 2 ILRM 493.

34 See J Joyce and P Murtagh, *Blind Justice* (Poolbeg Press 1984).

35 Report of the Tribunal of Inquiry into “The Kerry Babies Case,” chaired by Mr Justice Kevin Lynch.

36 On the so-called Kerry Babies case, see J Hayes, *My Story* (Brandon/Mount Eagle Publications 1985); N McCafferty, *A Woman to Blame: The Kerry Babies Case* (Attic Press 1985); T Inglis, *Truth, Power and Lies: Irish Society and the Case of the Kerry Babies* (UCD Press 2003); YM Daly, ‘Commentary on the Report of the Tribunal of Inquiry into “The Kerry Babies Case”’ and V Conway, ‘Report of the independent Examination by Ms Justice Vicky Conway of the Case for a Re-Opened Inquiry into the “Kerry Babies Case”’ in M Enright, J McCandless and A O’Donoghue (eds), *Northern/Irish Feminist Judgments: Judges’ Troubles and the Gendered Politics of Identity* (Hart 2017) 195–203, 204–18.

from the 1990s, Conway stated that there was “evidence of serious misconduct within an Garda Síochána; use of oppressive questioning techniques, perjury, failure to disclose evidence, mistreatment of vulnerable witnesses, assault, excessive use of force, failure to care for detainees and harassment.”³⁷ In 1997, Dean Lyons, a homeless heroin addict with learning difficulties, who was later identified as being extremely suggestible, was arrested and confessed to the double murder of two women in Grangegorman in Dublin. This was a false confession as the true murderer later confessed while under arrest on a different charge. The Commission of Investigation which followed this case highlighted the need for interviews to be audio-visually recorded,³⁸ and the risks attached to unskilled police interviews, particularly with vulnerable persons.

Allegations of corrupt and dishonest conduct by some gardaí in the Donegal Division led to the establishment of the Morris Tribunal in 2002.³⁹ This was a significant development in the context of garda investigations and approach to interviews. Across eight reports, the last of which was published in October 2008, the tribunal made shocking findings in relation to garda conduct in the region. It found that gardaí had “tunnel vision” in the investigation of alleged offences such that no alternative theories or possibilities were countenanced. Furthermore, false arrests and mistreatment in custody occurred, including verbal and physical abuse; detainees being shown disturbing autopsy photographs; sensory deprivation through the switching on and off of lights in interview rooms; denial of access to legal advice; threats; and many other breaches of regulations, disciplinary codes, and constitutional rights.⁴⁰

An important part of the context is that, until relatively recently, there was no structured approach to garda interviews, and gardaí were given very little training on effective investigative interview techniques. In its 2014 *Report on Crime Investigation*, the Garda Inspectorate noted that 5,000 gardaí had joined AGS since 2005 “and a large majority of those gardaí have not received any or appropriate interview techniques training.”⁴¹

37 *Supra* n 28, 180.

38 G Birmingham, ‘Report of the Commission of Investigation (Dean Lyons Case)’ (2006) <www.justice.ie/en/JELR/DeanLyonsRpt.pdf/Files/DeanLyonsRpt.pdf> accessed 27 July 2023. The Ó Briain Committee had made similar recommendations back in 1978, see Report of the Committee to Recommend Certain Safeguards for Persons in Custody and for Members of An Garda Síochána (Chaired by Ó Briain J) para 67 <<http://opac.oireachtas.ie/AWDData/Library3/Library2/DL015115.pdf>> accessed 27 July 2023.

39 See Morris Tribunal <www.morristribunal.ie/> accessed 25 July 2023. On other cases at this time, see also Garda Síochána Inspectorate (n 1) 178–82.

40 *Ibid*; V Conway, *The Blue Wall of Silence: The Morris Tribunal and Police Accountability in Ireland* (Irish Academic Press 2010).

41 Garda Síochána Inspectorate, ‘Report on Crime Investigation’ (2014) 28 <www.gsinsp.ie/wp-content/uploads/2019/07/Crime-Investigation-Full-Report.pdf> accessed 25 July 2023.

A model of garda interviewing was developed in 2008 – the Garda Síochána Interview Model (GSIM)⁴² – as a response to the call from Judge Morris in his Tribunal reports for AGS to adopt the PEACE model of police interviewing or an equivalent.⁴³ Following a delayed roll-out, due to the financial recession, training under this model began in 2014/2015 and where a serious offence is being investigated now it is most likely that interviews will be conducted by gardaí who have been trained at least in the first two levels of the model, if not the more advanced third level.⁴⁴ While the model has been criticised in some aspects,⁴⁵ it is generally aligned with the recently devised Principles on Effective Interviewing for Investigations and Information Gathering, the so-called Mendez principles.⁴⁶ These principles, which were developed by an international team of experts and practitioners are formally supported by 54 countries, including Ireland, and have been recommended to all states by the UN Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment.⁴⁷ The principles aim to move away from confession-focused interviews and coercive techniques, to interviews which are based on rapport and focused on the gathering of an account from the interview subject.

Irish investigative interviewing techniques have now moved very far from their beginnings, where little to no training was provided to gardaí, who were expected to get confessions no matter what, and where oppressive, and indeed aggressive, tactics were tolerated. While improvements are certainly still needed, including ongoing supervision of the application of GSIM techniques, and greater continuing development opportunities for gardaí in this space, significant progress has been made. Much of this improvement has stemmed from the crises created by miscarriages of justice and inappropriate policing, and the responses thereto, including an enhanced focus on accountability and on human rights.

Accountability structures were reconstituted in the mid-2000s, with the establishment of the Garda Síochána Ombudsman Commission and the Garda Inspectorate under the Garda Síochána Act 2005. The Policing Authority was added to these structures under the Garda Síochána (Policing Authority and

42 See further Chapter 5 in this volume.

43 Report on the Detention of ‘Suspects’ Following the Death of the Late Richard Barron on the 14 October 1996 and Related Detentions and Issues (Government Publications Office 2008) para 15.104 <www.morristribunal.ie/> accessed 25 July 2023.

44 There is also a fourth level of training, for those acting in a supervisory capacity. See further Chapter 5 in this volume.

45 See supra n 25, Chapter 11.

46 ‘Principles on Effective Interviewing for Investigations and Information Gathering’ (May 2021) <<https://interviewingprinciples.com/>> accessed 29 June 2023.

47 AJ Edwards, ‘Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’ A/77/2972 (4 October 2022) <www.ohchr.org/en/documents/thematic-reports/a77502-interim-report-special-rapporteur-torture-and-other-cruel-inhuman> accessed 26 July 2023.

Miscellaneous Provisions) Act 2015. There are plans to reconstitute these bodies again under the Policing, Security and Community Safety Bill 2023.

The centrality of human rights to policing has been increasingly recognised since the mid-1990s, including in Irish policing.⁴⁸ Under the Garda Síochána Act 2005, one of the specified functions of AGS is listed as “vindicating the human rights of each individual.”⁴⁹ Prior to this legislative recognition of human rights protection as a core function, in 1999, AGS established a Human Rights Office and working group to explore human rights implementation. The working group commissioned an audit of human rights in the organisation, which was conducted by Ionann Management Consultants and published in 2004. It found that the “structures for and resources devoted to human rights work are weak.”⁵⁰ A focus on human rights has continued to be enunciated across various Garda initiatives in the intervening years, though an updated analysis of the depth of cultural acceptance of this as a guiding principle within the organisation, and the proper resourcing of AGS to provide for a truly human rights-compliant service, would be useful.

The Commission on the Future of Policing, which issued its report in September 2018, put human rights front and centre, declaring as its first principle that “human rights are the foundation and purpose of policing.”⁵¹ Amongst many other things, it recommended that legislation defining police powers of arrest, search, and detention should be codified, with statutory codes of practice,⁵² and that inquests should be mandatory following a death in garda custody.⁵³ More generally it advocated for greater human rights monitoring and training across AGS and its operations.

Many of these recommendations are being implemented, and a swathe of legislation relating to AGS is currently before the Oireachtas, including the Garda Síochána (Powers) Bill 2021, the Inspection of Places of Detention Bill 2022, and the Policing, Security and Community Safety Bill 2023. These are discussed, as appropriate, throughout the chapters of this book.

48 *Supra* n 28, 194, citing P Neyroud and A Beckley, *Policing, Ethics and Human Rights* (Wil-lan 2001); R Crawshaw and L Holstrom, *Essential Cases on Human Rights for the Police* (Martinus Nijhoff 2006).

49 Garda Síochána Act 2005, s 7.

50 Ionann Management Group, *An Garda Síochána Human Rights Audit* (Ionann Management Group, June 2004) 26.

51 See the Key Recommendations and Principles of the Commission on the Future of Policing (September 2018) <<https://policereform.ie/en/POLREF/Key%20Recommendations%20and%20Principles.pdf/Files/Key%20Recommendations%20and%20Principles.pdf>> accessed 27 July 2023.

52 *Supra* n 51, Recommendation 1.

53 *Ibid* Recommendation 15.

Conclusion

The foregoing gives a relatively brief introduction to the context of police custody in Ireland. The chapters that follow give much more detailed, nuanced, and critical appraisals of where we are now, how we got here, and where we might be going. What is clear from start to finish is that a sustained and forward-looking focus on police custody, from a human rights and best practice perspective, is categorically needed in this jurisdiction. It is hoped that this book, and the work of its many expert contributors, will provide foundational evidence which can be used to motivate and bring about necessary changes and improvements within police custody in Ireland.

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