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The usual suspects and usual spaces?

People and place in complaints about Irish police.

Brian Moss
09131884

This thesis is submitted to University College Dublin for the degree of PhD in the College of Social Sciences and Law.

April 2016

School of Sociology

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CONTENTS

Acknowledgements iii
Abstract iv

Chapter 1 Introduction 1
Chapter 2 Ireland as context 7
Chapter 3 Literature Review- police deviance and its oversight 19
Chapter 4 Literature Review- complaint behaviour and police oversight 38
Chapter 5 Methodology 62
Chapter 6 Analysis I- Complainants & Complaint Processing 94
Chapter 7 Analysis II- Complaint Geography 115
Chapter 8 Discussion 144
Chapter 9 Conclusions 169

Bibliography 179

Appendix I Survey Form 201
Appendix II GSOC 1 Form 203
Appendix III Alternative regression approaches 205
Appendix IV Complaint Emission Maps using HP and TJ indexes 207
Appendix V Freedom of Information Response from Department of Justice and Law Reform 208

LIST OF FIGURES, TABLES AND CHARTS

Figure 7.1 Complaint Emission- Scotsburg 124
Figure 7.2 Complaint Emission- Hometown 125
Figure 7.3 Complaint Emission- Duville 125
Figure 7.4 Local Moran’s I- Scotsburg Emission 128
Figure 7.5 Local Moran’s I- Hometown Emission 129
Figure 7.6 Local Moran’s I- Duville Emission 129
Figure 7.7 Local Moran’s I- Scotsburg Incidents 134
Figure 7.8 Local Moran’s I- Hometown Incidents 135
Figure 7.9 Local Moran’s I- Duville Incidents 135

Table 5.1 Variable, Data Source and Final Variable Form 84
Table 6.1  Complainant Characteristics  
Table 6.2  Caseload Characteristics  
Table 6.3  Complainant Variables and Complaint Admissibility  
Table 6.4  Regression of Admissibility Status  
Table 6.5  Regression of Complaint Outcome  
Table 6.6  Regression of Investigation Ownership  
Table 7.1  Scotsburg, Hometown and Duville Station Area Profiles  
Table 7.2  Pattern of Emission Points  
Table 7.3  Mean Allegation Type Values- Emission  
Table 7.4  Emission-Incident Point Overlap  
Table 7.5  Emission-Incident Distances  
Table 7.6  Pattern of Incident Points  
Table 7.7  Mean Allegation Type Values- Incident  
Chart 6.1  Allegation Types for RAPID and non-RAPID areas
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Last, for Yvey, to not dying down and not going away.

All opinions, errors in and omissions from the final paper are my own.

BM
ABSTRACT

Research literature suggests that deviance is a feature of agencies and their agents, tends to be hidden, generally passes unpunished and consequently re-occurs. Taking the particular case of police deviance, this paper seeks to explain how police deviance is reported and treated in the Irish context. Noting the absence of a general theory of complaining in existing research studies, the paper also examines whether geographic area attributes can be isolated as a determining factor in complaint emergence and processing. The spur for this is the long-standing association between areas marked by deprivation and high crime and intensive policing practice. To that end, principal use is made of Shaw and McKay’s theory of social disorganisation. Drawing on survey, documentary analysis and GIS mapping techniques, it is found that among those grievances formalised as complaints, proven police deviance is a minor feature in Ireland, it is largely dealt with at the lowest level and is more likely to be confirmed by the police themselves than by the overseer. As to complainants, the Irish police complaint load is not dominated by the most resource deficient individuals but their presence is higher than expected. The most resource deficient complainants also tend not to fare any worse than others in the complaint process. Finally, while perpetrator and place have been well documented in research to date about crime, they have been overlooked in examination of police complaints. Addressing this it is found that while largely about policing within complainants’ local station areas, complaints do not emerge mostly from nor do they occur mostly in complainants’ immediate environs or in areas of greatest resource deficiency.
Statement of original authorship

I hereby certify that the submitted work is my own work, was completed while registered as a candidate for the degree stated on the Title Page, and I have not obtained a degree elsewhere on the basis of the research presented in this submitted work.
CHAPTER 1  INTRODUCTION

Area of Interest
The purpose of this thesis is to explore an aspect of the sociology of deviance. Deviance is more usually framed as the actions of common criminals and crimes of the street (Barak, 1988). However, deviance is also to be found in actions of the suite, that is, the corporate and professional world (Geis, 1973) in everyday activities such as environmental dumping, social administration or financial/business services (Reuters, 2013; New York Times, 2014) but also sporting endeavours (BBC Sport, 2011; Wells, 2015), perpetrated by respectable, affluent others. This thesis looks at the alleged deviance of one set of resource-affluent actors who work in the name of the community and State and thus carry an assumed higher moral code. These actors are the police.

Ahead of moving to the specific issue of deviance within policing, two recurring themes emerge from consideration of deviance perpetrated by the resource-affluent, both of which are referred to throughout the current work. The first theme is that of the role of organisational culture, one that presents itself in white collar work settings and military or cleric regimes (Crozier, 1964; Whitely et al., 1981; Renaud, 1989; Mahon, 1991; OECD, 2008; Clonan, 2000; Doyle, 2002; Murphy et al., 2005). Second, measurement of the incidence of misbehaviour by the resource-affluent is difficult to pinpoint, some seeing it as rare (van Breest Smallenburg et al., 2011) and concentrated among a small number of offenders (Cydulka et al., 2011) while others perceive its true extent to be largely concealed (de Feijter et al., 2012; Parker et al., 2010). Such uncertainty is itself enabled by staff conformity and adherence to management directions and, separately, by pressuring or punishing whistle-blowers who attempt to reveal deviance (Leary and Diers, 2012). Appreciable withdrawal rates (Strom-Gottfried, 2003), low instances of sanctions (Nash et al., 2004) and an emphasis on outcomes that construe deviance in terms of professional rehabilitation of a worker not their mistreatment of a third party (Strom-Gottfried, 2003; Billingsley, 2012) all feature across accounts of deviance perpetrated by resource-affluent actors. These appear irrespective of sector and time period and together suggest that management efforts at controlling deviance have little effect (van Breest Smallenburg et al., 2011).
Police deviance is particularly worthy of an examination because the police have unparalleled authority to change a person’s life in the immediate present and in the future through detention, charge and pursuit of a conviction. My interest in police deviance formed when, working as a Probation Officer, I heard accounts of police misbehaviour from offenders under supervision, some reflecting their direct experience, others the experiences of people they knew. Typically, such accounts described excessive force at the time of arrest, the issuing of summons for matters in which the probationer denied any involvement, or repetitive searches by police on the street without reasonable cause. Following this I worked within a new police complaints body seeing up close the state’s response to allegations of police misbehaviour.

A police complaints body overseeing deviance generally serves to situate police agent and agency actions within the existing social order and, where necessary, identify paths towards its correction. More and more jurisdictions are experimenting with locating such an oversight arrangement external to the police agency itself. The existence of such oversight bodies on the one hand, is perceived as a challenge to the authority of the state agency whose conduct it is intended to scrutinise; the degree and nature of opposition to the oversight body itself being a reflection of the value of the discretion and authority that the scrutinised body possesses (Waddington, 2007) but does not wish to cede. The oversight body, on the other hand, needs to make the case that it is itself valuable and thus adopts strategies of oversight. Where the challenge for police might be to neutralise the alleged deviance as something that is not real, not serious but isolated, the challenge for its opponents is to establish police misbehaviour and promote calls for police reform on foot of this. All in all, the presence of an oversight body introduces a dynamic that is fought for and fought against. A move to make police behaviour accountable through the use of an overseer thus brings forward several sociological puzzles of interest. Extant research on police oversight has covered aspects spanning the range of input, output and outcome points of such endeavours. These include the shift from police to external oversight, models of complaint handling (Goldsmith, Chan, Waters and Brown, Lersch), the independence of the agency (Prenzler and Ronken, 2001; Savage, 2013) and satisfaction with the oversight body and its processes (Smith, 2013).
However, from amongst the various possible questions that could be examined, the theme of complainant attributes is chosen as the main focus for this thesis. This is because of its use both as a stick against oversight (Sanders and Young, 2007) and as an argument in favour of police reform at times of police crisis around the globe over the last forty years (Goldsmith and Lewis, 2000; Smith, 2009). The broad questions arising under this theme are made concrete in this paper through examination of oversight in a single jurisdiction.

**Thesis Structure**

Chapter 2 sets the context for the paper, providing an overview of policing, police misbehaviour and state responses to police deviance in the case of the Irish Republic up to June 2015. It outlines the background and powers of the new police oversight body called the Garda Síochána Ombudsman Commission that was introduced to deal with complaints against Irish police officers and, for the first time, do so independently of the police. Among other observations, the chapter highlights the apparent limited amount of deviance among Irish police officers.

The two chapters immediately thereafter examine how police function and malfunction and what persons with a grievance about police conduct can do and what occurs in reality. Chapter 3 considers the policing role and how its public service function is jeopardised when police engage in deviant actions. The dynamics of police deviance, its form, extent and explanations for its emergence are presented. These include what constitutes deviant behaviour, what escapes being so labelled, why so and how such behaviours are viewed by the public and remaining state apparatus. What the chapter advances is the perspective that the discretion and powers afforded police render their working culture more potent and thus more demanding of attention than deviance in other job settings. One aspect of this attention is the issue of bias or targeted policing.

Chapter 4 looks at the responses to police deviance. Discussion points here include the thresholds at which a decision to formalise a grievance as a complaint is taken and what existing research suggests is the general historical response to grievances, by the police and the State more widely. The stated purpose of complaints investigation agencies is to mediate the exchange between the aggrieved party and the official complained against. The chapter
reviews how such agencies have been set up and in broad terms how well they serve the stated purpose.

Deriving from existing research literature, there is the suggestion of two alternative complainant profiles, either they are resource affluent or very resource deficient and in light of this the chapter queries who makes up the police complainant cohort in Ireland. This includes reflection on the incidence of most resource-deficient areas among complaints, particularly as the Irish police oversight agency the Garda Síochána Ombudsman Commission (hereafter GSOC) has already indicated that complainants are not drawn from areas of greatest social disadvantage. A documented association between areas of a certain socio-economic profile and policing of same begs questions as to signs of police bias, either targeting or neglect. It is here that the central theoretical framework upon which the thesis depends, namely Shaw and McKay’s social disorganisation theory, is introduced and reviewed. Positing that the theory is still relevant for understanding policing but also police deviance, the paper asks whether certain allegation types emerge from certain geographic areas. Finally, as police complaints could crystallise into reforms that jeopardise existing discretions allowed to police in undertaking their work, a third set of questions comes into play. These focus on the functioning of police oversight and whether it enables/disables the most resource-deficient relative to others. Complaint admissibility and outcomes as they pertain to resource-deficient complainants are reviewed therefore. Each of these three strands of the complainant profile is formulated into six specific research questions, three focusing on area resource deficiency.

Chapter 5 sets out the core concepts of the research questions to be investigated. It does this with reference to existing studies as well as their formulation in everyday parlance. The rationale for this is that the thesis seeks to reflect real world puzzles. Arising from this initial treatment, Chapter 5 proceeds to detail the methodological approach and in particular the method of data collection through which it is intended to address the research questions posed. A quantitative approach using survey and digital mapping components is flagged along with a third approach using documentary analysis and secondary data analysis of published data.
Chapter 6 presents the data used to test the selected research questions focusing as they do on the attributes of complainants and dynamics of complaint processing. Chapter 7 then looks to examine the spatial concentration of complaints. Use is made there of digital mapping software to understand any patterns of reported police misbehaviour at a local level.

Chapter 8 draws out the analytical results of Chapters 6 and 7 into a discursive summation. It emphasises the messages that can be drawn from the empirics rather than halting at presentation of the empirics alone. Part of the challenge here rests in resolving ostensible contradictions by using insights from existing research literature and clarifying novel findings.

Chapter 9 endeavours to bring the various strands of the paper together in a coherent manner. It lays out the paper’s main results. Cognisant of emphasising good research praxis, the discussion therein also identifies weaknesses in the current paper. Additionally, endeavouring to be instrumental, the chapter provides considerations for the structuring of further research opportunities in the area of police oversight and in particular that in Ireland. Finally, the chapter seeks to engage with theoretical underpinnings and build the findings back into a message with implications for police oversight generally.

**Value of the Thesis**

The choice of the Irish policing landscape through which the elements above are given contour and dialectical scope is of benefit for several reasons. Despite concerted efforts to reform police behaviour there, very tangible and public concerns regarding the models of policing remain in place as of June 2015 (Oireachtas, 2014a, b, and c). Outlined in Chapter 2, foremost among these have been revisions to the oversight model through new legislation and legislative proposals that are overall suggestive of a policing and police oversight arrangement falling short of ideal. This is despite pre-existing indications as to the effects on policing and cost for society broadly from allowing such issues to take root (Jones *et al.*, 1994). It is also despite large investment in the thinking and funding of oversight independent of the police for the first time. Ireland’s police oversight model has also been watched as a possible model for other jurisdictions while standing in the shadow of the largely successful Northern Ireland model. The Irish police story and its oversight therefore presents as an area ripe for harvesting of valuable research enquiry and meriting attention above other domains.
Parallel developments in other jurisdictions, or their absence, are referenced briefly throughout with a view to underscoring the resonance and global value of the current thesis. Irish studies to date on the theme of police misbehaviour have been mostly examined from a legal or socio-legal perspective (Walsh 2004, 2009a; Conway, 2008; Vaughan, 2005) that have concentrated on the legislation giving effect to complaints and their investigation and the manifestation of police misbehaviour over time in different episodes. The local value of the current thesis instead is that it brings forward primary data on Irish complainant behaviour and complaint processing material for which there is next to no existing analysis available.

The global value of the thesis is twofold. Its first contribution is in the finding that, whereas marginal groups are supposed to predominate as complainants against the police in other jurisdictions, this does not appear to be the case in Ireland. There complaining remains a function, if not quite the preserve, of the resource-affluent citizen. Second, as noted in several studies, there is a partial and piecemeal approach to knowledge of police oversight mechanisms (see Filstad and Gottschalk, 2011). This thesis seeks to provide an account of its state of play in one jurisdiction measurement against which future comparative work might find it to serve as some resource.
CHAPTER 2 IRELAND AS CONTEXT

Introduction
Having set out the key areas of interest in the preceding chapter, the paradigm upon which their examination will be hung is that of the Irish Republic. The main entities through which the example is made tangible are the unitary Irish police force, the Garda Síochána, and the complaints/oversight body, the Garda Síochána Ombudsman Commission. A short description of the Garda Síochána is first laid out with the intention of showing how and why police oversight in its current form came into being as it did. Subsequent parts of the chapter highlight the intentions underpinning the overhaul of managing claims of police deviance and reception of such amendments by various audiences.

Police and Police Misbehaviour in Ireland
Established in 1925, the Irish police force, called the Garda Síochána (hereafter ‘the Force’), is a unitary entity covering the entire jurisdiction of 70,282 km² with responsibility for waterways and points of entry to the State\(^\text{19}\) in addition to policing within cities and rural areas. Headed up by a Garda Commissioner appointed by the Minister for Justice and Equality, the Force is headquartered in the capital city Dublin and divided into non-geographic operational units (e.g. National Drugs Unit, Emergency Response Unit and Traffic Corps), that, while locally based, are centred in Dublin, and six geographical regions (Garda Síochána, undated). These regions in turn are comprised of geographical divisions that mostly follow local administration county boundaries and which are further sub-divided into districts and, finally, sub-districts ‘usually ha[ving] only one station’ (Garda Síochána, 2014b), i.e. are equivalent to single station catchment areas.

Ending 2013, the Force comprised some 13,100 officers (gardaí), 2,100 non-police staff, a volunteer reserve Force of some 1,200 (Garda Síochána, 2014a) and recorded 229,579 recorded crime offences (Central Statistics Office, undated). The Force’s budget in recent years has equated to some €1.3 billion, almost entirely funded by the exchequer, spent on administrative and operational costs. A large organisation, the Force has not been immune to

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\(^{19}\) The Minister for Justice announced in September 2014 that this was due to change in an incremental manner starting summer 2015 when civilian staff employed by the Department of Justice and Equality would take over the functions, first at Dublin Airport and thereafter to other points of entry to the jurisdiction.
episodes of change since its inception. Among these, instances of absent or weakened internal Garda discipline have revealed themselves in public through leaks, sources or the representative bodies with frustrations either occurring as a result of reforms wrought or stasis in areas where development had been sought. These frustrations have included removal of one Commissioner, pursuit of trade union-type representation (Brady, 2014) and organisation\textsuperscript{20}, claims of bullying\textsuperscript{21} and a challenge to the compulsory retirement age\textsuperscript{22}. They have also extended to occasional public criticism of the then incumbent Minister for Justice, incorporating, in one broadside, how his management of the criminal justice system was failing society (Garda Representative Association, 2012). Gardaí have also expressed concerns over unfair promotion and inconsistent training and performance standards (Garda Síochána Inspectorate, 2013, 2014).

Issues of lower or variable standards across the Force have more forcefully come to light through the issue of misconduct, alleged or proven, against gardaí. Key developmental milestones relating to the Force’s ethical conduct, still in its first century include: a slow and low-level official response to alleged misconduct in the course of garda operations up to the late 1970s and early 1980s (McNiffe, 1997); the latter have extended to questionable investigation on foot of finding of a dead infant’s body on a rural beach -the Kerry Babies case- and allegations of a police “Heavy Gang” that sought to gain confessions for criminal acts, through the use of violence (Conway, 2008, 2013). However, other episodes have entailed the bugging of journalist phones, the suppression of a criminal charge against the garda brother-in-law of a Minister for Justice –the Dowra Affair- (Irish Times, 2012) and the purchase of tyres and services for garda vehicles at inflated prices (Comptroller and Auditor General, 2001). The latter report also highlighted, but left unexamined, allegations of gardaí benefitting from trips abroad as guests of one tyre supply-company. The various episodes of reported misconduct have been directed towards the public and the Force’s own staff (Inglis, 2004) or perpetrated by its own staff. This is evidenced not only in the distant past but in four reports published during an 18-month period up to July 2015. Combined, these have conveyed criticism of the Force’s involvement in investigating crime, disciplining officers,

\textsuperscript{20} EuroCOP v Ireland 2014, Complaint no. 83/2012.
\textsuperscript{22} Donnellan v Minister for Justice and Equality and Law Reform and Others [2008] IEHC 467
recording suspect phone calls and handling of penalty point cancellations (Guerin, 2014; Fennelly, 2015; Oireachtas, 2014d; Garda Professional Standards Unit, 2015).

As to internal management of garda misbehaviour, something of an increased focus on the line management role within the Force from 1993 onwards can be garnered from policy documents and public interventions (Sheridan, 2001; Curran, 2008). This new rhetoric of corporate responsibility would become more frequent as the Force was pushed towards greater accountability and corporate-like practices after 2005. Caseload figures denoting the incidence of internal disciplining of gardaí by Garda management, for instance, have been made available in Force annual reports since 2004. Alongside this, there has been tacit acknowledgement by the Garda Commissioner of misbehaviour where he noted that ‘the vast majority of gardaí perform their duties in an ethical manner’ (Murphy, 2008), i.e. some don’t. Yet, overall, there is little in the way of commentary on internal garda discipline prior to 1993 that would allow characterisation of how such matters were treated. This continues to be the case in the Force’s most recent account of such matters, namely its annual report for 2013. That year saw 153 gardaí confirmed as being in breach of discipline (Garda Síochána, 2014a). One of these breaches resulted in a dismissal from the Force. Yet, it is not clear from Garda figures as to how many of these sanctions had arisen from internally as opposed to externally-generated complaints, what had been the nature of the breaches and what was the nature of the sanctions imposed. It is contended that episodes of misbehaviour, antiquated or recent noted above are neither fringe elements nor ubiquitous. Rather, the argument is that allegations and findings of deviance within the Garda Síochána are intrinsic to understanding the Force’s identity over time, extending as they have up to and including the Commissioner’s office (Irish Times, 1997), the police role recently and explicitly ascribed in law. They also explain the oversight structures now encircling the Force’s function, discussed below.

Specifically, the crises and concerns noted above up through the 1980s brought about a shift in how garda discipline was managed particularly when problems peaked in 1977. The introduction of the Garda Síochána (Complaints) Act 1986 brought in to being the first external oversight of the Force in the form of the Garda Síochána Complaints Board (henceforth GSCB). Commencing operations in 1987, the GSCB annual reports indicate that it functioned largely through investigation of complaints by garda officers themselves,
received approximately 1,000 complaints per year and in its analysis of complaints emphasised the issue of public order matters among complaints (Walsh, 2009b). Public order matters are incidents involving persons intoxicated at the time of an event or whose conduct was deemed unruly with the implication that most complaints were to be viewed dubiously. During its period of active operation, the GSCB was subject to significant political control, low substantiation rates, limited powers, high withdrawal rates, long investigation timeframes and limited police co-operation (Walsh, 2009a). As with the Force, there is little by the way of detailed information in GSCB reports during its tenure as the single outside complaints body for the Garda Síochána (Walsh, 1999) that would facilitate formulation of an overall pattern of garda behaviour that gave rise to complaints. Combined, these fused into an impression of the GSCB having having performed inadequately (Vaughan 2005; Walsh, 2004). The penultimate operational report of the GSCB also pointed to inaction by the Garda Commissioner in the majority of matters where it had recommended disciplinary action be taken (GSCB, 2006). However, faith in the GSCB had deserted long before this juncture both among domestic and international commentators (Conway, 2008).

What effectively curtailed the GSCB’s existence was less the Garda response to misbehaviour and structural problems with the oversight model and more a decade of repetitive police failings to which the Board could offer little indication of correction. The Barr Tribunal arising from police shooting dead of a man in 2000 cost €20.4 million and the Reclaim the Streets protests in Dublin city centre in 2002 resulted in the prosecution of five gardaí and one conviction among these. The death of juvenile Brian Rossiter in a garda station in 2005 resulted in the establishment of a stand-alone body that produced a special report (Department of Justice, 2008), as did the confession of Dean Lyons in 2005 for a murder he did not commit (Birmingham, 2006). None of these had directly involved the GSCB. Most damning of all, allegations of police deviance in the Donegal division, northwest Ireland, which took place over the late 1990s, were in the public and political gaze from 2002. Leading ultimately to the Morris Tribunal that cost some €70 million and that reported in 2008, the tribunal resulted in some €7 million in damages being paid out to non-garda persons. Through the latter episode GSCB oversight was revealed as perfunctory, most saliently so in the observation made to the tribunal by one of its appointed officers. He informed the Tribunal that he simply did not believe that gardaí would do what had been alleged (Conway and Walsh, 2011). It was akin to an “appalling vista” view of police actions
through which the possibility of police deviance in Birmingham, England, had been
dismissed some years before. Irish policing and oversight therefore appeared to have learnt
little from episodes of police misbehaviour around the globe and discussed in Chapter 3.
Nonetheless, it was assumed that all these problems could be addressed through a new police
oversight model to replace the GSCB and this was done through the moves to introduce the
Garda Síochána Act 2005 (hereafter ‘the Act’).

As to the overall Force response to claims of garda deviance, it was to reject outright or
reduce the possible criminal behaviour of gardaí to ‘the experience of the individuals [found]
to have been mistreated’ (Murphy, 2008). An alternative approach was to portray the garda
misbehaviour as mistakes rather than intentional actions (GRA, 2006). That is, the aim was to
isolate the misbehaviour as not being a common experience, to frame it as an interpretation
by those experiencing it and to undermine it as truth as only perceived by non-police
professionals. Former Garda Commissioner Murphy’s (2008) statement above about actions
in Donegal made no reference to failings by Garda management in allowing the misbehaviour
to carry on even after being reported. His contention was arguably reflective of what
Vaughan (2005) and Walsh (2004) termed the ‘siege mentality’, a common police reaction of
bonding against the outside when their culture is challenged, as Chapter 3 sets out. Indeed
‘the most constant theme [in the first two Morris reports into Donegal] is the existence of
‘cop culture’…solidarity or group loyalty’ (Vaughan, 2005: 2) with loyalty through silence
the single greatest factor that most hindered the tribunal’s work. It was this that led Walsh
(2009b) to term the Garda Síochána the most secretive Force in the world23. A reluctance to
internally reflect upon the scale of misbehaviour across the Force was also evident in the
Garda Síochána’s own Staff Attitudes Survey undertaken at the time of the publication of the
Morris findings (Lynch and Kennedy, 2007). While it sought views on the effects of Morris
on perceptions of the Force, it did not ask garda respondents about their experience of
misbehaviour by colleagues. A reluctance to break the code of silence is further hinted at by
Lackey (2007) in identifying that of the 150 gardaí involved in the Reclaim the Streets
incident mentioned above, 25 gardaí co-operated with the inquiry.

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23 As a further point in this regard, little is known about G2, the national intelligence service shared with the
Defence Forces whereas national intelligence services in other jurisdictions are subject to direct oversight.
The 2005 Act itself set out for the first time in the history of the State the roles of gardaí, it established structures for the governance of police activity at local government level called Joint Policing Committees (JPCs) and established a Garda Síochána Inspectorate charged with the review of the use of resources by the Garda Síochána itself. The final element of the Act was the creation of GSOC to receive and investigate complaints about gardaí. The effect of the latter provision was for the GSCB to cease taking new complaints as and from 9th May 2007 when GSOC came into being.

GSOC identifies the core difference between itself and the GSCB as being the independent investigative function and police-like powers of its investigative staff (GSOC 2008). Differences also exist in the manner in which garda misbehaviour has been reported. Whereas the GSCB only recorded allegations of assault against Irish police officers once and investigated all allegations of ‘abuse of authority’ using police officers, GSOC for a sustained period recorded them separately from alleged ‘abuses of authority’ and investigates them using a mix of both its own independent investigators (numbering some 30 persons in 2014) and gardaí. GSOC is also headed up by three Commissioners, a structure different to that in Northern Ireland, Canada, Victoria, New Zealand, France and British Columbia, among others and different from the single GSCB Commissioner.

Originally expecting 4,000-5,000 complaints per annum (GSOC, 2007), GSOC subsequently changed how this was to be measured, arguing in 2012 that it had realised this goal of 5,000 matters on the basis of allegations received within complaints (GSOC, 2012). In reality it had received some 2,200 complaints each year for its first eight years of operation to 2014, totalling 17,753 complaints, which it processes through one of six options open to it. These are to: deem a complaint inadmissible; seek to resolve the matter informally (section 90 of the Act); have a garda investigate the matter and report back to GSOC (section 94(1)); have a garda investigate the matter under GSOC supervision (section 94(6))26; have its own investigations staff examine but not finalise the matter as a disciplinary one (section 95); and investigate the matter as criminal one with a view to the Director of Public Prosecutions (hereafter DPP) prosecuting any resultant offence (section 98). Alongside complaints, the

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24 Ireland is divided into 26 administrative counties, those with large urban areas containing more than one council, and is therefore similar to the English local government apparatus in basic make-up.
25 The GSCB did continue to function up to the end of 2013 arising from outstanding work.
26 Any finding of misbehaviour in both section 94 options is applied by the Garda Commissioner not by GSOC.
Garda Commissioner must refer to GSOC any matter where it appears that the conduct of a garda may have resulted in the death of or serious harm to a person with such matters being processed through either a section 95 or 98 approach. Over the course of the first seven operational years, GSOC had received an average of some 105 such matters each year (or a total of 846), the number of referrals declining steadily year-on-year from 2007 to 2013 inclusive with GSOC unable to explain the downward trend (GSOC, 2014).

To these basic powers GSOC has three own-motion functions available to it through the Act. The first is its capacity to examine any practice, policy or procedure of the Garda Síochána (a 106 examination). Such a course of action can be adopted with a view to reducing the incidence of complaints of a similar nature or prevent such complaints arising. This power is curtailed in practice, however, by the necessity to have ministerial approval to initiate such an examination; also, GSOC has no power to publish the findings and while it had sought three such investigations, it was granted two as of June 2015. One into road traffic fixed penalties, produced in 2008 was not published until 201427. A second was ordered by the Minister in 2014.

GSOC can use a ‘special report’ function under section 80 of the Act to bring items of gravity to the attention of the Minister, and has done so on two occasions. The first was as a means through which to deliver an interim report on a matter colloquially called “Rape Tape”. The latter incident concerned garda misconduct during the detention of two female protestors (Department of Justice and Equality, 2011). The second occasion dealt with confidential informant handling by the Force itself (GSOC, 2013). A final own initiative power open to GSOC is that of a public interest investigation (a section 102(4)) into any matter and without necessarily receiving a complaint. GSOC had launched 14 of these in its eight years of operation and a further one in April 2015.

27 Former Garda Ombudsman Commissioner Conor Brady stated on the Sean O’Rourke RTÉ radio show on 12th March 2014 that the 106 report had been laid before parliament by the Minister six years previously. The laying of a document before the Irish parliament implies that it has been made public. The author of the current thesis subsequently checked Brady’s claim with the Library and Research Service of the Oireachtas which records all documents laid before parliament. The service confirmed on 14th March 2014 that the document had not been laid and, separately confirmed that, on foot of correspondence with the Department of Justice about the author’s query, the latter was not going to publish the document. The Department then published the report on its website on 26th March but it was not laid before parliament.
Formal powers available to GSOC aside, its work in practice has translated into deeming three in every five complaints admissible and the rest inadmissible. Among the eight corporate reports available from GSOC to June 2015, the 2008 annual report is the only one that provided greater clarity as to inadmissibility patterns, but then did so without comment by GSOC itself. More than two in ten inadmissible complaints were out of time and more than six in ten were determined not to be breaches. As with studies of judicial determinations or police data recording, what is still absent is any exploration of the accuracy/validity of GSOC determinations that six in every ten complaints are not breaches. Meanwhile, viewed from the output end, GSOC avoided explicitly referencing substantiation in every report to June 2015 with this figure under 2% for all allegations, a rate higher than that recorded by its predecessor (Walsh, 2009a) but lower than comparable bodies internationally. Further, based on caseload figures for the last two operational years (2013 and 2014), all sanctions applied in 2013 were of the ‘less serious’ type, as defined by the Garda Síochána (Discipline) Regulations 2007 governing treatment of garda conduct. This meant that there were no dismissals, requirements to resign, reductions in rank or significant reductions in pay on foot of 5,865 closed allegations that year. Data disclosed for 2014, meanwhile, renders it indeterminate as to the full number and thus proportion of ‘less serious’ and ‘more serious’ sanctions imposed other than one dismissal.

As under the GSCB, during GSOC’s short existence garda misfeasance and malfeasance are evidently not relics of the distant past but remain active facets of the Force. Most notably in early 2014 the Garda Commissioner was singled out for alleged failure to act on absent or sub-standard investigations of crime (Guerin, 2014) alongside an indirect indictment of his management of discretionary powers over the fixed charge processing system (Garda Síochána Inspectorate, 2014). A potential for corruption among police more broadly, meanwhile, has also been noted by the representative body of garda rank and file (Irish Times, 2009); one acknowledged by the Force itself in instigating proceedings that have ultimately resulted in the convictions of Garda, Detective and Sergeant ranks, among them recipients of the Force medal for bravery. Matters for which gardaí have been convicted include: taking bribes from a convicted drug trafficker (Irish Independent, 2007); inciting prostitutes to organise and knowingly facilitate the use of a child for the purposes of sexual exploitation (Evening Herald, 2009); perversion of the course of justice and driving without a certificate of vehicle road worthiness (NCT) or motor tax (Irish Examiner, 2012); sexual
assault (Irish Times, 2013a); disclosing personal information and illegal possession of a firearm (Irish Times, 2013b); possession of illegal drugs (Evening Herald, 2011); insurance fraud (New Ross Standard, 2011); disclosing the contents of a confidential government report; and theft (Irish Examiner, 2011). That such criminal prosecution and conviction of gardaí have occurred in northern, southern, eastern and western divisions disproves any view that garda misbehaviour is a fringe, isolated activity. Further indications as to serious garda misbehaviour were raised in June 2013 around the suspected in-house theft at a garda station of €9,000 and the disappearance of €40,000 in five months in the same division (Irish Independent, 2013a). Ironically, some of the money that had been taken in the latter case had been evidence from a robbery at Lusk Post Office Co. Dublin, the scene of the first fatal police shooting investigated by GSOC.

Reactions to external oversight

A conundrum elaborated upon in Chapter 3 is why, given the frequency and nature of misbehaviour, is there not more reproach of policing services. This is answered by reference to the filter on misbehaviour imposed by the state itself. Garda misbehaviour and the reaction to external oversight are no less engendered by state architecture. Vaughan (2004) identifies the unchanging culture of the Force and the canonical status this holds in the public mindset as having served to defuse any pressure for change. Manning (2012), meanwhile, argues that the tight connection between the State and the Garda Síochána insulates the Force from swings in public opinion. This connection has also rendered negligible most efforts to reform the Force, including the handling of complaints against it.

Ahead of the reforms coming on stream in 2005 it was anticipated that the renewed invigoration of police sanctioning within the institutional landscape -the Act, the Discipline Regulations 2007 and Confidential Reporting of Corruption or Malpractice Regulations 2007 (“the Whistleblower Regulations”)- posed significant changes to the organisation, accountability and culture of the Garda Síochána (Connolly, 2002; Walsh, 2000). Indeed this mesh of developments brought forward a reaction by gardaí similar to that shown the GSCB. The reaction to the GSCB was one initially characterised by cautious statements of welcome on the part of the Garda Representative Association (GRA), in contrast to opposition signalled by the Association of Garda Sergeants and Inspectors (AGSI) which had opted out of the Working Party on the legislative Bill giving rise to the GSCB. The GRA position
thereafter became more critical in tone upon failure to have its observations on the new entity heeded by the Government. One strand of this when the board was in full operation was to reject the board’s findings on major incidents such as the Reclaim the Streets protest in 2002 (Irish Times, 2002). Garda opposition to oversight deepened as the move towards an oversight model that was called independent, in the form of GSOC, and a step beyond the external review model that had characterised the GSCB was evident. By 2013 GSOC had noted common reluctance among gardaí to offer anything other than a ‘no comment’ response to allegations (Oireachtas, 2013).

Among other audiences, however, the Act was broadly supported at its inception. Submitted by the Minister of the day as the most important piece of legislative proposal on policing to come before the Irish parliament (Oireachtas, 2005), both houses of the bicameral body welcomed the proposed change and dissolution of the GSCB. Concerns raised, at the same time, focused on a proposed Code of Ethics for the Force (Oireachtas, 2005), scope for an independent police authority (Oireachtas, 2005) concerns around the protection of persons whose property was damaged by police, the power of the ombudsman to oversee state security and the proposed continued involvement of gardaí in investigating complaints (Oireachtas, 2004a). Replying to the latter item, Dr. Maurice Hayes, an architect of the earlier and lauded police ombudsman developments in Northern Ireland, presented the case that police organisations should be ‘forced to consume their own smoke’ initially on discipline matters but gradually be allowed by an ombudsman ‘to deal with itself and tell him the outcome…as it showed its ability to deal as an organisation with complaints’ (Oireachtas, 2004a: 2356).

Defending the case for reform of the Force, the Minister for Justice of the day had remarked that it had become evident that the system for addressing complaints against gardaí did ‘not command full public confidence’ (Oireachtas, 2004b: 1314). He continued to add that a new body would be independent and the powers were being introduced in a ‘spirit of support for the Garda Síochána…not to undermine but rather to underpin the work it does’ (Oireachtas, 2004b: 1316). The Minister offered no argument against independent investigation of complaints other than that of resources (Oireachtas, 2004c), expressing instead his confidence that GSOC would approach the choice between investigating complaints itself or through using gardaí in a way that would command public confidence (Oireachtas, 2004c).
As to public reception of oversight, the Oireachtas debates expressed a growing dissatisfaction with the GSCB and an extant desire, recorded in surveys, for independent oversight. Among markers of diminished confidence pointed to during parliamentary debates, that of confidence in the Force had fallen to 58% and one in five persons were not reporting crime. Indications of public readiness or resistance to a new complaints landscape were available ahead of the Act and just after its introduction through Garda Attitude Surveys. Where 56% felt that local gardaí were fully answerable to the people for their actions and conduct and 12% had ever experienced unacceptable behaviour in 2002, these had fallen to 51% and 8.6% respectively in 2006 (Kennedy and Brown, 2006). These two results continued to decline through 2007 (Kennedy and Browne, 2007) before halting and reversing marginally in 2008 (Browne, 2008), the most recent such survey available.

Assessments of actual public responses to the legislative bill, for their part, are not readily come upon from among the Garda research reports noted above. This is because they do not address the bill, the Act or Morris Tribunal directly. Finally, as might be expected, an indication of the reception afforded to GSOC is also not addressed by the published Garda reports. GSOC, coming into being in May 2007, itself commissioned public attitudes surveys in 2007 and 2008 which noted 70% and 81% of respondents believed that GSOC’s existence would improve Garda handling of complaints. Such terms were reflected in the calls from several domestic sources for the new GSOC to be as relentless as possible in its examination of alleged garda misbehaviour (Irish Council for Civil Liberties, 2006; Irish Human Rights Commission, 2004), particularly given garda implication in the failings of the GSCB (Griffin, 2007). This interest reflected experience in other jurisdictions, notably frustrations with short-lived cyclical reform of policing (Lewis and Prenzler, 1999; Worrall, 2002). The new Irish endeavour was also well received by the Council of Europe’s Commissioner for Human Rights (Hammarberg, 2007) while more sanguine responses emerged from Transparency International and the United Nations which pointed to structural weaknesses with the model (Byrne, 2006; United Nations, 2008). Whatever about reception of the new vehicle for complaints, comprehensive data on satisfaction with oversight output, either initially or over time, have also been difficult to source. GSOC first commenced a satisfaction survey midway through 2012 and did not report any findings for 2013 or 2014, despite undertaking to do so.
The arguably soft parliamentary consideration of the Act and state of policing but resolute decision to endorse a new oversight model appeared out of step with similar developments in the western world. Equally, it appeared in keeping with the general Irish approach to oversight functions. Oversight offices external to the agency where deviance is alleged first emerged in those countries with the most developed sense of secular-rational, self-expression in the world in terms of cultural development (Ingelhart and Welzel, 2005). Their spread from Scandinavian countries in the 1960s and across common-law jurisdictions occurred quite rapidly with the exception of Ireland. Characterised as reflecting a more traditional, less self-expression nature, an apparently shared view in Ireland was that an ombudsman office was not really compatible with the local administrative tradition in place (Roche, 2004). Indeed, the Minister for Finance in 1966 opined that an ombudsman, first proposed around that time, was not needed because there were already so many ‘unofficial but effective ones’ in place (O’Reilly (2005). Taking a further 14 years to introduce, the slow creation of the first ombudsman could be emphasised by the fact that the relevant joint Oireachtas Committee to oversee it had itself come into being only on foot of a Private Member’s motion, i.e. a proposal by parliamentarians other than the government of the day. Thereafter, the first decade of the 21st century was a source of mixed messages over ombudsman entities in Ireland. Rapid expansion to create eight such entities in under five years for press, defence and children, ended with the proposed rationalisation of three offices into a single Ombudsman Commission (McCarthy, 2009) and proposals for appointments to such roles to be revised downwards to a lesser civil service grade. Almost six years on from that report, none of the recommendations have been implemented.

**Conclusion**

This chapter sought to do things. It aimed to set the background into which a new police oversight structure in Ireland came about and, after that, point to various reactions to this new development. As will be elaborated upon in Chapter 3 through existing literature, as shown here in the Irish case, the jump from no or limited oversight of policing to a full independent model is presented as a shock to many policing systems. While the policing function should be understood as possessing habitual scope for renewal and reform, the function and authority attached to policing means that reform is not easily allowed by police themselves. Second, when the scope for renewal of policing is rejected by police agencies, reform activity can be propelled sporadically into action by complaint activity.
CHAPTER 3 LITERATURE REVIEW- POLICE DEVIANCE

Introduction
Taking its cue from the muted debate on police deviance that attended the introduction of the 2005 Act, this chapter opens with a discussion of the policing role. What police do and how they do it merits attention being paid to the public interest quality of policing and how the value of this comes under question when police engage in deviant actions. Immediately thereafter, the chapter seeks to identify and locate police deviance and explanations for such behaviour within the make-up of policing. It argues that the wide scope of police activity and powers and the discretion allowed to the police in the exercise of these powers make the culture of policing a crucially important object of study. Where researchers differ over the existence of one or several cop cultures, it is argued that a common police response to claims of police deviance is evident. It is a response denoted by rejection of complaints and any increased calls for reform of police conduct. All in all, the chapter, along with Chapter 4, represents a concerted effort to bring together across the later parts of the thesis the two grand traditions of policing research identified by Jones et al. (1994). These two traditions are what it is that the police do and how they are governed.

Policing, its Symbolic Notion and Police Misbehaviour

Who are the police and what do they do?
The police response to claims of deviants or deviance within its ranks must be understood from an appreciation of the police role in the first instance. A simple characterisation of the police role is not easily arrived at, however, split as it is between what police are expected to do, what they do, what they believe they do and how they present what they do (Loader and Mulcahy, 2003). Zedner (2004) harnesses this ambiguity around the police role into something of a costume parade, identifying five possible ways of viewing police officers’ roles. These are:

a) citizens in uniform;
b) warriors in the fight against crime;
c) agents of social discipline;
d) systems managers; and
e) legal actors upholding the law.
This line-up of possible police identities reflects two further concerns prevalent within policing research. The first of these is that police act in the name of and with the authority of the public they serve. This spirit and operational watchword has been captured in such police mottos as ‘To protect and serve’, ‘maintain the law’ and slogans such as ‘protecting our communities by reducing crime and anti-social behaviour’ (Leicestershire Constabulary, 2011).

The second concern evident in commentary on the police role is that it is not a single task (e.g. catching criminals). Rather, it is a mixture of not necessarily complementary undertakings, the priority given to which shifts over time (Sherman, 1974; Bowling and Foster, 2002). Bayley (2009), for instance, highlights the mundane and limited crime-fighting aspect of average police work and patrol work in particular. Van Maanen (2005) and Reiss (cited in Sherman 1974), meanwhile, found that between 0 and 10/15% of police work was concerned with crime-fighting, a share that has not altered with technological and rhetorical adjustments to the role of policing in the intervening period (Ericson, 2005) or across borders (Brosnan, 1998 cited in Vaughan, 2004). Whatever the precise figure, the consensus among those studying policing is that the collective police perception of themselves as crime-fighters is ‘virtually a collective delusion’ (Waddington, 2007: 377). Police in fact have a low role in detecting and reducing crime (Rottman, 1984; Bowling and Foster, 2002; Neyroud, 2007) and there exists a not insignificant gap between crime experienced and reported and that cleared up by the police (Kershaw et al., 2008). Still, where police might be quick to claim credit for crime reduction (see Greene, 1999 on zero tolerance in New York), it is not entirely evident that police agencies are as zealous to acknowledge failings, citing instead the impossible mandate of their task to solve social-work type problems as well as being expected to be aware of crime before it happens (Manning, 2005), all in the context in recent times of limited resources (HMIC, 2012).

How do police do what they do?

The manner in which police seek to fulfil their mandate of catching criminals and maintaining peace and public order, meanwhile, has little to do with law enforcement and much to do with individual officers’ discretionary take on a situation (Stoddard, 1968; Ericson, 2005; Rossler and Terrill, 2012). Thus decisions to respond to a call, question an alleged perpetrator and let an offending driver off a motoring offence are dependent more on
selective judgements rather than adherence to legal requirements or imperatives with such
decisions enabled by public ignorance of what police can and cannot do (Loader and
Mulcahy, 2003). Separately, there is the oft-cited quota-hitting expected of police (Her
Majesty’s Inspectorate of Constabulary, 1999), a performance measure found to have a direct
effect on ethical boundaries of policing (Reiner, 2000). A concern with performance such as
this has been viewed by some policing scholars as translating into an over-focus on groups of
persons where results could be more easily demonstrated by the police. The conclusion of
such work is that persons exhibiting certain traits, such as postcode, economic status, race
and sex, or a non-submissive manner to authority experience more unfavourable treatment
than others in police interactions. Consequently, they are more likely to enter the criminal
justice system (Lee, 1981; Marshall, 1997; Van Maanen 2005; Mulcahy and O’Mahony,
2005). Such practices have been documented in particular across stop and search (i.e. stop
and frisk) policing (Quinton, 2011; HMIC, 2015).

It is against this background of police operating via “flexible” means in the interests of the
public good that questions inevitably arise regarding the threshold beyond which the “good”
is no longer being served. Passage beyond such thresholds by police agencies has been
evident over time and across jurisdictions and have all pointed up police practices that
defaced public trust and undermined the professed goal of police to protect and serve. Thus
whereas Pérez (2002) and Mawby (2007) contend that police forces differ between
jurisdictions more than they share commonalities, on foot of the cases of police misbehaviour
flagged above, their standpoint is broadly not accepted in this thesis. It is held instead that
commonalities in the make-up of police agencies are very apparent and have much to do with
the fact that police are viewed as embodying the political and social order of the jurisdiction
in which they serve (Sherman, 1974; Loader and Mulcahy, 2003). The exception is in
transition states where policing is reflective of the state’s own uncertainty (Cao et al. 2012).
These commonalities in policing are evident when it comes to how police forces deal with
alleged misbehaviour in their ranks and, specifically, against whom their deviance is mostly
directed.

28 Cour d’Appel de Paris arrêt du 24 juin 2015, RG no. 13/24277
Colombia- Estado de Colombia, Corte Suprema de Justicia, Sale de Casación Penal, Única instancia 32000
Police Deviance

Identifying police deviance

Many peer-reviewed journal articles and government reports focus on processes for dealing with police complaints and discipline rather than the parameters of the police behaviour at source of the complaint. Some academic commentators, however, have attempted to identify the shape of police deviance from differing viewpoints with the result being a cacophony of competing notions. A key difficulty with such endeavours is that varied and unclear use of labels presents across studies of police deviance to denote good/erroneous actions including misconduct, misbehaviour, corruption, integrity, fairness, probity transgressions, abuse or ethical dilemmas (Newburn, 1999, 2014; Dean et al. 2010; Spencer, 2010). The upshot is an impenetrable din through which no single authoritative voice or analytical framework might be discerned (Chappell and Piquero, 2004) with writers themselves presenting as unsure or incomplete in their own works (Kane and White, 2009) or surrendering to its complexity (Newburn, 2015; Douglas, 1993). Parnaby and Leyden (2011), for instance, set out to differentiate between ‘deviance’ on the one hand and ‘misconduct’ on the other. While they construct the latter as a violation of institutional codes of conduct and/or laws of the state, of which corruption is one type, they are not as illuminating with respect to ‘deviance’ and therefore leave a distinction between both terms unclear. Consequently the reader is left to include actions ranging from theft to bribes, sexual assault and driving under the influence of intoxicating substances. Even at that stage it is not always clear as to what is and isn't being included as a transgression of normal police conduct (see Ivković, 2003). It is not readily apparent whether individual or group action is being highlighted. The latter distinction can be further split between the motivations for abnormal police conduct, whether it is undertaken for private gain to the individual or group or gain to the police agency in which they work (Newburn, 2015). The latter signifies the existence of organisational deviance. Sherman (1978) also describes a distinction between episodes of deviance, i.e. individual events, and arrangements, i.e. repeated instances of deviance. There is also a difference between labelling organisational deviance as systemic incompetence or, alternatively, chronic non-performance (Punch, 2009).

Among the above considerations, that distinction between individual and group police deviance is important for understanding how police deviance takes place, how often, to what depth and how its incidence might be reduced. Both individual and group police deviance are
likely to entail efforts to conceal the deviance after the event, group deviance seems to demand (tacit or explicit) arrangement among colleagues ahead of its commission and/or, concealment afterwards so as to avoid detection. There is the suggestion then of two acts of deviance in both individual and group police deviance. There is the deviant act itself and, after the event, a decision, individual or shared, to suppress knowledge of the deviant act’s existence. It is argued that the group based police deviance is more damaging than individual police deviance. This is because it involves several actors working together to allow a wrongdoing contrary to public expectations and police codes of ethics. Unlike individual police deviance, group deviance has the attendant likelihood of what Punch (2000) terms the ‘initiation’ process. The latter is the process by which which a police officer is checked to see that like deviant colleagues they too see police deviance at a minimum as something that is acceptable or something to be supported. Group police deviance therefore suggests the existence of a wider culture supporting it, a culture that enables abuse of authority and, as Punch (2000) argues, something that can ignite years of scrutiny and demands for change. As is set out towards the end of this chapter, the focus of this thesis rests on individual garda deviance not group deviance.

Continuing with this paper’s efforts to define a working notion of garda deviance, common to police agency and related State justice agency acknowledgement of deviance among police ranks is an attempt to render such deviance as (i) a mistake and (ii) to abstract it as a matter from which police can learn (Leigh et al., 1998; Creedon, 2014; U.S. Department of Justice, 2015). This two-step approach signifies an effort to label the conduct as something other, notably lesser, than deviant. Noble and Alpert (2009) view police reliance upon the rhetoric of “mistakes” as an attempt at mitigation on the grounds that deviance is driven by a defect in police officer judgement (actus non factor reum nisi mens sit rea) or deficiency of police officer knowledge (ignorantia juris non excusat) and that would have applied to another reasonable person in the same circumstances. Yet, characterising police deviance as a “mistake” in this way appears to nullify all possibility that the action carried any intent, i.e. was intentionally or purposefully neglectful, discourteous, corrupt or physically harmful, etc. (Douglas, 1993). The conduct presented in this way has no mens rea. Yet, Noble and Alpert include both reasonable errors and intentional bad acts, i.e. those with a mens rea, under the heading of “mistakes”. They also excuse both errors and intentional bad acts as “mistakes”
provided that ownership of responsibility for the injurious act to which they give effect is admitted by the police officer in question.

Constructing deviance as a mistake and something from which lessons could be learnt defines the appropriate and proportionate response in a particular way. Based on this model, what flows from police deviance is the police organization using the experience internally for future planning, not the sanctioning by an external body of individuals for actions past. In this scenario the deviance claim pertaining to the original police action, particularly when juxtaposed against “law and order goals”, is rendered trivial\textsuperscript{30} or removed altogether, its direct connection with any individual offended is effaced, and oversight minimised\textsuperscript{31}. Portraying police deviance as a “mistake”, however, comes with complications that undermine its plain guise. First, research findings show that complaints often do not agree that the behaviour they complain of can be regarded as a “mistake”. Second, there is little research evidence that points to individual officers, as opposed to police agencies, stepping up to make apologies that acknowledge their error/intentionally injurious action and in the process go some way towards mending police-community relations. That said, there is some evident pressure on police to accept mistakes or ignorance of the law as fault issues and to be treated as discipline issues (Queensland Police Service, 2011: 89). Third, civil actions against police “mistakes” continue to test the thinking of the highest courts, to deplete the coffers of national governments, and to weaken the impact of the administration of justice\textsuperscript{32}. Fourth, a substantial proportion of such cases relate to serious, as opposed to technical errors or minor rights violations (Ransley \textit{et al.}, 2007), i.e. actions intended by a police officer to place another at a disadvantage.

Overall, the effect of presenting notions of police misconduct in police terms, as a mistake, unintentional or a lesson-learning scenario is, as Smith (2009) argues, to create an imbalance between the police and complainant, in favour of the former over the latter. This perspective is evident in one jurisdiction’s framing of police misconduct as anything that ‘undermines or is against the interests of Victoria Police and is incompatible with the impartial exercise of

\textsuperscript{30} People v Defore 150 N.E. 585 587 (N.Y. 1926)
\textsuperscript{31} See Cour d’Appel de Rennes, 13324000102, 15/1225 (Entre Monsieur le Procureur de la Republique et Klein, Stéphanie et Gaillemin, Sébastien).
Defining police deviance in this way downplays any rupture created between the police and the public on foot of the police deviance itself. Yet, public and criminal justice practitioner outlooks on police deviance in developed jurisdictions may be no more illuminating, frequently flitting between what is and is not misbehaviour (see HMIC, 2011). Somewhat oblivious to this inconsistency, the public expresses generally immovable and high levels of confidence and trust in and support for the police (World Values Survey, various years). The IPCC has contended that the public is less concerned with police deviance than with real policing, understood as 'solving crime' (IPCC, 2012a). It is a scenario overall suggestive of a public preference for a crime control over a due process model (Packer, 1964), expressed as public support for police use of whatever methods they can to apprehend criminal suspects (Rengifo and Slocum, 2014).

The alternative is to acknowledge that policing may not be entirely correct and this would be to acknowledge that society, its values, principles and priorities and dominant 'structures of feeling' (Hohl et al., 2010; Punch, 2009) that influence policing is flawed or at odds with the law. Dominant structures of feelings play a critical role in Downes and Rock's (2007) definition of deviance. Issuing from a starting point of defining deviance and crime as unacceptable behaviour likely to attract punishment or sanction, they proceed to construe a deviant act as one relative to the audience judging the discretion. The first implication of this perspective is that misbehaviour may not be deemed to exist at all. If deviance is considered to have occurred, its seriousness or otherwise is dependent on the virtuous character of the society itself and the place of the agency/actor in its structure (Graham et al., 2009). Next, if deviance and serious deviance at that is judged to have occurred, general satisfaction ratings of a police agency may remain high (Sherman, 2001; Frank et al., 2005; Ivković, 2009) even while discontent is expressed with the specific deviant act in question. Thereafter, deviance may not be seen as deviance within the group where the action takes place. This has the effect of softening public opprobrium of the act altogether.

Where the public views of deviance become most important is at that point of distinguishing in law the deviant from the non-deviant. Erikson (1962), for one, argued that while deviance is a normal product of stable institutions, its labelling as such is not automatic. Its

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33 R. v W. [2010] EWCA Crim 372
confirmation as such is found where, faced with a rupture to social norms, a society confronts the predicament of making ‘clear statements about the nature and location of its boundaries’ (Erikson, 1962: 309). Each time the community does in fact censure some act of deviance, it ‘sharpens the authority of the violated norm and re-establishes the boundaries of the group’ (Erikson, 1962: 310). Deviance then is engendered by society, particularly where conflicting signals over roles and goals exist. The expectation in this portrait of deviance is that it will occur at some nodes more than others with anomie and disorganisation by actors at these nodes serving as explanations for the appearance of the questionable act in the first instance.

Erikson’s perspective on deviance is given further, if indirect, scope in Quinney’s (1965) consideration of the link between criminal law and deviance. Challenging the truism that criminal law embodies social norms held by most persons in society, Quinney contends that much legislation is, in fact, the legislation of well-organized, articulate and powerful minorities, particularly those not concerned with ‘conventional crimes’ such as murder or robbery. That is to say, the law is the preserve of the resource-affluent, among whom police representative bodies would number. Criminal law therefore encompasses some norms but may not necessarily cover all acts of deviance.

This difference between ‘criminal’ and ‘deviant’ presents most acutely across jurisdictions in respect of police conduct. This is because it stands to pass through an institutional censoring filter supported by the State and/or courts in the administration of justice that is able, not only to adjust its negative quality, thereby rendering it acceptable, but dress it in the only possible narrative (Frost and Phillips, 2009). Consequently police deviance, rather than that of the street, may have a constant defence to hand through political institutions. Their deviance, though a rupture of legal norms, may not break with the norms intended by the State. This is arguably most saliently reflected in the legal argument expended over police abuses of authority, negligence and, more so in US jurisdictions over the last 18 months, the use of (excessive) force. It highlights, to use Ben-Yehuda’s (2012) perspective, that power alongside normative behaviour defines what is and is not deviance. The filtering of police deviance, in effect a structural disequilibrium vis-à-vis other groups, when they falter in terms of behaviour means that the expectation that police officers be subject to an 'artificially high standard of morality…not required of the average citizen' (Stoddard cited in Newburn, 1999) ultimately turns out to be an illusory one.
This uneven filtration of police deviance materialises as a possible gap between the police view of police deviance and the public view of police deviance. It implies that reliance upon statute or policy-defined police deviance as the basis for complaints and discipline processes might be expected to become unworkable or illegitimate over time. That this is the case in practice is evidenced through one example, that of England-Wales. Realising failings and lack of public support for the manner in which police conduct was being handled at the turn of the 21st century, a new Code of Conduct, Police Reform Act (2002) and Police Regulations were adopted. These did not abate the high level of conjecture and non-finding of police deviance, with one set of commentators attributing this outcome in part to vaguely or poorly specified policy and in part to investigator error (Best and Eves, 2005). A continued reliance upon statute-defined police deviance in this new paradigm without challenging the statutory parameters of same served to undermine analyses of police conduct in England-Wales (see Harris, 2014 and Thomassen, 2002 for others) that would come into sharp relief in time. Further efforts by the two main police oversight bodies to clarify police corruption (IPCC, 2011; Newburn, 2015) were not enough to deter the Home Secretary instigating a review of the entire police complaints and disciplinary system in mid-2014, a decade after its last renaissance, on the basis that it still lacked ‘transparency for the public...and independence’ (House of Commons, 2014). The subsequent review report (Chapman, 2014) found that conflict and confusion continued around the notion of gross misconduct, for one, and similar actions of police deviance attracted different outcomes. Supportive of these findings, the Government response in March 2015 offered that a new complaints system would present an expanded definition of what police behaviour could be complained about, one that the public would understand, as well as clarify how it would be disciplined (Home Office, 2015).

The above scenario acts to cast one recent theoretical contribution to the topic of police deviance in a particular light. Newburn (2015) contends that the primary role of a literature review of police conduct is to offer a basis for analysis rather than a cut and dried method of distinguishing corrupt from non-corrupt behaviour. Yet, as emphasised in the English-Welsh example, without clarity over what is and is not to be tolerated by the public/police managers and what does and does not constitute action upon which police management might act to censure, the likelihood is that the policing role stands to risk losing public confidence.
As the law does not always express morals or reflect public demands and the public may view police deviance as acceptable (e.g. entering a house without a proper or any search warrant) the police oversight agency arguably has an important role to play. Its determinations on complaints, such as questionable searches by police, serve as reminders of the less tangible public interest of ensuring that policing operates within the confines of the law. Police oversight, through its findings therefore reinforces the standards of policing that can be expected by all. Its determinations prevent the discretion afforded police officers in their day to day roles from rendering policing an entirely haphazard function. Yet, if the police oversight agency’s findings are unclear, redacted, do not cite legal instruments or appear to go against such instruments these risk undermining any clear parameters of police deviance. That is, no less than a country’s court of last instance, where a police oversight agency offers a finding that seems to go against the evidence before it, the rupture between aggressor-aggrieved bound up in a complaint may not be resolved.

Identifying Police Deviance in Ireland

Viewed through the same prism, the Irish approach to garda deviance is compiled through four main mechanisms. First is that defined by legislation pertaining to the complaints process, specifically the Garda Síochána Act 200534 and the Garda Síochána (Discipline) Regulations 2007. As seen in Chapter 2, among other things, the Act brought GSOC into being and set out the scope of its work. GSOC work is framed as the investigation of misbehaviour, defined by section 82 of the Act as an ‘offence’ or ‘breach of discipline’. While offences are discussed below, breaches of discipline are clarified by Schedule V of the Act. The items in Schedule V are understood as something that, if proven, could be dealt with by possible imposition of a sanction under the Garda Síochána (Discipline) Regulations 2007. The latter instrument also provides arrangements for hearing accounts of and defence against allegations of garda misbehaviour. The Regulations in turn divide garda misbehaviour into three brackets, namely ‘minor breaches’, ‘less serious’, and ‘serious’ actions. Penalties attaching to such determinations, while not arranged as such, appear to increase in gravity from advice given to a garda at the lowest to dismissal of a garda at the highest level. Questions have been asked of GSOC by garda and public actors, and remain unanswered, as to what kinds of behaviour, in more concrete terms, fall into each of these categories of

seriousness, a decision that determines the type of investigation and the sanction, if any. Like oversight agencies in other jurisdictions, GSOC has handled complaints on the basis of the statutory definitions of misbehaviour without expanding them or explaining how they are applied. Garda and GSOC annual and special reports give little further insight into the range and nature of police misbehaviour alleged by complainants or confirmed by the investigations.

Second, as intimated above, garda deviance is also clarified by the courts through criminal cases and civil actions. Determination by the courts of garda actions as being criminal, non-criminal or some other rupture has encapsulated on and off-duty scenarios involving a range of offences as discussed in Chapter 2. While a great many of these cases are finalised in the lower courts with little impact on case law and so are not to be found other than through media reports, some involving actions by individual\(^{35}\) and several gardaí acting together\(^{36}\) can be cited. A further platform under this heading is adjudicatory tribunals, those relating to labour relations and equality matters, dealt with through the Labour Court or the Equality Tribunal. One case prior to GSOC’s existence, for instance, raised queries around both potential garda racism, as defined by the Equal Status Act 2000, and parameters of the service aspect of policing model in Ireland. It attracted the concerns of the Equality Authority that body then charged with safeguarding the Irish approach to such matters\(^ {37}\). However, the potential of these fora in drawing clear lines around what does and does not amount to garda deviance has yet to be shown to be of significance during GSOC’s lifetime.

An exceptional report on service standards in policing produced by the National Economic and Social Council (2012) too offered no in-depth examination of the concepts or interplay of garda deviance and misconduct. It confined itself to noting only that it was ‘often difficult to note where inefficiency or underperformance equated to a neglect of duty’. Additionally, NESC relied upon the now routine practice of focusing on ‘lesson-learning’ when it argued that greater legal powers over individual garda behaviour may be less important than understanding why something occurred and adjusting for future scenarios. NESC did not address the non-publication of any Garda Professional Standards Unit reports between 2005


\(^{37}\)Donovan v Donnellan DEC-S-2001-011
and 2014, as provided for by the Act, which might have assisted with determining how far the Force had been learning in the intervening period. It could be argued that the NESC approach, an agency led at any one time by the head civil servant of the State, was unsurprising as the lead government department on justice matters - the Department of Justice and Equality - itself was found by a recent review to have been less than adequate in its own role of oversight of the Force over the same time frame (Toland, 2014).

Third, there are commissions of inquiry, tribunals of inquiry, special reports and Oireachtas reports wherein garda deviance is either the main topic or a feature of wider affairs. Prior to GSOC, numbered among these were the Nally Report (2002), the never-published Carty report, the related Morris Tribunal (2007), and the Birmingham report (2006), each covering different allegations of Garda wrongdoing. Since GSOC’s creation there have also been the Ferns Report (2005), Murphy Report (2009) and Cloyne report (2011), the Smithwick Tribunal (2013) and Guerin Review (2014) and examination of the seizure by police of two Roma children (Logan, 2014)\textsuperscript{38}. To these in the comings months will be added the separate MacLochlainn and the O’Higgins Commissions of Investigation and the Fennelly Commission of Inquiry into claims of further garda oversights and/or deviance. It must be emphasised, however, that the remits of these has in the main been to establish facts and make systemic recommendations rather than to apportion blame\textsuperscript{39}. Consequently, the cumulative effect of such events in terms of refining the lines of garda deviance is open to question. This is because in the main they have framed garda actions found to be wanting as not ‘intentional wrongdoing’, ‘highly regrettable’, or an absence of the ‘quality’ of discipline rather than acts of ill-discipline \textit{per se}. Other mentions of ‘inappropriate dealings’, ‘inappropriate contacts’, ‘inadequate’ investigations\textsuperscript{40} and ‘cursory’ investigations at an individual and organisational level in such affairs were not explicitly defined as deviance. The reasoning for this muted treatment of gardaí to and including the Garda Commissioner ranks, of which there are three, has been part political expediency, part misguided loyalty and part the passage of time and dissipation of evidence that has been a feature of life in the Irish State (Smithwick, 2013).

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\textsuperscript{38} This led to the arrest of a garda Superintendent, the most senior rank ever to be arrested, in May 2015.

\textsuperscript{39} See McGrath (2009) on the impact of Irish tribunals.

\textsuperscript{40} Smithwick here referenced an investigation report by Chief Superintendent Camon. Camon also featured as having made an inappropriate request of the Minister to have the DPP reverse its decision not to prosecute Ian Bailey, the subject of Bailey v Commissioner of An Garda Síochána [2015] IEHC 289
No greater instruction on the content and edges of garda deviance is to be had from the fourth and final conduit through which such dispositions might be identified, namely through a code of ethics or behaviour. A common instrument in many police agencies, the Garda Síochána had commissioned an externally-drafted human rights audit prior to the 2005 Act. Its final report had supported the introduction of a Code of Ethics as proposed for the Act. Part of the reasoning there was that the Oath taken by individual gardaí and the confidential Garda Code that sets out expectations and directives for gardai on a day-to-day basis were judged insufficient for purpose (Ionann Management Consultants, 2004). While a Code of Ethics was provided for in the eventual 2005 Act under section 17, no such instrument had been adopted as of June 2015\(^\text{41}\). Yet, in the intervening period, criminal prosecution and disciplinary sanctioning of gardaí continued and civil actions settled by the State to 2013, the last date for which figures are available, totalled €51.6 million (Department of Justice and Equality, undated).

An unambiguous understanding of the full contours of garda deviance has been impacted upon by the connection between the various instruments governing garda conduct (the Act, the Regulations and criminal law) and agents dealing with such conduct such as the courts, GSOC and the Force itself. Imposition of any sanction, for example, can accompany or be substituted by a criminal penalty (e.g. fine, suspended sentence, term of imprisonment) depending on the seriousness of the garda deviance. Furthermore, the Regulations contain a provision (regulation 10) enabling the imposition of a sanction by a garda supervisor when garda conduct is determined by that individual to be a ‘minor breach’. Although not a focus of this paper, garda supervisors have implemented this sanction ahead of GSOC finalisation of complaints against gardai. This has brought into being a double jeopardy arrangement whereby GSOC, even if it wanted to, cannot recommend a sanction against a garda that might be deemed more proportionate to the conduct if one has already been put in place under regulation 10. A related frustration raised publicly by GSOC itself, is that where the Garda Commissioner does not support a recommendation of misbehaviour ‘no explanation is provided to the complainant’ (Oireachtas, 2013: 12).

Similarly, studies in the area of organisational behaviour emphasise the intrinsic importance of buy-in among senior management of any general reforms of values, mission, ethics and

\(^{41}\) As of that date its introduction was dependent upon the proposed introduction of a new Police Authority, itself a response to continued police deviance.
integrity in order for them to be adopted and work as intended. Yet, as of July 2015, the
Garda Commissioner role remains subject to a different, more opaque standard; specifically
they are not considered to be a ‘member’ of the Force for the purposes of misbehaviour that
could be dealt with by GSOC and so a complaint about them could not be entertained.
Passing and commencement of the Garda Síochána (Amendment) (No.3) Bill 2014 as law at
least on paper would alter the immunity given to any Commissioner, enabling GSOC to
investigate this office holder but not in the full terms under which all other gardaí are subject
through the 2005 Act. A complaint against the Garda Commissioner would still automatically
be deemed inadmissible and GSOC would still not be able to make a recommendation against
that role-holder on completion of an investigation. A decision to investigate and act against
the Garda Commissioner instead would remain the preserve of the Minister for Justice of the
day. An example of how this current protection afforded the Commissioner operates was
arguably borne out in the departure of the last Garda Commissioner from his post in 2014.
While the full circumstances surrounding the retirement/dismissal, the third such occurrence
in the history of the Force, were still being finalised by the Fennelly Commission by June
2015, a notable aspect of the event is what it indicates or rather conceals as regards expected
behaviour of the highest ranked garda. The final days of the Commissioner were marked by
his denouncing the actions of a garda whistleblower who had revealed irregularities in Garda
penalty point administration as “disgusting” and his defiance of calls to apologise for same up
to his date of departure.

The Commissioner’s stance against the whistleblower though widely criticised, was not
surprising. Police deviance found, acknowledged or publicly judged to exist in many
jurisdictions is more common than rare (Sherman, 1974; Ericson, 1982; Prenzler and Ronken,
2003; Son and Rome, 2004; Harris, 2010) and has reached all the way up to the Police
Commissioner or equivalent ranks (Punch, 2009; Lauchs et al., 2011; IPCC, 2012b). Further,
while academic commentators disagree over the sources of police deviance (Parnaby and
Leyden, 2011; Punch, 2009)42, they agree that it is recurrent (Sherman, 1978)43, particularly

42 See the Bommeleeër episode in Luxembourg that brought down the national government in 2013, implicated
a former state prosecutor and former prime minister and current European Commissioner Jean Claude Juncker.
The associated criminal trial, ongoing at the time of writing, is also notable for the testimony of two princes of
the Grand Ducal family (see La Commission de Contrôle parlementaire du Service de Renseignement de l’État,
where ‘positive symbolic leadership’, that is, being openly opposed to deviance and being open about internal deviance, is absent. Seeking to prevent the disclosure of deviance under his watch, the Garda Commissioner had resorted to name-calling and his reliance upon two internal reports examining the penalty point claims (Garda, 2013) was subsequently undermined (Guerin, 2014; Oireachtas, 2014a). His actions, it is contended here, in line with those of similar officers in other jurisdictions, spoke to the presence of what is termed ‘cop culture’.

**Cop Cultures**

Studies of what it is police do, how they do it and why have repeatedly drawn out a police-contrived distinction between themselves and non-police others encapsulated in a “them and us” dichotomy (Reiner, 2000; Uhnoo, 2015). This has traditionally set up the existence of a single police culture, a bulwark against change that is characterised by the common elements of: danger; the pressure to produce; and authority (Skolnick 1966 cited in Reiner, 2000). This culture is one defined by a robust sense of duty towards the innocent and weak. It disparages community policing, seeks out exciting work, emphasises solidarity with colleagues, and expresses cynicism towards the public and the system.

An alternative account is that police cultures do vary within and between forces. Chan, (1996, 2004) argues that police utilise four types of cultural knowledge to inform their actions and outlook (field and habitus). These are: dictionary; directory (how it is done); recipe (how it should be done); and axiomatic (why it is done in a certain way). These inevitably create varieties of cop culture. Yet, while varieties of police culture might exist, even among the critics of the theory that police culture is monolithic, it is acknowledged that a single self-image is dominant. Chan (2004), for one, points to common elements in the police habitus: police agencies face similar pressures and consequently the base culture is similar in one country and another and resistant to change over time. Among these common elements of culture is a willingness among police to keep one’s mouth shut when faced with misbehaviour by a colleague (Chan and Doran, 2009). Marks and Sklansky (2008), who also believe there is are varieties of police cultures, similarly argue that police see themselves as police first and service providers hardly at all. Other writers acknowledge that a single culture

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is visible through emphasis being placed on the positive elements of police work and evasion of the negative or less creditable ones (Foster, 2003; Marks and Fleming, 2004).

Loftus (2012) argues both that a single dominant culture exerts a considerable influence over the way police officers think and that the classical portrayal of police culture is in fact an accurate one. She, as did Alain (2004), thus calls for retention of the orthodox view of police culture. The argument is that even if there are several strands of police culture, the image of a single culture, partly because it is reflected back from media representations, influences actual policing practice. Cop culture gives meaning to experience and sustains occupational self-esteem (Waddington (1999) binding all the differences within a police force against the alternative interpretations (Chemerinsky, 2001). Claims of misbehaviour against the police serve to bind together police rank and file and management. There are suggestions that this common front against oversight is weakening as social media provide more frequent scrutiny of police activity (Campeau, 2015). Alternatively, it is suggested that the increased scrutiny is resulting not in the decline of all-binding police culture but a new culture of risk aversion (Myhill and Johnson, 2015). Even within the Irish setting, a recent critique of the stereotypical single-faceted cop culture (Charman and Corcoran, 2014), concedes that two forms of dominant culture define gardaí. The first is one that is community and service-oriented and thus out of synch with jaundiced accounts of cop culture. The second, however, while displaying tentative signs of splintering entirely, is a dominant culture commonly reflected in police agencies and that at issue in the current chapter. Charman and Corcoran found that garda views of and responses to colleague deviance were dependent upon subjective perceptions of the alleged deviant action. Those dispositions accord with conclusions as to collective garda defiance and/or inaction highlighted in external reports about garda deviance, noted in chapter 2.

Conclusion- when police deviance and cop culture collide
Where police undertake purposeful and nefarious decisions, provide inconsistent responses to victims of crime or service users (e.g. firearms applicants) and treat suspects in a questionable manner such as through illegal search practices, public grievances arise. However, Sherman (1978) argued that such grievances are unlikely to be formalised as complaints. When complaints do arise, the tangible impact can be a loss of public faith in policing legitimacy that reduces the incidence of the public reporting crime (HMIC, 1999; Kane, 2005; Allen and
Ruparel, 2006). As public information constitutes the predominant means through which law enforcement agencies become aware of incidents (Bayley, 2009) police agencies would wish to minimise complaints. Where possible they tend to deny that police action or inaction was deviance. Organisations geared towards building loyalty, such as police agencies, attempt to ‘entrench themselves’ and in Hirschman’s words ‘enhance their freedom to act as they wish, unmolested as far as possible by desertions or complaints of members’ (Hirschman, 1970: 92). Desertions, on the one hand, might be best evidenced as whistleblower action against an organisation, a recent instance of which within Irish policing was described earlier. Complaints of members, on the other, in keeping with Hirschman’s two meanings of members should not be restricted to being understood as those of employees of the organisation. His two members are the (i) producers within the organisation and, (ii) the consumers of the organisation who exist external to it. Hirschman explicitly includes police activity within such dynamics meaning that far from being able to entrench themselves police agencies must respond to complaints in some fashion. The least intrusive police response is to manage grievances themselves through informal mechanisms such as resolution by a direct supervisor. Where complaint numbers militate against local handling, internal affairs bureaus are created. Finally, where such police responses still fail to meet public expectations, they open up the possibility of external accountability (Chan and Doran, 2009) and reforms (Prenzler, 2011).

Piggy-backing on a legacy of generally high satisfaction with the police, governments in many countries have most often placed their faith in the virtue of police agencies. They have been content to assume the good character of police agencies and to that extent they have become less watchful of police conduct (United Nations, 2011). As a result, from the 1850s onwards what emerges is a recurring pattern of low visibility and ineffectiveness in dealing with police complaints. Police agencies from the Commissioner/Chief Constable down have tended to define the alleged deviance in less serious terms than the public (Lersch, 1998; Goldschmidt and Anonymous, 2008; Walker, 2008; Vito et al., 2011), to present the deviance as being isolated (Ivković, 2009) or to reject it as unreliable, frivolous, vexatious or false (Herzog, 2000; Chappell and Piquero, 2004). Yet, perceived failure by police agencies to satisfactorily and robustly deal with complaints has only led to further questions being asked by numerous commissions of inquiry.

45 See pages 83, 100 and 101 of Hirschman’s text for two meanings of members.
A failure to be clear about the contours and treatment of police deviance stands to undermine police legitimacy. It results in reform upon reform being introduced without overall amelioration of the policing function. This is apparently not understood by police oversight agencies to judge by the way they frame police misbehaviour, if they recognize it at all. Adherence by a police oversight agency to the remit of its governing legislation without seeking to refine or alter this could be interpreted as an indication of its reluctance to go offside with the central government that gives it birth. It is in this vein that Chan (1999) has observed that the modern state is ‘deeply ambivalent about police accountability’. This is witnessed in police chiefs committing to ‘learn from isolated’ misbehaviour but failing to do so. It is also evident from instances of governing authorities (be they city, state or nation) looking to minimise the possibility of conceiving of most police deviance reaching the threshold of crime. Some examples of these in the Irish case were highlighted earlier in this chapter. Such actions are in direct opposition to observations made by researchers, lawyers and supranational monitoring bodies that police misbehaviour can be criminal (Lewis, 2000; CPT, 2006; Hammarberg, 2007; Fitzgerald, 1989; Bazley, 2007), re-occurs and should be addressed by the courts. McDaniel (2015) argues that where member states (i.e. national governments) have often looked to the EU for guidance on holding police to account, the EU has in turn followed the lead of the Council of Europe, though not adopting all of the latter’s developments. One such endeavour not adopted has been the long-standing Council of Europe European Code of Police Ethics and commitment to the use of criminal courts for deciding appropriate cases of police deviance. Taking the example of Ireland, it has been the intention of the Force ‘to reflect’, though not necessarily adopt, the Council of Europe Code. Villiers (2009) argues that in governing police behaviour a disciplinary code is not a substitute for a code of ethics and vice versa, both should be put in place. Using the example again of Ireland on this point, the Act introduced a disciplinary code but the Minister and Garda Commissioner between them did not find time in the first ten years of the Act’s existence to adopt the Code of Ethics provided for by the Act itself. These points in mind, despite visible weaknesses with the current notion of police deviance as framed through the 2005 Act in the form of ‘misconduct’, the notion of garda deviance used in the subsequent chapters of this paper must be read as meaning a breach of Schedule V of the Act or an offence enshrined in Irish criminal law.
The current thesis also deals primarily with individual garda deviance rather than group deviance. While acts of group or organised police deviance do feature in policing and have also arisen in the Irish context, a full examination of the frequency and linkages of such behaviour among Irish police is not attempted here. To do so would require details on garda assignments, linking complaint incidents and greater analysis of individual complaint accounts. It is analysis of the sort that police forces conduct on suspects and police oversight bodies conduct on complained about police using military-grade intelligence software (e.g. i2). While of merit in itself, the focus of this thesis instead rests on complainants and the geography of complaints. As Chapter 4 makes clear, there is still much to learn about complainants. Further, as Chapter 5 highlights, there are difficulties with GSOC data recording that would have made studying group as opposed to individual garda deviance difficult to undertake without greater resources being available.

Short-term commissions of inquiry into particular episodes which have highlighted actual or probable police deviance have left complaint mechanisms behind as their legacy. These mechanisms are worthy of detailed investigation and analysis. Given that the usual response of police is denial, the utility of raising a grievance about police actions deserves attention. Furthermore, as some police deviance arises from use of extra-legal tactics to meet their crime-fighting mandate and in the process win out in antagonistic relations with certain subject groups (Prenzler, 2000), it is important to establish whether those groups stand to gain at all, or as much as other groups, from making a complaint. Chapter 4 that follows therefore serves to introduce the theory and practice of police oversight. In doing so it focuses on the recurrent problem of unequal policing of various groups and areas, a problem which hamstrings the police in their efforts to achieve legitimacy.
CHAPTER 4 LITERATURE REVIEW—POLICE OVERSIGHT AND COMPLAINT BEHAVIOUR

Introduction
Quelling a crisis with police conduct in a jurisdiction and shoring up the continued role and legitimacy of policing itself is facilitated through introduction of some form of change and renewal. As intimated in the final stages of Chapter 3, when the problems of police behaviour are too common or, more pressingly, too large to warrant police retaining primary maintenance of same, external oversight mechanisms are brought into being (Lamboo, 2010). The current chapter provides an overview of those oversight vehicles charged with handling police complaints as opposed to those concerned with police use of resources and budgets and police processes. As much as the research literature allows, the general pattern of the development, form and function of police oversight globally is presented briefly as background material with a view to having some benchmark against which to understand the historical and recent process and current model in the Irish context.

Any examination of police oversight stands to choose between focusing on the police, complainant or oversight body or all of these. Given the space and owing to a lack of data on those police complained about, as clarified more fully in Chapter 5, the remainder of the paper places the complainant to the fore. In particular, the dynamics underlying a decision to turn a grievance into a complaint are mentioned with a view to understanding what is intended by a complaint. However, the dominant focus rests on profiles of complainants, their complaint content and complaint result. The reason for this selection is that among those oversight bodies that have released data or given access to researchers, the over-representation of certain sub-groups among police complainants presents as a recurring feature and one pointing to structured outcomes differentiated by the complainants’ resources.

Police Oversight—founding philosophy and function
The introduction of new forms of police oversight signals exasperation with a police agency’s ability to deal with its own misbehaviour. This imposition over the last forty years in many jurisdictions has tended to occur in two phases. The first phase involves the establishment of a short-term committee or inquiry to examine misbehaviour of a scandalous nature most
commonly due to repetitive failings and in different parts of the same police service\textsuperscript{46}. Examples of this in Ireland were introduced in Chapter 2. The second phase of action that denotes exasperation with a police agency’s ability to manage public grievances is the establishment of an external organization to regulate police behaviour and imposition of its directions upon the police agency itself. Goldsmith and Lewis (2000), for instance, observe that most jurisdictions that had or have oversight in place introduced such a mechanism following a public crisis involving their police agency. A shift from management of police deviance internally by a police agency to external arrangements can be accounted for on several grounds. These include recurrent police misbehaviour arising from a failing line management structure (Deukmedjian, 2006; Brooks, 1983), a high incidence of complaints not formally recorded as complaints by the police and scepticism about the objectivity of police investigations (Ellison, 2014)\textsuperscript{47}. Further, if less immediate, grounds for the move to some form of external police oversight include the retention and promotion of police officers found guilty of misbehaviour soon after a controversial event and non-alteration of police policies following serious complaints. Finally, the perception of a failure by police agencies to change in the aftermath of a crisis creates a demand for external oversight arrangements (HMIC, 2011). It is at that juncture that a decision to establish an external regulator may come across like a finger being placed in the police agency’s wounds.

As to what it has to offer or intends to achieve, external oversight is commonly presented to police audiences as an effort to establish and maintain a positive image of their professional craft (Newburn, 2015). Oversight makes police legitimate (Greene, 2007) and serves to augment community relations (Landau, 1996). Further, it is couched by its proponents as a shift away from individual officer misbehaviour to a focus on systemic police agency shortcomings where lessons to be learnt not mistakes made are to be the focus (Goldsmith and Lewis, 2000). Overseers also stress their independence, impartiality and knowledge and understanding of policing practice (Prenzler and Ronken, 2003; Independent Expert Panel, 2011). As a carrot, police overseers also offer the prospect of effective resolution of complaints without recourse to the courts, legislature or the executive (Reif, 2004; CJINI, 2007). Notwithstanding the above, the police response has been ‘frequently difficult, grudging and indeed minimalist’ (Goldsmith and Lewis, 2000: 1), if not characterised by

\textsuperscript{46} See Punch (2001); Prenzler (2010); Lauchs \textit{et al.} (2011); and Stinson \textit{et al.} (2012).

\textsuperscript{47} See also Sanders and Young (2001), Commission for Public Complaints Against the RCMP (2009) or Le Comité P (2012).
outright rejection (Smith, 2005; Mulcahy, 2006; Jones, 2007; Buck et al., 2011; Loyens, 2011; United Nations, 2013; Hagedorn et al., 2013). An explanation for this is that oversight for police represents a loss of control of their identity (Mulcahy and Tritter, 1998) and with it they stand to lose their chosen methods of authority over the public space and, consequently, their social standing; police risk losing their position in a hierarchy of credibility.

Police oversight, for the public, meanwhile, is represented as a universally accessible service, one empowered to pursue performance improvement, make recommendations for corrective action and wider change in policies and procedures (Jones et al., 1994) and publicise failings. Significantly, it aims to deliver this while involving the non-police victim (Hammarberg, 2009) and resolving the matter promptly. Unlike the police reaction, that of the public to new external oversight tends to be positive. This is reflected in an upsurge in complaints to any new oversight body compared to its predecessor (Worrall, 2002; Goodman-Delahunty, 2013). It is a phenomenon driven by perceptions of a re-invigoration of the police discipline landscape and consequential anticipated complaint substantiation.

Given the diametrically opposed reactions to the oversight function, a police overseer risks threading a precarious path between balancing the intentions of both parties to a complaint, the aggrieved and accused. Viewed in this manner, police oversight’s function finds theoretical basis in the work of Scott and Lyman (1968). The start and end point of Scott and Lyman’s work is the idea that discourse is the fundamental material of human relations, specifically it possesses the ability to shore up ‘the timbers of fractured sociation’, i.e. to repair divisions between individuals or groups. The police overseer, standing between the accused and alleged aggressor is vested with the power to broker sociation. This point is set down for GSOC under section 67 of the Act where it is charged with acting in ‘full fairness to all persons involved in complaints’ and promoting public confidence in the process for resolving those complaints. Where an overseer does not provide a clear account as to how an outcome was reached or one is not demonstrated what inevitably transpires is a winner-loser dynamic (Owen, 1992 cited in Reif, 2004). Judged from the police side, the overseer will be portrayed as one who does not understand policing. Judged from the complainant side, the overseer will be seen as a public relations officer justifying the offending police agency’s doings (Keith, 2005).
Stepping aside from the theory, Walker (1997), Worrall (2002) and Miller (2002) each viewed police oversight in practice at the turn of the century to be largely ineffective, less promising than hoped or no more effective than internal affairs investigation of police misbehaviour. Even when measured on the softer gauge of ‘lesson learning’ Best and Eves (2005) judged the impact of police oversight to be sub-par. This is despite several forms or models of police ombudsman and oversight entities being in existence across jurisdictions (Walker, 1997; John Howard Society of Alberta, 2004; Sampson and De Silva, 2001; Prenzler and Ronken, 2003; Davis et al., 2005). This unexpected failure stemmed from and followed through to conduct of oversight agencies in individual jurisdictions. Since then intergovernmental and supranational suggestions as to what ideal police oversight might entail have largely emphasised government structuring of oversight as opposed to the conduct of the oversight organizations themselves (Council of Europe, 2008; United Nations, 2011). Thus, one aspect in particular that has passed with little analysis is the cost of oversight enterprises. This might be viewed as a significant omission given the continuing and parallel number of civil actions against police alleging wrongful conduct pursued by citizens through the courts at any one time. Assessments of police oversight by academics covering the last fifteen years, meanwhile, set out a largely cautious balance sheet. These range from the critical (Smith, 2013; Nalla and Mamayek, 2013; Berg, 2013) or ambiguous (den Boer and Fernhout, 2008: Prenzler et al., 2013; Ferdik et al., 2013; Newburn, 2015) to soft expressions of hope for ongoing development (Pyo, 2008). Furthermore, an avowed poor fit between complainant goals and complaint procedures (Zedner, 2002; Tonry, 2010; Lamboo, 2010) suggests oversight’s inevitable decline.

Police oversight agencies, while exhorting police agencies to change, have not been able to define what constitutes “better practice” or correct their inability to attract complaints (Chan, 1996). They have struggled to compromise between investigative functions and customer relations (Jones, 2009). These issues have surfaced time and again in existing or new police oversight initiatives over the last fifteen years and might be best termed unanticipated failings, missed opportunities, and unforeseen consequences. Examples of each of these that have received particular attention in recent literature include police overseer capture (Prenzler et al., 2010), inordinate investigation time frames during which police consider themselves to be suspects and, finally, the secondary victimisation of complainants (Smith, 2013).
Complaint Dynamics- behaviour, process, reception

As intimated in the section above, movement from police management of police deviance to external oversight throws into focus three substantive avenues of possible research enquiry. Ranged on one side is the complainant action. Second, there is the conduct and performance of the police oversight agency itself, an established if still immature area of research interest. In the Irish case, while almost entirely avoided, there are, as of June 2015, enough data, reports and comparative measures in the public domain to warrant examination of the model’s performance there. This point is reprised in Chapter 8. Third, there is the police action, already discussed in Chapters 2 and 3 above. Furthermore, each of the three substantive avenues could itself be elaborated in a myriad of ways. The police role could be examined from the perspective of its efforts to continue to address complaints even after an external oversight body comes into being, whether through consideration, for example, of what is commonly called ‘local intervention’, through internal affairs involvement or legal action defended and taken by a police agency. That of the overseer could be expanded along the lines of its view of the governing legislation, including notions of deviance and proportionate responses to same, sticking points in the complaint handling process, including investigations, and its overall impact on policing. Given overlapping themes in the three avenues of complainant, overseer and police, it is apparent that they are not mutually exclusive. Equally, however, given distinctive motivations, thresholds and inputs, and concordant with existing literature, complaint dynamics cannot be examined through a single frame.

Consequently, a wider and deeper treatment of all three avenues of the complaint dynamic is beyond the scope of the current thesis. Select items from the ‘complainant’ option and ‘overseer’ option as they relate to the complainant are instead the focus of Chapters 5-7 hereafter. This curtailed approach is adopted in order to show how Irish police complainants and the processing of their complaints compare to those in other jurisdictions. Yet, so as to prepare the ground for specifying the units of analysis performed in Chapter 5, something should be said briefly about complainant action. As noted above, summary assessments of police oversight globally point to a near predictable police reaction to complaints and external oversight that is characterised as being less than welcoming. There are grounds
therefore for being sceptical about any public recourse to reliance upon police complaint mechanisms in the first instance.

Blodgett *et al.* (1997) contend that complaining as an activity is wider than a single, comprehensive theory or one field of study. In the first instance the motivations for formalising a grievance as a complaint have been explored through Hirschman’s (1970) account of customer loyalty. The background to Hirschman’s thesis is that faults by an agency/service will be accepted by users up to a point. Sometimes this breaking point occurs on foot of a single incident, sometimes following a series of service failings and, finally, sometimes the breaking point is never reached. The depth of customer loyalty to the entity plays a mitigating role in this. However, when the threshold of unacceptable behaviour by an entity is reached, action is necessary to prevent further damage. Such damage can take the form of ‘exiting’ or ‘voicing’ concerns. An ‘exit’ in policing terms materialises most clearly in the form of a loss of public support for the police function, such as through reduced reporting of crime (Chambliss, 1994; Tyler and Fagan, 2008; Sanders *et al.*, 2010) and generally withdrawing one’s co-operation with police. However, unlike private services, the public cannot fully exit from policing as public police agencies have a monopoly over law enforcement. Thus aggrieved police customers will still continue to be policed whether they like it or not. Consequently, little shift in police behaviour is to be expected and this has shown itself to be the case historically with respect to complaints about police conduct. On the customer side as exit is a strategy unlikely to alter policing, the alternative for those disgruntled after a police interaction is to ‘voice’. Two options exist through which to voice about the police. One of these is through the courts and the other is through the making of a complaint about police conduct to an oversight agency. The forms of redress these two avenues offer a complainant, meanwhile, are different. The courts might offer restoration of good name and financial compensation for an irreparable change (injury, death or damage). The police oversight agency, on the other hand, might attempt to change the organisation’s practices, policies and outputs and/or sanction individual officers. Possibly the only similarity between the court and oversight avenues is the securing of an apology, in both cases this is likely to take the form of the agency apologising rather than the individual officer who is found to have misbehaved. Saviano, for one, shows an example of voice about/against policing used in place of simply exiting from being policed through the visceral reaction of a police property neighbourhood. The neighbourhood he describes is one that has been
abandoned by the State but where unwanted gang activity overshadows every aspect of life, and Saviano shows how it responds to a sudden and temporary police interest there:

‘Hundreds of women pour onto the streets, setting trash bins on fire and throwing things at the police cars…This gigantic deployment of law and order seems staged, arriving all of a sudden, and only after countless deaths, only after a local girl has been tortured and burned. To the countless women it reeks of mockery. The police…haven’t come to change things, but merely to help out whoever now needs to make arrests…As of all of a sudden someone changed the categories of interpretation and were now declaring that their lives are all wrong. The women know perfectly well everything is wrong here; they didn’t need helicopters and armoured vehicles to remind them, but up till then this error was their principal form of life, their mode of survival. What’s more, after this eruption that will only complicate their lives, no one will really make any effort to improve things. And so those women jealously guard the oblivion of their isolation and their mistaken lives, chasing away those who have suddenly become aware of the dark.’ (Saviano, 2007; 94)

Having despaired of any expectation of policing in their favour and knowing too well that the supply of policing is contrived and short-lived, the women choose to voice through the only means they consider to be of any use. Frustrations with police actions and police handling of grievances, whether of the nature described by Saviano or those of a more subtle form, have peppered the recent history of police deviance and subsequent advent of external police oversight. The Garda Síochána and GSOC have been the objects of frustrations with their examinations of garda misbehaviour. Such frustrations have taken the form of public marches, criminal damage to the outside of the GSOC offices, civil actions against both and reports and blogs by third parties disseminated on the internet criticising both agencies. Despite this, as discussed below, the motivation to turn a grievance into a complaint at any one point in time and frustrations such as the example above do not always materialise.

It is just beyond the point of complaint motivation that studies by Friedman (1974) and later Mulcahy and Tritter (1998) become of use, pointing to several potential obstacles deterring grievances from becoming complaints. That is to say, sometime a position between exit and voice is entered into by a person possessing a grievance about the police. These include a perceived stigma in being seen as a ‘complainer’, the weight and cost of making a complaint, including it being a waste of time (resource input relative to output, Day et al., 2001), not being sure that the conduct warrants a complaint and uncertainty around how to go about
using the complaints system (Wake et al., 2007). Two significant additional obstacles are that of a fear of reprisal by the complained about party and, structural factors inhibiting grievances arising as complaints such as social class and ethnicity (Mulcahy and Tritter, 1998). Such obstacles do appear to translate into practice with figures in respect of those with a grievance about police conduct but who do not make a complaint reportedly reaching above 75% and as high as 89% of complainants (GSOC, 2011; Home Office, 2015). In tandem with findings from domains beyond policing, such as retail, financial and welfare services, the suggestion is that a reluctance to complain, while not confined to policing, may in fact be higher for policing (Day et al., 1981).

Next there is the issue of staying engaged with the complaint process to the end point. Policing studies and reports of police oversight agencies suggest a complainant withdrawal rate in the order of 10% (Sanders and Young, 2007) with complainant non-cooperation increasing this further. However, aligned with Blodgett et al.’s conclusion that there is no single theory of complaining, it is not clear from existing research as to whether the decision to disengage from the police complaints process, in whole or in part, can be attributed to the same thinking as that for not formalising a grievance as a complaint. Additionally, further research is required to determine whether such dynamics are concentrated among certain complainant sub-groups or common to all complainants. These issues are re-visited in Chapters 6 and 8.

Finally, in terms of understanding complaint dynamics one must factor in complainant reception of any complaint outcome. That is to say, in order to understand complaint behaviour it should be asked whether the complainant perceived that they ultimately secured what they had intended to secure at the outset when making a complaint. The possibility of further action by the complainant beyond their receipt of the outcome depends, argues Blodgett et al. (1997), on the sense of justice secured on foot of the overseer’s response. This form of justice, called ‘distributive justice’, is the complainant’s perception of securing some restoration of the position that existed prior to the police interaction or compensation (sanction and/or acknowledgement) for any police action that cannot now be undone. This point ties in with the idea of sociation mentioned above and, as mentioned towards the close of Chapter 8 deserves greater attention than is possible here.
Absence of a unified or general theory of complaint behaviour by members of the public against police warrants shifting to alternative theoretical frameworks. A second possible framework then is that of public satisfaction/dissatisfaction with police (e.g. Weitzer and Tuch, 2005; Tankebe, 2010). Yet, as seen above, individual dissatisfaction with police does not necessarily translate into complaint submission. A third framework is that of a link between crime control and police complaints. While police oversight has been heavily documented in academic journals, little explicit connection is made in these to any theory of crime control. Specifically, it is not clear that any one type of approach to crime adopted by police, whether a due process one, a community policing one or a broken windows approach, generates more/less complaints than the others. It is not apparent why police oversight should be discussed separately from theories of crime control in such publications given that distinct patterns of complainant activity are advanced by them. This discussion is reprised below but not before introducing the primary interest of this thesis, namely those who advance a grievance with police into it becoming a formal complaint.

**Who Complains About the Police?**

Given the professed goals of police oversight on the one hand and self-imposed and perceived obstacles facing complainants on the other, a universal uptake of police oversight services might not be expected to emerge. The Irish police oversight paradigm, for one, is statutorily required to promote widespread confidence in how allegations of police deviance are handled. However, police oversight in Ireland and globally suffers from an incomplete picture as to who complains, about what and how they fare. What evidence is available suggests such agencies in the USA have been dominated by people residing in census tracts denoted by a disproportionate population of non-Whites, poverty, unemployment, families with lower-than-median income, and people with lower education (Lersch, 1998; Greene, 1999; Worrall, 2002; Liederbach et al., 2007). Their complaints predominantly concern allegations of the use of excessive force and are less likely to be substantiated. Figures and commentary for England-Wales have shown at least 31% of complainants are in employment and 12% are not (Waters and Brown, 2000; IPCC, 2009), the later IPCC figures showing a high proportion of data being unavailable. So called ‘marginalised’ people are less likely to use its service and there is less willingness to complain amongst people from lower-socio economic groups but those with lower education were more likely to complain (Docking and Bucke, 2006). Yet, a reading of IPCC reports against Census data would suggest that, while
Whites make up 63% of the complainant loads, ethnic minorities (Black and Asian) are over-represented among complainants by some 200% compared to their make-up in the general population. A similar pattern is notable for Northern Ireland where 4% of complainants are non-white (PONI, 2013), double that of the make-up of non-Whites in the population at 2% (Office for National Statistics, 2013). Across all jurisdictions, males and those aged 20-40, that group most in contact with police agencies, most often present as complainants to police oversight bodies.

GSCB annual reports offered no illuminating data as to complainants. GSOC, for its part, has, as of June 2015, released five years of data on complainant make-up. Figures over that time indicate that those using its service have most usually been male (67% or above), aged 18-30 (30% or above), White (87%), living in rental accommodation (41% or above), marginally more likely to be employed (33% or above) and educated to secondary level (i.e. high school 41% or above)\(^{48}\). GSOC gathered such data from a rolling survey of complainants but without indicating the number of returns. Taken at face value, what can be said about those using the police oversight mechanism in Ireland therefore is that they differ from police complainants in other jurisdictions. As is argued below, a tentative conclusion such as this is surprising given perceptions of disequilibrium in the delivery of policing. The GSOC statistics do not compare processing and outcomes of complaints for different demographic groups (according to age, sex, ethnic group, etc.). A further aspect of the complainant make-up was highlighted by the Commission itself at the launch of its second operational report, that for 2008. The subject of newspaper headlines the next day, GSOC pointed to how the complaint tally for one Garda division had been elevated by a single ‘serial complainant’. GSOC also announced its adoption of a serial complainant policy to deal with such persons in what one publication later dubbed ‘crank alert’. This is a policy that GSOC had not made public by June 2015 or clarified numbers of complainants so labelled or on what grounds/exhibiting what conditions such determinations had been made.

The likely GSOC complainant appears to have something in common with police oversight and general/administrative ombudsman service users in other jurisdictions. Persons using the latter services tend to possess more political efficacy and associated higher education, employment status, income and socio-economic category (Friedmann, 1974; Seneviratne, \(^{48}\) GSOC’s annual reports for 2011 and 2012 seem to show very similar complainant profile results. 47
Van Roosbroek and Van de Walle, 2009). The relevance of this to Irish police oversight is that any distinction between general/administrative and police oversight users cannot be easily appraised based on current data releases. Both of the more utilised general/administrative oversight services in Ireland -Office of the Ombudsman and the Financial Services Ombudsman- collect complainant attribute data relating to sex, age (indirectly via date of birth) and geographic area (indirectly via address) but do not report these. Any further and official review of oversight/ombudsman services in Ireland to gauge their role and performance and in the process attempt to be more comprehensive than that attempted by McCarthy (2009), noted in Chapter 2, must engage with, analyse and publish such data. Given this shortfall, the primary interest of the current thesis rests in the make-up of police complainants and how they fare in the complaints process.

The discussion of complainant make-up leads to the primary concern of the thesis on variations in policing and in complaints between geographical areas. Specifically, given the frequency with which policing styles have been documented as differentiating on the basis of areal resource capacity, it seems pertinent to query whether this has any impact on complaint making/police oversight uptake. Moreover, as evidence across jurisdictions points to the intransigence of differentiated or targeted policing, there are good grounds for expecting that this might be reflected in a particularly strong effect on the customer caseload of police oversight bodies. The rest of this chapter therefore seeks to build a case for greater analysis of police complainants in Ireland through exploratory consideration of the areal or geographic element of police complaints.

**Directed Police Attention and Complaint Generation**

Policing has traditionally been considered a public good (Shoup, 1964; Thurow, 1970; Okun, 1975; and Ostrom et al. 1978) with the expectation that it will be delivered equitably (Newburn, 1999). Many accounts of policing, however, show that in reality it is not (Quinney, 1965; Ericson, 2005; Rossler and Terrill, 2012), police instead display negative bias when assigned to resource-deficient residential areas (Prenzler, 1997; Kane, 2002, 2005; Sun et al., 2008) and when dealing with minority groupings (e.g. immigrants, homosexuals, non-whites- Kirk and Matsuda, 2011). Bias against certain groups, particularly in the detection and control of crime is seen to be motivated by the allure of maximising rewards and minimising strains for the organisation by directing it against those who fit the public
stereotype of the criminal (Chambliss, 1994). Taniguchi et al. (2009) terms this ‘agglomerated economies’, namely police recourse to repeatedly focusing on ‘police property’ areas (Lee, 1981) and the ‘extended structurally marginal underclass’. Such areas and their inhabitants are denoted by chronic unemployment and underemployment, low educational attainment, family disruption (Lersch, 1998), dependency on welfare, intergenerational diffusion of poverty and a shared spatial location (Hanley, 2007). They are particularly associated with the presence of a high volume of local authority housing stock in the vicinity. The inhabitants of such areas are also characterised by over-involvement as victims and suspects in the criminal justice system.

The depths of the reputed police targeting facing such persons and areas is borne out in that they are given an identifying moniker by police that separates them from acceptable others. Terms such as ‘social junk’ (Spitzer, 1975), ‘dross’ (Choongh, 1998), ‘scrotes’, ‘puke’ or ‘slag’ (Loftus, 2012) have been used to reflect persons coming in for scrutiny by police, with the application applying to individuals more so than geographic areas or identity groups (e.g. persons who are gay) that come under repetitive police focus. That said, in examining the police treatment of the underclass the role of place comes a close second. As noted above, Loftus defines the underclass as people displaying deprivation and shared spatial location. She also contends that with the advent of private security services police increasingly patrol the residuum areas of pubic space and those in ‘impoverished and stigmatized neighbourhoods’ (Loftus, 2009:165) which the underclass inhabit. Police label these ‘scrote’ and ‘shit’, they are the residuum in the residuum spaces, an updating of the older terms noted above. They are no different from Lee’s (1981) police property who were a reliable and safe population for the police to control without any risk of recrimination and who are found in ‘certain locations’ or, as Lee puts it, those locales ‘brimming with property populations’ (Loftus, 2009: 174). The use of derogatory labels, as set out above, is therefore intended to act as ‘a moral judgment on the social complexion’ of the local poor’ (Loftus, 2009: 170). The labels are not used to define all persons in all places or certain individuals in all places but those in spaces known to hold probable suspects. The main relationship the terms describe then is a link between areas characterised by resource deficiency and crime proclivity on the one hand and a particular policing style on the other. It is what Choongh (1998) calls a social disciplinary model, one not concerned with legal or factual guilt but with reproducing social control through inflicting punishment, that sets out to
‘remind an individual or community that they are under constant surveillance...to punish or humiliate an individual, or to communicate police contempt for a particular community or family, or to demonstrate that the police have absolute control over those who challenge the right of the police to define and enforce ‘normality’ (Choongh, 1998: 626).

The policing of this cohort stands in contrast to that afforded the respectable, resource-affluent by virtue of its watchman-type, blunt approach (Palmer, 1988). Queries and criticisms of such a police approach are rebutted by police, on the one hand, in terms that such individuals had brought the policing style upon themselves. However, the police actions might also be understood as being no different from the street crime appropriated to distinct geographic areas; they are actions justified by reference to street-cultural codes not official policies or laws (Fagan and Wilkinson, 1998; Kubrin and Weitzer, 2003a). It is a shadow system over which the police know they have control that cannot or will not be spoiled by the courts, juries, solicitors or police oversight. It is an approach found across policing (Goldschmidt and Anonymous, 2008) and one from which perceptions of Irish policing are not immune. GSOC’s 2012 Public Attitudes Survey, for instance, found that 59% of respondents believed misbehaviour existed within the Garda Síochána, 33% that it was in certain stations and 29% believed it was most prevalent in relation to certain sections of society (GSOC, 2013). The single most common grouping identified under the third of these findings was that garda misbehaviour was directed against deprived areas (GSOC, unpublished). As to persons that can be grouped by identity or some other facet, as of June 2015, GSOC figures show that those groups covered by the remit of the Equal Status Act 2000 made up less than 2% of the total complaint load in any one year49.

As will be shown in Chapter 7, where ‘scrote’ or ‘dross’ are used in other jurisdictions for identifying individuals of suspect character, the terms ‘knacker’ and ‘scumbag’ seem to prevail in the Irish case, with such name-calling acting as a vehicle through which to place a low worth on individuals. Adoption of such labels seems intended to dominate and, by extension, ultimately enable public tolerance of an “anything goes” approach to policing.

49The data series covering the years 2007-2012 and provided by GSOC to the Office for the Promotion of Migrant Integration has not been continued beyond 2012. The GSOC proportions are less than those reported in neighboring jurisdictions. The nine grounds of the Equal Status Act are gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community.
Arising from such labels and encounters there are expectations that policing will be done to residuum areas and the undeserving persons who inhabit them not for them and, consequently, complaints are more likely (Weitzer, 1999, 2000; Intravia et al., 2014), particularly about unwarranted stops, verbal abuse and excessive force\(^{50}\).

The GSCB, on foot of its first year of operations, had offered that complaints were heavily concentrated in areas of greatest economic and social deprivation (GSCB, 1988). Reviewing its 2010 caseload GSOC stated for the first time that complainants were not drawn from categories of ‘greatest social disadvantage’ (GSOC, 2011). It repeated this observation for the next three years in relation to the complaint load. However, in doing so it offered no account of complainant spread or concentration. Further the decision to present caseload data in a univariate fashion only militates against any analysis of how, if at all, complaint allegations, complaint processing and complaint outcomes differ for those with backgrounds characterised by socio-economic deprivation. Existence of a fractious relationship between police and certain cohorts, the policing practice that drives such strained relations and how it occurs at the local level, argues Loftus (2012), has been ignored by researchers despite displaying ‘remarkable continuities and inertia’ since the introduction of modern policing. It is to this gap that the current thesis sought to offer some closure through the study of complainant residence and incident location.

**Local Explanations for Police Conduct**

Having determined complaint behaviour and publicly-held views of police to be insufficient by which to understand uptake of police oversight, an alternative had to be sought to serve as the central theoretical framework for the thesis. What was needed was a theory of crime control that incorporates complainant characteristics, especially their area of residence, police deviance and complaint generation. The theory had to reflect those points from the discussion above, namely that areas of greater socio-economic resource deprivation generate the highest amounts of visible crime and, on foot of police responses to deal with such crime, there is an

\(^{50}\) Some argue that this is a product of the situation whereby the bulk of complainants are people who come to the adverse attention of police. Studies in the main show such persons are in the minority (CJC, 1996; Waters and Brown, 2000; CMC, 2007; Liederbach et al., 2007; Goodman-Delahunty et al., 2013) – Thomassen (2002) is an exception- and thus it seems disingenuous to assume that criminals rather than victims or crime, service users (e.g. passport or driving licence applicants) or people reporting crime to the police always comprise the largest cohort of complainants. Conceiving of complainants as ‘criminal’ is also, argues Hopkins (2009), a product of institutional cop-thinking.
expectation that the same areas will generate the greatest proportions of complaints. Three options existed in the form of Shaw and McKay’s (1942) theory of social disorganisation on the one hand, and Felson’s (1987) routine activity theory and, separately, Ratcliffe’s (2006) crime potential theory on the other.

Gorman et al. (2013) conceive of each of these three theories in short hand as social interaction and, in respect of the remaining two, place based theories of crime. Social interaction theories are concerned with ‘the effects that neighbourhood social and demographic characteristics have on crime, particularly the effects of poverty, concentration of ethnic minorities, and residential mobility’ (Gorman et al., 2013: 418/9). Place based theories, meanwhile, emphasise the ‘exact physical and social characteristics of place and the activities that occur in and around its location’ (Gorman et al., 2013: 422). The latter theories stress the movement of people and occurrence of a crime when ‘a motivated offender and suitable target are brought together in the absence of effective guardianship’ (Gorman et al., 2013: 423). Ultimately, Gorman et al. advance the case for use of the place-based over social interaction-based theories on the basis that social disorganisation makes no particular spatial predictions. Gorman et al. further critique social interaction theories on the grounds that they rely upon inexplicit spatial components, offer no ‘spatial signature’ at all, or use boundaries that are artificial, opening up the possibility of gerrymandering common problems into different neighbourhoods. The choice they present then seems to be one of micro detail but deficient area parameters on the one hand (social interaction), or good area parameters but superficial protagonist detail on the other (place based).

Thereafter a choice between routine activity and crime potential theory rests on whether the focus is travel of the victim (routine activities) or the offender (crime potential). Given the focus of the current thesis on police deviance, the suggestion is that crime potential theory would have been preferable to routine activity theory. If adopted, use of crime potential theory to analyse police oversight would have rendered complainants being understood as the victims and complained-about police officers as the offenders51.

51 A case could equally be made by police representative bodies that police are the victims. Such a perspective would, at face value, proceed on the basis of analysis only of complaints deemed by a police oversight agency/public prosecution service to have been submitted with knowingly false allegations against police.
However, the case against linking deviance to places only arguably presents itself at the point where Gorman et al. categorise places as those that either generate crime or attract crime. The problem in applying this to police deviance is that (i) alleged police deviance, largely unlike criminal activity, has been documented as occurring irrespective of whether a guardian presence exists, i.e. in the public gaze, in the form of witnesses, audio-visual recording material (CCTV and mobile phones), or does not. Moreover, while under crime potential theory offenders will ‘typically be limited both spatially and temporally’ (Gorman et al., 2003: 428), (ii) the discretion given to police, and to specialist police units in particular, or created by police officers on the ground in the course of their work to be and act with some flexibility has been noted since early studies of police activity and has been extended to the Garda Síochána as well (Charman and Corcoran, 2014). This discretion provides latitude for committing acts of deviance where desired, in the street or station. Further, as noted earlier, (iii) police deviance has been documented as generally being so highly concentrated and of such a nature against certain individuals (Brunson and Weitzer, 2009) that geographic place plays a secondary role to the social interaction occurring in the place (i.e. against whom it is directed). Finally, (iv) routine activity theory with its focus on place and activities between places is not sufficient to account for the imposition of regulation in the event that a locale is unable to regulate itself or raise an effective collective opposition to deviance in the locale. That is to say, routine activity theory is more concerned with the attributes of the area and activity than relationships with actors involving themselves with the area. A recent critique of place-based approaches to crime analysis by Hart and Miethe (2015) underscores this point that the place and activity, not person(s), are of primary importance to placed-based theories of deviance.

Social disorganisation instead is arguably of more utility in understanding complaint distribution, particularly, as will be outlined, given a renewed emphasis on refining its original features in academic/theoretical writings. Associated most strongly with the Chicago School, Shaw and McKay’s original theory posits that neighbourhood ecological conditions shape local delinquency rates over and above the characteristics of individual residents. What they termed ‘low neighborhoods’ –those most significantly connected with the proportion of residents on social assistance and, less so, rental property and headed by a foreign-born or black person- displayed highest levels of delinquency. A direct relationship between economic status and rates of delinquency was not envisaged by Shaw and McKay in the
theory’s original delivery. Rather, dependency on income supports, immigrant and non-white headed households and proportion of rental properties in an area impacted negatively on an individual area’s capacity to regulate itself and to solve commonly shared problems such as delinquency.

Bursik (1988) notes that social disorganisation as a theory was left to the wayside following criticism of the connections assumed to exist between individual-level data and area-level data in which persons reside in deriving conclusions as to the causes of crime. A paper by Robinson (1950) in particular is singled out by Bursik as having had a ‘devastating effect’ on the socio-geographic approach to explaining crime that has become closely associated with Shaw and McKay. Sampson (2012) also argues that the highly organised existence of gangs in locales shown by Whyte (1943) was also not accounted for by Shaw and McKay. Yet, a renaissance of sorts around social disorganisation theory occurred in the 1980s and the 1990s. Academic writers re-visiting the theory at that point were seeking to refine the items of original interest to Shaw and McKay through measuring poverty, residential mobility and ethnic heterogeneity (Kirk and Matsuda, 2011).

Topics of discussion that have since garnered most attention in the revitalised consideration of social disorganisation include the mediating effect of social control on locales and reporting crime to the police. Foremost among these is the issue of legal cynicism (Sampson and Bursik, 1998), the reaction that develops when, on foot of police deviance, locales view law and law enforcement agents working in the vicinity as illegitimate and unresponsive. This feeling colours not only locales’ views of the law enforcement agents directly observed but extends to all societal institutions (Kirk and Matsuda, 2011; Clear et al., 2003). Legal cynicism has been noted as being most prevalent in geographic areas characterised by socio-economic deprivation. Applied to Ireland, it was in such areas of the city that the GSCB spied problems with the acceptability of the Force (GSCB, 1988). Residents in such areas ‘may feel the most marginalised and socially dislocated, and they may respond the most adversely to (real or apparent) violations of procedural justice norms by the police, who represent the most visible agents of social control.’ (Kane, 2005: 492). Adverse reactions, however as seen above, may not be converted into voice. Inversely, it is in communities of low structural disadvantage ‘that the public level of informal control is the highest, suggesting both the collective efficacy and political knowledge to hold the police accountable’ (Kane, 2005: 492).
Still, though, with the resurgence of interest in social disorganisation outstanding questions remained around difficulties in factoring into accounts items that would prove/rebut the theory. Such items included the role of long-term processes incorporating changes wrought by urban development (Braithwaite, 1981) and police policies (Kubrin and Weitzer, 2003). Such doubts led some to relinquish social disorganisation proper for discussion of ‘collective efficacy’ The alternative approach still acknowledged the concentration of multiple social phenomena, their reproduction over time and larger macro-social forces that have effects on local deviance advanced by Shaw and McKay. However, the extended ‘collective efficacy’ approach simultaneously relaxed ‘the traditional disorganisation assumption that the ideal contextual setting for social control is necessarily one characterised by dense, intimate, and strong neighbourhood ties’ (Sampson, 2012: 152). Network mechanisms and, especially, institutional mechanisms were offered instead as sufficient explanatory factors of local deviance over and above the composition of the population in a locale, as contained in the original social disorganisation theory. These institutional mechanisms stood for a locale’s ability to influence formal social control over it or political advantage on its behalf.

Yet, adoption of the newer collective efficacy slant in place of social disorganisation proper as the explanatory theory for the research inquiry posed in this thesis was limited by a discrete element. Based on existing studies, it is not apparent that influence over the most obvious type of formal control in any area -the police- has been examined directly. Indeed, the potential role of police deviance has been acknowledged but avoided (Silver and Miller, 2004). Collective local efforts are also not an evident feature of meetings concerning areal deviance issues. What emerges instead is impression of action by a few, resource effective local residents (see Bullock and Sindall, 2014) and with limited results. Furthermore, efforts by elected representatives on behalf of locales, especially around police conduct, are rare. Some studies even point to passive regard or active resistance by elected representatives towards locals when it comes to local deviance (Guddell and Skogan, 2003). A tentative review of the published minutes of Joint Policing Committees in Ireland conducted in preparation of this thesis reveals similar gaps. Given this, the basis for studying network mechanisms and institutional mechanisms as encompassed in the collective efficacy theory (Sampson, 2012) in the context of understanding police deviance appeared insufficient.
This is not to deny that the developmental and “renaissance” works that stayed closer to social disorganisation are themselves without fault. Kubrin and Weitzer, (2003a) argue that they have in the main omitted any significant discussion of formal social control. An omission such as this is surprising given that earlier works pointed out how community origin may be a consideration in police and court decisions (De Fleur, 1975) and a significant degree of community-specific bias may exist in police departments (Hagan et al., 1978). It is therefore maintained that extension of Shaw and McKay’s original theory in the current thesis to include police deviance and control of such behaviour via oversight is of merit above the other three theories considered but particularly also in light of four findings from research.

First, affirmative action by police agencies on police conduct dispensed in certain areas could result in direct reductions in contentious police tactics and improve public views of same (Meares and Neyroud, 2015; Waddington et al., 2015) and thus complaint volumes. The potential effect of this is to increase police legitimacy, a principle that has been enshrined in the Irish example via section 106 of the Act as discussed in Chapter 2. Section 106 provides GSOC with the power to examine recurring issues with a view to reducing the incidence of complaints or prevent them arising in the first place.

Second, the socio-economic deprivation of an area impacts upon the incidence of complaints raised on foot of police deviance. Two competing accounts underscore this point. Either such areas are unable to address issues of deviance themselves (local resident or local police deviance) and so complain less to oversight bodies or, arising from legal cynicism (Clear et al., 2003), such areas make fewer complaints. A more recent article that might have clarified this ambiguity (Brunson and Weitzer, 2009) focused instead on hypothetical or pre-emptive urges among disaffected individuals to make a complaint about police conduct. What is lacking is data on complaints actually made.

Third, complaints from those of dubious profile or of a certain standing in the eyes of police (Sanders and Young, 2007) are less likely to succeed and little is known about whether this occurrence also applies to police overseers. The fourth finding is notable more for what it reveals in what is not known about complained about incident locations and complaint emission points. Whereas place-based theories suggest that a few risky places or hot spots
account for most crime, a similar finding has not yet been confirmed within police complaint/oversight studies in terms of where police deviance occurs and against whom.

Distilling Police Deviance, Cop Culture and Oversight into Research Questions

The overall conclusion to the literature reviewed so far is that policing and police deviance, as evasive as it is harmful, merits attention over that in other sectors discussed in Chapter 1. Chapter 2 set out to sketch the contours or police deviance in the Irish Republic, its range and depth and identify what has been done to deal with police deviance there on foot of a recent and ongoing policing crisis. Chapter 3 provided an overview of responses to police deviance globally and the dynamics that result in a move to external oversight. Amidst their consideration of the function of complaint-making appraised earlier in this chapter, Mulcahy and Tritter (1998) point out that a healthy social order is one that minimises barriers to complaining. Efforts to establish a new police oversight mechanism in Ireland in 2007, as elsewhere, came with “ease of use for all” aspirations included. Contrary to such ideals, among the little research evidence available, mixed patterns of complainant identity are observed with definite suggestions of over-representation by sex, age and ethnicity. The first research question then is whether, organised by different attributes (sex, age, ethnicity, etc.), equal proportions of persons submit police complaints in Ireland.

Complaints are concentrated among police property groups in some jurisdictions but not others and, ostensibly, not in Ireland. The expected effects of this would be that a reluctance to complain from among those groups/areas where police deviance is more common and profound undermines the functioning of police oversight and policing in turn. Indications of adoption or retention of a cop culture among oversight investigative staff, meanwhile, risk turning out high levels of complaint rejection (Hopkins, 2009) thereby impoverishing complainants and those complainants from suspect areas more so. It is from this set of issues that the rest of the thesis turns its attention to two subsidiary areas of inquiry. The thesis attempts to address the issue of whether the basic attributes of police complainants in Ireland reflects Shaw and McKay’s socially disorganised individuals and locales. As shown, GSOC has provided some account of complainant sex, age, ethnicity, labour-market status and educational attainment. What has yet to emerge is a clear account of areas in which such persons reside, whether they are ones of greatest deprivation, low residential stability and over-representation of minority ethnic groups. Therefore off the back of the first research
question comes the second: do most police complainants display traits of greatest resource-deficiency?

Literature reviewed suggests that social disorganised areas are those that have least control over their fate and, consequently, they might be expected to experience the highest levels and most serious forms of crime. Empirical studies have also highlighted that police responses to such crimes, meanwhile, are either one of neglect or intense watchfulness against the area as a whole. Such a disposition should translate into allegations of police misbehaviour of the most serious kind within areas marked by greatest resource-deficiency and in other jurisdictions does so. Given this, the third research question is whether areas of greatest resource-deficiency in Ireland differ from all other areas in terms of the nature of complaints they submit.

Moving to the fourth area of interest, a recurring gap in studies of police oversight is how different cohorts fare in the complaint process. Complaint processing incorporates three elements of interest. The first of these is the complaint admissibility, then how the complaint is investigated and, finally, there is the outcome of the complaint. Earlier studies have pointed to marked patterns in each of these phases of the complaint process, and possible bias in terms of appropriated investigation type and complaint outcome. Yet, official or academic indications in this vein have so far been lacking in the Irish case. Consequently, the fourth research question is whether, arranged by different demographic factors, equal proportions of police complainants succeed with their complaint. Alongside this, the fifth research question therefore is whether the most resource-deficient complainants fare worst in the police complaints process currently in situ in Ireland, notably as gauged via complaint outcomes.

Finally, in terms of research questions the thesis turns to a topic whose much-examined equivalent in policing studies, namely the residence and locus of criminal acts assigned to suspects/convicted, appears wholly absent from that literature on police oversight. The issue concerns whether police complaints from the most resource-deficient areas are actually about local policing. A review of existing studies finds that most imply but do not make explicit that all or the majority of complaints from socially disorganised complainants are about policing conducted within the area (see Bruinsma, 2007 for exceptions). They indicate only
that socially disorganised areas have grievances with police but do not otherwise distinguish between interactions occurring within the socially disorganised area and those occurring elsewhere. Assumptions appear to be at play that the subjects in socially disorganised areas move little beyond the vicinity. Studies do not explicitly factor in either complainant mobility -routine or exceptional- beyond the immediate environs (for school, work or leisure purposes) or police profiling based on dress, race, speech (Giles et al., 2012).

The upshot of this is to convey an impression of a use or dependency upon the locale little changed since Shaw and McKay’s original composition, that the immediate street corner society is the research subjects’ only locus. Moreover, the significance of such an assumption is that, as much as Robinson (1950) pointed to the ecological fallacy of associating area-wide crime rates with all individuals within an area, failing to distinguish between local policing and non-local policing incidents stands to produce a conflated impression of local police conduct.

Housing and policing studies show that segregation of housing for certain persons from others on the basis of physical attributes or resources occurs (Andersson, 1998; Connerly, 2005; Meen et al., 2005; Murtagh et al., 2008; Jobard, 2009; Waddington and King, 2009; Switzer and McDowell, 2009). Such arrangements have an impact on structuring of life-chances. Segregation on the basis of deprivation or social category in Irish analysis in particular has been applied to peripheral urban estates (Bartley, 2003; Ballymun Regeneration, 2007) and cities (McCafferty and O’Keeffe, 2009). Yet, the contention as to how areas are segregated is either left vague or emphasised by reference to distinct roads to, green spaces between and lack of resources within the area compared to resource-affluent, neighbouring estates (Bartley, 2003). The removal has not been done through their geographical confinement via wire fences, high walls, motorways and railway lines of the order of some American cities (Draus et al., 2011). Detroit is split in half by the Eight Mile and Clichy-Sous-Bois, source of the 2005 riots in France, is reportedly served by no motorway, main road or railway despite being less than 10 kilometres from the centre of Paris.
Additionally, the existence and growing movement of family units of different social class\textsuperscript{52} to largely professional/largely unskilled areas rather than its stasis/intergenerational perpetuation has been acknowledged in respect of at least one Irish city (McCafferty and O’Keeffe, 2009) suggesting that residential segregation is not immutable. Nolan et al. (2000) also found that while Ireland’s poor were closely clustered together within locales, they reside in housing groupings that are found dispersed across urban and rural blocs. This dispersal gives rise to the co-existence of varying levels of resource-wealth within a census tract and even more variations within the larger area of a Garda station catchment area. The implication of Nolan et al.’s study for Shaw and McKay’s social disorganisation theory and Kubrin and Weitzer’s observation on geographical isolation in turn is that Irish residential areas are not wholly homogenous and discretely removed from one another. Consequently, the activities of research subjects documented within specific residential areas are not expected to be confined to those areas alone.

An expectation that resident conduct is confined to an area and consequently police conduct will differ across areal units should not hold. \textit{The sixth, and final, research question then is whether most police complaints in Ireland are about policing conducted within the locale.}

So as to impose clarity over those items of interest within the six chosen research questions, some space must be given over to the discussion of measurement. As noted above, recent studies relying on social disorganisation theory to explain connections between crime, social interactions and place have placed greater emphasis on defining appropriate units of analysis. The rationale for doing so has been to underline the continued relevance of Shaw and McKay’s original argument around the inability of locales to control local deviance. Studies of police oversight, meanwhile, have varied greatly as to how best to conceive of oversight agency performance adequacy. Police and public satisfaction, interpretation of complaint outcome, timelines and systemic change within police practice have been used interchangeably as such markers. Markers of complaint processing, meanwhile, such as admissibility and investigation type, are somewhat clearer, if no less contentious, as they tend to be set down in legislation. An endeavour to bring both domains together in the current

\textsuperscript{52} The definition of social class used by McCafferty and O’Keeffe is that used by the Central Statistics Office in Census 2006 (CSO, 2007).
thesis through the selected research questions therefore demands construction of clear terms of reference. Chapter 5 that follows serves this function.
CHAPTER 5 METHODOLOGY

Introduction
So far the discussion has singled out policing as the broad field of interest and police oversight in Ireland as the particular focus of attention within this. It has also progressively refined this sub-theme to examination of complainants and processing of their complaints, culminating in the advancement of six research questions. Having arrived at the point of specification implied in the adoption of such questions, the current chapter first sets out the methodological approach, both thinking and action, that informed their investigation. Definitions of each of the concepts at play in the research questions are then made explicit with reference to what sets them apart from and how they resonate with similar concepts in existing studies. Combined, the chapter’s intention is to show that the exercise undertaken measured what was intended to be measured and could be replicated by further researchers. The chapter is also devised as a means to ensuring clarity around the thesis findings summarised in Chapter 9.

Methodological Approach
Selection of research questions posed in Chapter 4 was buffeted by the interplay between theory and data-gathering. This scenario accords well with two opposing views of how the research process comes to be in any similar endeavour. Suppositions of social theory, from one point of view, should always be opened to scrutiny by researchers that instead of:

‘descending upon the social world armed with a body of theoretical propositions about how and why social relations exist and work as they do, we should first observe those relations, collect data on them, and then proceed to generate our theoretical propositions’ (May: 2011: 29).

Alternatively, involvement in present problems divorced from theory, argues May, is a sign of immaturity. These observations in mind, the choice faced by the current thesis lay between adopting a deductive approach (testing theory against data) or an inductive approach (deriving theory from observation of social life). A final decision was influenced by what were considered to be the defining and thus the two core research questions among the six adopted in Chapter 4. The principal research questions around complainants of greatest resource deficiency, those on complaint type and geographic concentration derived from a
curiosity with GSOC’s statement on complainants recorded in Chapter 4 and the author’s 
familiarity with the existence of area-based studies on police suspects and deprivation in 
Ireland and abroad. Such perspectives had emerged from government position/policy papers 
and peer-reviewed journal articles. A subsequent reading of criminological theory identified a 
possible framework in which to situate these aspects of police oversight. Similarly, the sixth 
research question about complained-about incident concentration derived from the author’s 
witnessing of the term ‘scumbag’ in complaint accounts, first-hand dealing with gardaí and 
other sources ahead of and during composition of the current thesis. It too had formulated 
into a specific question ahead of a full appraisal of possible theoretical underpinnings that 
surrounded it. The core idea for the current thesis thus derived from observation of social life. 
The fourth and fifth research questions relating to possible bias in police complaint 
processing arose on foot of knowledge of academic writings addressing this and other matters 
around police deviance. Some of these had been reviewed in the course of preparing Chapter 
2 while others had been stumbled upon in advance of the current thesis. Staying with this 
point, as noted in Chapter 4, the absence of any grand theory of complaint behaviour would 
militate against a deductive label being appropriate. Equally as important, the absence so far 
of clear data as to complainant make-up suggests that the suitability of applying social 
disorganisation to police oversight, a derivative of it or an entirely different explanatory 
framework has yet to be established. Overall, then, taking the background to each research 
question as outlined above into consideration, the position adopted in this thesis is best 
characterised as reflecting the elements of an inductive approach.

**Data and Methods**

Having established the questions of interest, the next challenge was to source data that would 
address them, that is, how they would be operationalised as explanatory (independent) and 
dependent variables. To that end, the current thesis looked to data collection from among the 
complaint load made to the Irish oversight body GSOC. It had opened in excess of 17,753 
complaints to the end-December 2014, the last full-year reported. It therefore provided 
volume enough to support the thesis’s ambitions of being a quantitative study. A formal 
written request to access complaint files and survey material GSOC possessed was made to 
the three-person Commission on 10th February 2010 (by which date over 6,000 complaints 
were in hand). It stipulated that any final thesis would not identify any single garda or
complainant in any way. The Commission granted the request on 19th February and the process then began of gathering data that would address the six research questions.

*Drawing a Sample*

GSOC has traditionally recorded only basic demographic data in respect of all complainants and had little beyond sex and age that would allow for analysis. Furthermore, seeking to identify (i) residence in an area of greatest resource deficiency, and determining (iii) whether or not the complained-about interaction with a police officer had occurred in the same area across the entire complaint load were not considered normal parts of complaint processing. Gathering such data therefore relied upon the drawing of a sample from the population of complaints.

The sample needed to be representative of the entire complaint load so it was necessary to factor in three elements in arriving at an appropriate one. First, a precision level needed to be set. This is a range within which the true value of the complainant population was estimated to lie given that the sample was not the entire population and therefore not the true result. Precision levels of 3% and 5% were deemed to be the maximum precision level (sampling error) desired. Choosing the lower precision level of 3% would mean that every result presented would be within three percentage points of where the true value lies (e.g. if 75% of respondents turned out to be male then the true proportion of males across the actual entire complaint load would be between 72% and 78%). Using a lower precision level (i.e. one that is more precise) such as 3% instead of 5% would also serve to increase the sample size needed.

The second element to be considered was the confidence interval (CI). The CI denotes the number of times a sample will reflect the true population value within the range of sampling error already selected. It is usual to select a CI of 95%, meaning that 95 out of 100 samples will fall within the 3% sampling error and 5 samples will fall outside of this (e.g. in the case of complainant sex, 5% of samples would give a result less than 72% or greater than 78% being male). Reliance upon a greater confidence interval (e.g. 99%) would have required a larger sample again.
Finally, the degree of variability across the sample of the attributes being measured had to be considered. Where it is not known by how much or how little the true population will vary on any attribute the use of a degree of variability of 0.5 is recommended.

A preference for a 3% precision level, a CI of 95% and degree of variability, or P, of .5 based on a population of 17,753 complaints would have required a sample size in excess of 1,000 in order to be able to speak with confidence about the GSOC complaint load.

Data Collection
Given the chosen research questions and overarching theoretical framework of social disorganisation, three streams of data appeared warranted for the exercise envisaged. These were respectively: demographic data (e.g. sex, age, employment status, etc.); complaint processing data (e.g. allegation assignation, outcome, etc.); and policing data (markers of location and its profile).

It was decided that the demographic data would be taken from a survey of all complainants that GSOC had commenced in July 2009 which the author of the current thesis had designed, administered and on which had performed data entry and analysis. The survey sought to ascertain demographic data about complainants, asking them to provide data on a total of 15 items (14 demographic and one concerning how they had heard about GSOC). Seven of these are reported on in the current thesis (Appendix I). Further questions around income and self-described SES would have been useful to the current study but were viewed as intrusive and unwarranted as the survey was being delivered through a public body in the context of investigating a complaint. Consequently, such questions were omitted from the final survey. Each survey form also contained the case reference number of the individual complaint so as to allow for analysis of case processing details. All data were, in line with Data Protection requirements, destroyed once reported at the aggregate level each year. The decision to instigate the survey itself had been influenced by varying accounts of complainant attributes, as reviewed in Chapter 4. It was also motivated by a desire to structure and target an outreach programme run by GSOC at the time that was intended to build better awareness of the police

53 The Homeless Agency was rebuked by the Data Protection Commissioner, that officer responsible for the collection, retention, use and destruction of data by private or public sector bodies, in 2008 for seeking information from service users deemed to be in excess of that necessary to plan its service delivery. The information requested of homeless persons by the Homeless Agency had been self-reports of their criminal history (Irish Times, 2008a).
complaint mechanism in Ireland. Finally, the survey’s introduction had been prompted by a gap in data recording by GSOC on complaints, this gap measuring 30% of complainant ages and 64% of complainant nationality, for instance, in late 2013 when data for this thesis was being finalised.

Every complainant was to be sent a survey form at the point of GSOC acknowledging their complaint. This was intended to prevent any sampling bias. Sending complainants the survey at the early stage of the complaint process was also intended to circumvent any possible impact on complainant willingness to respond at a later point in time, should the complaint not be admitted/upheld/substantiated by GSOC. That is to say, the questionnaire was sent at the earliest point possible in the complaint process before a complainant might have a reason to disengage. This was done with a view to reducing the possibility of non-response bias. A total of 6,635 complaints were made in the first three years covered by the time frame considered in respect of the survey responses drawn upon in this thesis (1st July 2009 to 30th June 2012). It was from this population that a sample was ultimately drawn, its size determined by using the precision level, CI and degree of variability items noted above.

A total of 2,114 respondents replied to the survey in the three year period. De Vaus (1996) maintains that the response rate is calculated from the number of surveys returned over the number in the sample minus the total of those that could not be reached and those that are ineligible. As all complainants were eligible for inclusion in the survey and all had provided contact details at which they could be reached for receipt of correspondence relating to their complaint, including the survey, the 2,114 responses equated to a response rate of 31.6%. This response rate was achieved without any follow-up correspondence to each complainant regarding possible return of their survey form. As discussed in Chapter 8, a follow-up may have improved this volume further and, more importantly, reduced the occurrence of non-response bias which does seem to have transpired.

As the analysis intended (i) to identify complainant residence and (ii) provide an understanding of the complaint itself from allegation type through to complaint outcome, the sample was further refined through application of a series of filters designed to minimise data gaps. This process meets with Robson’s (1999) contention that, as data gaps impact on the inference of study findings to other settings, the best solution is to try and minimise them
altogether. The first filter excluded those responses which had deleted or omitted the top page where the case reference had been set out, thereby preventing cross-reference to complaint processing data and complainant address and incident location. Three returned survey forms fell into this category leaving 2,111 responses from which to select. The second filter involved removing repeat respondents. This reasoning underpinning this filter was that four of the six research questions proposed were concerned with person attributes not place attributes. The thesis was not looking to address hot spotting of complaints. So as to ensure the widest spectrum of complainant profiles was reflected and not impacted upon by repeat complainants second or further complaints from individual complainants were therefore removed. In the event, the number of repeat complainants in any one year was low being 2.8% of all responses received. While a figure for repeat complainants has never been published by GSOC, preliminary work for this thesis suggested that across the entire GSOC caseload this amounted to less than 1% of all complaints. The intended filter could only be implemented for each of the three waves in the three year period and not across the whole three-year period as, in line with Data Protection requirements, survey forms had not been kept for longer than a year. This filter was implemented by ascertaining the name of each complainant from the GSOC complaint database –the Case Management System (hereafter CMS)- recording the names against each survey response received and then checking each similar name against complainant address, age and individual responses in survey returns in order to see if a match occurred. Where a match did occur it was marked as a repeat respondent. A total of 58 repeat respondents were identified in this manner and their duplicate survey forms removed. This left 2,053 unique respondents. Next, only responses where the associated complaint had been closed were included in the sample. To include all of the responses received by 30th June 2012 in the final sample could have resulted in using complaints that had no outcome, thereby introducing more missing data into the final sample, something Robson (1999) warns against. Waiting on all responses received by 30th June 2012 to be closed would also have resulted in prolonging the time frame needed before analysis and write-up could begin by unknown durations. This potential time frame was unknown as GSOC, despite adopting and then revising key performance indicators –KPI- setting out the timelines for anticipated conclusion of phases and cases as well as other matters by it some years earlier (GSOC, 2008, 2011), did not publish any account of these until June 2015. The survey had commenced in July 2009, and three years’ of responses had been gathered by 30th June 2012. Not all of the complaints associated with these responses had been closed. To
allow for maximum inclusion of responses in the sample where the associated complaint was closed, a reasonable grace period beyond the June 2012 date was determined by which it was expected most of the complaints would be closed. The longest KPI adopted by GSOC is that of 24 weeks for completing the most serious of all investigations, a section 98 or criminal matter. To this was added the KPI of four weeks to determine admissibility on a complaint, giving a total allowance of 28 weeks or 196 days beyond June 2012. As a result, all responses where the associated complaint had been closed by 12th January 2013, i.e. 196 days beyond 30th June 2012 were included in the final sample. This filter resulted in a total of 127 further responses being removed. This left 1,926 complainants. Those complainants who had provided no postal address in the complaint were also excluded. One such form was identified. The author did not have access to the CMS record of some complaints, a scenario that was not covered by any evident GSOC policy. Consequently, the three complaints meeting this criterion were excluded. Finally, those who returned a survey form with none of the questions answered were excluded as it would have prevented analysis of complainant characteristics. Seven such forms were identified. This left 1,915 responses, the scale of which, using Yamane’s formula (Israel, 2012), was in excess of that minimum number (n = 1,045) from which inference could be made to the complaints received in the three year period under focus (n = 6,635).

Having secured demographic data for the entire sample, to this were added case-level data from each of the 1,915 complaints reflecting how they were processed. Case-level data were taken from the GSOC CMS through use of the case reference number on each returned survey form. Every complaint submitted to GSOC is entered on to the CMS. A new complaint opened by GSOC will be opened on the CMS and will have a hard-copy counterpart file opened as well. Such hard-copy files, as with the CMS version, are intended to contain a copy of all correspondence relating to a case, from a record of the first contact (if not a complaint form a contact will be opened in the CMS as a query pending progression to being made a full complaint upon receipt of further correspondence) through to final documentation at or following closure of a complaint (e.g. complainant queries, legal proceedings, high-profile newspaper article on a case). Hard-copy complaint records are, however, viewed by GSOC as the version upon which any legal/disciplinary queries relating to a case will be addressed. Arising from this, GSOC has two files for every complaint. Civil servants attached to the Casework Unit in GSOC, numbering 21 in total at end-2013, perform
the administrative task of opening all new cases (complaints, referrals and investigations) within GSOC. Viewing the CMS version of complaints chosen for this study circumvented the need to view the hard-copy files which at the time of data collection, were stored in multiple locations within the GSOC Dublin headquarters and off-site.

A standard complaint form comprising 22 fields and/or questions seeking complainant details, complaint details and garda details serves as the basis to every complaint. The form is made available by GSOC in soft-copy format on-line and in hard-copy format at its offices and to every Garda station in the jurisdiction (Appendix II). Hard-copy versions are provided in triplicate format intending that GSOC, the complainant and the Garda Síochána will each receive a copy of every complaint submitted. This form serves as the basis for data contained on every complaint received and recorded by GSOC. However, submission of a complaint on-line, in the format of a letter, fax or email results in varying amounts and types of data being submitted that do not necessarily match the 22 fields of the hard-copy or triplicate template complaint form. During compilation of data for this thesis, it was observed from case files that not all 22 fields on the complaint form were being completed. As the hard and soft copy versions of complaint files were the same, this did not mean a difference between the hard and soft copy versions of the complaint data held by GSOC. It meant that data were not being collected about complaints and complainants and the same data were missing on both versions of the case file. Similarly, those complaint forms received from Garda stations did not always have an entry for all 22 fields. As a result, data contained in each complaint record in the CMS varied in extent and nature from one another, some missing complainant data and some missing complaint account data.

Whereas the demographic data was obtained by a survey approach, the drawing of data from the GSOC CMS equated to a documentary or content analysis approach, specifically using administrative records. May (2011) and Robson (1999) point out that documentary analysis has tended to be the poor cousin among the various research methods used by social scientists. May, for one, notes that documentary analysis has been derided as unstructured, impressionistic and has an awkward relationship to social science research that seeks to establish generalities rather than time-specific understanding from historical artefacts. The decision to proceed with use of the CMS from which to identify case-level data for each respondent derived from an observation by Hakim (1987 cited in Robson) who espoused the
design of studies based on administrative records back to front, that is, finding out what data exists before designing the study. The large store of administrative data previously reported on but not analysed in any way was both attractive and amenable to answering an overriding query that fed the current study. This again was whether certain areas were disproportionately present among complaints to GSOC. Therefore the study had been designed with the use of administrative records in mind. The decision to draw primarily upon administrative data was also driven by two further reasons. First, the budget and timing of the research exercise rendered the use of administrative records a viable option. Second, using administrative data might reveal areas within a bureaucracy in need of reform (Gomm, 2008).

All in all 12 variables gleaned from the two data sources in the form of the survey and the CMS are reported upon. These are specified below and are those reported on in subsequent chapters with a view to arriving at responses to each of the research questions established in Chapter 4.

Next the core concepts of interest contained in each research question needed to be operationalised in a clear manner. Simplifying each research question in turn, one and two concerned complainant make-up (basic attributes and resource-affluency/deficiency profile), the third research question concerned complaint type, while research questions four and five encompassed complaint processing dynamics (admissibility, investigation and substantiation). The sixth and final research question focused on complained-about incident location (proximal and distant environment relative to a complainant).

A concern to represent the significant concepts of each research question in a clear manner is elsewhere reflected by Cao (2015) where he argues that conceptual clarity has become a neglected concern within criminological theories. While this perhaps is an unfair summation of the discipline in general, it is noted that Bruinsma (2007) had lamented such a turn of events in respect of social disorganisation theory in particular. Cao’s perspective at best therefore acts as a reminder of the need to adhere to good research practice, that conceptual clarification is a necessary first step towards quantitative estimation of some sort, as set out in broader research methodology texts. There is value in two further aspects of Cao’s discussion. He places an emphasis on evolving notions of words, concepts and derivative phrases in which measurements are relayed. A dynamic process of this sort was noted in
Chapter 4 in respect of measurements used to test social disorganisation and placed-based theories of crime. Cao also highlights the non-neutral bent of language used by natural and social scientists in setting out their concepts of interest. These points of conceptual clarity, evolution and neutrality were retained here in developing operational concepts for measurement in Chapters 6 and 7 and done so in a way that aimed to illuminate and clarify their relationship to and distance from other items (Gerring, 2001).

Defining Complainant Variables

Commencing with the basic complainant profile (research question 1), a total of eight variables are reported in Chapter 6 and the manner of their construction in the first instance is set out immediately hereafter. First of all Complainant Sex was treated as a dichotomous variable (Female = 0, Male = 1). ‘Complainant Age’ was ranged across six bands (0-17 = 1, 18-30 = 2, 31-40 = 3, 41-50 = 4, 51-60 = 5, 61+ = 6, Missing = 99) as an ordinal variable rather than as an interval variable to allow for groupings to be reflected. It is acknowledged that in doing so such bands did not necessarily reflect those used by police oversight bodies in other jurisdictions, they being closer to some (e.g. IPCC, 2012b) than others (e.g. PONI, 2012). Turning to complainant nationality, given the dominance of Irish among the survey respondents as well as the smaller range of nations covered by the survey, it was decided to construct ‘Complainant Nationality’ as a dichotomous variable (Non-Irish = 0, Irish = 1).

‘Complainant Employment Status’ was constructed as a categorical variable distinguishing between those employed, unemployed and those in all other categories. This third category covered such scenarios as students working part-time while devoting themselves to full-time study that were not always indicative of a marginal or lesser employment status that would lend itself to greater criminogenic risk and/or police attention. As a result, those identifying themselves as ‘Retired’, ‘Trainee/Student’, ‘Unavailable for Work’ and ‘Carer’ were collapsed into the single category ‘Not in employment’ with the category of ‘Other’ treated as a missing value and removed from the dataset during analysis. The final variable had three categories then (Not in employment = 1, Unemployed = 2 and Employed = 3).

‘Complainant Educational Attainment’ was initially treated as having six categories. This allowed for the guild certification system that existed in Ireland. The latter was separate from second and third level education in Ireland prior to the Irish National Framework of
Qualifications adopted in 2003 (National Qualifications Authority of Ireland, 2009), and while now included in the latter, remains distinct from it. Five categories also allowed for qualifications called Advanced and Higher Certificates that may be delivered separately from the third level sector but have a higher standing than high school matriculation exam equivalents. Yet, based on results received back on the survey, 92.5% of all respondents classified themselves into one of the three educational levels primary, secondary and tertiary level education. Given this, a decision was taken to re-arrange the scale into three levels with ‘No formal education’ treated as ‘Primary’ education, and ‘Other’ temporarily treated as a missing value for the duration of the analysis and removed from the dataset (Primary = 1, Secondary = 2, Tertiary = 3).

The original version of social disorganisation thesis, as indicated in Chapter 4, identified those neighbourhoods most closely associated with crime as measured by the proportion of rental properties among the housing stock. Bullock and Sindall (2014) also contend that the nature of housing tenure, rather than duration in a place indicates stability over time, neighbourhood attachment and willingness to hold police functions to account. Construction and collection of a variable called ‘Complaint Housing Status’ was therefore seen as an appropriate means through which to reflect this. The ensuing variable was arranged as a categorical one and recorded via five categories (Owner-occupier = 1, Renter = 2, Living in parental home = 3, Living with friends/others = 4, Homeless = 5).

As an indicator of marginality within the sample, the complainant’s presence in a prison or place of detention at the time of making their complaint was recorded from the complainant address field on the GSOC1 form. A place of detention is one where sentenced juveniles and those awaiting finalisation of court cases are held. Presence in a prison or place of detention was captured from the complainant’s address on the GSOC 1 complaint form in the form of a dichotomous variable (No = 0, Yes = 1).

Complainant Ethnicity was initially arranged into six categories (Appendix I). However, as happened with Complainant Educational Attainment, as those identifying themselves ‘Asian’ or ‘Mixed Race’ were so few in number (less than 1.5% each) they were grouped with the larger number of ‘Black’ responses forming a new category of ‘Non White’. While those identifying themselves as Travellers were small, they were double the size of the ‘Asian’ and
‘Mixed Race’ groups. Furthermore, given the status of Travellers (MacGréil, 2011) vis-à-vis other cohorts within the Irish population and history of high involvement in the criminal justice system and antagonistic relations with state agencies including gardaí, the category ‘Travellers’ was retained as a distinct group in the final variable. The final form of the variable was a categorical one (Traveller = 1, Non-White = 2, White = 3).

Complaint Processing Measures

Those items of interest in complaint processing (research questions four and five) were captured in the form of four variables. These variables were: admissibility status, allegation type, investigative phase and allegation outcome. While more data than this exist on most cases (e.g. allegation location, complaint date and division), these variables were judged to be the most informative as to the dynamics of the case. Bar one exception, all four variables were used as dependent variables in Chapters 6 and 7. The exception was Allegation Type. Instinctively it could have been treated as a dependent variable, one reliant upon complainant attributes (e.g. older people were less likely to complain of a police assault and more likely to complain about perceived sub-standard police service while young men were more likely to complain about a police assault). Yet, based on the literature review presented in Chapter 4, an equally robust case existed for its treatment as an exploratory one that shaped complaint processing (e.g. assault allegations invoked the necessity of a criminal investigation and in the main were unlikely to be substantiated).

That of ‘Complaint Admissibility Status’ should have been straightforward in that a complaint was either admissible or inadmissible under the Act. Yet, while admissible and inadmissible labels were applied to 91% of complaints (n = 12,847) into 2013, GSOC had also applied the labels of ‘Withdrawn prior to [admissibility] decision’, ‘Withdrawn prior to investigation’ and ‘Not Provided’ to almost one in ten of all complaints into 2010 just under 2%, less than 1% and 6% of the entire complaint load for each of the three categories respectively). When examined, all complaints included under the second of the three categories – ‘Withdrawn prior to admissibility’ - turned out to have received an admissibility determination before withdrawal by the complainant. This raised the prospect of a proportion of those labelled ‘Not provided’ within the GSOC CMS as also having received an admissibility determination and indeed four were identified as having actually been admitted. That is to say, the true nature of those complaints labelled ‘Not provided’ as well as those
labelled ‘Withdrawn prior to [admissibility] determination was in doubt. Given these observations, the Complaint Admissibility Status for this thesis was formed as a binary variable (Inadmissible = 0, Admissible = 1). Based on data recorded in the CMS record, all complaints included in the sample could be placed into one of these two categories.

The three remaining variables –‘Allegation Type’, ‘Complaint Investigation Type’, and ‘Allegation Outcome’- could each have been treated as categorical variables. However, ordering of the categories in each of the three variables allowed their use as extensions of the research questions chosen. The intention was to see whether there was any relationship between them as dependent/response variables and the independent/factor variable of complainant background. Consequently they were arranged as ordinal ones. Starting with Allegation Type, every complaint contains at least one allegation. A view of CMS records revealed that not all matters raised by complainants, however, are registered by GSOC as an allegation and not all allegations had an outcome on the CMS. To reduce this source of error and confusion, a single allegation, the first listed in the CMS complaint record, was recorded for each complaint included in the final sample. The ‘Allegation Type’ scale took account of the fact that GSOC records a total of 18 allegation types on complaints, four of which – discourtesy, neglect of duty, abuse of authority and non-fatal offence- were the most common of all allegations types in the years 2007-2013, accounting for 84% or above of the allegation caseload in the years 2010-2013. Allegation assignation is also an administrative task undertaken by GSOC guided but not required by Schedule V of the Act. So, while not as straightforward as the other three stages of complaint processing (admissibility, investigation type and outcome) which are obligatory actions required by the Act and which therefore presented as operationalised variables already, assigning an allegation type enables GSOC to then decide its admissibility, direct a particular investigation type and, in the process, assist reporting of how it processes complaints. The ranking assigned to Allegation Type was also designed to reflect increasing seriousness of allegation type. Previous research highlights that more serious allegations within complaints about police are sustained less (Lersch, 1998). A decision here to rank allegations by seriousness may be seen as a circular argument, that because more resources are allocated to their investigation some allegations are more seriousness than others rather than actually being so. A decision to rank allegations contrasts with that approach used by Lersch (1998) and Liederbach et al. (2007). Neither article distinguished between allegation seriousness in constructing their variables of interest. Yet
both alluded to serious and less serious allegations in their discussions, discourtesy being a lesser and use of force being a more serious allegation type, implying tacit agreement with such a ranking. Terrill and Ingram (2015) also did not attempt an indication of allegation seriousness but, importantly, argued that such a classification would benefit research on police misbehaviour. The assumed benefit, though not specified, in distinguishing between allegation seriousness is that it would enable determination as to whether certain cohorts are more/less likely to see their complaint substantiated. An argument against ranking allegation types, meanwhile, was that doing so would not take account of contextual factors specific to each complaint. A determination as to whether a non-fatal offence by a police officer (e.g. slapping a person during arrest) is more/less grievous than a neglect of duty (e.g. failing to investigate reports of a theft of a car) either to a complainant or a third party does depend on context. Ahead of adopting a ranking of allegation types for this thesis, GSOC’s allocation of investigative assignation to different allegations closed by end-2012 was considered. It seemed to bear out a ranking of allegation seriousness in that discourtesy allegations predominated at the lowest investigation type (section 90), followed by neglect of duty and abuse of authority allegations which were split between the second lowest investigation type (section 94 Unsupervised) and the most serious (section 98) while non-fatal offences were almost entirely investigated through the most serious investigation type (section 98).

Separately, it was possible to distinguish from Schedule V of the Act between those actions on which a garda could be prosecuted (non-fatal offence allegations) and those on which they could be processed through a lesser action of discipline (discourtesy, neglect of duty and abuse of authority), i.e. receive a lesser serious procedures. Allegation types also differ in terms of the sanction they receive, discourtesy receiving less punishment than a non-fatal offence. Thus, based on the above, the rank ordering of discourtesy, neglect of duty, abuse of authority and non-fatal allegation types in that order of increasing seriousness was utilised (Discourtesy = 1, Neglect of Duty = 2, Abuse of Authority = 3, Non-Fatal Offence = 4) with all other allegation types coded as 0 and these were omitted in the analysis later in this thesis depending on the question posed.

The construction of ‘Investigation Type’ and ‘Allegation Outcome’ as rank-ordered variables was intended to reflect the resource commitments and gravity of disciplinary sanctions associated with different investigation types within the Act. Whereas a marked differentiation between investigation types is evident in jurisdictions beyond the Irish Republic where all but
serious disciplinary and criminal matters are investigated by the police agency as opposed to the police oversight agency, this is not the case in Ireland. There exists in Ireland a non-statutory procedure for gardaí to address a grievance at a local level (called local intervention)\textsuperscript{54} and in all instances where a complainant expresses a wish for their complaint to be dealt with by GSOC complaints are processed by GSOC itself\textsuperscript{55}. While a total of six investigation types were identified in Chapter 2, these were grouped into four categories for the purpose of the analysis reflecting the respective roles of GSOC, the Garda Commissioner and DPP roles in finalising matters (Inadmissible = 1, Informal Resolution = 2, Garda Finalised Matter= 3, GSOC/DPP Finalised Matter= 4).

The ranking of ‘Allegation Outcome’, meanwhile, stood to be constructed in one of three ways. The first was building a scale in terms of increasing verification of garda innocence. However, GSOC, as with other police oversight agencies does not clearly confirm garda innocence at the point of complaint completion. What existed instead were statements as to whether the evidence supported the allegation made or whether the complaint could be finalised based on available materials. This is not the same as an unequivocal statement that the police officer was innocent of committing the alleged action, a point made by the Chairman of GSOC’s predecessor, the GSCB (Irish Times, 2008b). A second way in which the scale could have been constructed was in terms of findings against the complainant. The most penalising of these was prosecution by the DPP of a complainant for having knowingly provided false information to GSOC. Section 110 of the Act provides for this form of action. The actual number of such prosecutions was small by end-2014, as reported in GSOC annual reports\textsuperscript{56}. The final option for scaling the Complaint Outcome variable was its arrangement in terms of increasing gravity of penalty imposed on gardaí at the point of closing the complaint. A total of five Complaint Outcomes were determined on this basis using the Act and the Garda Síochána (Discipline) Regulations 2007 (Inadmissible/No Further Action = 1, Resolved = 2, Less Serious Sanction = 3, Serious Sanction = 4, Conviction = 5).

Next those variables relating to the subsidiary lines of enquiry on complaint processing by location (research questions two, three, five and six) were compiled.

\textsuperscript{54} No public figures exist for the incidence of local intervention undertaken by the Garda Síochána since GSOC became operational on 9\textsuperscript{th} May 2007.

\textsuperscript{55} Processed by but not necessarily investigated by GSOC, as is the case with section 94 Unsupervised matters.

\textsuperscript{56} A figure of seven convictions is evident from annual reports. What is not clear is how many times a belief of knowingly providing false/misleading information was examined by GSOC.
Clarifying, Updating and Extending Social Disorganisation Measurements

Looking to research question 3 (complainant resource deficiency), the evolution of the main explanatory variables of interest in social disorganisation theory – reliance on income supports, immigrant and non-white households and residential tenure - has received varying attention in subsequent endeavours in the canon of socio-legal, sociological and criminological research. Shaw and McKay created this scenario where, having defined their concepts early on, they somewhat undermine themselves in the closing chapter where they adopt the umbrella term of socioeconomic profile to reflect the additional attributes of employment, social hierarchy, low income and possession of a car. Efforts to refine these over time have not resulted in parsimonious and consensual units of analysis. Thus the original and primary measure - the number of persons on income relief - has been replaced/widened by the terms ‘disadvantage’ (Brunson and Weitzer, 2009; Ulmer et al., 2012), ‘structural disadvantage’, ‘extreme disadvantage’ (Kane, 2005), ‘socio-economic disadvantage’ (Robitaille et al., 2011), ‘concentrated disadvantage’ (Sampson, 2012) or ‘deprivation’, even if most are ultimately measured in terms of poverty rates. Occasionally poverty has been measured alone or accompanied by income, median household income, employment status, unemployment rates, family make-up and higher than average crime rates or summed up via a concentrated disadvantage index containing such measures.

Similarly, the measure of the proportion of rental properties locally has yielded to ‘residential mobility’. As to its use, noted difficulties in cost terms with measuring residential mobility, have been pointed out (Kubrin and Weitzer, 2003a) or the measure omitted altogether (Brunson and Weitzer, 2009). The third substantive measurement - the proportion of foreign born or ‘negro’-headed households- has also given way to ‘ethnic heterogeneity’. Researchers have also explicitly differed over the use of ‘social networks’; with some interpreting their role as being primary factors alongside poverty and residential mobility, etc., while others have taken them to have been intended as mediating factors having nothing more than an indirect role in the social disorganisation model (Gorman et al., 2013). No less problematic is the original dependent variable of ‘alleged delinquency’. Conceived at the outset by Shaw and McKay as an act of property crime for which a person under 17 years of age appeared before the court or was disposed of by a police officer, this has morphed over time to be understood as representing ‘street crime’, not ‘suite crime’ and extended to encapsulate a
number of health-related dimensions (Sampson, 2012), in the process stretching the theory itself.

Among this assortment of confusions and extensions, perhaps the most strident divergence among researchers has revolved around notions of neighbourhoods and communities and the unit through which social disorganisation dynamics are measured. Hart and Waller (2013) summarise the overall output in this part of place-crime deviance studies as being a choice between administratively defined units on the one hand and other units of geographic analysis demarcated from one another by visible and non-visible features on the other. More diffusive in measurement terms than Shaw and McKay’s square-mile blocks, Sampson and Bartusch (1998) used ‘ecologically meaningful’ neighbourhood clusters of similar racial-ethnic mix, socio-economic status, housing density and family organisation that were smaller than ‘communities’. Sampson and Raudenbush (1999) relied upon block segments on one side of a street as their geographic unit. Ulmer et al. (2012) use ‘census places’ or whole cities, towns or villages while Brunson and Weitzer (2009) and Grattet (2009) use larger census tracts. As a consequence, across such studies a wide variation in the number of units of study occurs ranging from 600 to 8,000 people. However, Hart and Miethe (2015) and Curman et al. (2015) contend that the push in recent times is in the direction of smaller units of geographic analysis, the rationale for this being that within group variation of factors explaining concepts of interest is reduced by smaller scale units, a point further reflected by Kirk and Matsuda (2011) and Gau et al. (2012). Among the small number of studies examining police complaints and geography, this trajectory is not followed. Lersch (1998) relied upon census tracts covering 1,200-8,000 persons while the later Ede et al. (2002) study harnessed police precinct/station catchment areas covering population sizes ranging from under 600 to over 50,000 persons. Use of police precinct/station equivalents for a number of jurisdictions would reveal similar population variations.

Notwithstanding the above, a final challenge remained in reflecting the primary element of social disorganisation theory as the explanatory framework for police complaint generation in Ireland within a geographic unit of analysis, i.e. deprivation. Given that the discussion so far has sought to emphasise the formal social control feature of the theory, the unit of geographic area analysed must encapsulate one further element. In addition to deprivation, the unit must in some way reflect the highlighted element of formal social control i.e. policing by gardai.
The locale and policing of it must somehow be rendered indivisible. This is because it is not just that the areas lack power but that they also attract a high police focus over which they can wrest little or no influence.

Recalling the ‘police property’ literature noted in Chapter 3, some researchers, such as Loftus (2012), limit its application to the underclass. Measurement through the ‘underclass’ could be deemed problematic in discussion of Ireland, however, for three reasons. Class is arguably a lower order issue than it is in England, it remains a contested unit of analysis in general (see Beck, 2013 and Curran, 2013) and existence of an Irish underclass, equivalent to that group examined by Loftus has also been roundly rejected (Fahey et al., 2011). Yet, Lee’s definition of police property as ‘[a]ny category of citizens who lack powers in the major institutions of their society...over whom the police successfully exert superior power’ (Lee, 1981:53) arguably already provides a bridge between ‘low neighbourhoods’ and police conduct. It expresses the compounding of local geographical and local resident opportunity-deficiency through imposition of a further, external constraint. Following in Lee’s trajectory, some have sought to capture this through reverting to deprivation (Rottman, 1984; Bacik et al., 1998 and O’Mahony, 2003), socio-economic status (SES) including employment type but also neighbourhood and house size (Alpert et al., 2004). Others again have attempted to capture this through receipt of welfare (Werthman and Piliavin, 1967 cited in Pollock et al., 2012) and possibility/lack of investment potential for the area (Sampson and Raudenbush, 2001). Yet, none of these measures capture the nature of policing attention to an area.

Bearing the above, in mind, the current thesis sought to reflect Shaw and McKay’s primary first measure of families on relief in a geographic unit. Measures available included unemployment, socio-economic status and social class. Measures of deprivation such as those selected have also been relied upon in large-scale surveys and indexes of deprivation used in the Irish context. One such is the EU Survey of Income and Living Conditions (SILC), conducted at the national level by the Central Statistics Office (CSO), the official statistics agency in Ireland. While the importance of neighbourhoods in shaping the qualitative nature of the deprivation experience has been noted (Whelan and Maître, 2012), as the SILC scale has been applied to individuals independently of any spatial data, it is not considered any further here. A second is the National Deprivation Index for Health and Health Services Research (Kelly and Teljeur, 2013) first developed in 1997 for analysis of health outcomes.
and based on four variables (unemployment, low social class, local authority housing and no availability of a car). Arranged on a ten-point scale from ‘most affluent’ to ‘most deprived’, it was updated in 2013 and reports at the level of Electoral Divisions (or EDs and totalling 3,409 units) and Small areas (totalling 18,500 units). A third is the Haase-Pratschke index (2012), developed for analysis of area deprivation and utilising EDs and Small Areas as the units of geographic analysis. First developed in 2005, the index uses an eight point scale ranging from ‘extremely affluent’ to ‘extremely disadvantaged’ and has been used by state agencies to determine deprivation levels within physical areas that could be targeted through policy programmes. Revised and updated since then, in 2015 the index was extended to a whole-of-island basis following collaboration with the International Centre for Local and Regional Development and the All-Ireland Research Observatory at the National University of Ireland, Maynooth. Financial support for the endeavour was received from the Department of Environment, Community and Local Government and the EU and it utilised data co-ordinated by the CSO and the Northern Ireland Statistics and Research Agency.

Differences exist between the Kelly-Teljeur and Haase-Pratschke indexes. While both measure deprivation rather than poverty, for instance, they differ over how to do this; the former includes a proxy measure of disposable income and the latter includes the number of single (lone) parent units and a measure of housing overcrowding. While the single parents measure is reported by the CSO in the most recent SILC account (CSO, 2015), Kelly and Teljeur reject the overcrowding measure and it is also not reported by the CSO57. Kelly and Teljeur also use principal component analysis to determine variable inclusion while Haase and Pratschke use confirmatory factor analysis. A simplified summation of the difference between these two approaches then is that the first takes variables as given contributors to a latent construct (here deprivation) while the second selects variables for inclusion in the final model (here explaining the construct ‘deprivation’) based on a theory as to what makes up the model and then tests their usefulness in that model58.

57 Balanda and Wilde (2003) sought to capture perceptions of locales’ collective efficacy through the All-Ireland Social Capital and Health Survey. To do this they measured agreement with the statement ‘by working together the neighbourhood could influence decisions that affect the neighbourhood’. This gauge showed impressions of local efficacy to be lower for lower income groups, those renting and those living in an area for five years or less, in line with Shaw and McKay’s original theory. However, these patterns did not hold for social class and educational attainment and ethnicity was not measured by the survey.
58 While a further difference presented in relation to both is that PCA makes geometrical abstractions about variables, CFA is concerned with real world variables. However, both procedures are said to give similar results.
Finally, the chosen areal unit here needed to reflect a measure of police attention given to it. Three initially appeared useful. The first of these would have been the number of patrol deployments (car, bicycle, foot, etc.) in an area over the course of a particular time frame. Such data is not currently available in the public domain. Next there was the CSO measure of recorded crime offences which implied a basis for police attention towards any area in the first instance. Recorded crime offences are also common measures in studies examining place, crime and people. However, as highlighted in Chapter 4 and argued in a recent legal challenge, it is not always the case that high crime areas necessarily receive either the quantity or quality of police attention that might be expected. It was reasoned instead that a third measure was required to reflect co-ordinated police attention in the area. A proxy measure of this form, one also addressing the geographical concerns of social disorganisation, was present in the form of the RAPID programme.

The RAPID programme is the main Government instrument through which deprivation alleviation is facilitated at a local level across Ireland. The programme is targeted at the 46 most disadvantaged urban areas and provincial towns in the State, with Dublin containing the largest number of catchment areas. Established in 2001, reviewed in 2006 and projected to run to 2021 (Fitzpatrick Associates, 2006), it was initially financed by the Department of Community, Rural and Gaeltacht Affairs. Inclusion in the programme was decided by reference to (i) deprivation level (ii) the presence of a significant volume of local authority housing stock (iii) schools designated as disadvantaged and, in the case of almost half of the 46 catchment areas and (iv) identification of concentrated disadvantage by local partnerships and the local authorities (Fitzpatrick Associates, 2006). Among these measures issues of crime, crime prevention and youth diversion from crime were visible goals as were the objective of reversing strained relations with police as well and improving local capacity for opposing anti-social behaviour. Thus inclusion within the RAPID programme was based on quantifiable socio-economic indicators gathered into a composite measure of greatest resource deficiency alongside concern about delivery and reception of policing within areas. As to the empirical basis of RAPID areas being high crime ones, Irish data on crime in small areas is not available in anything as near a complete fashion as it is for other jurisdictions, the English Index of Multiple Deprivation being a good example. Among the few profiles of Irish areas providing crime statistics, recorded crime and anti-social behaviour was higher or

59 CANA v City of Chicago 2013 IL App(1st) 123041
perceived as being higher in some RAPID areas (McCulloch et al., 2010) with incomplete pictures in others (Kelly and Hayes, 2014). While RAPID areas were not distinguished from one another in terms of police attention, they differed from non RAPID areas in terms of deprivation thereby suggesting scope for creation of a dichotomous variable.

Choosing RAPID areas to represent those of greatest concentrated deprivation did come with a disadvantage. CSO gathered socio-demographic data called Small Area Population Statistics (hereafter SAPS)\(^6\) were, as of June 2015, available for 17 different categories of boundary arrangements and divided into eight themes (CSO, undated). RAPID was not one of these. That said, the choice of RAPID areas appeared justified on several grounds. A degree of concordance exists between the Dublin areas selected by Rottman (1984) in studying crime and deprivation and those included 17 years later in the RAPID programme. Two other areas not considered by Rottman but later a part of RAPID (Clondalkin and Blanchardstown) were also notable for having presented anti-social behavioural problems of national concern at an earlier date (Report of the Interdepartmental Group, 1992). RAPID areas therefore suggested stability of area profiles over time as advanced by social interaction and placed-based theories of crime. Judged in terms of scale, the RAPID areas are larger in dimension than the ED units of analysis used by earlier papers but smaller than police station catchment areas, around which street-level policing is arranged, in terms of dimensions and population. Use of RAPID areas thus allowed for a binary distinction between streets and estates of most highly concentrated deprivation. Additionally, unlike EDs or SAPS, RAPID areas had been constructed on the basis of accounts of high crime, anti-social behaviour, strained relations with gardaí and assessment of local incapacity to address each of these without concerted national government action. As discussed in Chapter 4, social disorganisation is concerned with the capacity of an area to regulate itself and solve commonly shared problems, including local deviance. Where many studies have focused on deviance by non-police actors, this thesis identified an opportunity to provide an original analysis of complainants and complaint place, specifically any concentration of local deviance by police. RAPID areas therefore provided a readily identifiable unit of analysis through which to do this.

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\(^6\) A single RAPID demographic datum was previously reported upon. It was stated that such areas covered 'approximately 8% of the overall population' of Ireland (Department of the Environment, Community and Local Government, 2011: 23). This was followed up directly with Pobal by email during preparation of this paper and it transpired that the aforementioned estimate was based on EDs, which do not accord with RAPID boundaries (personal communication).
As a final point in their favour, the appropriateness of RAPID areas can be traced to the introduction of GSOC and the 2005 Act. During the parliamentary debate around the legislative bill that finally gave rise to the Act, portrayals of a tensions and mismatch between gardaí and residents in underclass or areas of socio-economic deprivation were raised as a specific concern (Oireachtas, 2004a). This concern received cross-party and ministerial support at the time and crystallised in a proposed amendment to the bill which, though ultimately rejected, intended to bolster community-police relations. As noted above, geographic areas had been chosen for inclusion in the programme on the basis of analysis of crime rates, poor relations with gardaí and deprivation levels. The Oireachtas debate about the Act, which was intended to curtail garda misbehaviour, had highlighted politicians’ concerns about each of these issues in practice, with RAPID areas, rather than EDs being replied upon as the unit through which concerted action would be directed. RAPID areas therefore provided a recognisable and accepted summary gauge of policing practice, legitimacy and alleged deviance at station level, throughout such debates. Further, a focus on area socio-economic profile has featured as a recurring item in terms of the deployment of gardaí, as discussed in the Oireachtas and by the Force itself. Given the above, the variable ‘Complainant RAPID Residence’, arranged as a dichotomous one (No = 0, Yes = 1), was intended to reflect the core issue within research questions two and five, those of the preponderance of areas of most concentrated deprivation among the GSOC caseload and success in complaint processing. Determination as to RAPID residence for each complaint included in the sample (n = 1,915) was based on a comparison of each postal address in the CMS record of the complaint file with RAPID area boundaries via the website www.pobal.ie.

Given finalisation of the variables relied upon for analysis in Chapters 6 and 7 that follow, a summary of the name, source and final format of the variables of each is presented in Table 5.1 below.
Table 5.1
Variable, Data Source and Final Variable Form

<table>
<thead>
<tr>
<th>Variable</th>
<th>Data source</th>
<th>Final variable form</th>
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<tbody>
<tr>
<td>Complainant Sex</td>
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<td>Dichotomous</td>
</tr>
<tr>
<td>Complainant Age</td>
<td>Survey</td>
<td>Ordinal</td>
</tr>
<tr>
<td>Complainant Employment Status</td>
<td>Survey</td>
<td>Categorical</td>
</tr>
<tr>
<td>Complainant Educational Attainment</td>
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<td>Complainant Ethnicity</td>
<td>Survey</td>
<td>Categorical</td>
</tr>
<tr>
<td>Complainant Housing Status</td>
<td>Survey</td>
<td>Categorical</td>
</tr>
<tr>
<td>Prison/place of detention</td>
<td>Administrative Records</td>
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<td>Complaint Admissibility Status</td>
<td>Administrative Records</td>
<td>Dichotomous</td>
</tr>
<tr>
<td>Complaint Type</td>
<td>Administrative Records</td>
<td>Ordinal</td>
</tr>
<tr>
<td>Complaint Investigation Type</td>
<td>Administrative Records</td>
<td>Ordinal</td>
</tr>
<tr>
<td>Complaint Outcome</td>
<td>Administrative Records</td>
<td>Ordinal</td>
</tr>
</tbody>
</table>

Data Analysis of Survey, Administrative and Documentary Sources

The data gleaned from the survey and administrative records were first analysed using a mining and analytical computer software programme called SPSS (version 20). Popular among social scientists, SPSS was introduced in 1968 and, is operated via both a pull-down menu and command syntax language format. SPSS has been used as a tool to assist quantitative analysis in academic studies and has been a common feature in third-level student textbooks on quantitative research methods (de Vaus, 1996; Bryman, 2012). As chapter 6 makes clear, owing to the nature of one of the variables examined, greater use was made of a second software programme called Stata (version 13). Created in 1985, Stata can be operated using both code and pull-down menus but primarily the former. Stata was relied upon to perform analysis of the chosen variables that SPSS could not arising from the hierarchical nature of analysis involving individual complainant attributes and aggregate areal measures reflected in RAPID location data.

Local focus: policing of areas

Garda behaviour within areas as intended by examination of research question six necessitated a second analytical approach beyond numbers alone. The approach decided upon used geographical information systems (GIS) or data-mapping computer software. Available in various pay and free-to-use formats via the internet (e.g. MapInfo, Microsoft MapPoint, Google Maps and ArcGIS), such applications are designed to illustrate and analyse patterns
in data that reflect geographical locations through reliance upon easting and northing coordinates as with a paper map, a process called geocoding. GIS mapping has been a feature of practitioner initiatives and research endeavours within policing and crime studies for over 20 years (Chainey and Ratcliffe, 2005; Home Office, 2005; Ede et al., 2002; Kubrin and Weitzer, 2003b; Weisburd and Lum, 2005) but arguably remains a marginal approach with most research efforts seeking to pinpoint the location of crime victims or crime incidents and confining themselves to analyses of data in numeric form only. Beyond this marginal use, other observations can be made about the place and use of GIS within policing to date, developments in the USA being most extensive. Some of these are mentioned briefly below.

First, police agency data mapping outputs range from presentation of precinct (station) catchment area maps, such as those by the NYPD, to crime mapping at polygon level for catchment areas (e.g. police divisions and command areas), such as the Metropolitan Police. Second, many police agencies in the USA, the LAPD being one example, have gone beyond polygon reporting to publish crime data via the internet for a range of reported offences at street level. Third, US police data mapping endeavours have a commercial aspect to them in that their work tends to be outsourced to a third party company rather than being produced in-house. Fourth, non-police mapping initiatives using police data have emerged, such as that by the New York Times in relation to homicide incidents. Fifth, the representations of GIS work within research texts have in the main rested at census block (Weisburd et al., 2012) or single point data at station or divisional level but not below this to street level. Sixth, with relevance to the current study, data mapping remains the exception rather than the norm among police oversight bodies, the NEW York CCRB and now-defunct Commission Nationale de Déontologie de la Sécurite in France being two of the few such agencies to utilise the function (NYC CCRB, 2012; CNDS, 2011) but then only in a reporting rather than analysis fashion. Finally, the use of data mapping is not without its critical advocates and problems (Weisburd et al., 2004; Eke, 2005; McLaughlin, 2006; Caplan et al., 2011; Chainey and Thompson, 2012) and, through the consideration of the RAPID areas later on, efforts are made to acknowledge the shortcomings and reflect these concerns.

The net result of research endeavours concerned with determining complainant profile or police misbehaviour therefore has been to suggest without showing how patterns exist, leaving it to the imagination to build the real world patterns. This omission by the social
science community, largely reflected in the omission of discussions of data mapping tools from social science research methods textbooks (see Gomm, 2008 for an exception), suggests a betrayal of Mills’ exhortation to use the sociological imagination. The latter is what Giddens (1995) summarised as being able to think ourselves away from the familiar in order to look at them anew. It is submitted that the weight given over to numbers in place of maps in research articles conveys the implicit sense that maps are thought of as illustrative only and therefore somehow lesser than charts or graphs. The current thesis adopted the view that maps, no less than tables, charts or graphs in quantitative data analysis software or models and tree maps in qualitative analysis software, are important tools through which to analyse research data, particularly for the largely overlooked domain of police complaints.

While becoming more common in Ireland, GIS applications have not yet formed an obvious part of research with data mapping appearing confined to the life sciences as opposed to the social sciences. As to GIS use in and to analyse policing, data mapping had, as of June 2015, mostly taken place at a remove from the Garda Síochána, within the CSO, and in polygon form at the level of garda region, division and district boundaries (CSO, undated). A Recorded Crime Monitoring Tool has been made available by the All Ireland Research Observatory. As of June 2015, this reported 12 selected crime categories recorded by the Force at an aggregate level for each station. While with respect to the police oversight body itself, as of June 2015, GSOC’s GIS use had been restricted to allegation and referral frequency counts at polygon level, i.e. garda divisions, and, inexplicably, using garda boundaries that the Garda Síochána itself had ceased using in 2010.

The intention in the current thesis was to go beyond displays of data in coloured polygon and single point formats representing entire Garda station areas and to map complaint emission and incident location data at a lower unit of analysis. This determination reflected growing support for such an approach within the research community (Sobol et al., 2013) and that for analysis of smaller areal units noted in Chapter 4. While an advantage over presentation of data in tabular format in conveying an overall geographic pattern, polygon level maps offer no intrinsic value in terms of behaviour distribution. That is to say, polygon level maps would not distinguish between areas of greatest resource deficiency (e.g. RAPID and non-RAPID areas) or any dispersion of complainant address and incident location data, whether random, uniform or clustered. The decision to use point data over polygon maps later in the present
thesis thus represented an advance beyond that used by Ede et al. (2002). The latter paper had measured police conduct within police beats by means of calculating whether policing patterns were confined to or extended beyond geographically distinct parts of a station area in numeric form only.

To assist with this there still remained the challenge of picking an areal unit in which the distinguishing feature of RAPID addresses would make sense. Selection would need to encompass both appropriate scale (i.e. size of area covered/number of dwellings included) and link in with the policing focus of this thesis. Five possible units presented themselves in the Irish context. Each of these was an individual as opposed to aggregate unit. These were: postcodes; Grid Dataset; EDs; Small Areas; and Garda station catchment areas.

Each of these is considered in turn with a view to a final choice based on measurement of socio-demographic characteristics that reflect social disorganisation, police focus and resonance with public perceptions of their surrounding environs. As of June 2015, despite decade-old plans (Department of Communications, Energy and Natural Resources, undated), there was no national postcode system in operation in Ireland and only a single large-scale, partial alpha-numeric type system operational in Dublin61. Postcodes are therefore not recognised as a unit of analysis by the CSO meaning uncertain population numbers and offering no measurement of socio-demographic characteristics. Postcodes also offered no basis that chimed with matters of police focus.

The Grid dataset introduced for Census 2011 is arranged in 1km² grid cells (CSO, undated) that have little evident resonance with the public perceptions of their locale, SAPS are not collected at this level and made available publicly and they also do not reflect aspects of any police focus.

Moving to EDs, these were the lowest legally defined administrative areas for the collection of Census data within the Irish Republic respectively (CSO, undated) until Small Areas covering 50-200 dwellings were adopted for the 2011 Census. SAPS are available at both Small Area and ED level. This meant that the area instability aspect of social disorganisation theory, denoted by dominance of rental properties and tenancy turnover, could be captured

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61 The new postcode system was also to be optional.
using the CSO’s measures of household occupancy status and household mobility in the previous 12 months. Shaw and McKay’s measure of minority presence, meanwhile, was captured by reference to measures gauged via the Irish Census exercise performed by CSO. Percentage white population in an area was chosen to reflect the minority presence element of the social disorganisation theory. However, this SAPS quality of EDs and Small Areas aside, there is no indication that either Small Areas or EDs are widely understood by the public. They also do not reflect any specific indicator of local police attention and Small Area units have already been altered on foot of Census 2011 results suggesting a level of flux as to their parameters for the immediate future.

The final unit available was that of the garda sub-district attached to single stations\(^\text{62}\). Totalling 563 in the State as of June 2015, amalgamations and alterations to station areas last occurred in 2013 and followed on from region and division re-alignments in 2008 that were intended to better approximate local authority boundaries. Stations constitute one of the 17 boundary units for which SAPS are available. This made them preferable to the construction of “natural areas” in an earlier study whose relationship to similar socio-demographic data for the entire area was not made explicit (Smith et al., 2001). As to being a locus of concerted police attention, stations do not reflect such a condition by default. However, their explicit discussion in Oireachtaí debates as the local or street-level implementation of RAPID plans stood as a clear case in their favour. EDs and Small Areas did not come with such public recognition. Kane (2005) also makes a case for precinct equivalents as the areal unit of choice as they are practical in terms of secondary data use, of small enough size and reflective of police delivery at the street-level. A singular drawback, offered Kane, is whether the public could relate to them generally. Based on the last Garda public attitudes survey (Browne, 2008), 79% of Irish people indicated familiarity with the day-to-day make-up of their local Garda station. This suggested satisfactory grounds for their use as the main areal unit here in which RAPID data would be situated. A further apparent drawback was their larger size relative to EDs or Small Areas. As iterated earlier, while smaller areal units are being advocated for studies exploring the relationship between policing and locales, such an objection appeared mitigated in the selection of Garda station areas as the areal unit of

\(^{62}\) ‘Patrol areas’ also exist and appear to be subsets of the station catchment area. However, as set out in the National Model of Community Policing adopted by the Force in 2009, these are of undefined geographic proportions. Earlier parliamentary debates also show the term ‘patrol areas’ to have been used to reference station catchment areas as a whole—see Oireachtas (2006) http://debates.oireachtas.ie/dail/2006/01/25/00720.asp. Given this uncertainty, ‘patrol areas’ were not considered as a possible unit choice for analysis.
primary importance by which to gauge RAPID data by virtue of them offering a distinct area of police activity that EDs and Small Areas did not.

Furthermore, it was not that the inhabitants by themselves were the centre of attention in this final line of enquiry within the current thesis. Rather, the focus was on inhabitants and their interactions with a distinct formal social control agent operating in their area (i.e. the police). It was the interaction between Shaw and McKay’s ‘low neighbourhoods’, contrasted with the implied ‘middle’ and ‘high neighbourhoods’, and the police within the boundaries of the latter’s field of control that warranted corolling of areal units into something larger than EDs and Small Areas. This field of control of closest value to individuals within an area presented as being the station area.

Notwithstanding the above, an argument in favour of using Small Areas or EDs alongside station areas and RAPID boundary areas was considered ahead of the final data analysis. However, use of Small Areas or EDs would have resulted in the simultaneous presentation of three GIS shapefile layers in a single map. Moreover, use of Small Areas/EDs alongside RAPID and station boundaries to reflect differing levels of deprivation/residential instability/ethnic heterogeneity would have required several choropleth maps which distinguish between densities/volumes of items of interest (here complaints) through use of graded colouring schemes. As described above, in their original format this would have resulted in the portrayal of some eight/ten different colours along with the colour boundary/polygon of the RAPID area and the colour boundary of the station area. Collapsing the Small Areas/EDs into fewer categories, thereby producing fewer colours, would have simplified matters but not greatly. This is because the geocoded complainant addresses/incident locations, once mapped, would have introduced further colour representations, overall resulting in a myriad of coloured lines, symbols and shapes not conducive to analysis, even when removing all topographical objects (e.g. buildings, green spaces, waterways, road, etc).

Mapping complaint data to RAPID catchment areas in stations did bring forward some possible setbacks. As not every RAPID area is wholly contained within the catchment area of single garda stations, the decision taken was to rely upon those parts of RAPID areas that
did. This simplified the intended analysis by doing away with the need to explain
differences between two-plus station areas covering a single RAPID area. Using those parts
of RAPID areas that lay within a single Garda station area also reflected an output desire for
the thesis to lend itself to real world understanding. That is, it was the thesis’s intention that
any observations arising from the mapping analysis, through use of Garda station areas as
points of reference, might underscore the utility of such an approach. It was intended to show
mapping as intelligible and meaningful to practitioners and those with a passing interest in
local police affairs (e.g. JPCs mentioned in Chapters 2 and 4) through use of a commonly
understood geographic reference point.

Corresponding GIS files for individual stations became available after Census 2011.
However, those for RAPID areas are not publicly available and so were formally sought from
the then administering agency Pobal during preparation of this thesis. Given the number of
RAPID areas and garda stations, the decision was made to focus on three station areas that
contained areas included in the RAPID programme. A decision to focus on three areas
mirrors earlier studies on policing (Bruinsma, 2007; Brunson and Weitzer, 2009). The
ultimate choice of the three stations was made through a selection based on three criteria:
1. having sufficient incidence of complainants so as to ensure enough cases for analysis;
2. being located within differing garda divisions. This approach is supported by Sobol et al.
   (2013) who argue for dispersion of geographical units in order to avoid inter-dependence
   of outcome effects; and
3. ensuring that selected stations were not high service concentration areas (i.e. high
   population concentration and/or high number of licensed premises, retail units/shopping
   centres and/or transportation hubs) which could result in high numbers of complaints.

Selection of three station areas through which to answer research question 6 took further
account of an area’s appearance within/absence from previous Irish studies on policing (see
differences between Mulcahy and O’Mahony (2005) and Rottman (1984)) and concealing
their identities (see “Northstreet” in Ilan (2007) or “Parkway” and “Liffeyside” in National

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63 This involved manually cutting the RAPID area (i.e. the polygon) within the GIS files ahead of analysis. Lack
of concordance between RAPID and station areas would also have affected Small Area/ED-station analysis.
Crime Council (2003))\textsuperscript{64}. All three selected Garda stations were given aliases but a profile of each is presented in Chapter 7 with a view to contextualising the results arising.

Each of the three stations was examined via ESRI’s ArcGIS software (version 10.1). Developed in 1999, ArcGIS is a license-based software product and its choice over others was discussed with cartography staff in two Irish universities, one academic and one administrative, prior to final utilisation. Arrival at the decision to use ArcGIS was based on its presentation of several advantages over free-to-use software. It could utilise Ordnance Survey Ireland maps, the definitive mapping records of Ireland. ArcGIS enabled concealment of the selected stations’ identities and was compatible with the OSI geocoding tool used for accurately situating complainant addresses. Google Fusion Tables on the other hand, a leading free-to-use mapping resource, at the time of writing required conversion of ArcGIS shp. files into KML files and then layering the maps via a further application called the Fusion Tables Layer Wizard before use. This resource also struggled with all-jurisdiction views of data mapped when using small areal units and would also not have allowed for concealment of the selected station identities. Additionally, map legends in Google Fusion Tables could only be produced through implementation of a further series of tasks not required in ArcGIS. Along with the absence of statistical procedures for analysing location patterns, these issues rendered impractical any reliance upon internet-based software as the primary tools for display and analysis.

Ultimate displays of point data for complainants, meanwhile, were applied using geocoding. Geocoding gives each physical place co-ordinates of latitude and longitude so that it is represented in digital maps in a position that is accurate relative to its location in reality. ArcGIS’s geocoding tool was not relied upon for locating complainant addressees and complaint incidents in this thesis. This decision was based on initial testing of such data which showed that ArcGIS was unable to map some complainant addresses and incident locations relating to the three selected station areas. Lost or dropped locations included local authority and privately managed blocks of flats/apartments, a hospital, a retail complex, a major transportation hub and Garda stations. These could not be coded despite attempting different formats of the addresses pertaining to each. Some idea as to the extent of the

\textsuperscript{64} This was intended to prevent identification of complainants and garda stations alike and thus safeguard against possible attempts to mitigate any analysis by reference to unstructured, anecdotal accounts of the areas concerned.
dropped or lost areal data is to be had from the fact that 35 incident location points for one station related to the Garda station and in a separate case difficulty in mapping one particular road in one of the three station areas affected 12 points. Two geocoding tools were considered in place of that available from ESRI. The first of these was the GeoDirectory maintained by An Post, the Irish national mail carrier. GeoDirectory was developed in conjunction with the Ordnance Survey Ireland and provides every building in Ireland with unique X/Y (i.e. easting and northing) location coordinates. Used within ArcGIS, the GeoDirectory rendering of point data (as is discussed in Chapter 7 both complaint emission points and incident locations were examined) can be presented as a shapefile layer that can be shown over any boundary maps being viewed (e.g. station and RAPID areas).

However, GeoDirectory was not without a shortcoming. It was intended to geocode and subsequently map both complaint emission and incident location data using GeoDirectory. While GeoDirectory would have sufficed for the complaint emission aspect as the data points there comprised complainant residences, it could not accommodate incident locations. Two high profile GSOC case examples demonstrate this weakness. GeoDirectory would have been unable to map the Rape Tape incident summarised in Chapter 2 that had occurred on a public roadway or the position of the bus shelter on a public path at which Mary Seavers had been standing when killed by the impact of a Garda patrol car that had mounted the pavement.

Although not a focus of this thesis, GeoDirectory would also have been unable to map almost all the road traffic incidents reported to GSOC as referrals by the Garda Commissioner under section 102 of the Act over the period 2007-2014 (totalling some 270 individual scenes).

So as to accommodate both emission points and incident points, a different approach was adopted therefore. OSI maps were used first to identify the geographic co-ordinates of emission and incident points in the Irish Transverse Mercator 95 geographic coordinate system format. The latter is the latest co-ordinate system adopted by the OSI for Ireland. Thereafter these X/Y co-ordinates were used to display the incident data within ArcGIS as a layer. As is discussed in Chapter 7, all emission and location incident points from selected complaints mapped successfully.

65 The GSOC report refers to the location as Ballygelly South, a place actually found in Co. Antrim, Northern Ireland, some 300 km away. Google Maps, meanwhile, list the Rape Tape location as Bellagelly South. The area is also listed as Ballagelly in State and county council planning matters and court documents such as Sweetman v Shell E&P Ireland Limited & Others [2006] IEHC 85, suggesting this third version is the correct name.
66 Details of this are contained in Keegan V Garda Ombudsman [2012] IEHC 356.
Concluding Observation

It is acknowledged that the combined methodology involving survey, documentary analysis and GIS mapping opened itself to several critiques. The postal survey, for example, while generating a large data set, did not capture any measure of complainant income and professional category. The documentary analysis elements, meanwhile, suffered from incompleteness in the administrative data sets retained by GSOC. Discussed in greater detail in the concluding chapter to this thesis -Chapter 9- in the context of the full analysis and findings, it is maintained that despite such vulnerabilities, the chosen, combined approach enabled an original foray into the area of police complainant, police complaint processing and police complaint mapping in Ireland. The subsequent chapter sets out the first tranche of results to such work.
CHAPTER 6  ANALYSIS I- COMPLAINANTS & COMPLAINT PROCESSING

Introduction
Chapter 4 clarified six research questions of interest. Questions 1 through 5 relating to complainants and complaint processing are addressed in this chapter. Question 6, dealing as it does with areal dimensions of complaints, is held over until Chapter 7. Starting with a re-statement of the five research questions of interest, the chapter proceeds to set out how each was answered and what was found.

It does this first through a presentation of descriptive statistics for the demographic data and case-processing data relevant to the sample gathered. Such data also provide an indication of the degree of match between the response set and that of the wider GSOC complaint load. This is an important emphasis as the data used by GSOC to report on the attributes of complainants in its 2010, 2011 and 2012 annual reports, while not explicitly stated as such, were derived mainly from the Complainant Profile survey described in Chapter 4 and not the complaint record on its CMS application. Other aspects highlighted at that stage of the chapter are the (i) frequency of complaint admission, (ii) the substantiation rate and (iii) withdrawals/closures on account of complainant non-cooperation. While GSOC has published a composite figure for (i), it had not previously done so for (ii) in any operational year until 2013 and at all for (iii).

Throughout this Chapter and Chapter 7 the approach was mindful that the use of administrative data should avoid merely presenting a plethora of frequency tables and cross-tabulations. Consequently, so as to best align the numbers and narrative, much of the output presented below has been simplified from its original raw format. This was intended to avoid detracting from the utility of the messages they conveyed.

Analysis of Complainant Data
It will be recalled from Chapter 5 that a total of 1,915 complaints were included in the final sample used for this thesis and that a total of seven variables were selected to capture the composition of all complainants via the survey tool. A further element, the aggregate measure of complainant resource-deficiency denoted by residence within a RAPID catchment area,
was secured via documentary analysis of GSOC complaint records to locate the complainant address and then matching this against Pobal GIS data set out on Ordnance Survey Ireland maps. Frequency counts for all eight variables are set out in Table 6.1 below.

Table 6.1.
Complainant Characteristics

<table>
<thead>
<tr>
<th>Variable</th>
<th>%</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>70.5</td>
<td>1350</td>
</tr>
<tr>
<td>Female</td>
<td>29.5</td>
<td>565</td>
</tr>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-17</td>
<td>2.1</td>
<td>40</td>
</tr>
<tr>
<td>18-30</td>
<td>25.9</td>
<td>496</td>
</tr>
<tr>
<td>31-40</td>
<td>26.4</td>
<td>506</td>
</tr>
<tr>
<td>41-50</td>
<td>22.6</td>
<td>433</td>
</tr>
<tr>
<td>51-60</td>
<td>13.5</td>
<td>258</td>
</tr>
<tr>
<td>61+</td>
<td>9.1</td>
<td>175</td>
</tr>
<tr>
<td>Missing Value</td>
<td>0.4</td>
<td>7</td>
</tr>
<tr>
<td>Educational Attainment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary</td>
<td>11.1</td>
<td>213</td>
</tr>
<tr>
<td>Secondary</td>
<td>37.2</td>
<td>712</td>
</tr>
<tr>
<td>Tertiary</td>
<td>41.9</td>
<td>803</td>
</tr>
<tr>
<td>Missing Value</td>
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<td>187</td>
</tr>
<tr>
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<td></td>
</tr>
<tr>
<td>Non-Irish</td>
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</tr>
<tr>
<td>Irish</td>
<td>83.8</td>
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</tr>
<tr>
<td>Missing</td>
<td>0.4</td>
<td>7</td>
</tr>
<tr>
<td>Ethnicity</td>
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<td></td>
</tr>
<tr>
<td>Traveller</td>
<td>3.1</td>
<td>59</td>
</tr>
<tr>
<td>Non-White</td>
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<td>127</td>
</tr>
<tr>
<td>White</td>
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<td>1705</td>
</tr>
<tr>
<td>Missing Value</td>
<td>1.3</td>
<td>24</td>
</tr>
<tr>
<td>Employment Status</td>
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<td></td>
</tr>
<tr>
<td>Not in Employment</td>
<td>31.1</td>
<td>596</td>
</tr>
<tr>
<td>Unemployed</td>
<td>28.8</td>
<td>552</td>
</tr>
<tr>
<td>Employed</td>
<td>38.5</td>
<td>737</td>
</tr>
<tr>
<td>Missing Value</td>
<td>1.6</td>
<td>30</td>
</tr>
<tr>
<td>Housing Status</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owner-Occupier</td>
<td>41.7</td>
<td>800</td>
</tr>
<tr>
<td>Renter</td>
<td>39.7</td>
<td>762</td>
</tr>
<tr>
<td>Other Arrangement</td>
<td>15.4</td>
<td>295</td>
</tr>
<tr>
<td>Homeless</td>
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</tr>
<tr>
<td>Missing Value</td>
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<td>36</td>
</tr>
<tr>
<td>Place of Detention</td>
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<td></td>
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<tr>
<td>Yes</td>
<td>1.7</td>
<td>33</td>
</tr>
<tr>
<td>No</td>
<td>98.3</td>
<td>1882</td>
</tr>
<tr>
<td>RAPID Residence</td>
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<td></td>
</tr>
<tr>
<td>No</td>
<td>84.3</td>
<td>1614</td>
</tr>
<tr>
<td>Yes</td>
<td>15.7</td>
<td>301</td>
</tr>
</tbody>
</table>
Apparent from Table 6.1 is the finding that, other than Educational Attainment, each of the attribute fields on the survey were completed by most respondents included in the final sample. It is not immediately clear what underlay the absence of almost 10% of the Educational Attainment data. This may have been due to response bias, the perception of respondents that their educational attainment would be judged in some way against them and so to mitigate same they sought to conceal it. A reading of Table 6.1 in looking to ascertain a profile of those who were least likely to make up the complainant body to GSOC was therefore to be read with caution. Females, younger people, non-Irish, Travellers, those who identified themselves as homeless and those in a place of custody/detention were those categories least likely to be found among complainants.

The complainant attributes set out in Table 6.1 could be compared in three ways. The first is to the published GSOC data for the years 2010-2014. During that time males accounted for an average of 69% of all complainants, as opposed to 71% in the sample, and Whites made up 88% of the caseload and 89% in the sample. Alternate Employment Status and Housing Status categories featured as the most common in the GSOC caseload over the same time period. Those ‘not in employment’ accounted for three of the five years and those complainants residing in Rental Accommodation for three of the five years. The results for the sample on Employment Status and Housing Status were therefore not that different. The sample did transpire to be older and have a higher educational attainment than the wider complaint load. Published GSOC data showed that the most common age group for three of the five years reported over 2010-2014 was aged 18-30 and secondary educational attainment was most prevalent. An attempt had been made to avoid any sampling bias by sending a questionnaire to all complainants. The older and more educated nature of the sample secured therefore suggests a degree of non-response bias by complainants compared to the wider GSOC caseload.

Second, when compared to the most recent Census statistics (2011), some patterns in the sample results differed from the national population composition. Males made up 71% of the sample and 49.5% of the national population. Whites comprised 89% of the sample and 95% of the Irish population. A total of 40% of the respondents classified themselves as renting compared to 30% of the general population. (CSO, 2012a). Based on employment status the sample resembled the general population with 39% of both the sample and wider population.
being in employment (self-employed or as an employee). Finally, whereas 43% of the sample had completed third level education, only 19% of the general Irish population have (CSO, 2012b). A potential difficulty in comparing the attributes of the sample to those of the wider Irish population is that a proportion of complainants to GSOC at any point in time are not Irish residents. Such persons would not be covered by the Census exercise. GSOC has not yet published any data on the proportion of non-resident complainants. However, based on postcode data gathered as part of the survey informing the sample used in this thesis it was ascertained that non-resident complainants comprised 1.8% of the sample. Given this small proportion it was unlikely that the complainant attributes would differ greatly from the Census data than as reported above.

The third comparison that could be made using the sample data is to the profile of offenders. Some commentators in other jurisdictions have noted a degree of concordance between complainants and criminal suspects. Complainant attributes in Table 6.1 were therefore compared to data on offenders in the Irish criminal justice system. As the Courts Service, Director of Public Prosecutions and Garda Síochána do not provide data on offender attributes, only one official source for such data was available, namely prison statistics. Using such figures it transpired that whereas male make up some 70% of the complaint caseload in Ireland, they comprised an average of 82% of all prison committals over the three years 2012-2014. Furthermore, the age profile of complainants within the sample was older than those committed to prison in Ireland over the same time period. Those aged 20-29 made up the single largest age bracket among all prison committals in 2014 (Irish Prison Service, 2015), a fact unchanged from twenty years ago (O’Mahony, 1997). As discussed beneath Table 6.1, the age profile of complainants published by GSOC matches that for prison committals. A final comparable measure between the sample and prison statistics is that of the proportion of Irish nationals. Where these made up 84% of the sample in this thesis, they averaged 85% of the GSOC caseload 2010-2014 and an average of 82% of all prison committals 2012-2014 (Irish Prison Service, 2013, 2014 and 2015). Summarised then, complainants in the sample here were older, more likely to be male but equally as likely to be Irish as offenders processed by the Irish prison system.

The issue of the presence among complainants of those from areas of greatest resource deficiency (research question two) is also addressed by Table 6.1. The figure of 301
respondents resident in a RAPID area amounted to 16% of the total sample, meaning that complainants located in RAPID areas were a minority feature. However, the figure of 16% is also notable for two reasons. It is greater than the single estimate of the proportion of persons in the Irish Republic covered by the RAPID programme relied upon by Pobal and mentioned in Chapter 5, namely at 8%. Not only that but it is double that proportion.

**Analysis of Complaint Processing Data**

Research questions 3-5, were concerned with complaint processing. Given this, some elaboration of the basic conduct of complaint processing itself was first necessary (Table 6.2).

**Table 6.2**

**Caseload Characteristics**

<table>
<thead>
<tr>
<th>Variable</th>
<th>n</th>
<th>%</th>
<th>GSOC Caseload 2010-2014*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Admissibility Status</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inadmissible</td>
<td>748</td>
<td>39.1</td>
<td>30</td>
</tr>
<tr>
<td>Admissible</td>
<td>1167</td>
<td>60.9</td>
<td>70</td>
</tr>
<tr>
<td><strong>Allegation Type</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discourtesy</td>
<td>238</td>
<td>12.4</td>
<td>12</td>
</tr>
<tr>
<td>Neglect of Duty</td>
<td>553</td>
<td>28.9</td>
<td>28</td>
</tr>
<tr>
<td>Abuse of Authority</td>
<td>679</td>
<td>35.5</td>
<td>35</td>
</tr>
<tr>
<td>Non-Fatal Offence</td>
<td>182</td>
<td>9.5</td>
<td>9**</td>
</tr>
<tr>
<td>Other</td>
<td>263</td>
<td>13.7</td>
<td>16</td>
</tr>
<tr>
<td><strong>Investigation Type</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inadmissible</td>
<td>763</td>
<td>39.8</td>
<td>37</td>
</tr>
<tr>
<td>Informal Resolution</td>
<td>173</td>
<td>9.0</td>
<td>6.0</td>
</tr>
<tr>
<td>Garda Finalised</td>
<td>613</td>
<td>32.0</td>
<td>33</td>
</tr>
<tr>
<td>GSOC/DPP Finalised</td>
<td>366</td>
<td>19.1</td>
<td>23</td>
</tr>
<tr>
<td><strong>Allegation Outcome</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Further Action</td>
<td>1808</td>
<td>94.4</td>
<td>97.3</td>
</tr>
<tr>
<td>Resolved</td>
<td>28</td>
<td>1.4</td>
<td>0.5</td>
</tr>
<tr>
<td>Less Serious Sanction</td>
<td>76</td>
<td>4.0</td>
<td>2.0</td>
</tr>
<tr>
<td>More Serious Sanction</td>
<td>1</td>
<td>0.1</td>
<td>0.03</td>
</tr>
<tr>
<td>Conviction</td>
<td>2</td>
<td>0.1</td>
<td>0.11</td>
</tr>
</tbody>
</table>

Notes: *Based on averages for each year taken from data contained in Annual Reports. **GSOC did not report a figure for Non-Fatal Offence allegations against gardai for 2014. The figure is therefore based on 2010-2013 data.

Quite unlike the complainant data, the complaint processing data for the chosen variables were all present. This was in line with expectations given that in order to be created, processed and closed within the GSOC CMS each complaint record required an entry in each
of the admissibility, investigation type and outcome fields. As noted earlier, that field of Allegation Type was the exception in terms of being a requisite field under the Act but here too an allegation was identified for each complaint in the final sample. Most complaints covered by the survey had been deemed admissible, most were not investigated by GSOC, most contained allegations of ‘Abuse of Authority’, and, overwhelmingly, were closed with no further action against a garda or complainant.

Presentation of case processing data published in GSOC annual reports for the years 2010-2014 (third column Table 6.2 above) also enabled a comparison with the sample. The data showed that the findings for the sample compared well to those reported by GSOC for Allegation Type and Investigation Type over the five years. Yet, within the sample used for this thesis a greater proportion of allegations had been deemed inadmissible and, separately, had been substantiated in contrast to the wider caseload. It might have been expected that the higher inadmissible figure in the sample would have materialised as a greater proportion of the sample being closed through ‘no further action’. As the case processing data was obtained for each respondent from the CMS, the issue of response bias among the results did not arise. However, as such findings were dependent upon those respondents who did reply, the effect of non-response bias on the case processing data arguably explained the higher proportion of inadmissible complaints and higher proportion of those ultimately substantiated.

Next cross-tabulations of each of the complainant variables against three of the complaint processing phases were undertaken, the first time such an analysis has been undertaken on the Irish police oversight model. Dealing first with research question three (nature of allegation types by area), it was reasoned in Chapter 4 that a difference in the content of complaints submitted to GSOC arising from RAPID areas as opposed to non-RAPID ones might be expected. The cross-tabulation of Allegation Type against RAPID status revealed that those in RAPID areas were more likely to submit a Non-Fatal Offence allegation than non-RAPID residents but results were otherwise mixed displaying small and inconsistent differences (Chart 6.1).
These results were confirmed using a Mann-Whitney test\(^\text{67}\), differences in individual allegation types between RAPID or non-RAPID residents were not statistically significant. Next, in answer to the third research question the allegation type scores on all RAPID complaints were compared to those on all non-RAPID complaints to determine if there was any difference. When Allegation Type = Other, which comprised more than fourteen other individual deviant action types, was removed (n = 263) leaving 1,652 complaints, RAPID complaints were found to be of a higher order type and this result was significant at the P < .05 level (.022). Thus, in response to the third research question it was concluded that while across categories there was little difference in allegation types, overall complainants residing in RAPID areas gave rise to complaints deemed by GSOC to be of a more serious nature than those complainants in non-RAPID areas.

While results for cross-tabulations for complainant variables against Allegation Type relative to their value were too numerous to list in full, they revealed no differences in allegation types applied to complaints arranged by nationality, educational attainment or ethnicity. Results also showed that men were most frequently submitted a higher allegation type (Abuse

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67 Lersch (1998) used discriminant analysis in a similar analysis of complaint types arranged as a categorical variable.
of Authority or Non-Fatal Offence) than women (48% versus 37%). Age was directly and inversely related to submission of a Non-Fatal Offence allegation, being most prevalent among juveniles (40%) and least for those aged 61+. Those who indicated being ‘homeless’ most commonly submitted an allegation of an abuse of authority (52% versus 47% or less for all other housing tenures). A Non-Fatal offence was more than three times as common among the unemployed as the employed (13% versus 4%). Finally, those not in a place of custody/detention submitted twice the proportion of discourtesy allegations (13% versus 6%). Combining the last three observations, overall there was the suggestion that the more resource affluent submitted allegations of a less serious nature. However, tests of association between the complainant variables and Allegation Type (using Cramer’s V and Gamma) revealed significant associations between Allegation Type and sex, age, employment status, housing status and educational attainment but each of these were weak in strength.

Moving on to research questions 4 and 5, the first of these was concerned with identifying whether complainants succeeded in different ways in the complaint process. Two benchmarks were used to signal a successful complaint; these were admissibility status and complaint outcome. Similarly research question 5 was specifically concerned with how RAPID complainants alone fared in the complaint process, again measured in terms of admissibility and outcome. Table 6.3 provided tentative results by which to determine answers to both questions. It also indicated results for tests of association between the complainant variables and being admitted and, separately, being substantiated.
Table 6.3
Complainant Variables and Complaint Processing

<table>
<thead>
<tr>
<th>Variable</th>
<th>Admitted (%)</th>
<th>Substantiated (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sex</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>63</td>
<td>6</td>
</tr>
<tr>
<td>Female</td>
<td>59</td>
<td>4</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0-17</td>
<td>80</td>
<td>3</td>
</tr>
<tr>
<td>18-30</td>
<td>72</td>
<td>3</td>
</tr>
<tr>
<td>31-40</td>
<td>65</td>
<td>6</td>
</tr>
<tr>
<td>41-50</td>
<td>54</td>
<td>5</td>
</tr>
<tr>
<td>51-60</td>
<td>46</td>
<td>2</td>
</tr>
<tr>
<td>61+</td>
<td>52</td>
<td>4</td>
</tr>
<tr>
<td><strong>Nationality</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Irish</td>
<td>55</td>
<td>5</td>
</tr>
<tr>
<td>Irish</td>
<td>62</td>
<td>4</td>
</tr>
<tr>
<td><strong>Ethnicity</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traveller</td>
<td>59</td>
<td>0</td>
</tr>
<tr>
<td>Non-White</td>
<td>60</td>
<td>3</td>
</tr>
<tr>
<td>White</td>
<td>61</td>
<td>5</td>
</tr>
<tr>
<td><strong>House</strong></td>
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<td></td>
</tr>
<tr>
<td>Owner</td>
<td>54</td>
<td>6</td>
</tr>
<tr>
<td>Renting</td>
<td>65</td>
<td>4</td>
</tr>
<tr>
<td>Homeless</td>
<td>71</td>
<td>0</td>
</tr>
<tr>
<td>Living with Friends/family</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>70</td>
<td>4</td>
</tr>
<tr>
<td><strong>Work</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not in employment</td>
<td>61</td>
<td>4</td>
</tr>
<tr>
<td>Unemployed</td>
<td>65</td>
<td>3</td>
</tr>
<tr>
<td>Employed</td>
<td>57</td>
<td>6</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary</td>
<td>62</td>
<td>2</td>
</tr>
<tr>
<td>Secondary</td>
<td>57</td>
<td>5</td>
</tr>
<tr>
<td>Tertiary</td>
<td>64</td>
<td>5</td>
</tr>
<tr>
<td><strong>Jail</strong></td>
<td></td>
<td></td>
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<tr>
<td>No</td>
<td>61</td>
<td>4</td>
</tr>
<tr>
<td>Yes</td>
<td>49</td>
<td>3</td>
</tr>
<tr>
<td><strong>RAPID</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>59</td>
<td>4</td>
</tr>
<tr>
<td>Yes</td>
<td>69</td>
<td>5</td>
</tr>
<tr>
<td><strong>Allegation Type</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td>46</td>
<td>4</td>
</tr>
<tr>
<td>Discourtesy:</td>
<td>71</td>
<td>3</td>
</tr>
<tr>
<td>Neglect</td>
<td>58</td>
<td>8</td>
</tr>
<tr>
<td>Abuse</td>
<td>57</td>
<td>3</td>
</tr>
<tr>
<td>Non-Fatal</td>
<td>92</td>
<td>1</td>
</tr>
</tbody>
</table>

Notes: the tests of association used were Cramer’s V and Gamma. This was in line with De Vaus’ (1996) contention as to the treatment of mixed variables.

* p < .05, ** p< .01, ***p < .001

Summarising the results shown, an admitted complaint was found to be more common for females, juveniles, Irish nationals, Whites, those in precarious housing positions, those not in employment, those not in education, and those not in employment.
work, those with a higher education, those in custody, and those submitting a Non-Fatal
offence allegation. Among these, relationships between the variables Sex and Ethnicity and
that of Admissibility Status turned out not to be significant. Those relationships that were
significant were weak and, as indicated, those for Age and Work were negative, meaning the
chance of being admitted decreased with a move across/up each category of these variables.
Chapters 2, 3 and 4 had highlighted the issue of the presence of marginal cohorts among
complainants within police oversight procedures. That in mind, while the outcome figure for
complaints submitted by Travellers (n = 29) stands out at 0%, the Admissibility Status-
Complainant Ethnicity relationship was not significant. Turning to complaint substantiation,
being in employment was associated with a more successful outcome, i.e. the relationship
was a positive one. Allegation Type was the only other variable found to exhibit a significant
result with allegations of Neglect of Duty most commonly substantiated, indicating the
Allegation Type-Complaint Outcome relationship was a negative one. Both relationships
were weak.

Meanwhile, in answer to the fifth research question (how RAPID complaints fared at
admissibility and outcome stages), a reading of Table 6.3 indicated that RAPID areas were
more likely to be admitted and this result was statistically significant. As to the nature of
complaint outcomes for RAPID and non-RAPID complainants, as discussed in Chapters 2
and 5, possible complaint outcomes ranged from ‘less serious’ through to conviction. Taken
in terms of counts only, it was found that all those RAPID complaints upheld (n = 15) were
done so no higher than the level of a ‘less serious’ sanction. Those non-RAPID complaints
substantiated (n = 66), by contrast, were substantiated at the ‘less serious’ level (n = 63), the
higher level of ‘more serious’ sanctions (n = 1) and at the highest ranking outcome type of
conviction (n = 2). However, the relationship between RAPID residence and outcome was
not statistically significant meaning that these differences were not real.

Chapter 2 had also highlighted concerns around complaint leaseback, an aspect not specific to
the Irish police oversight model but evident elsewhere. That in mind, an interesting result to
emerge was noted with respect to the categories of Garda-Finalised as opposed to
GSOC/DPP-Finalised complaints. The first of these reflected those disciplinary matters
leased-back to the force for investigation and de facto outcome decision while the second
covered those non-criminal and evidently criminal matters retained by GSOC, investigated by
it and, possibly, forwarded to the DPP for prosecution). These covered four of the possible six categories originally recorded for the variable Investigation Type. Garda-Finalised complaints amounted to 608 while there was a total of 371 GSOC/DPP-finalised complaints in the sample. Four of the 371 GSOC/DPP-Finalised complaints were substantiated (1.2%), one of which had been prosecuted by the DPP and, in the event, a conviction had been secured by that agent rather than through a GSOC determination per se. This compared to a total of 66 Garda-Finalised complaints that were substantiated (12%). Indications of a real difference between Garda-Finalised and GSOC/DPP-Finalised complaints and outcome was supported by a Mann-Whitney test ($z = 5.567$, $p = .0000$) with the Garda-Finalised complaints having a higher rank sum, suggesting that across the entire GSOC complaint load GSOC/DPP finalised cases were less likely to result in a substantiated complaint. This observation is examined further in the analysis below and in Chapter 8.

**Whether and How Complainant Attributes Affect Complaint Processing**

Analysis thus far has provided indications of associations between complainant variables and aspects of complaint processing. What still remained to be done was extend analysis to see whether any complainant variable was likely to be a predictor of different aspects of complaint processing in the population as a whole; the population for police oversight being the entire GSOC complaint load at any one point in time. Regression analysis allowed for observation of the likely contribution of a variable while also controlling for (i.e. accounting for) other variables. Put simply, the overall intention of the regression analysis model specifications was to highlight what happened at complaint admissibility, who prevailed at complaint outcome and, in between both of these stages, how were complaints handled.

Beginning with the dependent variables, the formulation of the fourth and fifth research questions relating to how complainants fared in the complaint process pointed towards the need to utilise Admissibility Status and, separately, Complaint Outcome as dependent variables. Doing so reflected the initial hurdle faced by complainants in whether GSOC accepted the complaint and, thereafter, the second hurdle of whether the complaint was substantiated or not. As Admissibility Status was dichotomous in nature (inadmissible = 0, admissible= 1), a binomial logistic regression model specification was the appropriate choice to see the effects, if any, of the complainant demographic variables on it. Complaint Outcome in turn offered the prospect of being compiled into two different models. Introduced in
Chapter 5, this variable was originally defined there as an ordinal variable reflecting increasing seriousness of sanction in line with the Discipline Regulations mentioned in Chapter 2. These were (Inadmissible/no further action = 1, resolved = 2, less serious sanction= 3, more serious sanction= 4, conviction = 5). However, research questions 4 and 5 were concerned with the dichotomous outcome of a complaint being substantiated/not substantiated. Given this, for the purposes of the regression model specification, Complaint Outcome was re-organised as a dichotomous variable with inadmissible, no further action, informally resolved = not upheld = 0 and less serious sanction, serious sanction, conviction = upheld = 1\(^{68}\). A binomial logistic regression model specification was therefore used for Complaint Outcome.

Turning to the independent variables, literature reviewed in Chapter 4 suggested that other than Housing Status and Nationality, all of those variables listed in Table 6.1 could have been treated as key independent variables. Notwithstanding this, Chapter 4 had progressed on to discussion of the role of social disorganisation within policing and police oversight. It had noted that discussion of social disorganisation in academic literature had laboured over its role in informal control of local deviance but not its function in locally directed deviance by formal control agents (i.e. police). Given this, for each of the models the eight complainant variables garnered through the survey were entered as control variables (Models 1 and 5 below).

Additionally, to facilitate the regression models but also reflecting the underlying research interest in resource sufficiency/deficiency within complaints processes, Housing Status, Educational Attainment and Ethnicity were collapsed into dichotomous variables. The decision to re-arrange each of these three variables found support in existing research literature. Starting with Housing Status, a one-off, special run of Censi data 1991-2011 (National Economic and Social Council, 2014) suggests that higher social class is related to the more stable housing tenure of ‘owner occupier’ and lower social class with more unstable housing tenure in the form of renting (private or local authority). Consequently, Housing Status was here re-arranged into non-owner = 0, owner-occupier = 1. Turning to Educational Attainment, measured via lifetime earnings, the divide has been documented as being greatest

\(^{68}\)Conviction is understood here as any criminal court determination other than not guilty or disposal under the non-statutory Adult Cautioning Scheme.
between those having completed secondary and having completed tertiary level education rather than between having completed secondary and lower levels (OECD, 2014). That in mind, the variable was arranged as lower education = 0, higher education = 1. Finally, with respect to Ethnicity, literature reviewed in Chapter 4 points to non-Whites being more resource deficient in police complaints processes relative to Whites. Consequently, Travellers and Non-White categories were grouped in to one category and the variable arranged as Non-White = 0 and White = 1.

Allegation Type was added as the first of two explanatory variables in the regression models (Models 2 and 6 below). This decision was taken on the basis of evidence within the research literature that lower order complaints were more likely to be successful in the complaints process. Additionally, as indicated in Chapter 5, assignation of an allegation type preceded admissibility determination. When compiling the regression models here only those categories of the variable reflecting Discourtesy, Neglect of Duty, Abuse of Authority and Non-Fatal Offence types, recorded as 1-4 respectively, were used. That category representing ‘Other’ allegation types (a total of 14 types) was removed and this decision reduced the sample to 1,652 individual complaints.

RAPID residence was entered as the second key independent variable in each of the models (Models 3 and 7 below). The approach here was driven by an observation by Box and Russell (1975 cited in Sanders and Young, 2007). They argued that a complainant’s criminal past had a negative impact on the likelihood of a complaint being upheld/substantiated. While Sanders and Young’s earlier work related their observation to police findings on a complaint, their later work pointed towards questionable conduct if not quite bias on the part of the police oversight agency in England-Wales, the IPCC (Sanders et al., 2010). It therefore seemed pertinent to probe whether the Irish police oversight agency, GSOC, displayed any bias against complainants from RAPID areas, i.e. those areas associated with most antagonistic relations with police and, simultaneously connected with offending. It was guessed that knowing whether a complainant lived within the boundaries of a RAPID area would not be a common feature among GSOC case-officers. However, all GSOC staff

69 The difference between upholding and substantiating a complaint from the literature of various police oversight agencies appears to be that in the former the complaint agency concedes the validity of the complainant account but does or cannot impose or recommend any disciplinary/criminal sanction while in the latter it does so.
knowledge of areas colloquially known to be rough or troublesome, some of which were included in the RAPID programme, could not be ruled out entirely. Additionally, given the connection between areas of greatest resource-deficiency and those skills necessary to navigate the complaints process noted in chapter 4, it was to be expected that failure to comply with demands for materials to support any complaint would be most common among RAPID complainants. Indeed, in the event, of the 217 complaints closed on the basis of complainant withdrawal or a GSOC determination of complainant non-cooperation, 159 (73%) were RAPID residents. Placed in the context of the figure for all RAPID residents set out in Table 6.1 above (i.e. \( n = 301 \)), the figure of 159 meant that the complaints of more than one in two of all RAPID complainants were terminated short of full examination by GSOC.

Inclusion of the RAPID residence variable within the regression models required an adjustment to the technique to determine prediction power of any complainant variables. The sample set relied upon for this thesis had gathered data on individual-level characteristics of complainants. However, it had not collected individual level data on income or deprivation. What the research design did was draw upon aggregate measures of greatest resource deficiency determined through presence of complainant residence in a RAPID area. So as to accommodate for this mix of individual characteristics and aggregate grouping of complainants into RAPID and non-RAPID areas, robust standard errors were included in the regression model. Robust standard errors function by making adjustments to the estimates of the standard errors that might arise due to normality or heteroscedasticity of the data relied upon. Regression results therefore had to be interpreted with care.

Table 6.4 below sets out the results for Models 1-4 showing the effects of the complainant variables on Admissibility Status.

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70 Analysis of data on account of the RAPID element through specifying robust standard errors also brought forward the prospect of using the ‘cluster’ option within Stata. This entailed clustering the data by reference to a region. The most obvious choice was one that was available for each case in the sample, i.e. the final line of the complainant address that contained the pseudo postcode. Arranging the regression of admissibility and outcome to include the cluster option on this basis revealed different, higher, robust standard errors but no changes in the results as to those variables that proved to have a significant effect on admissibility and outcome.
Table 6.4
Regression of Admissibility Status on Complainant Predictors

<table>
<thead>
<tr>
<th></th>
<th>Model 1 Controls</th>
<th>Model 2 Allegation Type</th>
<th>Model 3 RAPID</th>
<th>Model 4 All items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>-1.17 (.123)</td>
<td>-1.16 (.124)</td>
<td>-1.159 (.123)</td>
<td>-1.15 (.124)</td>
</tr>
<tr>
<td>18-30</td>
<td>-0.594 (.490)</td>
<td>-0.287 (.511)</td>
<td>-0.587 (.492)</td>
<td>-0.267 (.511)</td>
</tr>
<tr>
<td>31-40</td>
<td>-0.906 (.493)</td>
<td>-0.519 (.515)</td>
<td>-0.903 (.495)</td>
<td>-0.502 (.515)</td>
</tr>
<tr>
<td>41-50</td>
<td>-1.22 (.493)*</td>
<td>-0.836 (.516)</td>
<td>-1.22 (.495)*</td>
<td>-0.825 (.515)</td>
</tr>
<tr>
<td>51-60</td>
<td>-1.35 (.505)**</td>
<td>-0.897 (.525)</td>
<td>-1.34 (.503)**</td>
<td>-0.874 (.525)</td>
</tr>
<tr>
<td>61+</td>
<td>-1.29 (.513)</td>
<td>-0.870 (.529)</td>
<td>-1.27 (.508)*</td>
<td>-0.840 (.530)</td>
</tr>
<tr>
<td>White</td>
<td>-0.037 (.201)</td>
<td>-0.011 (.204)</td>
<td>-0.014 (.203)</td>
<td>0.011 (.206)</td>
</tr>
<tr>
<td>Irish</td>
<td>0.328 (.157)*</td>
<td>0.282 (.160)</td>
<td>0.295 (.158)</td>
<td>0.256 (.161)</td>
</tr>
<tr>
<td>Owner occupier</td>
<td>-0.312 (.133)*</td>
<td>-0.215 (.138)*</td>
<td>-0.285 (.134)*</td>
<td>-0.234 (.134)</td>
</tr>
<tr>
<td>Unemployed</td>
<td>-0.089 (.141)</td>
<td>-0.071 (.142)</td>
<td>-0.084 (.142)</td>
<td>-0.065 (.142)</td>
</tr>
<tr>
<td>Employed</td>
<td>0.184 (.127)</td>
<td>-0.081 (.156)</td>
<td>-0.017 (.151)</td>
<td>-0.099 (.156)</td>
</tr>
<tr>
<td>Jail</td>
<td>-0.719 (.389)</td>
<td>-0.694 (.431)</td>
<td>-0.700 (.380)</td>
<td>-0.677 (.423)</td>
</tr>
<tr>
<td>Higher Education</td>
<td>0.120 (.112)</td>
<td>0.108 (.114)</td>
<td>0.119 (.112)</td>
<td>0.108 (.114)</td>
</tr>
<tr>
<td>Neglect of Duty</td>
<td></td>
<td>-0.467 (.177)**</td>
<td>-0.478 (.177)**</td>
<td></td>
</tr>
<tr>
<td>Abuse of Authority</td>
<td></td>
<td>-0.549 (.172)**</td>
<td>-0.555 (.173)**</td>
<td></td>
</tr>
<tr>
<td>Non-Fatal Offence</td>
<td>1.46 (.328)***</td>
<td>1.44 (.328)***</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAPID resident</td>
<td></td>
<td>0.305 (.158)</td>
<td>0.293 (.163)</td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>1.54 (.529)**</td>
<td>1.22 (.568)*</td>
<td>1.78 (.548)**</td>
<td>1.69 (.587)**</td>
</tr>
<tr>
<td>N</td>
<td>1536</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pseudo R²</td>
<td>0.033</td>
<td>0.069</td>
<td>0.035</td>
<td>0.071</td>
</tr>
</tbody>
</table>

Note: Regression coefficients are presented with robust standard errors in parentheses; the pseudo R² reported is the McFadden’s; * p < .05, ** p < .01, *** p < .001

Model 2 showed that the greatest effect derived from inclusion of Allegation Type. Running the models in this fashion RAPID itself did not turn out to be significant. Four variables turned out to be significant in the three reduced models 1, 2 and 3 (being Irish, an owner occupier, allegation type and certain categories of age). Further, only Allegation Type was significant in the full model. Using the odds ratios (not shown) an allegation of a Non-fatal

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71 An alternative running of models 2, 3 and 4 on the basis of first dropping those base factors that were not significant showed that RAPID had a significant effect on admissibility in model 3 but not the full model, model 4 (Appendix III). It also revealed that, again, in terms of odds ratios relative to the reference allegation of Discourtesy an allegation of a Non-Fatal offence was 3.74 times more likely to be admitted.
Offence was 3.5 times more likely to be admitted than the lowest order allegation of Discourtesy. Turning to the other variables that displayed some significance in the reduced models, tests of the overall effect of the variables Complainant Age, Housing Status and Nationality were undertaken. Only Age was found to be significant ($\text{chi}^2(5) = 16.21$, Prob $>\text{chi}^2 = .0063$). Models 1-4 above also set out the additive effects of the variables. An examination of possible interactions between variables revealed that together some did affect complaint admissibility. Being aged 18-30, 31-40, 41-50, 51-60 or 61+ resulted in a small reduction in the likelihood of submitting an allegation of Abuse of Authority.

Turning to research question 5, those models regressing Complaint Outcome against the complainant variables and Allegation Type are set out in Table 6.5 below.
Table 6.5

Regression of Complaint Outcome on Complainant Predictors

<table>
<thead>
<tr>
<th></th>
<th>Model 5 Controls</th>
<th>Model 6 Allegation Type</th>
<th>Model 7 RAPID</th>
<th>Model 8 All items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>-.287 (.259)</td>
<td>-.242 (.257)</td>
<td>-.259 (.257)</td>
<td>-.217 (.256)</td>
</tr>
<tr>
<td>18-30</td>
<td>-.076 (1.07)</td>
<td>-.444 (1.10)</td>
<td>-.036 (1.08)</td>
<td>-.366 (1.13)</td>
</tr>
<tr>
<td>31-40</td>
<td>.622 (1.05)</td>
<td>.171 (1.08)</td>
<td>.659 (1.06)</td>
<td>.244 (1.10)</td>
</tr>
<tr>
<td>41-50</td>
<td>.345 (1.05)</td>
<td>-.129 (1.08)</td>
<td>.373 (1.06)</td>
<td>-.077 (1.10)</td>
</tr>
<tr>
<td>51-60</td>
<td>-.557 (1.14)</td>
<td>-1.14 (1.17)</td>
<td>-.505 (1.15)</td>
<td>-1.05 (1.20)</td>
</tr>
<tr>
<td>61+</td>
<td>-.065 (1.16)</td>
<td>-.689 (1.19)</td>
<td>.004 (1.17)</td>
<td>-.576 (1.22)</td>
</tr>
<tr>
<td>White</td>
<td>.338 (.511)</td>
<td>.330 (.505)</td>
<td>.373 (.503)</td>
<td>.363 (.499)</td>
</tr>
<tr>
<td>Irish</td>
<td>-.242 (.346)</td>
<td>-.150 (.351)</td>
<td>-.292 (.341)</td>
<td>-.204 (.346)</td>
</tr>
<tr>
<td>Owner occupier</td>
<td>.429 (.310)</td>
<td>.363 (.312)</td>
<td>.475 (.304)</td>
<td>.398 (.305)</td>
</tr>
<tr>
<td>Unemployed</td>
<td>.112 (.323)</td>
<td>.112 (.330)</td>
<td>.121 (.324)</td>
<td>.129 (.332)</td>
</tr>
<tr>
<td>Employed</td>
<td>-.595 (.401)</td>
<td>-.521 (.405)</td>
<td>-.642 (.399)</td>
<td>-.553 (.404)</td>
</tr>
<tr>
<td>Jail</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
<td>0 (0)</td>
</tr>
<tr>
<td>Higher Education</td>
<td>-.085 (.247)</td>
<td>-.061 (.262)</td>
<td>-.085 (.258)</td>
<td>-.061 (.262)</td>
</tr>
<tr>
<td>Neglect of Duty</td>
<td></td>
<td>1.27 (.450)**</td>
<td>1.26 (.452)**</td>
<td></td>
</tr>
<tr>
<td>Abuse of Authority</td>
<td></td>
<td>.384 (.474)</td>
<td>.386 (.476)</td>
<td></td>
</tr>
<tr>
<td>Non-Fatal Offence</td>
<td></td>
<td>-.121 (1.24)</td>
<td>-.122 (1.10)</td>
<td></td>
</tr>
<tr>
<td>RAPID resident</td>
<td></td>
<td>.480 (.309)</td>
<td>.436 (.318)</td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-3.24 (1.17)**</td>
<td>-3.55 (1.24)**</td>
<td>-2.91 (1.19)**</td>
<td>-3.27 (1.25)**</td>
</tr>
<tr>
<td>N</td>
<td>1510</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pseudo R²</td>
<td>.039</td>
<td>.080</td>
<td>.042</td>
<td>.078</td>
</tr>
</tbody>
</table>

Note: regression coefficients are presented with robust standard errors in parentheses; the pseudo R² reported is the McFadden’s; * p < .05, ** p <.01, ***p <.001

Model 6 again showed that the addition of Allegation Type had the single largest effect in the outcome models. Once more, RAPID turned out to be not significant.72 Allegation Type was

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72 An alternative running of models 2, 3 and 4 on the basis of first dropping those base factors that were not significant showed that RAPID had no significant effect on outcome in either model 3 or the full model, model 4 (Appendix III). It also revealed that, again, relative to the reference allegation of Discourtesy an allegation of Neglect of Duty was 3.1 times more likely to be substantiated.
the only variable that returned a statistically significant result in the full model and then only for the category Neglect of Duty. Read in terms of odds ratios, relative to a Discourtesy allegation the likelihood of a Neglect of Duty allegation being substantiated was increased by a factor of three (3.53). Models 5-8 above set out the additive effects of each of the variables. Possible interactions between variables within this model were subsequently examined, as had been done for Models 1-4. None turned out to be significant.

The above models were intended to address research questions 4 and 5. Separate from these, the observation had been made with respect to Table 6.2 above that among those complaints within the sample that had been substantiated differences were noted depending on the investigative phase implemented. Specifically, among Garda-Finalised complaints (n = 608) a complaint was more likely to be substantiated than among GSOC/DPP-Finalised ones (n = 371). An examination first of the effect of the variable Allegation Type and that complainant variable RAPID residence on the subset of Garda-Finalised and GSOC/DPP-Finalised matters therefore appeared pertinent in a final regression model specification (9, 10, 11 and 12 in Table 6.7). The dependent variable ‘Investigation Type’ for those complaints included in the models 9-12 below was arranged as Garda-Finalised = 0 and GSOC/DPP-Finalised = 1. Again, the allegation type of Other was omitted for all models. Additionally, given the initial discussion above on differences between GSOC-DPP and Garda-Finalised complaints, all complaints that had been deemed inadmissible or dealt with through informal resolution were also excluded in the model specification. So what was being judged was the outcome on complaints directed into a full investigation. This left a total of 871 complaints (Table 6.6).
**Table 6.6**

Regression of Investigation Ownership on Complainant Predictors

<table>
<thead>
<tr>
<th></th>
<th>Model 9 Controls</th>
<th>Model 10 Allegation Type</th>
<th>Model 11 RAPID</th>
<th>Model 12 All items</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>.635 (.191)**</td>
<td>.615 (.237)**</td>
<td>.659 (.191)**</td>
<td>.643 (.236)</td>
</tr>
<tr>
<td>18-30</td>
<td>-1.23 (.508)*</td>
<td>-1.24 (.671)</td>
<td>-1.24 (.509)*</td>
<td>-1.65 (.658)</td>
</tr>
<tr>
<td>31-40</td>
<td>-1.84 (.518)**</td>
<td>-1.24 (.628)</td>
<td>-1.83 (.518)**</td>
<td>-1.19 (.663)</td>
</tr>
<tr>
<td>41-50</td>
<td>-1.81 (.525)**</td>
<td>-1.81 (.680)</td>
<td>-1.82 (.526)**</td>
<td>-1.80 (.666)</td>
</tr>
<tr>
<td>51-60</td>
<td>-3.01 (.613)**</td>
<td>-2.02 (.769)*</td>
<td>-3.04 (.617)**</td>
<td>-2.02 (.784)*</td>
</tr>
<tr>
<td>61+</td>
<td>-2.08 (.599)**</td>
<td>-1.984 (.782)</td>
<td>-2.05 (.602)**</td>
<td>-1.910 (.771)</td>
</tr>
<tr>
<td>White</td>
<td>.430 (.289)</td>
<td>.816 (.345)*</td>
<td>.441 (.291)</td>
<td>.843 (.358)*</td>
</tr>
<tr>
<td>Irish</td>
<td>.247 (.248)</td>
<td>.062 (.298)</td>
<td>.194 (.248)</td>
<td>.009 (.301)</td>
</tr>
<tr>
<td>Owner occupier</td>
<td>-.689 (.214)**</td>
<td>-1.626 (.275)*</td>
<td>-1.656 (.213)**</td>
<td>-1.584 (.276)*</td>
</tr>
<tr>
<td>Unemployed</td>
<td>-.022 (.225)</td>
<td>.108 (.271)</td>
<td>-.013 (.226)</td>
<td>.126 (.271)</td>
</tr>
<tr>
<td>Employed</td>
<td>.626 (.204)**</td>
<td>.397 (.255)</td>
<td>.587 (.205)**</td>
<td>.355 (.254)</td>
</tr>
<tr>
<td>Jail</td>
<td>.335 (.701)</td>
<td>.902 (.696)</td>
<td>.274 (.667)</td>
<td>.790 (.656)</td>
</tr>
<tr>
<td>Higher Education</td>
<td>.126 (.167)</td>
<td>.180 (.202)</td>
<td>.132 (.167)</td>
<td>.197 (.203)</td>
</tr>
<tr>
<td>Neglect of Duty</td>
<td></td>
<td>-.717 (.415)</td>
<td>-.761 (.418)</td>
<td></td>
</tr>
<tr>
<td>Abuse of Authority</td>
<td></td>
<td>1.17 (.350)**</td>
<td>1.15 (.352)**</td>
<td></td>
</tr>
<tr>
<td>Non-Fatal Offence</td>
<td></td>
<td>4.56 (.506)**</td>
<td>4.54 (.506)**</td>
<td></td>
</tr>
<tr>
<td>RAPID resident</td>
<td></td>
<td>.408 (.198)*</td>
<td>.509 (.254)*</td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>.010 (.589)</td>
<td>-2.06 (.814)*</td>
<td>.358 (.616)</td>
<td>-1.67 (.831*)</td>
</tr>
<tr>
<td>N</td>
<td>813</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pseudo R²</td>
<td>.139</td>
<td>.406</td>
<td>.144</td>
<td>.410</td>
</tr>
</tbody>
</table>

Note: regression coefficients are presented with robust standard errors in parentheses; the pseudo R2 reported is the McFadden’s; * p < .05, ** p < .01, ***p < .001

Looking at the full model (Model 12), RAPID residence was significant. Being male, aged 51-60, being White, being an owner-occupier and two allegation categories (Abuse of Authority and Non-fatal Offence) were all significant. An interpretation of odds ratios (not
shown) highlighted that the age bracket 51-60 and being an owner-occupier showed reduced likelihoods of having a complaint processed by GSOC. Meanwhile odds ratios revealed that being a male and White showed increased likelihoods of having one’s complaint dealt with by GSOC (1.9 and 2.3 times respectively). An allegation of Abuse of Authority was three times more likely to be dealt with by GSOC and an allegation of a Non-Fatal Offence 94 times more likely to be dealt with by GSOC. Interaction effects between variables were examined and none turned out to be significant.

The Investigative Phase element was taken one step further in a regression model specification not shown here. Based on the discussion in Chapter 2 and 3, it was originally expected that GSOC might substantiate a greater proportion of complaints than the Garda Síochána. Yet, the discussion under Table 6.2 above seemed to counter such a conjecture. It was therefore decided to adopt the expectation that the Garda Síochána would substantiate more complaints than GSOC. The Outcome model specification, i.e. Model 8 detailed in Table 6.5, was re-worked to include the Garda-Finalised and GSOC/DPP Finalised phases only. It produced a significant finding for Phase highlighting that the GSOC/DPP-Finalised investigation phase was 25% less likely to result in a complaint being substantiated than a Garda-Finalised phase.

**Conclusion**

This chapter sought to address research questions 1-5 first formulated in Chapter 4. These questions related to complainant profile and complaint processing. Ranged by a variety of attributes (sex, age, ethnicity, etc.), complainants were predominantly male, Irish and white, not in employment (as opposed to unemployed) and, only marginally so, predominantly aged 31-40, educated to tertiary level and an owner occupier. When the dynamics of complaint processing were examined in turn, most complaints related to an abuse of authority, most complaints were admitted and very few complaints were substantiated. Considered further in terms of the effects of complainant attributes and allegation types on complaint processing where some effects were noted at admissibility, less were observed at outcome stage.

Chapter 4 emphasised the major focus of this thesis as being on complainant resource deficiency. That in mind, this chapter highlighted that RAPID residence was not a dominant feature among complainants. Though higher than its estimate within the Irish population,
owing to a discrepancy between areal unit boundaries and thus profiles, the precision of such a comparison was uncertain and pointed to a wider problem for future studies. Such issues aside, a significant difference in allegation type between RAPID and non-RAPID areas was noted with RAPID areas submitting matters that GSOC determined to be more grievous. Yet when the various major stages of complaint processing were examined, RAPID residence was found to have had no effect on admissibility or outcome stages and a small effect on investigation stages. Taken at face value such results did nothing to point to or away from a conclusion that complaints from the most resource deficient areas were about local policing. To assist with this final line of enquiry, Chapter 7 provides an additional, novel approach.
CHAPTER 7 ANALYSIS II- COMPLAINT GEOGRAPHY

Introduction
Chapter 4 pointed out that police oversight reporting and analysis in North American jurisdictions has been more advanced than that in other jurisdictions. While disclosures of the number of complaints per division-equivalent are common, generally absent is greater elucidation as to the pattern of complaints disaggregated by complainant attributes or that for any lower order arrangement within any single police division/region (e.g. precinct level). Specifically with respect to the current thesis and its interest in the formal social control element included by Shaw and McKay within social disorganisation theory, reporting on complaint location data would dispel/confirm hunches as to any possible differential police behaviour between tracts within the defined police areal units.

Consequently, whereas the previous chapter addressed the issue of complainant attributes, complaint processing and aggregate areal measurement, this chapter expands upon the latter element of location with emphasis upon geographic distribution within police station areas. It attempts to do this in a more user-friendly way than done heretofore in the Irish case addressing in full the sixth and final research question (concentration of volume and type of garda misbehaviour) and in the process elaborate upon the second and third research questions (greatest resource deficiency in a complaint load and associated allegation types). First off, the chapter explores the spread of complaints across a set of individual station areas. Then it looks to how far police-complainant incidents within such station areas actually can be understood as being a product of local policing. In doing so, the chapter points towards the need to introduce a distinction between complaint emission and incident location points within police oversight studies.

Mapping Complaint Location Data
It was set out in the earlier stages of this thesis that the production of frequency and regression tables alone would not lend themselves to any real-world appreciation of any distribution of complaint data. A similar consideration and concern to reflect real-world framing of the policing element of areal analysis had been adopted in Chapter 5 in the final choice of RAPID over Small Areas/EDs as the unit of analysis through which to represent greatest resource-deficiency in terms of policing activity. Hence, earlier sections of the thesis
made the initial case for the use of digital mapping as extensively as possible within police oversight agencies. Such use would highlight any patterns of complaint location data, understood, again, as reflecting complainant residence (treated hereafter as the geographical point of emission of a complaint or simply ‘emission’) and, separately, complained-about incident location (hereafter ‘incident location’), in tangible terms. That is, where tabular data reveal only scale but not distribution, the visualisation of the complaint emission might provide police managers and overseers, such as GSOC, with indications of any harassment/targeting/questionable practices used by police. Results of this kind might then assist police with an everyday intelligibility as to identifying where they need to invest greater confidence-building energies (i.e. focus on improved police behaviour and work on public expectations/impressions of policing).

Endeavours to locate the source of complaints, as done in a previous study (Lersch, 1998) suggested adoption in this thesis of an expectation that complaints would predominantly arise in the RAPID area of a police station catchment area and be lowest in more affluent parts of the same station area. Meanwhile, for incident location, examples of places of usual occurrence might include the public areas around premises with alcohol licences, such as night clubs, or secluded environs. Indeed, within the greater Dublin area anecdotally the latter locations included but were not confined to those parts of the Dublin Mountains near an area characterised by a high proportion of local authority and low-income housing, the streets behind a city-centre drug treatment clinic and the surroundings of city-centre local authority flat complexes. Staying with this point, Hart and Miethe (2015) conclude that within crime studies a high prevalence of robberies in areas not possessing activity nodes runs contrary to established place-based theories of crime. As argued in Chapter 4, no similar account exists for police complaint incident data; it is not known if they run with or counter to expectations given activity nodes or other facets of geographical areas. Indeed, interest in and precision of any patterns of complained-about incident location was not evident from existing studies and then only given a passing treatment by oversight agencies (PONI, 2013; GSOC 2013). A reading of such material threw up the suggestion that some two in five complaints would take place on police as opposed to public property.

73 Complaint account was relied upon to identify the best approximation point of each incident location.
That latter point also conceals a limitation with respect to incident location that is not yet adequately addressed in the literature. It is one that causes significant difficulties for interpretation of any concentration of police activity within areas and that argument of social disorganisation. Specifically, the limitation revolves around interpretation of the true incident location point. A complaint about an interaction in a patrol vehicle en route to a police station or during subsequent processing at a police station should properly locate the matter at either of those two points. However, this approach stands to underplay the commencement of some police-public interactions at the home/point near the complainant’s home/other location that ends in movement to and final situation of the complainant at a police station. While less than ideal, for this thesis each garda-public interaction relayed in a complaint was taken as being the interaction that gave rise to the complaint, not that which necessarily commenced the interaction. Thus the complained about incident location was taken to be that point, whether it was the original location point of interaction with a garda or not.

As emphasised in Chapter 5, polygon-level maps or those using single point data to represent whole police sub-unit areas should be viewed as the least desirable format for reporting and analysing geographical data. The limitations in using choropleth maps to reflect complaint patterns at sub-district level using polygon or single-point representation formats are evident quite quickly. They give no indication of distribution of complaint locations within the station area. They also detail nothing about the nature of complaints at points. Maps based on the use of geocoded poly point data, however, provide an indication of distribution within a station area. It is therefore preferable, though still not commonplace, to display data for sub-district equivalents (i.e. precinct level) using the latter type maps.

**Selected Stations for Analysis**

The above in mind, three station areas were selected against which to give a visual and statistical feel to that discussion set out in Chapter 6. Each of the three stations was located in a different Garda division from the others thereby avoiding the direct influence of any single senior Garda management-grade officer (i.e. a Chief Superintendent or Superintendent) operating at the front line. Presented hereafter under pseudonyms, these stations were chosen from among the totality of stations in operation in the jurisdiction of Ireland. Having already set out the case against use of EDs, the three stations were selected from among those that contained a RAPID area, itself representative of greatest area resource deficiency. Those
Garda station areas of Scotsburg, Hometown and Duville were ultimately selected, and combined had a total of seven RAPID catchment areas located within their boundaries, either wholly or in part\textsuperscript{74}.

As to profiles of the station areas themselves, using recorded crime data for 2011 (CSO, 2013) and arranging this into a ten-point scale based on volume only, Scotsburg, Hometown and Duville were situated in the 3\textsuperscript{rd}, 3\textsuperscript{rd} and 7\textsuperscript{th} deciles of crime incidents respectively suggesting low, low and high crime volumes. Viewed from a utility or service point of view, Scotsburg, Hometown and Duville were characterised as low-service concentration, meso-service concentration and high-service concentration areas respectively. Each had populations in excess of 21,000 persons. CSO SAPS data for 2011 at the level of Garda sub-district (i.e. station) provided further indicative profiles of the three areas (Table 7.1).

**Table 7.1**

<table>
<thead>
<tr>
<th></th>
<th>Scotsburg</th>
<th>Hometown</th>
<th>Duville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Median Unemployment</td>
<td>10.8%</td>
<td>Above median</td>
<td>Above median</td>
</tr>
<tr>
<td>Socio-Economic Status of ‘Professional’</td>
<td>5.9%</td>
<td>Above median</td>
<td>Above median</td>
</tr>
<tr>
<td>Unskilled</td>
<td>3.9%</td>
<td>Above median</td>
<td>Above median</td>
</tr>
<tr>
<td>White Population</td>
<td>97.3%</td>
<td>Below median</td>
<td>Below median</td>
</tr>
<tr>
<td>Household Occupancy Type Private Rental</td>
<td>10%</td>
<td>37%</td>
<td>52%</td>
</tr>
<tr>
<td>Household Occupancy Type Local Authority Rental</td>
<td>6%</td>
<td>16%</td>
<td>13%</td>
</tr>
<tr>
<td>Household Occupancy Type Owner Occupier</td>
<td>79%</td>
<td>40%</td>
<td>28%</td>
</tr>
<tr>
<td>Household mobility</td>
<td>4.9%</td>
<td>Above median</td>
<td>Above median</td>
</tr>
</tbody>
</table>

Source: own calculations from CSO (undated).

\textsuperscript{74} Those parts of the RAPID area not falling within each station area boundary were manually removed ahead of analysis by adjusting the RAPID area GIS files (shapefiles) using Editor tools in ESRI’s ArcMap window. A similar necessity would have applied if another areal unit had been used in place of RAPID, such as EDs or Small Areas, as Garda station boundaries do not always match those of other administrative entities/programmes.
Providing some greater detail to Table 7.1, unemployment rates in each of the three station areas of focus were closely bunched above 11% while rates for third-level education in all three were at least 15% above the national median. Duville was exceptional among the chosen stations in having a proportion of unskilled persons below the national median. The median proportion of Whites in each station area nationally was 97%. Among the three selected stations, the proportion of Whites was highest in Scotsburg (85%) with the other two stations recording lower proportions meaning a higher presence of non-White persons. The household occupancy type points to great diversity in all three station areas, the private rental stock in each being at least double that of the national median but also a high density of local authority housing in Hometown and Scotsburg was observed. Hometown also displayed the greatest mobility rate in terms of address of respondent a year previously. The figures for housing tenure, mobility and white population across the three stations also nod towards the stations containing sub-areas in line with the socially disorganised areas identified by Shaw and McKay.

Separate from the CSO data above but as a final measure, some sense of the station area positions on deprivation indexes could be estimated. These were arrived at by calculating the population-weighted average for the aggregate area (the station area) from the deprivation band/decile for all EDs found within each station area. Scotsburg, Hometown and Duville were all found to be ‘marginally above average’, on the Haase-Pratschke index\(^\text{75}\), a category applicable to 33% of all Garda stations in the jurisdiction. Based on the Kelly-Teljeur index, Scotsburg, Hometown and Duville attained values of 9.8, 9.4 and 5.5 on the ten-point index, pointing to high deprivation, high deprivation and more affluent than deprived statuses. The overall suggestion therefore, based on a combination of the ED and station-level profiles, was that Duville was the most resource-affluent station area among the three.

Moving on to the profile of each area as it presented in the GSOC caseload, drawing upon complaint data for 2011 and, as was done for recorded crime, arranging this into a ten-point scale based on complaint volume only, the three stations presented in the 3\(^{rd}\), 3\(^{rd}\) and 7\(^{th}\)

\(^{75}\) Contrary to Haase and Pratschke’s contention, it does not appear possible to determine accurate index scores for ‘any aggregate area’ as units of analysis do not coincide with one another; EDs and Small Areas, for example, are cut by Garda sub-district boundaries.
deciles of complaint incidents respectively\textsuperscript{76}, suggesting low, low and high volumes of police complaints. The three station areas individually provided complaint numbers of \( n = 30, 23 \) and \( 48 \) complaints within the chosen sample detailed in Chapter 5 and drawn upon in Chapter 6, meaning two were at or below the accepted minimum number necessary to report inferential statistics. Given this, it seemed appropriate to adopt an alternative strategy beyond reliance upon the sample in order to examine complaint location data (emission and incident location). The decision was therefore made to draw upon all complaints in the GSOC caseload closed by January 2013 that had been attributed to addresses possibly covered by the Scotstown, Hometown and Duville station areas.

A total of 445 individual complaints were identified for the chosen station areas where both the address \textit{and} incident location were known, each complaint’s accompanying allegation type being recorded also. This figure of 445 was the total number of complaints available to map for the selected stations and broke down as follows: Scotsburg \( n = 114 \); Hometown \( n = 117 \); and Duville \( n = 214 \). While this dataset was much less than the numbers used by Weisburd \textit{et al.} (2004) and those used by O’Leary (2011), it was of sufficient enough size to portray a picture of each of the three Garda station areas being examined. However, the decision to use all complaints from the GSOC caseload relating to the three stations rather than those upon which complainant data had been gathered through the survey \( n = 1,915 \) meant that specific complainant attributes, as reported in Chapter 6, could not be linked to the complaint processing data.

\textit{Mapping Complaint Emission}

It was established in Chapter 6 that, based on RAPID residence, the originating locus of most complaints was not situated within the most resource-deficient areas. Reflecting that result but turning to the Scotsburg, Hometown and Duville stations specifically chosen for analysis in this chapter, RAPID addresses accounted for 44\%, 28\% and 25\% of complaint emission in each station respectively (or \( n = 50, 33 \) and 52). It meant that fewer complaints arose from RAPID areas than from non-RAPID areas. Areas of greatest resource affluence meanwhile turned out to be common sources of complaints and most markedly so in Duville. The single Small Area Population Statistic estimate of RAPID population as a percentage of total

\textsuperscript{76} Going on \textit{allegation} count for 2011 where the most cited station in the jurisdiction received 323 allegations against its Garda staff, Scotsburg, Hometown and Duville were in the 3\textsuperscript{rd}, 2\textsuperscript{nd} and 6\textsuperscript{th} deciles respectively.
population noted in Chapter 5 was 8%. Based on this, the proportions of complaints arising in RAPID areas within the three station areas, while minority features, were higher than expected. Viewed at individual complainant level across the three station areas, there was also no preponderance of single complaint emission points. This was determined using a threshold of three of more complaints recorded to a single site address (i.e. a building not built as or arranged into flat/apartment accommodation). Seven sites met this criterion, accounting for 32 (7%) of the 445 complaints in the three station areas. Yet, these results provided no global message that could be inferred to the entire complaint load for the selected stations.

A robust approach to determining any global pattern to complaint emission in any station area was offered by way of the Average Nearest Neighbour analysis. This statistical test gauges whether geographically located data display a random, clustered or dispersed pattern. Such a test was performed on each of the Scotsburg, Hometown and Duville stations (Table 7.2).

<table>
<thead>
<tr>
<th>Station</th>
<th>Nearest Neighbour Ratio</th>
<th>p-value</th>
<th>z-score</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scotsburg</td>
<td>0.57</td>
<td>p &lt; .001</td>
<td>-10.1</td>
<td>Clustered</td>
</tr>
<tr>
<td>Hometown</td>
<td>0.55</td>
<td>p &lt; .001</td>
<td>-9.17</td>
<td>Clustered</td>
</tr>
<tr>
<td>Duville</td>
<td>0.49</td>
<td>P &lt; .001</td>
<td>-11.92</td>
<td>Clustered</td>
</tr>
</tbody>
</table>

As the ratio or index for each station was less than one it was interpreted as indicating that there were signs of clustering of complaint emission points within Scotsburg, Hometown and Duville. Further, based on the z-score values, clustering was greatest in Duville and least so in Hometown. However, again, the above findings did not facilitate any visual indication of the geographic distribution of complaint emission, within and without of RAPID areas and across the station area more generally. Simply put, they provided no indication as to whether the clustering was within RAPID or non-RAPID areas or both of these.

To mitigate this, maps for each of the three respective station areas were first generated using geocoded complainant residence points (i.e. emission points). As it could not be assumed that
the conduct of police in any geographic unit (here station areas) would necessarily be uniform across the unit, the possibility of variation was expected (Ede et al., 2002) in the form of a grouping of events around pockets in each station area. One way of framing this was through ‘distance decay’. Rengert et al. (1999) note distance decay’s long use within criminology linking criminal incident and an offender’s place of residence to impute that crime reduces the further one moves away from an offender’s residence. Yet, it is not apparent that either the interdependence or ‘distance decay’ perspectives have been studied within the frame of police misbehaviour and its oversight ahead of this thesis. It was anticipated then that while the RAPID areas might account for a proportion of the complaints and accounts of the most egregious forms of police behaviour, areas around the RAPID area but still within the same Garda station catchment area would also present as sources of complaints. However, it was expected that the proportion of complaints would (i) decline and (ii) differ in terms of content the further one moved away from the RAPID area. Otherwise put, a process of differentiation by police in interactions with cohorts across the station area based on location might be expected.

To allow for this potential differentiation of behaviour across garda station catchment areas, when analysing complaint emission and incident data the individual RAPID areas in each map were surrounded with a buffer zone. Including a buffer zone in this manner would enable detection of any fall-off/rise in complaint emission the further one moved away from/toward a RAPID area and, likewise, any fall-off/rise in incident location the more one moved away from/toward a RAPID area. Generation of the buffer in effect split each station into three areas, namely the RAPID area, the inner buffer zone and the remainder of the station area, i.e. that part of the station catchment area furthest from the RAPID area. Understood in the context of distance decay and that literature reviewed in Chapter 4, it was expected that the RAPID area would display the highest number and proportion of complaints, measured by emission, the buffer zone a lesser number and the remainder of the station area the lowest number and proportion of complaints. Having three zones (the RAPID area, buffer and remainder of the station area) would also allow for determination as to whether there was a concentration of complained-about incident types that changed the further one moved away from the most resource deficient area, i.e. from the RAPID area, through the buffer to the remainder of the station area.
The creation of buffer zones, much as one finds for the fare zones of a metropolitan transportation system (e.g. London Underground or Dublin Luas) was similar to that approach developed by Sutherland, enhanced by Shaw and McKay and used later by others (Robitaille et al., 2011) to show crime concentrations and variations. In this thesis the buffer zones were intended to show any concentration or geographical drag of police conduct within/without RAPID and other areas of the station. Following the shape of the RAPID area itself, the dimensions of the buffer zone would ideally have been decided by reference to the variation in the (i) location of RAPID areas near to station catchment area boundaries and (ii) size of the RAPID area relative to the size of the station catchment area itself. This dual criterion set would have necessitated the calculation of the mean deviation for the difference between each point of the boundary of each RAPID area and each point of the boundary of each Garda station catchment area.

Looking instead to existing studies as to what size might be preferable, Hart and Miethe (2015) record that a distance of 1,000 feet (304 metres) accounted for the best relationship between the physical environment and crime but that distances of 457 metres and 152 metres also showed correlations. Robitaille et al. (2011), meanwhile, found that regardless of spatial scale used, significant relationships between area and anti-social behaviour existed. In the event for this thesis a buffer zone of 500 metres in width was created outside each RAPID area. This width, while not reflective of the individual measurements of each RAPID or station area which in turn varied in area size, was large enough to capture a variety of housing stock but small enough to ensure that only addresses within the same Garda station catchment area would be included. If the dual criterion set outlined above had been implemented in order to determine the mean buffer zone dimension, it is not clear that such an approach would necessarily have found concordance with GIS practice in national and supranational bodies. The CSO, for instance, points to shifts in the Census town boundary unit of analysis between 1971 and 2011, both in terms of what defined a town and when its

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77 Width as opposed to diameter as there was no central point to any of the RAPID areas given their non-standard shapes. The location of a Garda station could have given rise to the use of a circular buffer zone and hence diameter dimension. However, three items militated against circular buffer zones even then. First, as the RAPID area rather than the Garda station and its surrounding catchment area was the geographic unit of focus and these areas were not circular in design, a circular buffer zone was inappropriate. Second, while a centroid or mean centre point of the area formed by a RAPID catchment area could have been calculated, there was no natural centroid to RAPID areas by virtue of housing distribution. Third, Garda sub-district areas, the de facto station catchment area for the purpose of this thesis, were not circular in design.

78 Hometown was the smallest and Duville the largest with Scotsburg being between both in terms of land cover.
borders could be extended (CSO, undated). Indeed, the most recent change to town boundaries cited by the CSO is attributed in turn to United Nations documentation. A distance of 500 metres chosen in this study was less than that radius of 800 metres seemingly adhered to by the CSO for consideration of units being within the same town.

Each map generated was therefore a composite construction, simultaneously using Garda station and RAPID catchment area layers as the basic areal boundaries of interest with the geocoded emission data making up a third layer therein. Garda station locations and the RAPID buffer zones were also displayed in each map (Figure 7.1, 7.2 and 7.3).

**Figure 7.1**

*Complaint Emission- Scotsburg*

![Map of Scotsburg showing emission points within and outside the station boundary area.](image)

Note: The most easterly emission point in Scotsburg appears outside the station boundary area. This was intentional as the address was an apartment block the front access point to which was outside the station area but the block itself was located within the station area, thereby pointing up some of the problems of mapping boundaries.
Figure 7.2
Complaint Emission - Hometown

Figure 7.3
Complaint Emission - Duville
Reflecting the numerical findings discussed above, an intuitive reading of the maps was that irrespective of the station area, most complaints did not arise in the most resource deficient areas signified by the RAPID area boundaries. Indeed, it could be seen from the maps that the majority of complaints in Duville, the most resource affluent station, arose in that part of the station area furthest from the RAPID area\(^79\), i.e. the south of the station area. This also happened to be the most resource affluent part of the station area. Thereafter, as to marked emission point clustering revealed by the Average Nearest Neighbour result above, in Duville such clustering was visible in the west and south of the station area but not in the north and east. Clustering in Scotsburg meanwhile, was visible in the south east with emission point gaps featuring in the centre/north and west. The latter result, a near full absence of emission points, could not be easily explained by reference to social disorganisation given the presence of a RAPID area there. As for Hometown, emission clustering was visible in the south east but outside of the RAPID area. An absence of emission points in the centre and far western area of the station, meanwhile, could be explained by the presence of public land rather than residential units.

A subsidiary observation is evident from the maps generated for Scotsburg and Hometown. This arises in respect of the 500 metre buffer used to signal complaint distance decay. The buffer for Duville fits entirely within the station boundary and revealed that few complaints arose there. However, depending on station area size, measurement of complaint distance decay from any particular area of interest, here RAPID areas\(^80\), is problematic in that a buffer used to signal the distance decay span risks spilling over into contiguous station areas. This occurred in the examples of Scotsburg and Hometown. So, if the desire at any point in time is to display the distance decay span relative to the boundaries of any single station area only, a difficult choice must be made. This matter is discussed further in Chapter 9.

A final distinction between emission points for RAPID and non-RAPID areas in the three station areas (n = 382), was by way of value of allegation seriousness for the RAPID areas (n = 120) and the non-RAPID ones (n = 262). One way to reveal any clustering of allegation

\(^{79}\) Portraying complaint emission using ED units in the style of Haase-Pratschke or Kelly-Teljeur with a colour gradient to reflect increasing deprivation between EDs as discussed in Chapter 5 also shows that complaints emitted not just or primarily from the most resource-deficient areas (Appendix IV).

\(^{80}\) Analysis using other areas units such as EDs and Small Areas would face a similar predicament and arguably would be more troublesome again given the number of such units within a single station area.
types on incident points within RAPID and non-RAPID areas parts of individual station areas was to record the mean allegation values (Table 7.3).

Table 7.3
Mean Allegation Type Values- Emission

<table>
<thead>
<tr>
<th>Station</th>
<th>RAPID areas</th>
<th>Non RAPID areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scotsburg</td>
<td>2.3</td>
<td>2.2</td>
</tr>
<tr>
<td>Hometown</td>
<td>2.5</td>
<td>1.9</td>
</tr>
<tr>
<td>Duville</td>
<td>2.0</td>
<td>1.9</td>
</tr>
</tbody>
</table>

A reading of these results was that in each of the selected stations allegations from RAPID areas had been deemed by GSOC to be of a more serious nature than those from non-RAPID ones.

A second way to differentiate between areas based on allegation values was to measure spatial autocorrelation through the Local Moran’s I test. This tests Tobler’s First Law of Geography (1970) which states that everything is related to everything else but near things are more related than distant things. Framed in an intelligible way for this study, a clumping of complaint emission points of certain types in near proximity to one another might point to questionable police practices there as opposed to or more so than in other areas. The Local Moran’s I goes beyond analysis of the existence and strength of any clustering of data points in and of themselves (here complaint emission points) to convey a sense of any statistically significant clustering among neighbouring incident points based on an attribute feature on each data point (here allegation type seriousness associated with each point). To facilitate this part of the analysis, each allegation type associated with each of the 445 complaints for the three stations was considered. Each allegation type associated with each incident was assigned a value reflecting construction of the Allegation Type variable in Chapter 5, i.e. given values of 1-4. A total of 379 of the 445 complaints available for the three station areas had an allegation type associated with them that was not ‘Other’ or ‘Blank’. Unlike the Average Nearest Neighbour or Global Moran’s I, a Local Moran’s I test provides a statistic
for each incident point that is most easily displayed rather than tabulated. Results for each station are set out in Figures 7.4, 7.5 and 7.6 below\textsuperscript{81}.

**Figure 7.4**

*Local Moran’s I - Scotsburg Emission*

\textsuperscript{81} A Global Moran’s I test would have provided an individual figure for clustering/randomness/diffusion of allegation types across each station. However, it would not reveal differences at a local level. A third way to measure possible clustering or difference of allegation seriousness between RAPID and non-RAPID areas was via a Wilcoxon Mann-Whitney test. When performed for all emission points across all three stations it confirmed a significant difference between RAPID and non-RAPID areas ($z = -2.134$, $p = .0382$) with RAPID areas having the higher actual rank compared to expected rank (25019 against 22980 compared to 48133 against 50173 respectively).
The single most salient observation with respect to the maps was the high number of points that were not statistically significant pairings with surrounding incident points. This means that largely there was no clustering of allegation types of high rank (HH marked by black dots) or low rank (LL marked by blue dots) allegation types. However, in Scotsburg it was noted that clusters of high ranking allegation types were all located in the RAPID areas. High
ranking allegation type clusters in Duville occurred inside and outside of the RAPID area but, notably, high ranking allegation type outliers (either HL or LH) were most common in its RAPID area. Hometown was something of an exception among the three stations with some low-high clustering (LH) apparent inside one of the three RAPID areas but this pattern was more common outside the station’s RAPID areas.

Localised Police Deviance or Equality of All Before the Law?
Table 6.1 showed that RAPID residence was a minor feature of the sample. Repeated again using the Scotsburg, Hometown and Duville stations, this also turned out to be the case. However, these and complaint emission points examined above only spoke about the complainant. They and the few academic/policy papers mapping complaints for police oversight agencies that exist do not explore incident location. The effect of this is to conflate complainant residence with complaints about local policing, which may not be the case. Associating allegation types with incident points rather than emission points for the three selected station areas would provide a more accurate picture of policing behaviour at a local level within a station area. First off, as was noted for complaint emission, excluding Garda stations, over-representation of single sites (here incident location) did not occur in that no addresses accounted for three or more complaints. A partial solution and an answer to the sixth research question, i.e. whether complaints were about local policing, was to calculate first the frequency of overlap between emission and incident points in Scotsburg, Hometown and Duville stations (Table 7.4).

Table 7.4
Emission-Incident Point Overlap

<table>
<thead>
<tr>
<th>Emission Point and Incident Location Point</th>
<th>%</th>
<th>n</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coterminous</td>
<td>24</td>
<td>85</td>
</tr>
<tr>
<td>Different</td>
<td>76</td>
<td>360</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>445</td>
</tr>
</tbody>
</table>

Just over three in every four incident points turned out to be distinct from the emission point. This meant that interactions complained about in each of the three station areas had occurred away from the complainant home address. Emission point-incident point overlap was most
common in Scotsburg (20%), while, conversely, some degree of distance between emission and incident points was most frequent in Hometown (86%).

Next, so as to determine whether the complained-about interactions had occurred a sufficient/insufficient distance away from the complainant’s residence (i.e. the emission point) to merit (against) being considered local policing, the emission point to incident point distance was measured. This was measured using the Euclidean or straight line distance approach\textsuperscript{82}. Co-ordinates of emission points and incident points were determined using OSI maps with distances between emission and incident points then calculated. Drawing upon the buffer dimension used earlier in this chapter but allowing for large emission-incident distances beyond the station area, the emission-incident distances were arranged into three bands. The results are set out in Table 7.5 with RAPID status being recorded for each emission point.

<table>
<thead>
<tr>
<th>Emission-incident location distance</th>
<th>Scotsburg</th>
<th>Hometown</th>
<th>Duville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emission to Incident point distance</td>
<td>RAPID</td>
<td>Not</td>
<td>RAPID</td>
</tr>
<tr>
<td>0-500 metres</td>
<td>21 (42%)</td>
<td>12 (19%)</td>
<td>10 (40%)</td>
</tr>
<tr>
<td>501-1,000 metres</td>
<td>7 (14%)</td>
<td>0 (0%)</td>
<td>3 (12%)</td>
</tr>
<tr>
<td>1,001+ metres</td>
<td>22 (44%)</td>
<td>52 (81%)</td>
<td>12 (48%)</td>
</tr>
<tr>
<td>Total</td>
<td>50</td>
<td>64</td>
<td>25</td>
</tr>
</tbody>
</table>

Results were interpreted in the manner that those complaints falling within the 0-500 metres band were taken to signal incidence of complaints about local policing. Based on a reading of Table 7.5, no more than one in three complaints in each station were about local policing, i.e. in the chosen stations complaints occurring close to the emission point (complainant home address) as indicated by being in the band 0-500 metres were in the minority. This proportion

\textsuperscript{82} This is the shortest distance between two points also termed “as the crow flies”. Three other measurements are frequently found in studies of crime and place to gauge distance between two points. These are the: Manhattan distance; network distance; and the Minkowski metric (a generalization of both the Euclidean and Manhattan).
was lowest in Duville, the most affluent of the three areas, at 19%, and greatest in Hometown at 30%. A majority of complaints in each station, whether submitted by RAPID or non-RAPID complainants, was more likely to have occurred an appreciable distance away from the complainant home address, i.e. 500 metres or more.

Focusing on the issue of areas of greatest resource deficiency within the three stations, a reading of Table 7.5 suggests that among those complaints occurring closest to the place of residence or a distance of 500 metres or less (n =33, 35 and 43 respectively for Scotsburg, Hometown and Duville), RAPID areas comprised the majority of complaints in Scotsburg and only just so in Duville. Among all those complainants resident in a RAPID area within the selected stations (n = 50, 25 and 54 respectively), incident points closest to the emission point/place of residence were in the minority for all three meaning that most complaints were not about immediately local policing.

The median distances between emission and incident points for the 445 complaints were: Scotsburg 1,428 metres; Hometown 1,256 metres; and Duville 2,815 metres. Framed in terms of distance decay of complaints, the emission-incident distances suggested a more dispersed pattern of incident points relative to that for emission. However, such dispersion was not reflected in an Average Nearest Neighbour test (Table 7.6).

<table>
<thead>
<tr>
<th>Station</th>
<th>Nearest Neighbour Ratio</th>
<th>p-value</th>
<th>z-score</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scotsburg</td>
<td>0.47</td>
<td>.001</td>
<td>-10.94</td>
<td>clustered</td>
</tr>
<tr>
<td>Hometown</td>
<td>0.37</td>
<td>.001</td>
<td>-12.74</td>
<td>clustered</td>
</tr>
<tr>
<td>Duville</td>
<td>0.40</td>
<td>.001</td>
<td>-16.59</td>
<td>clustered</td>
</tr>
</tbody>
</table>

This is because while the incident points were more spread out, they were not so far removed from the emission point/station in which the complainant resided for outlying incident points to render the overall incident pattern to be characterised as dispersed. Furthermore, the pattern of incident points associated with Hometown and Duville complainants were more highly clustered than would have been expected. The incident pattern for Scotsburg showed little variation from the emission pattern.
Still, while the above answered the query about incident concentration and police behaviour in turn, it offered nothing in the way of detail about the nature of incidents (i.e. allegation types). It did not clarify whether allegation types varied by location. Consequently, a final use of the Scotsburg, Hometown and Duville stations was to distinguish between RAPID and non-RAPID areas within the station areas based on the nature of allegation types associated with them. This in effect was an extension of research question 3 –whether areas of greatest resource deficiency submitted more serious complaints- already addressed via Chart 6.1 and Figures 7.4-7.6 above.

When analysing the allegation seriousness on emission points above, a total of 379 of the 445 complaints across the three stations were used as these had an allegation type associated with them that was not ‘Other’ or ‘Blank’. The same approach was adopted for the incident points with the added criterion that mean allegation values were only calculated for the incident points that fell inside the boundaries of the station area associated with the complainant. The reason for excluding those incident points located outside of the relevant station area was the expectation that the garda misconduct alleged had little visible connection to the garda’s assignment within Scotsburg, Hometown or Duville (e.g. an incident involving a Hometown resident that had occurred three counties away from Hometown provides limited insight into local policing in Hometown itself). As seen in the second column of Table 7.7 below, this criterion reduced the 379 complaints dataset to 190 complaints, meaning this amount of complaints had occurred inside the associated station areas.

<table>
<thead>
<tr>
<th>Station</th>
<th>n</th>
<th>RAPID area</th>
<th>Non-RAPID area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scotsburg</td>
<td>45</td>
<td>2.62</td>
<td>2.22</td>
</tr>
<tr>
<td>Hometown</td>
<td>43</td>
<td>2.19</td>
<td>2.5</td>
</tr>
<tr>
<td>Duville</td>
<td>102</td>
<td>3.04</td>
<td>2.29</td>
</tr>
<tr>
<td>Total</td>
<td>190</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Mean allegation type values based on emission points discussed above had pointed to more serious allegation types in RAPID areas than non-RAPID ones. The results in Table 7.7
suggested a similar finding, Hometown being an exception with a lower mean value for the RAPID area compared to the non-RAPID one.

A Local Moran’s I had also been used above to generate a global statistic as to the pattern of allegation types on location points for complaint emission in each station. A similar approach was applied to the 190 incident points for each of the selected stations (Figures 7.7, 7.8 and 7.9).

Figure 7.7
Local Moran’s I- Scotsburg Incidents
Figure 7.8
Local Moran’s I- Hometown Incidents

Figure 7.9
Local Moran’s I- Duville Incidents
An interpretation of Figures 7.7-7.9 was that, given the volume of non-significant findings, clustering of serious allegation types on incident points was not the norm across the three station areas. Contrasted to the Local Moran’s I results above for emission points, less clustering was evident, particularly of High-High allegation types. However, as was found for emission points, RAPID areas were the most common sites of High-Low or Low-High outliers suggesting the presence of higher allegation type values.

Proximal Area
That decision to introduce discussion of incident location was spurred on by the observation that based on emission point alone complaints might be conflated with being about local policing when this was not the case. It had been expected here instead that a proportion of complaints for any station would derive from complainants who use the unit catchment area for a short period but are not normally resident there (e.g. travellers en route, those frequenting retail services in the area, those visiting persons resident in the vicinity). This conundrum of whether complaints tell us something about policing in an area or (those who use) the area echoes the concern with ecological fallacy pointed up in the latter stages of Chapter 4. A distinction between locally emitting complaints about local policing as opposed to non-local emitting complaints about local policing is here highlighted using terms from the study of inland waters (limnology). The terminology reflects the three possible types of complaints against police that can arise. These denote: (i) complaints from a resident in an area about policing in the area (a parent complaint); (ii) complaints from a person using/travelling through but not normally resident in an area about policing in that area or (iii) a complainant complaining about the actions of a police officer not normally assigned there (a tributary complaint); and (iv) complaints from a person using/travelling through but not normally resident in an area about a police officer not assigned to that area (e.g. national or mobile police units such as the Traffic Corps, National Drugs Unit and Crime and Security- a confluence complaint). A distinction between complaint types along the parent, tributary and confluence point lines seems an important addition to police oversight studies. This is because there have been claims from police in high utility areas that it is as a result of the high footfall or iterations arising from use of amenities in that area that complaint numbers are high rather than it having anything to do with the policing style applied in that area (e.g. complaints about Pearse St. Garda station, a Dublin city centre station, arise because of the location of a large number of licensed premises and high through-trade footfall.
in the area). A distinction along the lines of parent, tributary and confluence point complaints also finds reflection in a report on public order offences in Dublin, Ireland (National Crime Council, 2003) where discussion of transient populations, in the sense of people passing through an area, is considered as a reason for variation in garda handling of similar situations. Determination of the limnology character of any complaint in further work would be dependent upon having complainant address, incident location and Garda assignment details.

Based on complainant address and incident location points, parent complaints, i.e. those occurring within the station area, accounted for 46% of all complaints in Scotsburg (n = 52), 47% in Hometown (n = 55) and 57% in Duville (n = 123) with tributary and confluence complaints making up the remainder 83. This meant that complainants resident in the largest and most affluent station area had submitted the greatest proportion of complaints about an incident that had occurred within the boundaries of the station area.

**Over-Policing of Tracts within Individual Garda Station Areas?**

Each of the lines of enquiry above, probing as they did the issue of complaint location, was primarily intended to answer the sixth research question set down in Chapter 4 (local policing). What they did not do necessarily was provide any indication about whether the manner of police attention in the station areas of Scotsburg, Hometown and Duville was in proportion to, in excess of or less than what might be expected and, if so, why so.

So as to be able to determine whether Garda-RAPID resident contact was in proportion/in excess of/less than expected it would be necessary to have to hand a range of data. The primary units here would be numbers and types of crime to which, in turn would be added: (i) number of opportunities for contact between police and RAPID residents (i.e. percentage of time spent in public spaces); (ii) proximity to one another; (iii) number of actual contacts (e.g. percentage of persons subjected to searches in/of their dwelling during execution of arrest warrants/search warrants as opposed to calls to the Garda Síochána for assistance); and (iv) the ratio of actual contacts for RAPID areas compared to non-RAPID areas. It may be that proportional/excessive/residual police attention in RAPID areas is the product of some/all of these.

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83 The corresponding nationwide proportion for the survey sample (n = 1,915) based on the assigned division of each garda party named in the complaint rather than incident location were 54% parent, 25% tributary/confluence point and 21% indeterminate, again pointing up the necessity of fuller case detail recording.
Yet, it is far from the case that any or all of these figures (i)-(iv) are publicly available. Starting with item (ii), taking the example of the 22 RAPID areas in operation in Dublin only, four of the associated Garda stations were located within the RAPID area itself. A further eight stations were located on the margins of a RAPID area. This implied that the rest required a degree of travel from station to RAPID area. How far any patrol allocation in any period (e.g. the years 2009-2012 covered by the sample used for this thesis) was normal/excessive/marginal given the station to RAPID area distance therefore presented as an area demanding attention. However, for item (iv) the distribution of Garda patrols over time and area per each station catchment area is an unknown quantity and cannot simply be assumed to be evenly distributed. Items (i) and (iii) are also unknown for the Irish case.

Other Pointers Towards the Nature of Policing by Gardaí
Police oversight by virtue of its focus tends not to attract, or record as part of its workload, compliments submitted by members of the public in respect of gardaí. Logically then, all records contain, in the main, accounts of opprobrium directed against past garda actions. However, it need not follow that all accounts of past garda actions would include explicit signs of garda distaste towards a person’s place of residence and/or assumed character. Consequently, it appeared reasonable to query whether the chosen sample contained accounts of police conduct presenting as being in excess of that which appeared proportional to the scenario presented. Specifically, it seemed useful to gain some indication of the existence of any targeting of dubious areas and their inhabitants within the sample. As was reviewed in Chapter 2, where police in other jurisdictions have been found to refer to locals in resource deficient areas as “dross”, “pukes”, “scrotes” or “slag”, in Ireland such labelling was expected to be found in that term “scumbag” or, less frequently so, that of “knacker”.

Chapter 5 indicated that a documentary analysis approach was used in conjunction with survey and digital mapping techniques and it is here that it took effect. The complainant accounts of the interaction accompanying each of the 1,915 complaints sampled were first relied upon as the source of data. The choice of this particular quantitative data collection method meanwhile enabled an everyday element to be introduced, underscoring how the patterns were reflected in reported garda parlance on the street. A total of 36 instances of discourse characterised as displaying overtly hostile or antagonistic garda comportment were
identified in the data set, amounting to almost 2% of all cases. Twenty-three of these 36 had occurred in RAPID areas (63%), that is to say, were directed at persons within the immediate vicinity of their place of residence. Twenty-three of the 36 also explicitly featured a phrase suggesting a police property-type term being used by a garda towards the complainant or a member of the complainant’s family. While ‘scumbag’ was the most frequently observed term, those of ‘knacker’, ‘toe rag’, ‘dirtbag’ and ‘whore’ were also evidenced.

The actions to which the extracts below refer were alleged to have occurred most commonly in the context of searches. When questioned about the basis for a search of their vehicle, for example, one complainant was allegedly told by the garda:

“...because I feel like it and I am entitled to do it” (DMR North)

When asked about the grounds for a search of their person, another complainant was told by the detaining garda

“I don’t know...coppers can do what they like nowadays.” (DMR West)

Finally, replying to a third complainant’s request for the reason for being stopped and searched in the street a garda allegedly replied

“This area is full of drugs.” (DMR North)

The appellation of entire areas as suspicious was echoed by a garda attached to the DMR West division in a separate complaint who viewed an entire housing estate of some 320 houses as “drug riddled”. Importantly, contrary to the studies cited in Chapter 2, the use of the term ‘scumbag’ or other marginalising term extended beyond RAPID tracts to other parts of station catchment areas. That is to say, it might be more correct to conceive of a depth of general animosity to members of the public as being polar ends of a dispositional scale. One end of this scale was general Garda aversion to members of the public that appeared independent of the area profile. Such an outlook was witnessed through alleged statements by different gardaí assigned to the same station. So in one case, a member of the public relayed that they had been subjected to the following scenario after coming to the attention of gardaí
“Here comes another Scumbag”. (Garda)

A statement to which the complainant alleges they replied

“I clean these streets and I am a Civil Servant, my job is a little harder than yours”.

To which the garda is said to have responded in turn

“If you wanted the authority, you should have joined the Gardai”.

The complainant responded to this with notice that he was going to make a complaint, to which comment the garda delivered the coup de grâce

“There is no point, they [GSOC] will do nothing, we always come out on top”. (DMR South Central)

Awareness that their conduct might not be professional or even reasonable, but that oversight would offer little correction of this, pejorative garda treatment of a complainant was evident in the comment

“you can complain. Prick…bastard.” (DMR West).

The interaction in yet another complaint involved a complainant who described themselves as being unknown to the local station, who, when attempting to make a statement about a crime, received the following response:

“I’m sick of dealing with people like you.” (DMR West)

Likewise a complainant from a non-RAPID area who was detained by garda recounted the following:
“They called me a scumbag. I told them that I was not a scumbag and that they didn’t even know me...After 15 minutes, Garda X came down to me. He told me that he had nothing on me. He told me that I was being given an Adult Caution.” (DMR West)

This sense of garda wariness irrespective of area resource deficiency/affluence was palpable in a further complainant’s account of how he had been approached by gardaí as follows:

“You know the procedure, when the gardai of X (station) stop you, you are supposed to stand there with your mouth open and your arms out.” (DMR South Central)

That is, a less than professional demeanour characterising garda actions extended beyond the area of greatest resource deficiency and, furthermore beyond the immediate individual/suspect to include the person’s family, evident in comments such as

“You reared a shower of bastards here.” (DMR East) or

“You brother deserved to be murdered...he was asking for it...family of knackers” (DMR South).

or

“we saw your ma up getting her fi” (DMR West)

The latter is a reference to prescription physeptone, a synthetic drug-substitute given to those on a registered heroin rehabilitation programme. Access to such programmes via the criminal justice system in Ireland is usually by way of a person admitting guilt for an offence before the criminal court and compliance with the Probation Service and without objections from the Garda Síochána. Five of the 36 complaints wherein an antagonistic approach was attributed to the named garda party also contained some construction of words that mentioned the complainant’s association with illicit drugs. Thus, it appeared that even when complying with the legal system, a degree of humiliation was to be expected by offenders and their families

84In its most formal or structured manner those with drug dependency issues are entered into the Drug Treatment Court programme run by the Irish Courts Service. Established in 2001, the Garda Síochána play a direct role in the monitoring of programme participants and thus could be said to endorse the aims of offender re-integration.
from gardai. Overall, the approach conveyed in such accounts is one that appeared to occasion the use of fear as a tactic to either engender public/suspect compliance or denote that some form of retribution would be exacted in time.

“The garda told me that if I made a complaint I would be brought to the mountains and I wouldn’t be walking home.” (DMR West).

or

“If you don’t plead guilty we’ll get the other inmates to rape and beat you up in here ya fucking cunt”. (Leitrim)

and, in a further complaint

“We usually sexually abuse the people we bring into the station who are in handcuffs” (Meath)

As the above and one final comment made clear, while conjuring up highly improbable actions, the intention in many of the antagonistic garda utterances identified was to humiliate the complainant as far as possible.

“when you die we will use your skin as a bullet-proof vest”. (DMR West)

The other end of the dispositional scale is a sense of general antipathy among Irish police to the public at large, one that is unconnected with either the geographical area in which they are stationed or attributes of complainants. This presented itself in the form of a lackadaisical attitude to possible crimes. Thus a complainant alleging assault in a licensed premise relayed to GSOC that when they had reported the matter to gardai the response received was

"you probably deserved it, go on home.... You have no rights” (DMR South Central)

A further complainant relayed that his report to gardai of being ejected from a public house by off-duty gardai was met with an indication that nothing would be done
“The Sergeant explained to me that he was unable to authorize an arrest of them as they were off duty guards.” (DMR South)

As stressed above, the data set out are intended to pinpoint the obvious need for a full examination of the garda-public interaction, particularly arranged by reference to incident location and other attributes. It is only an exploratory conclusion to the question of comportment of professionally oriented police agents to those they serve. Notwithstanding the foregoing, it provides grounds for doubting Waddington’s (1999) argument that police canteen talk stays just that and does not translate into street action.

Conclusion
Where Chapter 6 offered an overview of complainants and complaint processing, the current chapter undertook to give real world context to the data by illustrating complaint material at station level. It found that areas of greatest resource deficiency did not produce the greatest amount of complaints nor were they the primary locus of complained about interactions. Indeed, while incidents located near to complainant residence was a more common feature for the most resource deficient parts of the selected stations, overall most complaints did not occur in the immediate patch/street corner society of the complainant. This placed any conclusion as to localised police deviance in doubt. This interpretation was borne out further by the low proportion of clustering of serious allegation types in the most resource deficient areas.

Likewise, the closing part of the chapter drew attention to possible spatial concentration of police speech in daily interactions with the public. Chapter 4 had predicted a marked difference in police treatment of those in areas of greatest resource deficiency compared to others. Finding that pointed police speech in the Irish context, while low in number, was most commonly framed as ‘scumbag’, the exploratory approach argued that police discourse did not appear to be concentrated spatially. The evidence from the GSOC caseload unexpectedly raised queries about the general approach of policing and dismissal of pejorative police pronouncements as merely being canteen talk. This message and the others conveyed by the various procedures in Chapters 6 and 7 are brought together in Chapter 8 that follows.
CHAPTER 8 DISCUSSION

Introduction
The purpose in this chapter is to reflect on whether, all told, the various data presented in Chapters 6 and 7 offered any clear result or just competing noises regarding police complaints and complainants. Did the data answer the research questions identified in Chapter 4 regarding the characteristics of those making complaints and whether the police oversight agency has enabled some complainants over others? The overall approach here is to convey the findings in a manner that moves beyond the empirics alone to set them into messages that have colloquial resonance and practical application. These include the uptake of police oversight services, the processing of complaints and as yet unharnessed opportunities in the analysis of police oversight matters.

Parties Complained About
The existence of complaints against police, the establishment of blue ribbon commissions, royal inquiries and statutory oversight agencies to examine police deviance suggests that the issue of sub-standard policing is not solely one of complainant perspectives of police actions. Rather, policing that falls short of some public, state and even police-defined standard can occur. So, perhaps surprisingly, while police oversight agencies have singled out “serial” or otherwise troublesome complainants, few have balanced this with any indication of “problematic police”, i.e. those subject to more than one complaint in a single time period and upon whom early intervention is required (see Police Integrity Commission, 2008, Sugarman, 2010; Ombudsman New South Wales, 2002). Despite this pointing to an equal need to focus on complainants and police complained about, owing to data deficiencies already outlined, the focus of this thesis did not fall upon police subject to a complaint.

Throwing an eye to future research, brief comment is merited here on the range of deficiencies relating to police data in the Irish context. One such deficiency concerned the confused identification of gardaí complained about and garda witnesses who were not actually subject to complaint within the same section of the GSOC Case Management System. This had a knock-on effect on allegation numbers recorded on individual complaints that did not match the number of outcomes listed on the same case. Another deficiency arose from a Department of Justice and Law Reform refusal to a request under the Freedom of
Information Act 1997 for disclosure of annual reports by the Garda Síochána Professional Standards Unit (Appendix V). The refusal precluded analysis of the otherwise vague account of outcomes to disciplinary matters upheld by the Garda Commissioner against gardaí contained in Force annual reports. Taking those years covered by the survey relied upon here and described in Chapter 5, there were no dismissals of gardaí in 2012, 2011, five in 2010 and none in 2009 (Garda Síochána, 2013, 2012, 2011, 2010). While these dismissals were attributed to actions likely to undermine confidence in the Force and having been deemed unfit to continue to work as a garda, the Force reports offer no clarification as to what was the offending conduct, rank, division or years of service of gardaí sanctioned. There is also a question as to whether the presentation of data in such reports was correct, given newspaper reporting that one officer was dismissed for possession of cocaine in 2011 (Evening Herald, 2012).

Separately, the work of the Confidential Recipient was of similarly limited value in determining patterns. A ministerial-appointed post established in 2008 through the Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007 and charged with receiving complaints from gardaí, the Confidential Recipient has no public contact details and issues no annual report of its work. Thus, where Harris (2010) was able to conclude that complaints against police were only acted on by police managers when they became serious, this thesis has been unable to provide any clarity on this point in relation to the Irish model.

Among those complaint records associated with the survey responses that could be analysed, while garda ranks (as opposed to higher manager ones) received 65% of complaints, police performance in one-to-one interactions that dipped below a standard was a feature across all ranks of the force. Still, these data are problematic as GSOC has publicly reported that the lowest rank –garda- has variously accounted for between 80% and 57% of all complained about ranks (GSOC, 2011; 2013). The large variation in such a small time period is not easily reconciled, particularly where the large jump in proportion of unknown ranks from 1% in 2010 (GSOC, 2011) to 22% a year late in 2011, a pattern repeated in 2012 (GSOC, 2012; GSOC, 2013), was not accompanied by any explanation by GSOC. Future research might be best placed to determine how much of the gap is due to complainants failing to identify a garda rank in their complaint or GSOC not ascertaining the rank. As in other jurisdictions, if
individual/pack police deviance is found, it serves to undermine policing more widely and the wider justice system with it. The default alternative is to remain with the current approach to policing where judges and lawyers, though doubtful about police evidence in court, tend to favour police testimony over that of others (Slobogin, 1996; Butler, 2006; Orfield 1992 cited in Chase, 2001). Having invested so heavily in independent oversight, Ireland can ill afford to allow such behaviour to go unchecked. Improved gathering and analysis of Garda conduct therefore presents as a short-term imperative.

Who Complains about the Police in Ireland?

As a result of the above, throughout this thesis the complainant has been the principal focus. That in mind, Chapter 3 highlighted that police oversight bodies in other jurisdictions have indicated typical complainants tend to be male, aged 18-40, unemployed, have less resources and possess low educational attainment. North American police oversight data suggests ethnic minorities are over-represented while data from England and Wales, while interpreted as showing minorities are less inclined to use the service, are also over-represented. Data from general or administrative oversight bodies, meanwhile, suggests complainants tend to be more economically resource affluent, being better educated, in employment and earning higher salaries. Results from Chapter 6 suggest that Ireland represents something of a hybrid example, with the “typical complainant” being, male, an Irish national, white, aged 18-50, almost as likely to be renting as to be an owner-occupier, not primarily economically active, though not necessarily unemployed, and exhibiting high educational attainment. The latter two items initially appeared to be something of a composite oddity. Yet, they seemed explicable in part at least by two conditions specific to Ireland. Third level education uptake has been the highest in the EU, reaching 51% by 2013 (European Commission, 2013) and the survey drawn upon for primary data was compiled at a time when Ireland’s unemployment rate had risen from 4% to above 13%, affecting university graduates and sectors not traditionally associated with high unemployment such as architecture and law. While non-Whites comprised a small part of the complaint load, they were represented in proportions higher than their make-up reported by the 2011 Census. This was in line with figures from England-Wales and Northern Ireland.

The broad implication of the formative parts of Chapter 6 is that those complaining about the police in Ireland are more resource affluent than in other countries. This pattern stands in
contrast to that identified in a public attitudes survey undertaken for GSOC in 2010 and 2012 (GSOC, unpublished). There higher social groups (the ABC1 persons) expressed greater satisfaction with gardaí generally at local level and a lesser hypothetical willingness to complain.

**Complainants and Area Attributes**

Chapters 1 and 4 highlighted the claim by GSOC that most complainants did not appear to come from areas of greatest social disadvantage. Given the omission of place from existing studies of oversight but continued currency of the theory of social disorganisation within crime, the link between police complaints and area was decided upon as a main area of interest in this paper. The approach adopted here was to frame greatest social disadvantage as greatest resource deficiency and that in turn by reference to residence within the geographic parameters of the RAPID policy programme. As discussed in Chapter 5, the latter programme was itself constructed from a range of variables signifying resource deficiency. It was anticipated that such areas would be likely to report much higher proportions of complaints for the period under study. It transpired in Chapter 6 that based on this measure, a minority of complainants (n = 301 or 16%) lived within RAPID areas85. Still, this 16% was double that single available national estimate of population resident within RAPID areas (8%)86, i.e. higher than expected given the Irish demographic profile.

**Complaint Processing**

Chapter 6 also looked at complaint processing to see if it offered any signs of patterns involving the most resource deficient complainant. Commencing with basic processing details, it was found that the complaints submitted by survey respondents most usually contained an allegation of what GSOC determined to be an abuse of authority, less so one of discourtesy and less so again either neglect of duty or a non-fatal offence. The admissibility phase, meanwhile, acted to remove many complaints, with 39% deemed inadmissible. Thereafter the paper noted the role of investigative phase designation. Several researchers have argued that most complainants are sincere and their complaints genuine (Macintyre et al., 2008; Prenzler et al., 2010 Porter et al., 2012). Given this, the designation of a higher

85 If resource deficiency had been based on Small Area units, some 50% of the sample would have been identified as living in resource deficient areas and 50% not.
86 As noted in footnote 61, EDs provided the basis for the single RAPID population estimate available. However, they themselves do not accord entirely with station areas in terms of SAPS and so any result for EDs within station areas would also have been subject to a margin of error.
investigative type to all complaints admitted could be understood as being genuinely reflective of the complaint content. In the event it transpired that the most common investigation type applied by GSOC within the sample was leaseback to the Garda Síochána for investigation by a police officer and finalisation by the Garda Commissioner. This category accounted for just under one third of all complaints in the sample, being applied most commonly to allegations of abuse of authority.

Turning to complaint outcome, across the sample 4% of all complaints were substantiated, a finding some 2% higher than published GSOC figures. This difference might be explained by the fact that those who replied to the survey were those more likely to have engaged with the complaint process from start to finish, providing GSOC with requested material, rather than dropping out along the way. Complainants in general were more likely to have had their complaint closed out via a Garda-Finalised phase rather than a GSOC/DPP-Finalised phase. Yet, the overwhelming majority of those Garda-Finalised complaints that were substantiated had resulted in a less serious, as opposed to a more serious, sanction being applied. When it is appreciated that in the absence of clarity as to how less serious sanctions - advice, caution and warning- are viewed and delivered by Garda management, uncertainty abounds as to whether these amounted to something more or less than a “word in the ear” of the deviant police officer. Consequently, such sanctions may be less than expected by the complainant and not in proportion to the police officer misbehaviour accepted as having occurred.

Some 12% of respondents to the GSOC Customer Satisfaction Survey in 2012 and 13% in 2013 had sought some form of punishment of the complained-about garda, other than dismissal, and an additional 4% had sought the officer’s actual dismissal (GSOC, unpublished). Lower than comparative findings for England-Wales (see Maguire and Corbett 1991 cited in Waters and Brown, 2000), the figures nonetheless point to a possible mismatch between complainant goals and oversight output. A mismatch between complainant expectations and actual outcomes was alluded to in a recent Home Office review of police ethics (Chapman, 2014). It acknowledged the ambiguity of ‘management advice’ as a sanction and the eventual Home Office Circular governing police conduct (June 2015) provided greater clarity as to increasing sanction seriousness. As of July 2015, there were no comparable moves afoot in the Irish model. Arguably compounding this, where it is understood that on those GSOC/DPP-Finalised complaints the DPP took the ultimate
decision to prosecute and it secured the conviction, it could be said that parties other than GSOC determine all complaint outcomes. This is in contrast to the IPCC, for instance, which publishes its upholding of complaints, even those where the relevant police Chief Constable did not actually initiate discipline action.

Applying Shaw and McKay’s theory of social disorganisation to complaint processing through the addition of RAPID residence, it was anticipated that RAPID area complainants would not only submit a greater proportion of complaints but more complaints detailing more antagonistic or serious interactions with gardaí. Across the sample, a significant difference between allegation values for RAPID and non-RAPID complainants was identified. It was also anticipated that resource deficient complainants would not fare as well as resource affluent complainants throughout and up to the apex of the complaints process, namely substantiation. Matching complainant variables with admissibility and outcome phases, RAPID residence was found to be connected with a complaint being admitted but not a complaint being substantiated.

It is recalled from Chapter 2 that police oversight in Ireland, as elsewhere, might be concerned to safeguard its alignment to political interests and propinquity to institutions of the state. Thus, rather than seeing all complainants as equal, irrespective of background, the view taken would be of a distinction between deserving and undeserving complainants, pointing to a *de facto* structuring of case processing in a manner that would not favour all complainants equally. Analysis of this was performed using regression analysis. In the event it was found that complainant age and allegation type had significant effects on admissibility. The latter variable in particular, rather than any single complainant variable, had an effect on admissibility, outcome and whether GSOC or the Garda Síochána handled the investigation. An allegation of a Non-Fatal Offence for instance, was most likely to be admitted and receive a higher investigative phase or designation. However, when followed through to complaint finalisation, the allegation type most likely to be substantiated was a Neglect of Duty. RAPID residence, by contrast, showed no significant effect on admissibility, outcome or investigative phase.

The limited effect of complainant variables on admissibility and outcome highlighted by the regression models implied that factors other than those used here accounted for those aspects
of GSOC complaint processing. As to what this meant, two contrasting explanations exist. The first is that the processing of each complaint to GSOC is solely dependent upon the complaint details presented. That is to say, processing is solely predicated on the content of the allegation(s) and the evidence they (purport to) present of garda misbehaviour. The alternative is that factors within GSOC around complaint processing (unpublished and informal policies, staff attitudes and biases, investigation techniques) play a large role and require further, closer examination than possible here.

**Local Garda Deviance?**

GSOC’s assessment of complainant resource deficiency explicitly had tied complaints to complainant residence alone. Yet, alongside the absence of any existing commentary on variations in the conduct of policing by division or lower levels in Ireland (i.e. district and station), prior to this paper it meant little was known about any patterns of localised police deviance. As discussed in Chapter 5, an appreciation of the clustering or otherwise of police complaints is largely absent from police oversight studies but constitutes an important signifier of possibly troubling police practice. Therefore Chapter 7 sought to explore the role of Shaw and McKay’s formal social control element, i.e. policing, in creating rather than acting as a buffer against deviance at the local level. It did this by examining complaint location data in three individual Garda station areas. Several measures were used as indicators of locally concentrated police deviance. These were complaint emission points (i.e. complainant place of residence), complaint emission-incident location point distance, incident locations and allegation type concentration.

It was concluded that there was no general over-representation of single emission points (and thus complainants) within the three stations, unlike in studies of crime where a small number of subjects account for most events. As to greatest resource deficiency, the RAPID area was used to distinguish between areas of greatest and lesser resource deficiency within each station. Among the three stations Scotsburg, generated the largest proportion of complaints relative to the others based on population size. Thereafter as to where complaints emerged from, areas of resource affluence turned out to be common sources of complaints, most markedly in Duville. Proportionally speaking, within station boundaries, as with the sample described in Chapter 6, fewer complaints arose from RAPID areas than from non-RAPID areas (44%, 28% and 25% in Scotsburg, Hometown and Duville respectively). That single
available Small Area Statistic estimate of RAPID population as a percentage of the whole population noted in Chapter 5 was 8%. Compared to this figure, the proportions of complaints arising in RAPID areas within Scotsburg, Hometown and Duville were markedly higher. Lacking precise population data for RAPID areas in each station, it was notable that the findings were higher but closer to the proportion of the station’s physical area taken up by the RAPID programme in Scotsbug and Hometown but not Duville (31%, 24%) and 6% respectively).

It was also highlighted that when allegation types were attached to complaint emission points within Scotsburg, Hometown and Duville RAPID area complaints contained allegations of a more serious nature than non-RAPID areas. Thus the finding of higher allegation types accorded to RAPID complaints observed in the full sample in Chapter 6 was upheld with respect to the three selected station areas used in Chapter 7. These findings could be dismissed on the one hand as simply an artefact of more exaggerated claims by persons in RAPID areas. Yet, it is recalled that it was GSOC that formally decided the allegation types and if the incidence of false accounts in complaints to GSOC had been high, there would follow an expectation of frequent imposition of section 110 of the Act against a complainant, as discussed in Chapter 2. This eventuality has not been observed in practice.

Next, an expectation that complaint emission and incident location points might be one and the same did not turn out to be the case. Less than one in every four incident location points overlapped with the emission point, proximity between both points being most common in the most resource deficient station (Scotsburg) and greatest in the largest station (Duville). As to the scale of the emission-incident location distance, this was measured by grouping each intervening distance in to three bands – the immediate area (0-500 metres) a next adjacent area (501-1,000 metres) and the space thereafter (1,001+ metres). Most complaints, it transpired, did not occur within the complainant’s immediate vicinity; the median emission-incident point distance across each station being at least 1,256 metres in length, i.e. emission-incident location distances were more commonly larger than smaller.

Incident location also seemed related to area resource profile, the more affluent an area, the wider the spread of incidents. This raises the possibility that use of the local street corner as the dominant environment for understanding deviance as has traditionally been done in
studies of crime and place may be inappropriate for understanding patterns of place and police conduct in modern studies of police oversight. Looking at the emission-incident point observation from the perspective of greatest resource deficiency, immediate emission-incident point proximity, i.e. 500 metres or less, was more common among RAPID than non-RAPID complainants. Notably, however, this was a minority feature for both complainant types (38% versus 18% respectively).

As was noted for complaint emission, excluding Garda stations, there was no over-representation of single incident sites across the three selected areas. This meant that, at least on the basis of complaints submitted, anecdotal evidence as to common places within a single station area where Garda misbehaviour was alleged to be more common was not supported. Turning attention to Garda stations as a particular subset of incident locations, one aim of the police is to send authoritative messages about the relational position of the police and the policed (Reiner, 2000). It was expected that the police station would be the optimal venue for confirming their own status (and in some cases status degradation of detainees). While Eke (2005) is critical of data mapping exercises where hot-spotting for patrol/station catchment areas used in error end up highlighting the location of the police facility itself rather than the crime, this thesis found that in relation to police complaints, a proportion of cases/data could only be located as such. Thus, unlike crime that will usually occur away from a police station, complained-about incidents can and do take place in police stations.

Stations ultimately accounted for 29% of all complaints across Scotsburg, Hometown and Duville. This was lower than the previously released GSOC figures of 36% of all allegations occurring on fixed police locations such as a custody suite or station reception area (GSOC, 201387). The 29% result was also lower than the equivalent figure released by PONI (2013) for the period 2009-2013 of 43%. It was not evident as to why the three selected station areas would record a lower proportion of events taking place at Garda stations than the wider GSOC caseload. Differences in proportions aside, the frequency of the station as a locus of complaint underscores its status as an obvious starting place for police oversight bodies to make recommendations to police agencies with a view to reducing the incidence of complaints altogether. Greater reliance upon hot-spotting with colour/size being reflective of

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87 GSOC did not report on allegation locations beyond 2013.
the number of incidents at a point would therefore appear to warrant consideration by police oversight agencies.

One important future step in this regard is to provide clarity as to the disaggregation of incident locations to their lowest possible type. Rather than just recording incident locations as being ‘police stations’, for example, a distinction should be made between physical or virtual presence at a station (e.g. having attended a station or during a call to a station). Distinctions between parts of a station are also merited such as front desk, custody area, or office space. Likewise, rather than just recording incident location as ‘police vehicle’, which could have been on street A or Z, or any of the streets between A and Z en route to a police station, better recording in the case of complainant/police injuries sustained will allow for better determination of gravity of the allegation and time to receipt of any necessary medical attention. All told then, there is much scope for improving how police oversight agencies use complaint accounts in order to map, analyse, address, and reduce the incidence of complaints.

Taken together, the findings above seemed to confound an expectation, on foot of literature reviewed in Chapter 5, that emission-incident point distance would be small owing to its dependence upon complainant means. Otherwise put, it was guessed on the basis of existing crime research that more resource deficient persons would be more usually found closer to their home patch. It raised the question of the relevance of applying distance decay theory – that crime reduces the further away from an offender’s residence (Rengert et al., 1999) – to police oversight. All but absent from studies of police oversight studies to date, based on the median distance between complaint emission point and incident location point found, the utility of distance decay as a way of framing any indications of localised garda deviance did not appear sound. Rather, it might be preferable to alter the theory for the purpose of police complaints and be labelled ‘distance growth’. This would reflect the findings from Chapter 7 that the largest and most resource affluent Garda station area (Duville) presented the largest emission-incident point median distances.

A related point is that distance decay in crime studies does not distinguish between the resources of criminals. However, rather than focusing on street crime only, if crime studies were to map the incident location of all crime, i.e. street and suite crime, the distance decay theory may look very different and perhaps closer to the distance growth perspective
presented here. That in mind, there is scope for prospective research endeavours to look to isolate more definitively which of station area size and complainant resources provide the greater influence over incident location in studies of police complaints.

Judging incident locations in terms of allegation type, mean allegation seriousness decreased as one moved away from the complainant residence for two of the three station areas (Scotsburg and Duville). An instinctive conclusion here was that more serious allegation types closer to the complainant residence might be suggestive of more fractious policing in the locale. However, any such conclusion is limited by three opposing explanations. First, a drop-off in allegation seriousness the further one moved away from emission point could have been due to the nature of local policing with (assumed) garda familiarity breeding contempt and thus invoking more serious misbehaviour for complaints around the complainant residence. Lesser allegation types further away from the emission point could have arisen from caution on the part of the named garda being unfamiliar with the complainant. Alternatively, a drop-off in allegation seriousness the further one moved away from the complainant address might have reflected less certainty on the part of the complainant vis-à-vis the presence of supporting witnesses, less knowledge of the named garda and therefore less possibility of historical animosity that might have guided the allegation description submitted to GSOC. Third, an expectation that allegation seriousness would be higher the closer it occurred to the complaint emission point assumed equal application to all complainants, the most resource deficient and the most affluent. This was not borne out by mean allegation seriousness scores for RAPID and non-RAPID areas with RAPID areas displaying higher mean values for Scotsburg and Duville. Studies of crime events show that violent crimes occur closer to, i.e. are more localised than, property crimes (Chamberlain and Hipp, 2015). The finding here of higher allegation seriousness closer to the complainant residence bears some similarity to that pattern. While further data on subjects would be necessary (i.e. offenders in crime studies and police in oversight studies), the similarity suggests an untapped field of research enquiry into feelings of impunity/being emboldened within areas with which subjects are familiar.

Applying the limnology terms introduced in Chapter 7, most complaints in the three station areas were of the parent type with tributary and confluence complaint types in the minority. That is, most complaints were about police who worked in the local station. However, at least
among those who complained about gardaí and based on emission-incident distances, this finding is tempered to the degree that there was little to point to concentrated or localised police misconduct. That is, most incidents had taken place beyond the immediate vicinity of complainants’ residence and therefore did not support an argument about concentrated local garda misbehaviour. Future research on police oversight might better tackle the issue of complaint limnology using place, complaint and complainant details recorded over time. This would assist determination in the future as to whether the issue requiring attention by police oversight agencies is individual complainants (reflected in repeat complainants) or individual police officers (reflected in repeat Garda suspects).

**Soft data accounts of Local Police Deviance?**

Other than the quantitative data, Chapter 2 had set out the competing accounts of police culture and the permeation of its dominant strand onto the street. In particular the literature pointed to its manifestation in areas marked by great resource deficiency in the form of less respect and more force. Bearing these arguments in mind, towards the final stages of Chapter 7, softer data taken from complainant accounts was examined with a view to giving the issue of localised garda deviance some daily traction. Attention in particular was paid to whether any police property character each interaction displayed suggested that it was local and/or person-directed.

The incidence of police property language in the sample (n = 1,915) was low (2%). The examples of garda utterances sourced pointed to a habit, if not practice, among gardaí to rely upon derogatory language in the course of their duties. They thus ran counter to some accounts which offer that police canteen talk is just that, utterances do not translate into street barbs. Waddington (1999) in particular held that examining police utterances would be best served by seeing how police act on the street thereby seeing the fraught context in which their utterances are doled out. While exploratory in nature only, the examples taken from the GSOC records do raise the spectre that, at least in the Irish paradigm, tough canteen talk is part and parcel of police working discourse, possibly the wider Garda culture. The recurring utterance of a small set of police-property terms –‘scumbag’, ‘toerag’ or ‘knacker’- suggested

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88 As distinct from the larger number of those with a grievance, comprising those formalised as a complaint and those not.
the occurrence of garda misbehaviour of a nature that evinced more intense levels of apathy
towards and subjugation of resource deficient individuals. However, terms of subjugation
were not confined to use in specific geographic areas but seemed to be more generally drawn
upon by gardaí. They appeared instead to convey the existence of a disregard for due process
among some gardaí and a decision to ignore or a gap in knowledge of case law/statute among
others, a facet of policing documented elsewhere (see Lynch et al., 2002; LaGrange, 2003).
Using derogatory terms against members of the public therefore appeared intentional, their
use designed to leverage submissive responses irrespective of specific knowledge of the
member of the public.

As the soft data did not appear confined to distinct areas of resource deficiency, it could be
interpreted that they echo those findings of McAra and McVie (2005) set out in Chapter 5 or
McVie and Norris (2006). Namely, individual traits were most influential in determining
police attention. Yet, neighbourhood deprivation did feature as a statistically significant
factor in terms of deviance in both studies, reflecting the concentration of crime and deviance
in areas of high social deprivation as illustrated by the Edinburgh Study more generally. That
is to say, arising from the work of McAra and McVie (2005 and 2010) questions remain
about why it is that police come upon and enter persons from areas of high social deprivation
into the criminal justice system more than those from other areas in the first instance. The
outcome of police attention such as this, as Anthias (2001) puts it, is not restricted to one-off
occurrences but gives rise to an uneven occasioning of life chances. These in turn tend
towards amplification of the negative status and treatment of persons of lower social standing
by police. Such occurrences allow for the possibility of intergenerational transmission of a
propensity to be selected and convicted, what Besemer et al. (2013) term ‘official bias’.

What remains unclear from the studies above and acknowledged by them is how the standing
of the usual suspects is determined by police on the very first occasion of their coming to
police attention and thereafter how it becomes ‘usual’. Specifically, where did police come
upon the subjects of lower social standing and what cues distinguished the subjects from
higher social standing ones (e.g. dress, but also talk, activity)? We are left to guess that it is
through familiarity with or instinctive assessment of a person’s place (residence) that police
decide to act/not and how to do so and on subsequent occasions decide to involve/not involve
the usual suspects in the criminal justice system. Separately within the same theme of
treatment of the usual suspects, it is a challenge for future research to confirm/refute, that ‘toerag’, ‘knacker’ and ‘scumbag’ or similar terms feature in police parlance with the deviant, resource affluent persons caught speeding, intoxicated in a public place or committing fraud, etc. as much as they do with the resource deficient.

As significantly, acknowledging that the soft data were exploratory in nature, there is a risk that they stand to be dismissed as specific only to the study participants (i.e. they are their allegations of what occurred) but not to the opposing party or those of the general Garda cohort. However, grounds for their use here and their validity beyond this paper are to be found in the past work of the Council of Europe. It has emphasised the value of soft accounts in assessing Garda processes and conduct where hard evidence is not available. It has done so where detainee accounts display congruent elements irrespective of location or person (CPT, 2015 but also earlier years). Most importantly, such accounts have not been contested by the Force or the State in the official responses to the Council. All in all then, whether person or area directed, reducing garda reliance upon such terms in day to day work might reduce the incidence of complaints and in the process add credence to policing as a professionally-oriented job.

The Place of Identity within Complaints
Stepping beyond the issue of geographical concern alone, when the population against which police might direct unsolicited or questionable attention is considered as a ‘community’, a further finding was observed in the complaint processing material. Construed in its most basic form, community has a relational sense in addition to its geographical one, it is a belonging reflected through membership, influence, reinforcement and shared emotional connection to others. The resource efficacy of Travellers vis-à-vis other groups was noted in Chapter 5. Travellers comprised 3% of the sample data set used here as opposed to 0.7% of the national population in 2011 (CSO, undated). Non-Irish nationals and non-Whites were also present in the caseload in higher proportions than expected. Yet it is the over-representation of Travellers within the GSOC caseload and under-representation at stages of complaint admissibility and substantiation that is arguably of most interest. This is because it points to a possible concern as to how Travellers are policed; one described by Mulcahy (2012) as historically being disproportionate. Alongside those identifying themselves as Travellers, those in a place of custody at the point of submitting their complaint, or being
non-White had substantiation rates of 0%, 3% and 3% respectively. It seems that Travellers fared worse than other marginal groups in the complaints process, a finding arguably meriting further attention by the research community. Such efforts appear to be of merit given that it was difficult to place the complaint processing aspects in a comparative international context owing to the absence of commonly shared notions of substantiated, sustained and upheld complaints. Efforts to compile international comparison are also undermined by the absence in other jurisdictions of any disaggregation of data by complainant traits.

**Explaining Findings**

Chapters 3 and 4 had reviewed those texts pointing to the police misconduct being disproportionately located in resource deficient areas. It was of a style marked by high levels of harassment, and confrontation (Mulcahy and O’Mahony, 2005) resulting in the over-representation of such communities in involvement with criminal justice agencies and their lower trust in police (Connolly, 2002). Situating the issue of place front and centre in the paper, theories that explained such police behaviour included, on the one hand, Klinger’s ecological theory of police practice (Klinger, 1997 cited in Sobol et al., 2013). This advances the idea that police are less vigorous in high crime areas than elsewhere, a product of cynical views of residents of such areas. Sobol et al. (2013), on the other hand, produced data to show the opposite result, that police do not act with less effort in poor areas but in doing so may be treating persons from such areas in a prejudicial manner, one characterised by more force and lack of respect. Marrying both accounts of police behaviour is the perspective that resource deficient areas are under-protected and over-policed. This has an antecedent in Shaw and McKay’s theory of social disorganisation, a theory which was detailed in Chapter 4 and adapted to the subject matter of police complaints for subsequent chapters. In brief, Shaw and McKay held that resource deficient neighbourhoods are unable to deter deviance as they are unable to harness informal control. What Shaw and McKay did not do was elaborate on their identification of formal social control, namely state agents. In particular, they did not discuss the possibility of police as deviance makers. It is this aspect of how locales respond to and deal with deviance by police that was explored in Chapters 5, 6 and 7.

The idea that resource deficient communities are unable to organise against deviance has persisted in studies of crime and locales (Morenoff et al., 2001; Sutherland et al., 2013). However, it is not one shared by all. Jobard (2004), for instance, has argued that low resource
communities are able to mobilise as a collective unit when faced with extreme pressures. Two such extreme pressures on communities can be discerned in relation to deviance at the level of the local area. There is that deriving from social disorder which communities believe the police are unable or unwilling to address. These include such phenomena as rioting, drug dealing and paedophiles resident in the neighbouring area, all of which have been responded to with vigilante or at least vigilante-type action by locales (Riots, Communities and Victims’ Panel, 2011; Girling et al., 1998; Nugent, 2006). A second form of extreme pressure is that from intense police practice, such as that described by Saviano in Chapter 4 above.

Both types of pressures may be more rare than common. However, the depth of responses they generate, like the deviance to which they respond, may just be extreme enough to push the state into action. Isolating the Irish case from a range of other possible examples, the events in Donegal noted in Chapter 2 were such as to merit commencement of a government-appointed tribunal and introduction of wide-scale reform of the accountability of the Garda Síochána. It is contended here that a regularisation of matters intended by the Act led to the introduction of leverage tools to assist locales respond to Garda deviance. That tool most directly at the disposal of the public, at least in principle, was the introduction of an independent police oversight mechanism.

The advent of oversight brought with it the possibility of all, resource deficient areas being included and being able to voice against any sub-standard police actions. Complaint-making would provide locales with the ability to overcome that lack of formal social control hinted at by Shaw and McKay and instead contest deviance by police and deviance by non-police to which complainants felt police were not responding. Independent police oversight brought the promise of action on complaints, through sanctions and wider policy proposals by the police oversight body back to the police agency as to how it might conduct itself.

It was to these matters that Chapters 6 and 7 sought to provide some response in the Irish case through clarifying who complains, whence they derive and what they complain about. Adopting a novel approach, an added focus rested on the location of incidents to determine if there was any indication of concentrated local police deviance. Together the chapters established that complaints from police-property areas did not comprise the majority of complaints in Ireland. They did not suggest the same dominant presence that they do in other
jurisdictions and, consequently, they did not immediately suggest any particular geographic concentration of police misbehaviour. Yet the proportion of most resource deficient complainants was higher than the population estimate and allegation type was also more serious and greater allegation seriousness was evidenced within RAPID areas. Complaint proportions from the most deficient areas within two of the three stations seemed explicable by reference to the RAPID area coverage there. Standing all of the findings from Chapters 6 and 7 up against existing theory, succinct messages emerge against the expectations that had gone before in Chapters 3 and 4. Compared to other jurisdictions, among those complaining about the police in Ireland a smaller proportion is most resource deficient. Such persons’ complaints are deemed to contain more serious allegations but such incidents do not relate to local policing.

Why, though, with a history of conflictual relations with gardaí as described in Chapters 2 and 5 did not even more reported complaints emerge from or occur about policing in areas of greatest resource deficiency? Can it be attributed to legal cynicism or something else? It is at this juncture that the work of Grasland (2009) comes into play. Taking up Tobler’s first law of geography introduced in Chapter 7, Grasland argued that Tobler was unconcerned with why the distribution of geographically-based events (here the incident location of complaints against police) occurred as they do other than that they do. Finding out why complaints occur requires consideration of a range of factors. Environmental factors (see for example Kelling and Sousa 2001 cited in Sugarman, 2010) such as higher population and service concentration did not hold up for the three station areas. This was evidenced where, relative to population and amenity profile, Scotsburg exhibited the most complaints. Cursory analysis of Census material also suggests population change, density or area stability (Morenoff et al., 2001), i.e. domestic and inward migration from other jurisdictions, and housing tenure also did not account conclusively for higher numbers of complaints (see CSO, 2012c; CSO, undated).89

Failing these, the role of police culture across the agency, or operational units (Filstad and Gottschalk, 2011) and its implementation by the relevant managers should also be considered

89 Private-rented accommodation, for instance, records the highest satisfaction ratings for policing in Ireland. See different findings by housing tenure between Garda Síochána, 2002; Kennedy and Browne, 2006 and 2007, Browne, 2008. Galway had the highest mobility and high share of rental accommodation but low complaint numbers.
As a starting point, Chapter 3 argued that a common culture presides within policing, especially on learning the craft and against criticism by outsiders/non-police practitioners. In this regard observations by Lackey (2007) and Gordon (2007), two Garda officers, is instructive, pointing as they did to the informal schooling of new gardaí through adoption of learned practices by peers. Separately, they also emphasised low co-operation by rank and file when challenged on their policing of a calamitous public order incident in Dublin in 2002. While Shaw and McKay’s theory leaves unfulfilled the prospect of addressing the dynamics between residents and formal social control, it does support, albeit indirectly, an examination of the cultural transmission of police conduct; and more so than police researchers have visibly given it attention. First, Shaw and McKay maintained that ‘traditions of delinquency can be and are transmitted down through successive generations... in much the same way that language and other social forms are transmitted...’ (Shaw and McKay, 1969; 184). Second, while McKay, in a later conclusion to the original work stressed that the significance of the variables of interest in social disorganisation should be expected to alter over time, he pointed out that bad areas tend to get stuck with built-in high correlations; as with delinquency, so too potentially with area reputation.

So, where Tobler’s prediction of people movement (here police patrol and conduct) is based on distance only, free from actor decision-making, the idea of the transmission of views about an area over time among police instead warrants consideration of structural sociology. Grasland (2009) introduces the ideas that on foot of transmitted views of an area, benefits may derive from the situation of certain social phenomena, here location-based police-public interactions resulting in complaints. Grasland points up two axioms of Blau’s work on structural sociology relevant to police complaints. The first is that the probability of a relation between two individuals depends on the number of opportunities for contact between them. The second is that the proximity of two individuals within the multidimensional space of social positions increases the number of opportunities for contact. Grasland’s overall argument is that the greater the social distance between two groups the more likely are fraught relations to occur between them in a defined geographical space.

Applying the above considerations of Blau and Tobler to the RAPID locations drawn upon for this thesis, two socially contrived spatial groupings, rather than groupings as products of
simple distance only, seem evident. First, local authorities might be expected to group social housing units together and at a remove from other tenure arrangements (mostly those privately purchased). Second, the grouping of individuals and family units of a lesser socio-economic profile might offer police the advantage of ‘agglomerated economies’ (Taniguchi et al., 2009). This would be because police make a determination as to the potential for maximum impact in detection terms or “rich–pickings” to be had during patrol based on economic and information factors in their possession. That is, it would be easier to go to known areas of crime and “construct” something on suspect individuals than to go to other areas and establish legitimate grounds for making similar detections.

As to evidence for both phenomena in reality, existing studies beyond Ireland offer some indications as to their confirmation. First, as set out in Chapter 5 above, local authority housing in Ireland has been grouped together, but has been neither as segregated as in the USA/Great Britain or as uniformly spread out as in Sweden (Magnusson Turner, 2008). The Irish position is a mid-way one, neither starkly unequal nor equal. As to the hunch that police pick on an area and its inhabitants irrespective of the behaviour of those individuals, the evidence appears mixed. The basis for rich-pickings among the “dross” or the ‘scumbag’, appear borne out in some studies beyond Ireland focusing on deviance decay (Rengert et al., 1999; Johnson et al., 2013), but not all studies (Rattner and Portnov, 2007). More directly, in respect of a concentration of disproportionate and deviant policing within high crime areas, the view that certain areas will always come in for police attention of a particular character is a perspective proximal to that argued by Loftus (2012) in Chapter 2, and ostensibly supported by the now defunct Irish National Crime Council (2003). Measured here, while not majority features of the caseload, RAPID areas seemed to generate greater proportions of complaints than might have been expected and that GSOC seemed to allow for in its public statement. This was particularly the case for Duville which appeared to produce a complaint volume some four times greater than a combination of land coverage and population would have suggested. A likely explanation for this is that police there operated to take advantage of agglomerated economies. Measured via the survey, allegation types attaching to those from RAPID areas were also more serious than those from other areas. Measured at the station level through Scotsburg, Hometown and Duville stations using emission and incident points RAPID areas also possessed higher value allegation types. That is, locally concentrated
Police misbehaviour did not appear common but when it did occur seemed to be of a more serious nature than that elsewhere.

So, in light of Grasland’s work that arguably lends to an understanding of the conduct of social control (i.e. the police) in areas of resource deficiency, what might be the reasons for complaints from the most resource deficient complainants not being present in greater proportions among the GSOC complaint load? This could be explained from the point of view of the resource deficient complainant as individuals having: (i) decided that it would not be worth the investment/it would be too much effort to complain even though they have a complaint; (ii) had direct/vicarious experience of having complained before to no avail; (iii) had yet to decide to complain; (iv) decided that the garda action did not constitute misbehaviour; or (v) they were unaware of the police oversight service. Working backwards through these, the latter was the least plausible as GSOC’s Public Attitudes Survey for 2012, 2011 and 2010 found that in excess of 65% of all social-class groupings and 70% for all age groups other than the under 24 year-olds had heard of GSOC (GSOC, unpublished). Based on GSOC’s Public Attitudes Survey, grievances with gardai did exist and were nationwide. Additionally, three years of data were drawn upon both for the sample and station areas examined in this paper, so a holding back on complaining was likely to have levelled out and therefore be an unreasonable factor. Direct or vicarious experiences of GSOC among many sections of the public would not have been isolated by 2012 when the data collection for this paper ceased. GSOC had featured in many newspapers, news stories, Oireachtas material and on social media blogs. Finally, complaint activity as one demanding more than it gives back, has been noted as the most common reason for not complaining (Grace and Bucke, 2009). Thus, pending future research efforts in this vein, the best explanation for the incidence of complaints from RAPID areas might be that, subjected to more serious police misbehaviour and having a vicarious experience of GSOC, not all persons in the greatest resource deficient areas with a police grievance decide that complaining is worth the effort. This possibility seemed to emerge in practice through the high proportion of complaint withdrawals in the sample. These turned out to be largely found among RAPID complainants with one in every two RAPID complainants withdrawing or having their complaint curtailed before finalisation.

The prospect that within areas of resource deficiency and greatest resource deficiency in particular more grievances against police exist than are being formalised as complaints
therefore presents itself. As discussed in Chapter 4, three in four persons with a grievance about the police do not advance these as complaints. Reasons for not formalising a complaint about the police include a perception of there being no point or uncertainty as to what would materialise from doing so (Grace and Bucke, 2009). The more chaotic lifestyles of complainants who are more resource deficient, the demands of engaging with the complaint process, including the need to produce documentation, reliable witnesses and accounts of the alleged interaction with the police officer, could all be impacting on the likelihood of complaint submission, continuation and substantiation for such persons.

Use of Shaw and McKay’s theory of social disorganisation here suggests that future work on police oversight drawing on Ireland or elsewhere should consider police culture in a greater and more pragmatic light than heretofore. Police officer perceptions of bad areas on their beat, those impressions personally formed and those relayed by colleagues should be gauged. These should be overlapped with complaint data and surveys of residents. Such work would do well to include also and get behind documented events/actions of group behaviour by police, highlighted by oversight bodies and/or prosecution services. These would provide greater strength to the understanding of police culture and canteen talk in practice. Taking the Irish case in isolation again, such events could include the GSOC determination of the necessity for its first search of a garda station (Limerick City), the alleged garda group assaults on members of the public (DMR South Central and Waterford) or the misleading, incorrect and delayed information (GSOC, 2012) supplied by the Force in relation to garda handling of the 2010 riots at the Department of Finance in Dublin.

Caveats and Limitations
A limitation of this thesis is that the findings relate only to complaints made, not the totality of police operations in those areas, i.e. sampling and analysis was not in respect of all those who had and had not submitted complaints. A determination of what factors had resulted in a person’s decision to make a complaint or not in the first instance was beyond the scope of this paper. To do so would have required a control group of persons who had had a misgiving about an interaction with a garda but had not subsequently formalised this grievance as a complaint to GSOC. GSOC’s public attitudes survey has found that whereas an average of 36% of people had some interaction with a police officer in Ireland over the period 2010-2012, and an average of 16% had reason to complain about a police officer (GSOC,
unpublished), just over 4% actually made a complaint. This means that for every one complaint, three grievances are not formalised. This issue of having a grievance with police but not formalising it as a complaint is not specific to Ireland. All those not submitting complaints remain an elusive figure for police oversight bodies. Estimates in other jurisdictions of the difference between the volume of individuals aggrieved enough to have reason to complain about the police and those who actually go on to make complaints are in the order of a factor of four (Docking and Bucke, 2006; Grace and Bucke, 2009; Ede cited in John Howard Society, 2005; Crime and Misconduct Commission, 2009).

A related issue was the question of any sampling bias that arose in the current study. Sampling bias refers to the inclusion/exclusion of certain members of the population more/less than others that results in consistent error in reported results. The concern with sampling bias is that the sample will not represent the group (in this thesis all complainants to GSOC). As indicated in Chapter 5, all complainants to GSOC were sent a copy of the survey. Therefore all had an equal chance of being included. Yet this did not necessarily prevent non-response bias from occurring. Indeed the response rate of 36% suggested the possibility of non-response bias in the results. Chapter 6 compared the sample to the complainant attributes reported in GSOC Annual Reports over the period 2010-2014. The sample compared favourably to the published GSOC data on complainant Sex, Nationality, Ethnicity, Employment Status and Housing Status. There was a discrepancy on Age and Educational Attainment, the sample used here transpiring to be older and having a higher educational attainment than the wider complaint load. It is possible that this could be attributed to the choice of survey instrument, namely the postal survey. Recent research across a range of domains suggests that in general younger people are less likely to respond to surveys than other age groups and more educated persons more likely to reply to surveys. Additionally, non response is more common among those who display more risk-prone behaviours. The age and education elements seem borne out in the current study. If it is the case that more risk prone behaviours result in less survey response then this may in part also explain the lesser volume of complaints from those in places of custody or RAPID areas.

Aside, survey non response is also increased where no tangible benefit for participating can be discerned by a potential respondent and there is no effort at pre-notification or response follow-up by the person/agency undertaking the survey. Arising from this, while a public
agency like GSOC may have limited scope for offering an incentive to reply to the survey, it is possible that in time presenting a dual option of replying to a similar survey by electronic or written format may facilitate greater response rates. Such a strategy should also be supported by follow-up where a response is not forthcoming within a defined period. Both efforts may in turn lower non-response bias and therefore improve data about Irish police complainants.

A second methodological issue to be considered is that of response bias, namely the decision of respondents to answer the survey questions in an inaccurate or dishonest way. This may arise from reactions to the format of the questionnaire (fatigue, complex jargon or desire to represent self in a particular light). The questionnaire (Appendix I) was designed to be short and omit any jargon. It is not immediately evident that any of the questions from the survey reported here would suffer from respondent desire to represent themselves in a way that differed from reality. Even so, within questionnaire design, one way to reduce response bias is to offer an opt-out option with each question posed. An opt-out was provided with all questions except Sex and Age. The first of these was missing no data and seven respondents (0.4% of the response set) chose not to indicate their age bracket. It is concluded as a result that neither suffered greatly from response bias. Looking to the other questions posed in the survey, Education recorded the highest non-response (9.8%). It is possible that this was the single topic in the questionnaire about which a large proportion of individual respondents felt some degree of embarrassment as to how they would be viewed. Given the historically close split in the GSOC complainant profile between second and third level education attainment, this non-response may have affected the overall results of the education variable reported in Chapter 6.

Still, acknowledging these issues, it is maintained that the sample derived from the survey, its close overlap with facets of the entire GSOC complaint load and the number of complaints used for each of the three station areas do provide a good first picture of police complaint activity in Ireland.

Separately, this thesis contains a gap with respect to understanding the action of police oversight. Waddington pointed to police utterances of abusive, sexist or racist expressions against police property persons as markers of wider ‘common values’ (his emphasis). It was
his explicit position that illiberal utterances by police were only symptomatic of those held by equally and more educated workers beyond policing. That in mind, there is little here and in existing research to point to how the role of police oversight staff, particularly how their perceptions of complainant address, complainant ethnicity, complaint composition and complaint account, affect complaint admissibility, investigation and outcome. Independent police oversight has operated against a background of low substantiation, with some adopting a medical model approach to serial/querulous complainants and others standing publicly accused by senior managers within their ranks of not being independent. As they have been shown to make mistakes and been found to conduct less than effective investigations, a greater examination of police oversight agencies is warranted. A focus on the canteen talk of police oversight bodies, looking to see how much the term ‘scumbag’ or equivalent and “deserving” complainant features in and guides police oversight conduct should be adopted. This gap in research at present arguably represents a failure to unpack whether police overseers adopt strategies of oversight and how challenges to power, elites and the status quo do/do not take place. Given these, an ethnographic study of police oversight agencies, their commissioners/ombudsmen and other staff, seems pertinent, as difficult as such an exercise might be to perform in practice.

Conclusion

The approach of this thesis has been that policing across jurisdictions is more similar than different. That in hand, Shaw and McKay’s theory of social disorganisation -that resource deficient areas experience highest levels of deviance- was drawn upon with a focus on deviance by a formal social control agent, namely the police. It was expected that, given similarities in policing, complainants and complaint patterns in Ireland would match those in other jurisdictions.

The police oversight caseload in Ireland contained higher than expected levels of the most resource deficient complainant but in the main complainants turned out to be more resource affluent than expected. More deviant policing styles were recorded against the most resource deficient complainants. However, unlike findings in other jurisdictions, in response to the discussion in Chapter 3 earlier, the most resource deficient persons realised no leverage from police oversight, being no more or less likely to have their complaint admitted or substantiated. Using an original approach of distinguishing between complaint emission and
incident points, it transpired that while the most resource deficient were more likely to report interactions with police in the immediate vicinity of their residence and they were of a higher nature, it was not a majority feature. Reducing all of these headline results to a “similar but different” summary would be a neat but insufficient conclusion and so a greater effort is attempted in the next chapter.
Chapter 9    Conclusions

Four observations served as the jumping-off point for this thesis. First, police deviance occurs, adopts common forms across jurisdictions and is also intractable. Second, management of police behaviour by police has tended in the main to fail. This transpires because police management efforts to eradicate police deviance prove to be short-lived, and they tend to be dismissive of allegations. Police internal affairs’ efforts, meanwhile, display biases and suffer in credibility by virtue of leaks to police colleagues under investigation. Third, as one cannot opt out of policing as one might a private service, there is limited pressure on the police to reform the deviancy aspect of their agency performance. This has often resulted in an external oversight body being established to hear complaints about the police. Lacking economic status but having a high degree of public and government support (Chan, 1996; Parnaby and Leyden, 2011) police agencies are able to contest the work of external regulators. Fourth, individuals from the most resource deficient areas are expected to have least control over deviance within their environment, including police deviance, relative to other areas and are the least successful in having such matters upheld by police oversight.

Focusing on the last of these, the thesis intended to look at claims of police deviance emerging from and occurring within areas of greatest resource deficiency in the Irish Republic. Various forms of data were used to do this. These included primary and secondary analysis of quantitative data, documentary analysis of accounts submitted by complainants and referencing of academic and practitioner reports, legislation and case law. Unlike the view elsewhere expressed that police misbehaviour in Ireland may have been given too much emphasis at the expense of other policing matters (Vaughan, 2004), this thesis is squarely at odds with such a perspective. Specifically it has argued for a greater analysis of policing of locales not just consideration of the system parameters. It did this using a relatively novel approach to police oversight in the British Isles that combined quantitative data and GIS mapping. It relied upon a micro unit of geographic analysis that eschewed labels of poverty, disadvantage and deprivation in favour of one emphasising resource deficiency/affluence and a link between the complainant and complaint processing.

Doing so, it was found that the most resource deficient areas submit more complaints than expected, more serious and localised or parent complaints but fall short of being overwhelmingly represented among complainants to the Irish police oversight body and
experience no lesser chances of complaint success than others. This pattern is against the
grain of US literature and closer to the patterns of complainant behaviour observed for
general or administrative ombudsman services. Put simply, those expected to make
complaints—the dross—are not approaching GSOC in the expected proportions while the
resource rich are over-represented among complainants. Possible explanations for this low
complaint activity by the most resource deficient range from resignation as to the unfettered
nature of garda misbehaviour, the conservative bent of Irish society (Inglehart and Welzel,
2005) that is reluctant to formalise grievances with formal institutions, or low public faith in
GSOC.

Methodological Reflections
The broad conclusions above are limited by constraints within the research approach adopted.
Use of a postal survey incorporating follow-up contact, administrative data and content
analysis of complaint forms, as in other studies (Lersch, 1998; Herzog, 2000; Brandl et al.,
2001; Terrill and McCluskey, 2002; McElvain and Kposowa, 2004; Bartels and Silverman,
2005; Liederbach et al., 2007) is recommended for future research of police oversight. Their
use here generated a large data set, enabled easy safeguarding of confidentiality and
anonymity and analysis of material not previously examined in the Irish context.

Gomm (2008) has observed that administrative data sets are rarely designed with the
academic researcher in mind. Sure enough, gaps or errors in GSOC’s own Case Management
System across allegation types, garda details and complaint outcomes, for instance, were still
deficient on new cases as of late 2013. Garda ranks were missing on 24% of all allegations,
33% of the section 98 cases and 88% of all section 102 referrals. These gaps overall
prevented the drawing of definitive conclusions as to whether a particular policing pattern
could be confirmed within chosen areas. Any further work on police oversight might
therefore have to rely upon a longer time frame so as to identify a larger sampling frame with
a view to garnering a fuller, if smaller final data set.

As with administrative data sets, a lack of congruence between statistical boundaries and
police boundaries in the GIS materials was noted. EDs and Small Areas have little or no
everyday relevance to policing and the limitations of more macro units of geography such as

90 The date when data gathering for this thesis ceased.
polygon units, e.g. police divisional levels, as opposed to micro ones, i.e. station levels, was highlighted. Similarly, a competition of sorts between indices of deprivation was also noted. Bringing those points with respect to data sets and indices together, future applied work in the area of police oversight should strike a balance between use of units of analysis and mapping techniques that are formally recognised by the central statistics body for a jurisdiction, have practical implications, chime with the cognition of service providers (Haining and Law, 2007) and enable better analysis. Thus, the joint use here of RAPID areas and station boundaries to explore the socio-geographic aspect of complaint emission and incident location could be refined further. One long-term suggestion is the re-working of Small Area or ED/station area boundaries to fit station area/Small Area or ED boundaries. A second is joint use of census and local crime data. Third, the thesis provided only an indication of greatest resource affluence/deficiency using an aggregate level measure. Use of an aggregate level measurement while far from perfect, does have recent antecedents (McVie and Norris, 2006). Its use here lacked information on income and professional category, thereby providing only a partial approximation of the full profile of a complainant’s socio-economic background. An alternative approach would be to follow up administrative data with a direct survey of complainants on a range of topics. A future study of police complaint activity in a defined local area using a survey approach and/or qualitative approach, might expand understanding through data capture relating to individual level resource possession, complaint behaviour and views of police and oversight. Indeed

‘results suggest that most of the typical indicators of social disorganization used in contemporary neighbourhood effects research are inconsistent with perceptions of neighbourhoods held by those living within them’ (Hart and Waller, 2013: 24).

Perceptions of neighbourhoods from persons on the street differ from administratively defined ones in that they adjoin administratively defined blocks/tracts and render them smaller in topographical breadth. Such a study could further chip away at the ecological fallacy argument noted in chapter 5.

Turning to the socio-geographic analysis compiled in Chapter 6, it had to contend with several dilemmas. Most notably these included shifts in the RAPID programme (2006, 2009 and 2010) that had not been flagged publicly or explained and limitations in the mapping
software, both licensed and internet-based. The gap in capacity of GIS technology to map commonly understood landmark addresses and constraints of databases that identify buildings only but not public/private spaces will only become important when those interested in police reform include mapping as a core part of their research methodology. France has in place zones securités prioritaires covering 49 areas and 1.7 million inhabitants (Ministère de la Justice et Ministère de l’intérieur, 2012). England-Wales has the 100-site vulnerable localities index (VLI) generated in response to the Brixton and Oldham riots (Chainey, 2008; UCL Department of Security and Crime Science, 2012). Northern Ireland has the deprivation measure (NISRA, 2010) and the USA the Promise Zones program initiated in 2012. Each of these jurisdictions continues to record serious police misbehaviour and complaints into 2015 yet none seem to draw upon the programmes mentioned in structuring analysis of police complaints. That is to say, the basis for EU-wide and USA-wide research on localised police deviance already exists.

As first mentioned in Chapter 7, any research work seeking to examine distance decay of complaints from emission points using zonal rings/buffers within the confines of a single station area faces a dilemma. It is a dilemma borne of the varying area dimensions of station areas but also the unit of areal analysis within the station. Where the analysis is on programme areas, such as RAPID, large stations areas, such as Duville, may not be as affected as small ones are, such as Hometown. All stations stand to experience difficulties if the distance decay analysis is based on areal units found across the station area (e.g. EDs). This is because some of these units may run over the station external boundary with any resulting buffer spilling over in to a neighbouring station area. It is put forward that the only seemingly viable solution to this comes in two parts. First off, analysing distance decay of complaint data should be performed by reference to incident location points not complaint emission points. Second, a choice is faced between, on the one hand, moving away from visual analysis using GIS and instead tabulating data or, on the other hand, continuing with visual analysis using GIS. Whereas the former retains station profile anonymity but remains less accessible to practitioners and a public audience, the latter whittles away anonymity but offers the prospect of easily digested snapshots of areas of concern.

Future work relating to complaint emission, incident location and complaint limnology could also be improved by addition of the temporal occurrence of incidents, what Hart and Miethe
(2015) term “hot times”. So, for example, high-service concentration areas may generate few complaints about police conduct during daylight hours with a reversal of this pattern in night-time hours. This could serve to provide the police overseer with recommendations on targeted police training, police allocation and boost overseer reputation in turn. However, as should be clear from the waves of activity connected with the 2011 riots in England, incident timing would not necessarily cover all eventualities. Furthermore, a desire to reflect timings of complaint incidents would bring any research inquiry closer to place-based theories of deviance. Consequently it might demand re-consideration of the appropriateness of social disorganisation theory as the explanatory framework against which police deviance is to be understood.

**Researching Irish Oversight**

Just as the police complainant offers more scope for inquiry beyond that attempted by police scholars, so too do the remaining actors within the police oversight process in the form of police officers, and the police overseer itself. Touched upon throughout this paper, the police overseer, unlike the police officer and complainant, has been largely marginalised in studies undertaken to date. As with policing where governments place their faith in the virtuous trust of police, namely that which makes ‘assumptions about the good character that makes it less watchful in nature’ (Goldsmith, 2005: 448), it appears that police overseers have been treated with similar deference. After all, in expectation of them fulfilling that ideal ombudsman type role described in Chapter 4, police overseers arguably present as the “good guys” in the mise-en-scène.

It might therefore come as a shock that Prenzler and Ronken (2003) have noted that the combined output to date of police reform has been voluminous professions of innovation and performance management but little of practical substance by police agencies themselves. Amid this, and of direct relevance to this paper, an approach to oversight purposively emphasising lessons to be learnt by the errant agency tends to reduce the deviancy quality of misbehaviour downwards to system aberrations and thus favour the powerful (McGrath, 2012; Machin and Mayr, 2012). An equivocation towards wrongdoing conveys an overriding suggestion that misdeeds are acceptable or legitimate means to an end for the resource affluent, in this case the police agency. The functions of a police oversight agency were set out in Chapter 4. The oversight agency arguably should be the pivot between recognising past
wrongdoing by police and future police legitimacy, i.e. offer sociation between aggressor and aggrieved. Yet too often the overseer is found found relinquishing this role leading Skogan (2008) to conclude that police oversight agencies have tended to be less successful overall than once hoped.\footnote{See IPCC (2012) in England-Wales where ‘lessons’ are emphasized 45 times and contrast to assessment of the IPCC by others (Sanders \textit{et al}., 2010; Stevens Report, 2013; and House of Commons, 2013). See Crime and Corruption Commission in Western Australia on systemic police failings in relation to prisoner management (CCC, 2013) that it had not addressed as part of the Kennedy Royal Commission post-mortem (CCC, 2008).}

Looking to the Irish case specifically for future research subject matter, it is argued that much remains to be understood and queried about its own police oversight arrangement. None of the agencies and actors from the Taoiseach (Prime Minister) downwards involved in monitoring the ethical behaviour of the Garda Síochána seemed to emerge unscathed from the series of crises over the period 2013 to 2015. In May 2014, for example, a barrister appointed to examine allegations of neglectful actions by the Department, Garda Síochána and GSOC reported his findings. He found that all three agencies enabled cultures that stymied critique (Guerin, 2014) thus disabling fulfilment of their statutory duties and he recommended that a commission of inquiry into the justice system was required. This latter activity did not happen. Meanwhile, at an agency level the Confidential Recipient was fired, the Minister resigned, the head of the Department of Justice was re-deployed, the Garda Commissioner was pushed into retirement by the Prime Minister and the GSOC Chair quit. State acknowledgement of a rupture within the governing police oversight framework came to pass in three forms. There was the planned creation of a new Police Authority, new powers for GSOC through the Garda Síochána (Amendment) (No. 3) Bill 2014, and establishment of a number of inquiries to review individual episodes or strands of Garda conduct.

Chapter 7 pointed out some ideas for research on specific aspects of police oversight in general. Looking to bigger topics within the same subject area and drawing on international patterns, in particular the safe passage afforded police overseers, one prospective idea for further research work might include the overseers themselves within the spotlight. Apotheosis of police oversight office-holders by others, including the legislature, has thus far tended to render objective critique mute. In the case of Ireland future work in this vein would extend to a systematic evaluation of GSOC, particularly as such an exercise has been all but absent to date. This is despite expenditure so far of public monies in excess of €70 million and wide-
availability of information in the public domain by which to compile some sort of oversight balance sheet. It is the piecing together of such material that might amount to a worthy future endeavour, more so as GSOC has indicated that its performance should be judged by items wider than garda convictions. Among these GSOC has mentioned improving police conduct, including its educative and deterrent role. That in mind, on the output-end an express commitment by the then GSOC Chair to comment on ‘road traffic’ matters before end-2012 (Irish Examiner, 2012b) was not followed up. Staying with the notion of outputs, a further GSOC commitment to examining its ‘responsibilities and practices with regard to the ECHR’ (GSOC, 2013) has yet to bear any visible fruit; this is despite it having dealt with over 120 garda and non-garda deaths since 2007. GSOC’s first and last reported customer satisfaction survey, meanwhile, noted 17% of complainants and 65% of Gardai were happy (GSOC, 2011), a pattern following that of other jurisdictions and meriting greater examination. As a final indictor of output, GSOC’s substantiation rate remains under 2% and the Garda Commissioner has rejected 89% of all discipline recommendations. These indicators should be set against continuing civil actions against garda misconduct that cost the State €51.6 million in the period 2005-2013 (Department of Justice and Equality, undated).

Additionally any future research might consider how complaint leaseback has attracted public opposition globally (Waters and Brown, 2000; Landau, 1996; Smith, 2013) and in Ireland (IHRC, 2011; ICCL and IPRT, 2011) while GSOC has sought both to ‘justify’ (GSOC, 2009; Oireachtas, 2013) and dispute its use (Oireachtas, 2014c). Staying with leaseback, an Irish Supreme Court judgment determined that a complaint could not be investigated by an officer assigned to the same district as one subject to a complaint or be below Superintendent rank.92 Yet, an examination of available GSOC CMS records relating to 2009 during preparation of this thesis identified at least 15 cases where a Garda investigator was assigned to the same station or specialized unit as the garda under investigation, at least 17 being appointed to investigate a garda from within the same district and 546 cases from the same division with many of the investigating officers being Inspectors, not Superintendents. Equally, while the presence of former police on police oversight staff has been found to contribute to investigative shortcomings (Savage, 2013) and moves away from such arrangements have been endorsed by other actors (CJINI, 2011; United Nations, 2013; den Heyer and Beckley, 2013), GSOC has followed a different path. Staying with the issue of contentious aspects of

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police oversight, GSOC has also omitted public mention of judicial reviews and appeals taken against it\(^93\) and complaints against its own staff, (see Ombudsman New South Wales, 2013; IPCC, 2013 for contrasting approaches). Framed through Habermas’s (1974) discussion of the public sphere, future research might therefore ask what impact is GSOC having on the chance of reform that is an ever-present facet of the exchange between public and State? Should GSOC properly be considered more hindrance or hinge in the reform of policing in Ireland? Is the Commission acting, as Thomas Hobbes would have it, in pursuit ‘of their Independency…in the state and posture of Gladiators…weapons pointing…eyes fixed’ (Hobbes, 1986: 187)?

A second idea for possible future research on Irish police oversight takes its lead from those items of formal and informal social control contained in discussions of social disorganisation. Chapter 4 discussed the relative neglect of formal social control within studies examining deviancy at the level of the locale. It also pointed out that deviancy tends to be considered only as street crime by non-state actors. This paper has attempted to address one aspect of formal social control at the level of the locale, namely alleged garda-created deviance (breaches of discipline and offences). Future studies might instead examine the *enabling* of garda deviance by looking to the role of Joint Policing Committees (JPCs) already mentioned in Chapters 2 and 5. Such work would first have to clarify any difference between informal social control (collective efficacy) on the one hand and formal social control, on the other. Specifically, while informal social control is understood as a tool remaining in the hands of the locale, vehicles like the JPCs offer the prospect of a mix of local and State input on concerns of local deviance but not necessarily an output that the locale itself gets to shape. Such work therefore offers the promise of shining a brighter light on the role of JPC-type structures in responding to local deviance by police. It might also bring with it enough material for comparison with existing accounts of JPC-type arrangements in other jurisdictions, such as those of Chicago, and thus instructive lessons for police oversight generally, not just Ireland, in the longer-term.

Final Comments

Legal and socio-legal accounts of the new independent police oversight system have dominated portrayals of the Irish arrangement. The effect of these has been to offer insights across the headline elements without necessarily delving into the tangled growth below. Consequently, some have claimed that untapped potential still remains within the Irish police oversight system, while others have offered that enough has been written about oversight, thereby suggesting all things are resolved. If the latter was indeed the case, a reduction in complaint numbers or drying-up of garda deviance would have emerged. Neither is the case. If police oversight was functioning as expected, uptake in an absolute sense, that relative to other domains where oversight exists in Ireland (e.g. financial services as referenced in Chapter 4) and compared to police oversight in other jurisdictions would have been established. This has not happened. Where a shared public perception existed that police err against certain groups more than others, it might be expected that this would have been resolved through research inquiry. That has not come to pass.

Instead numbered among various extant claims about police oversight beyond Ireland are that most complaints arise in areas of greatest resource deficiency and that oversight independent of the police is always better than oversight by the police. Taking these as areas of principal focus, the argument attempted throughout this paper has been to build a consciousness of the scope for improved analytical approaches to police oversight. Social disorganisation was adopted as the theoretical framework to guide what followed and using this lead the paper highlighted that complaints from the most resource deficient areas are a minority feature of the Irish police complaint load, yet still higher than expected based on demographic estimates. The paper also highlighted indications of higher proportions of more serious police deviance in the most resource deficient areas relative to more affluent ones. Along the way couplets of opposition were identified within the oversight process. Such couplets included that of resource deficient and resource affluent complainants, admitted-inadmissible complaints, and winners-losers. The overall message is that a great deal yet remains to be understood about what lies beneath, what might make police deviance less common if not entirely remove it and where reform might best be focused.

Such efforts might be undone and the undergrowth be allowed to undermine and suffocate oversight should old approaches, including equivocation to police deviance, continue to be
the default response. Thus, the Freedom of Information request by the present author noted in chapter 8 seeking the PSU reports from the Department of Justice and Law Reform was met with a refusal. The refusal stated that it was not in the public interest to release the reports as to do so would limit the Minister’s ability to oversee the Garda Síochána (Appendix V). Yet, upon being criticised for its lack of proper oversight of the Garda Síochána in 2014 the Department suddenly commenced publishing the latest version of such reports. Even then, while identifying examinations that had taken place of constituent Garda divisions, the first published PSU report and the second did not indicate what had been found by the PSU itself. If this is to be the adopted pattern ahead, it offers little surprise but much to mourn as it will follow a dynamic reflected in a modicum of circumspection of histories of police oversight from around the globe. It is one that suggests police will succeed in retaining for police what they want in spite of legislative tinkering and over the din of complainants and reformers. As of June 2015, the sorry and costly tale of policing and police oversight in Ireland over the previous three years stands as another harbinger against rather than a covetous example of how to govern police behaviour. It renders an exemplar model of independent police oversight an ever more mythical prospect.

Yet, amidst this less than comforting backdrop there are possible solutions and grounds for optimism in terms of where Irish police oversight might go from here. The Irish police agency is securing a higher substantiation rate on complaints than the police overseer albeit it at a low base. This suggests a slow but progressive change in how police misbehaviour is handled by the police agency itself. However, the overwhelming outcome of these is via the lowest class of sanction possible, one of little ostensible cost to the deviant garda. It warrants ongoing scrutiny to ensure that the sanction is commensurate with the misbehaviour so as to deter deviance by other gardai. Separately, based on evidence presented here, garda deviance is not disproportionately being directed against the usual suspects and in the usual spaces. This is an encouraging result for police legitimacy. Yet it is tarnished somewhat by data indicating conduct of a more serious nature in the most resource deficient areas. More complaints and complaints of a more serious nature may also exist but at present remain hidden. Whether the usual suspects are indeed choosing to exit from policing by not making a complaint will only be answered by asking more probing questions of Irish police deviance and police oversight than has been done up to now. This must be performed using more diverse methods than has been done heretofore and as attempted in this thesis.


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198


APPENDIX I
Survey form

Case Reference ______000000-01-09_______

Please select one option from each of the items 1-7 below.

1. Nationality
   Irish   □   Nigerian □   Other □
   UK      □   Other African □
   Polish  □   Chinese □
   Lithuanian □   Filipino □
   Other European □   USA □

2. Country of Birth
   Ireland □   Other (please specify) _____________________

3. Sex
   Male □   Female □

4. Age
   0-17 □   18-30 □
   31-40 □   41-50 □
   51-60 □   61+ □

5. Ethnicity
   White □   Traveller □
   Black □   Asian □
   Mixed Race □   Other □

6. Employment Status
   Employed □   Retired □
   Unemployed □   Carer □
   Self-employed □   Unavailable for work □
   Trainee/Student □   Other □

7. Highest Educational Attainment
   Primary □   No formal education □
   Secondary □   Other □
   Tertiary
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<tr>
<th>Housing Status</th>
<th>Owner</th>
<th>Renting</th>
<th>Guest</th>
<th>Homeless</th>
<th>Other</th>
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# APPENDIX II

## GSOC 1 Form

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<thead>
<tr>
<th>For office use only - GSOC Ref:</th>
<th>Garda Division:</th>
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<tbody>
<tr>
<td></td>
<td>Garda District:</td>
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<tr>
<td></td>
<td>Garda Station:</td>
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</table>

Please use ballpoint pen and block capitals when completing this form.

<table>
<thead>
<tr>
<th>1. Complaint Date:</th>
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<td>2. Complaint Time:</td>
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<table>
<thead>
<tr>
<th>3. Complainant - Name:</th>
<th>5. Date of Birth:</th>
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<td></td>
<td>6. Male [ ] Female [ ]</td>
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<th>4. Address:</th>
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<tr>
<th>7. Contact Address (if different):</th>
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<tr>
<th>Phone:</th>
<th>Mobile:</th>
<th>e-Mail:</th>
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<tr>
<th>8. Legal Representative (if any)</th>
<th>Name:</th>
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<td></td>
<td>Address:</td>
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<tr>
<th>9. If the complaint is being made on behalf of the Complainant, please choose as appropriate and complete contact details below.</th>
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<tbody>
<tr>
<td>Parent [ ] Guardian [ ] Legal Representative [ ] Other [ ]</td>
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<table>
<thead>
<tr>
<th>Name:</th>
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<td>Address:</td>
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<tr>
<th>10. Details of incident:</th>
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<tr>
<td>Date</td>
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<td>------</td>
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<td></td>
</tr>
</tbody>
</table>
11. Details of Witness/es
   Name:
   Address:

12. Details of any injuries received:

13. Details of any medical treatment received:

14. Details of any additional documentation/evidence provided:

15. Details of Member/s of An Garda Síochána complained of: (eg, name, district number, station, description)

16. Was the Member known to you at the time of the incident? Yes [ ] No [ ]

17. What do you believe was the reason or motive for this incident?

In accordance with Section 110 of the Garda Síochána Act 2005, a person providing information known to be false or misleading to the Ombudsman Commission is guilty of an offence and is liable on summary conviction to a fine not exceeding €25000 or imprisonment for a term not exceeding 6 months or both.

18. Signed: [ ] Name in block capitals: [ ]
   Date: [ ] Time: [ ]

19. Complaint taken by Garda Member:
   Signed: [ ] Rank: [ ] Reg. No.: [ ] [ ]
   Date: [ ] Time: [ ]

Answering the next two questions is optional and any information given in this section will be treated in the strictest confidence and will in no way have any effect on the way your complaint is treated. In order to help the Garda Ombudsman serve all sections of society, you might provide answers to the following:

20. What is your nationality? Irish [ ] Other [ ]

   Please specify: [ ]

21. Ethnic or cultural background?

   Please specify: [ ]

22. Was Local Intervention attempted? Yes [ ] No [ ]

   Senior Garda Member involved in local intervention: [ ] Rank: [ ]

   Outcome? Satisfactory [ ] Unsatisfactory [ ]

   Complainant: [ ] Date: [ ]

   Witnessed by (Member): [ ] Rank: [ ] Reg. No.: [ ] [ ]

204
### APPENDIX III

#### Alternative Regression Approaches

**Regression of Admissibility Status on Complainant Predictors**

<table>
<thead>
<tr>
<th></th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
<th>Model 4</th>
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<tbody>
<tr>
<td></td>
<td>Controls</td>
<td>Allegation Type</td>
<td>RAPID</td>
<td>All items</td>
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<tr>
<td>Male</td>
<td>-.170 (.123)</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>18-30</td>
<td>-.494 (.490)</td>
<td>-.158 (.450)</td>
<td>-.402 (.427)</td>
<td>-.148 (.448)</td>
</tr>
<tr>
<td>31-40</td>
<td>-.906 (.493)</td>
<td>-.385 (.453)</td>
<td>-.707 (.429)</td>
<td>-.381 (.451)</td>
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<tr>
<td>41-50</td>
<td>-1.22 (.493)*</td>
<td>-.695 (.456)</td>
<td>-1.03 (.432)*</td>
<td>-.694 (.455)</td>
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<tr>
<td>51-60</td>
<td>-1.35 (.501)**</td>
<td>-.827 (.468)</td>
<td>-1.20 (.442)**</td>
<td>-.814 (.466)</td>
</tr>
<tr>
<td>61+</td>
<td>-1.29 (.505)*</td>
<td>-.747 (.478)</td>
<td>-1.10 (.455)*</td>
<td>-.724 (.476)</td>
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<tr>
<td>White</td>
<td>-.037 (.201)</td>
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<td></td>
<td></td>
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<tr>
<td>Irish</td>
<td>.328 (.157)*</td>
<td>.282 (.148)</td>
<td>.301 (.147)*</td>
<td>.262 (.149)</td>
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<tr>
<td>Owner occupier</td>
<td>-.312 (.133)*</td>
<td>-.249 (.122)*</td>
<td>-.273 (.123)*</td>
<td>-.218 (.123)</td>
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<tr>
<td>Unemployed</td>
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<td></td>
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<tr>
<td>Employed</td>
<td>-.004 (.151)</td>
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</tr>
<tr>
<td>Jail</td>
<td>-.719 (.389)</td>
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<tr>
<td>Higher Education</td>
<td>.120 (.112)</td>
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<td></td>
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</tr>
<tr>
<td>Neglect of Duty</td>
<td></td>
<td>-.510 (.173)**</td>
<td>-.520 (.174)**</td>
<td></td>
</tr>
<tr>
<td>Abuse of Authority</td>
<td></td>
<td>-.641 (.168)***</td>
<td>-.647 (.168)***</td>
<td></td>
</tr>
<tr>
<td>Non-Fatal Offence</td>
<td></td>
<td>1.33 (.319)***</td>
<td>1.31 (.319)***</td>
<td></td>
</tr>
<tr>
<td>RAPID resident</td>
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<td>.313 (.152)*</td>
<td>.290 (.157)</td>
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<tr>
<td>Intercept</td>
<td>1.51 (.529)**</td>
<td>1.26 (.489)**</td>
<td>1.47 (.460)**</td>
<td>1.51 (.505)*</td>
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<tr>
<td>N</td>
<td>1536</td>
<td>1610</td>
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<td>1610</td>
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<tr>
<td>Pseudo R²</td>
<td>.033</td>
<td>.065</td>
<td>.031</td>
<td>.067</td>
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</table>

Note: Regression coefficients are presented with robust standard errors in parentheses; the pseudo $R^2$ reported is the McFadden’s.

* * p < .05, ** p < .01, *** p < .001
### Regression of Complaint Outcome on Complainant Predictors

<table>
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<tr>
<th></th>
<th>Model 5 Controls</th>
<th>Model 6 Allegation Type</th>
<th>Model 7 RAPID</th>
<th>Model 8 All items</th>
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<tbody>
<tr>
<td>Male</td>
<td>-.287 (.259)</td>
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<tr>
<td>18-30</td>
<td>-.076 (1.07)</td>
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<tr>
<td>31-40</td>
<td>.622 (1.05)</td>
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<tr>
<td>41-50</td>
<td>.345 (1.05)</td>
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<tr>
<td>51-60</td>
<td>-.557 (1.14)</td>
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<tr>
<td>61+</td>
<td>-.065 (1.16)</td>
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<td></td>
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<tr>
<td>White</td>
<td>.338 (.511)</td>
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<tr>
<td>Irish</td>
<td>-.242 (.346)</td>
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<tr>
<td>Owner occupier</td>
<td>.429 (.310)</td>
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<tr>
<td>Unemployed</td>
<td>.112 (.323)</td>
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<tr>
<td>Employed</td>
<td>-.595 (.401)</td>
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<tr>
<td>Jail</td>
<td>0 (0)</td>
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<tr>
<td>Higher Education</td>
<td>-.085 (.257)</td>
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</tr>
<tr>
<td>Neglect of Duty</td>
<td>1.15 (.443)**</td>
<td>1.15 (.443)**</td>
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</tr>
<tr>
<td>Abuse of Authority</td>
<td>.258 (.466)</td>
<td>.250 (.467)</td>
<td></td>
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<tr>
<td>Non-Fatal Offence</td>
<td>-1.54 (1.08)</td>
<td>-1.58 (1.07)</td>
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<tr>
<td>RAPID resident</td>
<td>.258 (.306)</td>
<td>.325 (.307)</td>
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<tr>
<td>Intercept</td>
<td>-3.24 (1.17)**</td>
<td>-3.65 (.413)***</td>
<td>-2.89 (.274)***</td>
<td>-3.37 (.483)***</td>
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<tr>
<td>N</td>
<td>1510</td>
<td>1652</td>
<td>1652</td>
<td>1652</td>
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<tr>
<td>Pseudo R²</td>
<td>.039</td>
<td>.044</td>
<td>.001</td>
<td>.046</td>
</tr>
</tbody>
</table>

Note: regression coefficients are presented with robust standard errors in parentheses; the pseudo R² reported is the McFadden’s.

* p < .05, ** p < .01, ***p < .001
APPENDIX IV

Complaint Emission Points for Scotsburg, Hometown and Duville Garda Stations Showing Deprivation by ED Using Haase-Pratschke (H-P) and Kelly-Teljeur (K-T) Indexes

<table>
<thead>
<tr>
<th>Location</th>
<th>H-P</th>
<th>K-T</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scotsburg</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hometown</td>
<td></td>
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<tr>
<td>Duville</td>
<td></td>
<td></td>
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</tbody>
</table>
APPENDIX V
Freedom of Information Response from Department of Justice

AN ROINN DLI agus CIRT agus
ATHCHÓIRTÍTHE DLI
51 Patric Street
Baile Átha Cliath 2
Telefontaif Telefoith: (01) 602 8202
Riomhphóire: e-mail: info@justice.ie

DEPARTMENT OF JUSTICE and
LAW REFORM
51 St. Stephen’s Green
Dublin 2
Faoi feidhmithe/Fax: (01) 661 5461

Our Ref: 156/243/2010

Mr Brian Moss

Dear Mr. Moss,

I refer to my letter of 5 August, 2010 and our subsequent telephone conversation. I have spoken to the Decision Maker and below are his reasons for refusing the request, taking account of the public interest.

Section 21
The intention of this Section to ensure that public bodies are not disadvantaged when compiling investigation reports. The reports which you have sought cover a wide range of issues, including, dealing with the operation of Garda systems for the prevention and investigation of crime and the protection of the security of the State.

In using the exemption provided for in Section 21(a) the Decision Maker is protecting the efficient and effective management procedures of An Garda Síochána and protecting the methods employed by An Garda Síochána in respect of the tests and audits carried out by it. In arriving at his decision to refuse your request, the Decision considered the public's right to know and the issue of openness and transparency. On balance, it is the Decision Maker's view, that the public interest is not best served by releasing these records.

Section 26
The Garda Professional Standards Unit Annual Reports are made by the Garda Commissioner to the Minister under section 24 of the Garda Síochána Act 2005.

They form part of the overall accountability framework for policing set out in the Act which allows the Minister provide the necessary Governmental oversight of policing. Other aspects of that accountability framework, such as the Annual Report prepared by the Garda Commissioner under section 46 and the three year review report under section 23 clearly provide for the reports to be laid before the Houses of the Oireachtas. There is no such provision in section 24.

The Professional Standards Unit Annual Reports deal with the operation of Garda systems for the prevention and investigation of crime and the protection of the security of the State. Were the reports to be published or released under the provisions of the FOI Acts, this would militate against the inclusion in them of a full and frank analysis of those systems, and the Commissioner’s ability to include such information in the section 24 report would clearly be compromised. It is, and will continue to be, necessary for such information to be given to the
Minister. Under the terms of section 26 (1) of the FOI Acts, therefore, disclosure of the reports would prejudice the giving of further similar information to the Minister and it is of importance to the Minister that such further information should continue to be given to him and his successors.

As previously advised, you have the right to submit an appeal. You may seek an internal review of same by writing to me within 20 working days of the date of this notification, referring to this decision in your letter. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this body and the decision will be communicated to you within 15 working days.

Please note that on making an appeal in relation to non personal records under the FOI Act, 1997 to this Department, a fee of € 75 must accompany your application. A reduced fee of € 25 applies if you are covered by a medical card, in which case you should supply details of the medical card registration number and issuing health board together with your consent to the verification of these details with the relevant health board. An appeal request cannot be accepted until the above fee is received. Payment should be made by Bank Draft, Money Order, Postal Order or Cheque made payable to the Department of Justice & Law Reform.

Yours sincerely,

Aisling Brennan
Freedom of Information Officer
1st September 2010