

# MAKING POLICING HISTORY:

*studies of garda violence and  
resources for police reform*

**GARDA RESEARCH INSTITUTE**



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## **Why we put this pamphlet together: secrets, lies and unaccountable policing**

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It really does not take a lot of effort to come across anecdotal evidence of insensitive and sometimes brutal policing in working class areas in Ireland. As residents, community workers and educators in a wide variety of settings we have both personally experienced Garda violence and have heard countless negative stories about the gardaí. These stories cover a wide range of issues. Most consistently people, usually but not exclusively young men, complain of insults, intimidation on the street and of physical violence during arrest and in custody. The violence they describe is of varying degrees of seriousness and routinely involves minor assault (e.g. slaps, kidney punches and limb twisting etc) but more serious violence can and does occur<sup>1</sup>.

To add insult to injury, the gardaí will then pre-emptively charge people with assault after beating them up. In cases of violence against minors, we have heard convincing stories of parents being allowed to pick up their children only after signing a statement to the effect that no harm was done to them while in Garda custody. We have also repeatedly been told that the gardaí indiscriminately use drugs laws to stop and search people and arbitrarily use public order legislation to charge people they have decided for one reason or another need to be 'taught a lesson'. The dismal similarity and frequency of people's accounts of mistreatment can lead you to only one conclusion-that something is rotten with policing in Ireland.

Similarly, as activists involved in ecological, anti-war, anti-capitalist and social justice movements we have come across innumerable stories of Garda misconduct. We all know, again through personal experience, that harassment, surveillance, intimidation, trumped up charges and beatings are a part, albeit a small part, of being an activist in Ireland. The police riot at Reclaim the Streets on Dame Street in 2002 or the violence directed at residents and supporters in Rossport are simply the most visible part of what in the case of any other institution would be called a culture of violence.

We think the disparity between what gets said in private and what gets said in public about the gardaí deserves serious consideration. However, it is impossible to know just how widespread this sort of policing is across the country<sup>2</sup>. One thing which can be said about the gardaí in

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<sup>1</sup> We have personally come across several accounts of very serious assault and injuries during arrest and in custody. In preparing the publication we were told about at least half a dozen cases some of which damaged people psychologically. It should also be noted here have been 28 deaths in police custody over the past decade: see <http://www.tribune.ie/article/2010/jul/18/twenty-eight-deaths-in-garda-custody-during-past-d/?q=ken%20foxe>. There have been several cases such as the deaths of Brian Rossiter, Terence Wheelock and John Moloney which have given rise to serious concerns about violence in custody.

<sup>2</sup> One of the few indications, which may or may not be representative, is that over 2000 complaints a year have been logged with the Garda Ombudsman since it was established in 2007. Surveys completed on behalf of the same body found 1 in 20 people have had reason to complain about the gardaí. It should be borne in mind that research suggests that young working class men are less likely to make complaints (see paper by B. Moss at the Sociological Association of Ireland Postgraduate Conference, 2009). A poll in the Irish Times published on February 10th 2004 discovered that 37% percent of people do not have confidence in the Garda.

Another indication is the level of payouts by gardaí to their victims, which has become so systematic as to substitute for court cases. The system also represents a tacit recognition that Garda victims can expect no justice from the courts. In 2007, for example, the force paid €14.7 million in compensation (see <http://www.tribune.ie/archive/article/2008/sep/07/garda-wrongdoing-costs-millions-a-year/>). 2007 was a particularly "bad" year in that the Donegal corruption case was being processed, but as far as can be

particular is that - unlike a number of other European countries - there have been no whistleblowers, even among the large number of those who have left the force. It is not clear whether this is because individual acts of violence and intimidation are accepted by other officers, or because those who dissent fear the kind of reprisals that “civilians” who challenge police abuse routinely experience.

What is clear, and what is significant, is that these abuses of power in working class communities and against activists remain largely invisible. Perhaps this invisibility should not come as a surprise in a country so burdened with secrets and lies. After all we know that that we live in a State in which a whole world of experience - of poverty, institutional violence and disrespect - has remained largely hidden for decades. We know that powerful people have the ability to impose silence on ordinary people and we know that uncomfortable truths can remain hidden for decades.

It is in that spirit that this editorial collective came together to examine the role of the gardaí in the shadows of the Republic. In particular, we want to spark debate and discussion about who gets targeted by the police and why. We want to break the silence about Garda brutality and misconduct and to create space for people to tell their stories in their own words. We also want to understand how the silence about the gardaí is maintained, be it through coercion, ignorance or shared illusions. Above all we want to identify resources and realistic strategies for making the police accountable through grassroots activity.

It is important to stress however that this pamphlet is not interested in making simplistic arguments or claiming that all police are malicious and doltish. They are not. Cartoon accounts of ‘goodies and baddies’ serves no-one, least of all those who are interested in social justice and equality. On the other hand neither do we think that abuses of power are simply the work of a few ‘bad apples’: they are too systematic, too similar and too unchallenged for this to be believed. The point is to begin to trace in an accurate way how power and policing function in Ireland and why.

This pamphlet is a modest attempt to open up a public conversation about these issues. Of course it has many gaps. There are many other examples of abusive policing that could be added to the stories in this collection. In particular, we are missing material about the policing of strikes and labour disputes, republicans, travellers, migrants and the LGBT community: if this pamphlet makes it into a second edition, we hope to plug some of these gaps. We are also aware of our failure to address another major part of the story – the development of state repression, including the diminution of public rights of assembly and protest through legislation such as successive Criminal Justice and other Acts. Another area of inquiry missing from this piece which we would hope to return to is that of future directions of policing towards privatisation, militarisation and internationalisation. We also hoped to talk to gardaí about their perspective on crime, punishment and power but unfortunately this also proved impossible.

## **Social class and policing**

For us the disparity between the public and the private conversations on policing in Irish society reflects broader social inequalities in power and wealth. Firstly, the gardaí are a powerful,

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ascertained compensation payments have always run to at least several million euro annually through the first decade of the 21st century. In the second half of 2009 and the whole of 2010, payments linked to garda misbehaviour or negligence alone totalled €7.7m (<http://www.tribune.ie/news/home-news/article/2010/dec/05/state-pays-420000-a-month-over-garda-assaults/>). Cases included 18 garda assaults in 2009 alone, 6 cases of abuse of garda powers (in some cases relating to misuse of the Pulse computer system), as well as other payments for defamation, negligence, nervous shock, miscarriage of justice and malicious prosecution.

influential and well established group in Irish society and their activities have rarely been scrutinised (until 2007 the only body tasked with investigating any allegations of abuse was the Garda Síochána itself)<sup>3</sup>. As in previous generations with challenges to priestly power, those who raise questions about Garda behaviour meet with aggressive responses by those who feel that the gardaí should be above any public accountability. In particular, many well-off people and people from rural communities evidently see the gardaí as serving their interests against those of working-class urban people and political activists. Media willingness to accept Garda accounts of events confirms this sense that all respectable people should line up behind the police - and that it is inconceivable that the police should ever behave badly.

Secondly, and most importantly, the people who are most likely to experience police brutality, coercion and intimidation are young working class men. This affects what gets reported, not only because such young men lack the resources and influence to kick up a stink about Garda misconduct but also because the media is by and large far more attuned to the social experiences, needs and sensitivities of the middle class. Furthermore, from the point of view of the young men who end up dealing with the police on the streets or in cells, it is simply common sense that complaining about the gardaí may cause more trouble for them in the future. They also know that in most official and judicial processes they are less likely to be believed than the gardaí.

Thirdly, and this is less widely discussed than the other two issues, within working class communities people typically find themselves in a bind with regard to policing, which means that some issues regarding the behaviour of the police are often not tackled in public. On one hand people know only too well about the cost and impact of crime and the numerous social problems caused by deprivation and inequality. Most people have had to deal with the consequences of this on a regular basis while trying to get on with life in an honest and decent manner. They also know how complex these issues are on the ground and understand that the police often have a difficult job. But they have also found that the police are often not there when they need them, and that serious social problems are ignored and overlooked. To make matters worse this general absence of policing is often punctuated by aggressive barracks-style policing in which gardaí, who often culturally share little in common with the people they police, chose to treat all locals as potentially disorderly and criminal. To further complicate things, living in places which are often seen by outsiders simply as 'problem' areas makes any discussion of policing in a working class area a loaded issue. People quite rightly resent their communities being represented in the dull monochrome of journalistic clichés which treat working class areas as hotbeds of crime, drugs and anti-social behaviour. Understandably this leads to a wariness about anything that would contribute to making a place seem less respectable including tackling police misconduct.

All these issues – a lived experience of crime and social problems; sensitivity about how an area is perceived from the outside; long periods of lax policing followed by bursts of aggressive policing- combine to make crime and punishment a very sensitive and potentially divisive issue in working class areas. Ultimately, this fosters a real ambivalence about how to deal with the gardaí and how to negotiate the questions of brutality and accountability.

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<sup>3</sup> Unsurprisingly they rarely discovered problems with the way policing functions. The Garda Ombudsman, modelled partly on reforms in the north of Ireland to the PSNI but with much more limited powers, was created in 2007 as a supposedly independent oversight and complaints body.

## Political policing

The working class is not the only group to be on the receiving end of prejudiced policing. Stigmatised minority groups such as Travellers, asylum seekers, refugees and Roma can often be at the sharp end of police activity, as can such groups as punks, ravers and new age travellers.

While all these groups share in a somewhat 'marginal' social position, groups which are in no way marginal can also end up bearing the brunt of police tactics also. For example, when the white-collar workers at Thomas Cook in Dublin decided to protect their jobs by occupying their offices in August 2009, 150 gardaí removed and arrested them in an early morning raid on the occupied offices: here a respectable group passed over into the realms of 'unrespectable' or 'unacceptable' behaviour. A similar, and much stronger, example of this is provided by the policing of Erris, a traditional rural community which would normally be unproblematic in terms of policing, which now lives under something close to Garda occupation, where there are often more gardaí than residents, due to the community's opposition to a dangerous gas pipeline and refinery.

In both of these cases, the gardaí appear to have been operating as the bully boys or armed wing of the capitalist class, operating either to protect the projects of individual capitalist companies or the more general forms of operation or discipline of capitalist society. In relation to the Thomas Cook strikers, this is of course only one example of a long line of strikes where the gardaí intervened on the side of the bosses: regrettably this is an issue that has been neglected by labour historians.<sup>4</sup> The Erris example is a more intense and long-term involvement by gardaí in the imposition of locally unwanted land uses on recalcitrant communities, which had been preceded by Garda assistance in the erection of telemasts and the dumping of asbestos waste.<sup>5</sup>

These examples bring us to the second major type of policing this pamphlet examines, protest policing or political policing. Here we again come across similar problems to those mentioned above regarding the policing of the working class. Political groups which are on the receiving end of police harassment and interest are normally marginal ones, and those that aren't are easily portrayed as being led astray by 'outside agitators' and troublemakers of various kinds. The issue of political policing is complicated in the Republic by the 'shadow of the gunmen', the existence since the foundation of the state of an armed military and political organisation which refused to accept the 26 Counties as a legitimate state. While there have been occasional scares about communists or revolting workers, the main concern of the political police over the entire life of the state has been the Republican movement. This is an issue that we don't address in this pamphlet, partly because none of us working on this pamphlet are republicans, partly because it is an exceptional issue requiring its own analysis, and partly because such analysis of political policing in the Republic as has been carried out has centred on state treatment of republicans. Still, many of the tactics that the gardaí have used in response to the republican movement are carried over into their policing of other political conflicts. The general trend appear to be towards a worrying over-policing of protest and a diminution of the right to protest based on a view that sees most protest as 'subversive'. Anti-republicanism is convenient to the Irish

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<sup>4</sup> For example the first 25 issues of the Irish Labour History Society journal *Saothar* ([http://irishlabour.com/?page\\_id=205](http://irishlabour.com/?page_id=205)), while containing two articles on Dublin police in the 19<sup>th</sup> century, (one on working conditions, another on the 1882 police strike), have no coverage of the policing of labour disputes in the Republic.

<sup>5</sup> (5) This example also brings up another issue we don't touch on - who decides what is a crime? After all, long term exposure to a fatal poison if it occurred on an individual basis - say a wife administering cyanide to a husband in his food over a long period - would be criminal, yet exposure of communities to toxic chemicals and highly hazardous processes isn't considered a crime. Impoverishing communities to the extent where deaths by heroin are a routine part of most families' experience is not criminal; even minor thefts by those living in such communities is (and until recently could leave minors incarcerated in industrial schools and subject to violence sanctioned by state and church).

establishment in much the same way as anti-communism was to the US establishment; the mere allegation that republicans are involved in a movement is enough to smear it in the eyes of many and to legitimate almost any behaviour on the part of police.

## **Overview of this pamphlet**

The pamphlet is structured in the following way. Following this introduction and a piece on the making of the gardaí, the pamphlet is divided into three sections, the first of which looks at the experience of the policed. We begin with an account of the experiences of working class men and youths, who are considered to be guilty until proven innocent, with garda harassment and disrespect. This is followed by discussion of the experiences of the family of Terence Wheelock, a young man from inner-city Dublin who died under mysterious circumstances in Store Street garda station. The final piece in the first section details the removal of a prisoner's rights without explanation on Garda say-so. The next section looks at the policing of protest by the gardaí, beginning with an activist's account of the attentions of the Special Branch (the political police) coupled with a personal account of how the garda and military occupation of northwest Mayo to protect Shell's right to Irish natural resources has attacked a traditional rural community and an overview of police responses to opposition to US military use of Shannon. These accounts are followed by two more analytical pieces, the first of which is an examination of the way the gardaí attempt to redefine protests as violent, and when they do (and don't) get away with it. This section ends with a broad overview of protest policing in the Republic from the 1960s to date.

The final section looks at responses to policing and examines how grassroots activists and movements have attempted to make the police more accountable. It begins with two personal experiences: one of challenging the gardaí through the available machinery of the Garda Síochána Ombudsman Commission, and one by a victim of the police attacks on Dame Street at Reclaim the Streets in May 2002, detailing their attempts to obtain justice through the courts. These are followed by two accounts of organised responses, one by the Prisoners' Rights Organisation in Dublin in the 1970s and 1980s and another by the Ontario Coalition Against Poverty, which brings a welcome perspective from abroad to the pamphlet. The section finishes with a survey of different methods of putting manners on the police. The pamphlet ends with a list of resources and information sources for those interested in the issue of policing.

The articles printed below involve a wide range of approaches, varying from people recounting their personal experiences to more analytical and 'academic articles'. Some articles – such as that on the PRO - involve the recovery of a hidden history of organising on issues of police power and abuse in the Republic; others outline ways in which police powers are being abused in contemporary Ireland. Taken together these articles tell an untold story from a country in which it is almost impossible to bring the gardaí to court with any hope of a positive outcome and where critical media scrutiny of the gardaí is extremely rare.

In the nature of things, the aggressive and 'dirty tricks' response by gardaí to critical observation, and the barracks culture which has prevented whistleblowing even by past members of the force, makes it difficult to ascertain facts in the way which becomes possible for other professions when they are the subject of serious legal, journalistic, academic and activist scrutiny. Nonetheless every effort has been made to be as accurate as possible, to double check facts and to avoid exaggeration, which serves nobody.

## **In conclusion**

We are well aware that we have only scratched the surface of this topic. There obviously is a need for a more comprehensive and more developed analysis of the history and practice of policing – of both political protest and 'ordinary decent criminals' - in the Republic. This will need to address not only examples of Irish 'exceptionalism' - for instance how the the

Republican movement was policed - but also the ways in which the Irish experience tallies with the international experience of policing. We see this pamphlet as being the first step along the road to the development of such an analysis.

When we began this project we had a variety of questions we wanted to answer: what is the difference between political policing and 'ordinary, everyday policing'? What are the connections between the gardaí and the Irish state and at what levels are decisions on policing made? Is it possible to extricate the useful aspects of policing - 'keeping the peace' responding to domestic violence, etc. - from the more general disciplinary role of the police in a capitalist society? Just how different is 'community policing' from state or private policing? What separates community self-policing from vigilantism and who decides who is a vigilante?

It quickly became obvious to us however that much basic work on policing in the Republic needed to be done before we could even think about addressing these questions, as the lack of analysis of policing in the Republic was stunning. Thus we scaled back our ambitions and this pamphlet is the result: a mixture of accounts and analyses of various experiences and types of policing in the Republic, which, with all its gaps, represents a first step towards a more general account and analysis. As such this pamphlet is an invitation to others to respond to this collection - to criticise, discuss and analyse its contents as part of a broader effort to understand Irish policing.



## How the gardaí were made

There is something mystifying about the police force in the Republic of Ireland. A force born out of a bloody civil war yet strangely absent from popular memories of those long years of violence. A force celebrated for its rootedness in Irish cultural practices yet operating in the same centralised, colonial model inherited from the Royal Irish Constabulary, the police force of British state. An institution complicit in the abuse and degradation of children, of mothers, the poor and destitute yet somehow the guard continues to command respect and solidarity in Irish society while increasingly the priest or the politician are looked on with scorn and disgust. What is it about the Irish police force that enables it to continually overcome periods of controversy over abusive practices? Or perhaps this is not the right sort of question at all. Maybe it is that there is something distinct about the way Irish society works that facilitates an acceptance of violence by the state toward a particular type of person or group of people. The first step toward unravelling these complicated questions must begin with developing an understanding of the historical conditions in which the gardaí emerged.

### Colonial beginnings

It is difficult to imagine a society without a police force and if you were to ask someone to try they would probably list off all the terrible things that would unfold without officers of the law ready to enforce order. Policing has become so naturalised that it is hard to believe that there was once a time when state policing didn't exist. Policing and the modern state are recent inventions conjured up to ensure the security of capital and to enforce wage labour as feudalism unravelled and wealth and power reorganised into state and market rule but that is another story for another day. Suffice it to say that there was once a time when law and order as dictated by the state and enforced by the police did not exist. This is not to say that prior to the emergence of state policing there was no enforced order. Rather there was a shift, beginning approximately around the 16<sup>th</sup> century, away from order as dictated by the feudal lord, the monarchy and the church to a centralised and militarized order operating at a national level and dictated by the state in the interests of a newly emergent capitalist class.

The first attempts to legally consolidate order as dictated by the modern British state and enforced by the police got off to a shaky start when the policing bill was turned down in the British parliament in 1785. Although policing under the absolutist state had been in operation for over a century at this stage, enacting brutal and bloody legislation which forced people off common land and from subsistence living into a condition of poverty then pushing them into wage labour, the late 18 century was a time when the political and capitalist classes, who had by now consolidated their power, were seeking to sanitise the recent history of the state. The establishment of a modern police force under the liberal democratic state would have to wait until popular perception of the police could be changed. But politicians and social theorists intent on manifesting their vision of social order were not dissuaded and the modern policing experiment was sent overseas to be tested out on Irish soil. Historians have argued that the political and social conditions of popular protest and agrarian unrest rampant throughout Ireland at the time served as a social laboratory in which modern state policing was first developed (Palmer 1988; Burn 1949).

The Dublin Metropolitan Police were the first police to hit the streets in Ireland in 1786, followed by the Royal Irish Constabulary (RIC) in 1814. They had their work cut out for them as anti-colonial rebellions were sweeping the country. Growing labour movements in urban regions and agrarian groups in rural locations were organising workers and enabling resistance to evictions and defending tenant farmers. By 1836 the RIC, an armed, centralized and militarised constabulary, had a nationwide presence and just 14 years later police numbers had

increased to 13,000 in 1,600 barracks, three times more police than in England. A paramilitary model of policing, tested out and developed under the RIC, would be exported to British colonies worldwide while on English soil efforts continued in an attempt to generate consent for policing. Popular identification with officers of the law was facilitated through a recruitment strategy which drew on a range of social backgrounds and through linking together police culture with the values of an emergent British cultural nationalism. This practice of achieving consent for state policing through association with an imagined common national cultural became a key practice in state building projects internationally and police officers, particular in the UK, have become the symbolic currency of the nation state. These measures, along with a decentralised organisational structure, were successful in changing the perception of policing held by the liberal political classes and the press, and the London Metropolitan Police Act was passed in 1829.

Back in Ireland, anti-colonial struggle was spreading. The Home Rule movement rose throughout the late 1880's popularising the politics of self-determination while at the cultural level projects such as the GAA, the Gaelic League and the Celtic revival associated with the nationalist movement developed into institutions of Irish cultural nationalism. During this time the RIC and DMP increasingly became targets for groups refusing to be governed by the British state particularly after the brutal repression of the 1916 Easter Rising. Resistance to the force became policy in Sinn Féin's 1919 Declaration of Independence, which declared a boycott on the constabulary and launched the guerrilla war of the IRA. At this point the Republican movement set up a parliament, court system and policing body, the Irish Republican Police (IRP) which operated from 1920-22 providing security and enforcing the judgements of the Dáil courts. The IRP were treated as an illegal subversive group by the British State and the RIC set about wiping out the republican policing body, but their numbers had been greatly depleted by sustained attacks from the IRA. A large number of veterans from the First World War signed up following a recruitment drive in Scotland and England and were shipped across the sea to combat the growing Republican movement. The RIC auxiliary police force became known as the Black and Tans, a notoriously brutal military force. A ceasefire between the IRA and the British State was agreed in 1921 followed by the Anglo Irish Treaty which established the Irish Free State as a dominion of the British Empire excluding six counties in the North of the country, decisions which split Sinn Féin in 1922, and the authorities of the new state turned their attention to governing and policing the new state.

## **Policing the Irish Counter-Revolution**

The new police force would play a central role in the counter-revolution of the emerging political order as the armed forces of the Free State turned against former allies. Clashes increased between anti treaty republicans and nationalists who supported the provisional government, led by Cumann na nGaedheal<sup>6</sup>, a newly formed party of pro- treaty Sinn Féin members headed by W.T. Cosgrave. Cosgrave declared martial law in 1922 stating that he was willing "to exterminate 10,000 republicans" if it was necessary to achieving order (Vaughan and Kilcommons 2008). The first step to develop a police force was taken by Michael Collins who initiated the "Oriel House

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<sup>6</sup> Cumann na nGaedheal, a conservative party who kept a policy focus on free trade and law and order acting in the interests of the middle classes, remained in power until the electoral success of Fianna Fáil in 1932. They then merged with the fascist "Blueshirts" in 1933 to form Fine Gael.

men” or Criminal Investigation Department, a Special Branch of armed officers who set about gathering information on opponents of the Treaty, a majority of the IRA at the time<sup>7</sup>.

Over the first years of the new state 11, 480 republicans were interned<sup>8</sup> without trial (Maguire 2004) and 150 were executed (Vaughan and Kilcommons). The Free State government decided to disband the RIC but retain the services of the DMP, a police force with a bloody history of crushing union and republican movements<sup>9</sup>, while the Royal Ulster Constabulary would take over policing the six counties in Northern Ireland<sup>10</sup>. The Police Organisation Committee, staffed mostly by DMP and ex RIC officers, was set up next to develop proposals for a new police force. Plans for the ‘Civic Guard’ took shape, a force almost completely identical to the RIC in structure and recruited in secret to ensure loyalty to the Treaty. This was a deliberate move by the new government to inhibit local control over the formation of the police force, retaining a colonial, centralised and military structure in which the police commissioner would be under direct control of the government who continued to be legally bound to the British State until 1949.

What has conventionally been viewed as the 1922-23 Irish Civil War was in fact a much longer process. Historian John Regan has argued that the period should be recognised as a counter revolution, a period in which, “disparate powers emanating from within a revolution [were] reeled in and controlled by a central authority [...] when former revolutionary leaders resort to repression to counter those who persist in using violence against the state”. The counter revolution of the Free State continued into the next decade in the form of a policing strategy designed to crush opponents of the treaty through information gathering, internment and executions.

## Rebranding the Civic Guards

The Civic Guard were officially launched in 1922 but half the population did not support the Treaty, the Free State or its related institutions so policing under the new state did not have public consent. External resistance to the force and internal conflict over the leadership of ex RIC officers compelled the initiation of program of changes designed by O’Higgins, Minister for Justice and O’Duffy, Chief of Staff of the IRA before becoming Garda Commissioner in 1922. These changes would reconstruct the image of the force, carving out a space for the police of the Free State on a cultural level. O’Duffy’s vision of this new force was informed by his strong ideas on discipline and order fused with an ethos of nationalism and idealism influenced by his admiration for Mussolini’s fascist corporatist state. A series of changes to the Civic Guard gradually embedded the police in community life shaping the image of the police as “Irish in thought and action”<sup>11</sup>.

The first step taken was to disarm the guards. O’Duffy explained his rationale for this decision; “The Civic Guard will succeed not by force of arms, or numbers, but on their moral authority as

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<sup>7</sup> The first “Special Branch”, officers specifically assigned the task of counter insurgency policing (intelligence work, surveillance, infiltration) formed under the London Metropolitan Police in 1883 to monitor the international underground republican movement, specifically the Irish Republic Brotherhood.

<sup>8</sup> Internment; imprisonment without trial or formal charge, was a key practice in pacifying the state north and south of the border

<sup>9</sup> The DMP had viciously attacked striking workers during the 1913 lockout, killing two and injuring hundreds in an effort to smash attempts to unionise and had operated side by side with the British Army during the 1916 Easter Rising.

<sup>10</sup> The Northern section of the RIC was renamed the Royal Ulster Constabulary (RUC) in 1922 and recruited a large number of ex RIC officers from the South.

<sup>11</sup> Garda Commissioner Michael Staines quoted in Mulcahy and Shapland 2008.

servants of the people” (Walsh, 1998.) While this decision has created an image of the Irish police as a reluctant coercive institution, a number of points must be clarified about the unarmed status of the Irish police. To begin with, the decision to remove arms was taken following a mutiny within the force in which civil guards, rebelling over the promotion of ex-RIC officers, took control over a stockpile of weapons and forced Collins to remove the men from official duty (Allen 1999). Disarming guards who would challenge decisions at senior level and arming those whose obedience could be guaranteed would weaken the threat posed to the political elite by internal dissent within the police force. The armed guards, officially titled ‘The Special Branch’, have retained a strong presence and maintained quite a degree of unquestioned, discretionary power throughout the history of the Irish state while policing by unarmed gardaí has followed a policy of violence and brutality rather than law enforcement. The Irish police have come to be known – among those on the receiving end and experienced professionals - for not being shy about behaving violently on duty, “opting for rough and ready justice instead of prosecution” (Vaughan and Kilcommons).

The 1923 Garda Síochána Act officially renamed the force to the Irish translation currently in use today, which means ‘Guardians of the Peace’; as part of police training recruits were taught the Irish language. The 1924 Disciplinary Regulations demanded a strict rule of abstinence combined with a respectable salary. At a time of impoverishment this gradually changed the local perception and social standing of the police and applications to join increased. Over the following years An Garda Síochána would develop a strong commitment to sporting practices, in particular the GAA, which stood as one of the largest cultural institutions within the state; the gardaí would “play their way into the hearts of the people” (Brady). In 1952 98% of recruits came from Catholic backgrounds and could be seen marching to mass on Sunday mornings (Mulcahy 2008). The rural and agricultural background of the force was epitomised by O’Duffy as the ideal of the new nation state; he proclaimed, “the son of the peasant is the backbone of the force” (Allen). The success of this cultural programme can be seen in the status of An Garda Síochána as one of the principal ‘in-groups’ of Irish society<sup>12</sup>.

## **Pacifying the ‘Free State’**

These symbolic changes and adoption of cultural practices gradually won over public consent for the Gardaí. At the same time a continued program of counter revolutionary policing set about eliminating opponents to the emerging order. The Special Branch, an armed counter insurgency unit, had merged with the DMP in 1923, eventually joining up with the Garda Síochána in 1925.

The new police force emerged under a state governed by the conservative Cumann na nGaedheal party who placed great emphasis on law and order during a time of social unrest while working to naturalise its claim to power through suppressing those who opposed it. Following the withdrawal of the army in 1923, the gardaí had full responsibility for this task.

Battles waged between the gardaí and the IRA as De Valera, having left Sinn Féin to set up Fianna Fáil in 1926, toured the country mobilising support for armed struggle against the Free State. De Valera led Fianna Fáil into the Dail in 1927 and into government in 1932 dismissing O’ Duffy as Garda commissioner, who was replaced by Eamonn Broy, and rapidly moved to distance himself and his new party from armed struggle. Broy recruited several hundred ex IRA men, nicknamed the ‘Broy Harriers’, into the armed auxiliary Special Branch of the gardaí and they swept the country rounding up members of the IRA who refused to support De Valera in a partitioned state.

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<sup>12</sup> Mac Gréils 1996 study, *Prejudice and Tolerance in Ireland*, found that a majority of survey respondents would prefer to have a guard as a neighbour above any other professional.

A combination of grinding poverty and the brutal practices of the Special Branch shifted support away from Fianna Fáil initially to the Blueshirts<sup>13</sup> and later toward a resurgence in IRA activity (Brady). A continued programme of internment without trial was made policy in the 1939 Offences Against The State Act as means to counter this opposition. Clashes increased between the gardaí and the IRA again in the early forties but subsided through a combination of intelligence gathering, military tribunals, executions, economic exile and the internment of over 500 republicans (Maguire). The Southern State responded to an IRA attempt to rebuild the republican movement in the North in 1957 by rounding up hundreds of republicans who were interned in the Curragh military prison in 1958.

The Irish counter-revolution was a battle over the legitimacy of tactics. State authorities claimed a monopoly over the use of violence, framing its opponents as illegal and terrorist. “The dominant nationalist parties defined their opponents as criminal, anti-democratic, and illegitimate not as accurate descriptions but in order to bolster their own claims to legality, democracy, and legitimacy” (Regan).

### **From policing the state to policing the nation**

Since its formation the gardaí have served a dual purpose for the state. On the one hand they suppress dissent to the political order, while on the other they play a central role in the construction of an image of a unified nation and the culture of that nation. The consolidation of political, economic and cultural power took place under the Free State simultaneous to a knitting together of institutions of Irish cultural nationalism and the gardaí were as central to these processes as the Catholic Church, the GAA or Fianna Fáil / Fine Gael. The values of the new order were socially conservative, preserving unequal socio-economic structures and the power of the church, concentrating political and economic power in the hands of an emerging Irish elite at a time of authoritarian social control.

Although the political culture of the time had the image of being divided over the Northern question, in practice the main political parties of the state, Fianna Fail and Fine Gael, could be defined more by consensus than conflict when it came to the conservative nature of their ideology; “majoritarianism, parliamentary democracy, constitutional procedure, church state relations, the rights to private property and the rights of the individual” (Regan). Political revolution had changed the names of those in rule but there had been no social revolution to change material divisions. Society continued to be divided unequally along class lines but this was disguised by an illusion of a unified nation under the Southern state. In reality divisions between those who materially benefited from the struggle for independence and those who did not were identifiable in the contrast between thriving middle classes and masses driven to emigrate or remain and face a life of poverty and destitution while thousands would remain institutionalised.

In 1921 there were 11,000 people in workhouses or poor houses and 6,000 children in reformatory or industrial schools, which remained open until the publication of the Kennedy report in 1970 initiated a slow procedure of closures (Kilcommons et al 2005). An estimated 30,000 women had passed through the Magdalene laundries which closed their last door in 1996 (Finnegan 2001). Thousands of these people, mostly children at the time, were mentally, physically and sexually abused by the church and institutions of the state. It is probable we will never know how many people died or were murdered in these circumstances, but one factor that has come to light recently is the complicity of the gardaí with these crimes. The 2005 Ferns

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<sup>13</sup> The Blueshirts or National Guard were a right wing political organisation inspired by fascist, anti communist trends in Europe. See <http://www.lookleftonline.org/2010/08/fine-gaels-fascist-roots/>

Report on the findings of an inquiry into allegations of clerical sexual abuse revealed that complaints of sexual abuse at the hands of the clergy made to the gardaí as recently as 1988 did not appear to have been recorded in any garda file and were not investigated in an appropriate manner. The results of the Murphy report, issued in 2009, drawing on numerous public inquiries into clerical child sexual abuse, reported on the collusion between senior gardaí and the church in covering up the allegations of abuse while the gardaí had been issued the task of investigating the matter.

“A number of very senior members of the Gardaí, including the Commissioner in 1960, clearly regarded priests as being outside their remit.” (Murphy Report 2009)

The decades that followed the pacification of the Free State, from the nineteen thirties to the late sixties are considered a time of ‘low crime’ in Irish society (Mulcahy 2007) but who has the power to define what is a crime? The gardaí and indeed the state clearly viewed the church as being above the law. Deference to authority displayed in Irish community life enabled the continuation of system of abuse and exploitation that destroyed thousands upon thousands of lives.

## **Perpetual State of Emergency**

While integration between the police and the public had gradually developed under the Southern state there had been no such image of consent generated for policing in the North, which was divided along sectarian lines between nationalists who contested the legitimacy of the British state and unionists loyal to the crown. The Northern Ireland Civil Rights Association took to the streets of Tyrone and Derry in protest at the discrimination of nationalists by the Northern state in 1968, calling for the reform of employment, electoral and housing policy but were faced with hostile unionist groups and attacked by the RUC, who had policed the Northern six counties since partition. The British Army was assigned duty in Belfast and Derry the following year in response to fears that the Irish government was planning a military invasion following a statement by Taoiseach Jack Lynch:

“The Irish government can no longer stand by and see innocent people injured and perhaps killed”.

Civil rights marches continued until January 1972, which were now mobilising against the increased use of internment by the British State, when soldiers opened fire on unarmed civil rights protestors killing 14 people; an event known today as ‘Bloody Sunday’.

These events sparked a resurgence of political violence north and south of the border. The continued contestation of the Irish state by militant republican groups coupled with ambivalent sentiments within Fianna Fáil over ‘the Northern question’, particularly following the ‘arms crisis’ when Fianna Fáil ministers imported weapons to supply to republicans, caused a wave of panic in the government that conflict in the North would spill into the South. The Irish state responded to this threat by heavily investing in powers for the policing of republicanism. The 1939 Offences Against The State Act (OASA) was amended in 1972: section 30 enabled the detention of suspects for 48 hours before charging; section 31 of the Broadcasting Act facilitated state censorship of Sinn Féin and the IRA, preventing republicans from accessing the media; and section 38 provided for the establishment of the juryless Special Criminal Court through which scheduled offences would stand trial. Following heightened armed struggle in the South a state of emergency was declared in 1976, enabling the detention of suspects for up to 7 days, although the state had remained in ‘emergency’ following the 1939 OASA. Since formation the Irish state has functioned within a state of emergency for 51 out of its 90 years (1921-2011).

Gradually over time anti terrorist policing has become normalized as powers enabled through emergency legislation have increasingly been used in response to non paramilitary crime (Vaughan and Kilcommons). The gardaí were effectively given carte blanche to police republicanism by any means necessary and within this context the Special Branch redeveloped.

## The Heavy Gang

From the early 70's a group of Special Branch detectives, skilled in interrogation tactics and extracting confessions by verbal, physical or mental abuse, operated with discretionary powers until a ruling by the Supreme Court in 1979 put pressure on the gardaí to operate within legislation. It was now possible to account for the numbers of individuals taken into custody, and figures revealed a massive disparity between the numbers of individuals arrested under Section 30 of the OASA and those charged. It became clear that the rights and freedoms afforded to citizens of the Irish state were being suspended on a massive scale. Out of 2,308 people arrested under section 30 in 1982, only 256 were charged. In 1984 only 374 were charged out of 4,416 arrested under the same act (Dunne and Kerrigan 1984, Vaughan and Kilcommons).

In the absence of thorough research on state abuses of emergency legislation including the exact number of people wrongfully arrested and interrogated by 'the heavy gang'<sup>14</sup>, or falsely prosecuted by the Irish judiciary it is necessary to rely on information from individual cases that came to public knowledge through public campaigns and media investigation to show the human cost of policing by any means necessary.

"We are the special boys. We're experienced at getting confessions. We've handled dozens of murders and know a murderer just by looking at him"<sup>15</sup>

Christy Lynch, a 26-year-old soldier, confessed to the murder of Vera Cooney following a 22 hour interrogation in 1976 and was sentenced to life imprisonment. The only evidence supplied to the trial was Lynch's confession. On its third appeal in 1979 the case was thrown out by the Supreme Court, which ruled that the behaviour of the gardaí could not be legitimated by upholding the conviction. Lynch has received no compensation from the state for the 3 years he spent in jail and Vera Cooney's murderer has never been found.

Forty members of the Irish Republican Socialist Party were arrested and interrogated by the gardaí following the Sallins Train Robbery in 1976 (Brennan and Kerrigan 1999). Some of the men signed confessions but stated in court that they had been violently coerced into doing this. They received further beatings following the court case. In denial of the charges gardaí claimed that the men had inflicted the injuries on themselves. Justice Barr adamantly defended the gardaí against claims of abuse declaring that it was unthinkable that they should be accused of conspiring or perjuring themselves and ruled that the men's statements were made voluntarily (Inglis 2004). Nicky Kelly and five others stood trial at the Special Criminal Court for the theft of £200,000. The case collapsed, but the retrial found three of the men (Breathnach, McNally and Kelly) guilty on the basis of the confessions. Kelly had skipped bail at this point. Breathnach and McNally spent 17 months in jail before being acquitted on appeal. Nicky Kelly returned to Ireland in 1980 believing the charges against him were dropped but was sentenced to 12 years. Continuous public campaigning brought about Kelly's release two years later.

A sad and troubling case, which continues to ripple through the public imagination, came to light in 1984 exposing the normalisation of the emergency powers of the state and routinisation of the abusive interrogation tactics of the Special Branch in Irish society. On the 14<sup>th</sup> of April the body of a new-born baby was found washed up on a beach in Cahirciveen, Co Kerry. The baby had been stabbed several times. The murder squad, the official title for the 'heavy gang', arrested Joanne Hayes, her mother, aunt, sister and two brothers and within hours they had signed confessions from the family identifying Joanne as the baby's mother and murderer but medical evidence contradicted these statements as blood tests could prove that the child was not

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<sup>14</sup> The name given to detectives specialising in gaining confessions, usually through violent means.

<sup>15</sup> Detective Inspector John Courtney to Christy Lynch during interrogation (Sunday Tribune 05/08/07).

Joanne's. A Tribunal of Inquiry was launched into the matter<sup>16</sup> but there was no official recognition that the gardaí had forced the Hayes family to confess to a murder that they did not commit. The Cahirciveen case remains unsolved.

### *Speaking out against the Gardaí*

Towards the end of the 1970's a combination of forces, including public campaigns and solidarity work with victims of police brutality, investigative journalism, international pressure from human rights organisations and dissent within the force, combined to cause a tipping point which partially dislodged the untouchable position of the police in the arrangement of power that had been consolidated over the previous four decades. This began in 1977 when a large number of confessions were retracted in court by individuals claiming they had been forced under abusive circumstances. Amnesty International followed these brave acts with a report that year stating that they were concerned over the physical and mental abuse gardaí were inflicting in order to gain confessions and over the complicity of the Irish state, specifically the judiciary, in supporting this behaviour. The same year the *Irish Times* ran a series of investigative articles on the operation of a 'heavy gang' of special branch detectives brutalising people in custody. It was later revealed that during this time a number of politicians were approached by two concerned gardaí who reported that confessions were indeed being forced through violence and that gardaí involved were willing to perjure themselves in court to support these confessions<sup>17</sup>.

In 1978 the government appointed O'Briain commission recommended 22 measures<sup>18</sup> to be taken to safeguard against abuse of individuals in custody. These were ignored. Setting up an inquiry was enough to give the image of accountability shielding the gardaí from criticism. "Public support for the gardaí was so widespread and strong, compared with that for subversives, that the government was able to defuse the situation by the appointment of an inquiry into the treatment of persons in garda custody" (Walsh 1999).

Local and national solidarity with Nicky Kelly and Joanne Hayes through sustained protests, campaigning and media work kept these cases in the public eye during the early 80s. Following the Kerry Babies Tribunal, the murder squad was officially disbanded in 1984. The Garda Síochána Complaints Board (GSCB) was set up in 1986. 750 complaints had been lodged by 1990. However, public inquiries into garda behaviour had only ever created an illusion of accountability. The GSCB quickly proved that the state would make no serious commitment to holding gardaí accountable for abusive policing. 136 complaints made to the board in 1994

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<sup>16</sup> The tribunal, headed by Justice Lynch, discovered that Joanne had given birth to a child that had died shortly after, that the child's body had been buried at the Hayes family home in Abbeydorney, Co. Kerry and that Joanne had told this to detectives during interrogation. Although medical evidence could show that the Abbeydorney baby had died of natural causes, Justice Lynch ruled that Joanne had murdered her baby. He also argued that although the Hayes family hadn't actually taken the trip to Kerry to dispose of the body they had planned to and when questioned had become so overwhelmed with guilt over their grim intentions that they had confessed to the murder of the Cahirciveen baby. The final report of the tribunal was widely discredited and disbelieved.

<sup>17</sup> See *All in a life: Garret Fitzgerald, An Autobiography*, 1991

<sup>18</sup> The 1978 O'Briain report identified emergency powers enabling the detention of suspects in custody for 2-7 days as problematic. Among the recommendations the report advised that the discretionary practice of holding individuals in police stations outside legislation should end, that arrestees should have custodial guardians and that interrogation rooms should be equipped with recording equipment.



resulted in no prosecutions and only one prosecution was taken the following year out of 154 complaints.<sup>19</sup>

A stream of complaints to the GSCB throughout the 90s, originating in Donegal, had not lead to any prosecution or investigation by the start of the new decade, but sustained local campaigning with some support from political representatives compelled the government to act and a Public Tribunal of Inquiry was set up in 2002.

The Morris Reports, published between 2007 and 2008, outlined the results of five major investigations. Two of these concerned a campaign of harassment against the McBrearty family by the gardaí, who attempted to frame Frank McBrearty Senior, his nephew Mark McConnell and son Frank McBrearty Junior for the murder of Richie Barron who was killed in a hit and run in 1996. 12 members of the McBrearty family were taken into custody, interrogated and abused; one individual spent two months in a psychiatric unit after being released from custody (Cunningham 2009). But the McBrearty case seemed only to be a scratch on the surface of police corruption in Donegal as investigations uncovered numerous incidents, outlined in the remaining three reports, in which arms and explosives had been planted on individuals by the guards as a means of enhancing their powers or furthering their careers. Between 1993 and 1994 Superintendent Kevin Lennon (who was fired) and Detective Garda Noel McMahon (resigned), in an attempt to move up the chain of command, fabricated a number of explosives finds. The investigation found Chief Supt Denis Fitzpatrick complicit in the behaviour of these gardaí in framing an innocent individual as an IRA informer. The Tribunal also found that Sergeant John White orchestrated the planting of an explosive device in 1996 at a protest site in Ardara which would enable him to arrest protestors under Section 30 of the OASA. The report revealed that two years later Sergeant White with the help of Detective Garda Thomas Kilcoyne and Sergeant Jack Conaty, Garda Martin Leonard and Garda Patrick Mulligan, had planted a firearm at a Traveller Halting site, enabling him again to act under Section 30.

The findings of the investigation, headed by Justice Morris, exposed systemic and institutionalised corruption and abuse of power throughout the force, ranging from low ranking officers to senior level, and have resulted in a series of resignations and recommendations for reform. Justice Morris listed the systemic flaws institutionalised within Irish policing as a promotions system that was problematic and not transparent, no accountability structures and no apparent disciplinary mechanisms while broader failures enabling corrupt and brutal policing were rooted in the absence of democratic accountability. No police commissioner or politician has been called to question for the cases mentioned here. This tribunal stands as the first investigation into the behaviour of the gardaí that has taken a critical view of the force, but a Tribunal of Inquiry merely investigates cases and publishes findings and has no power to create real changes within the police force or the state.

“There is nothing between us and the dark night of terrorism but that Force. While people in this House and people in the media may have freedom to criticise, the Government of the day should not criticise the Garda Síochána.<sup>20</sup>

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<sup>19</sup> It has taken consistent pressure from international human rights bodies (Committee for the Prevention of Torture and European Court of Human Rights) to get the Irish state to reluctantly admit that a complaints board that ultimately functions as gardaí investigating complaints against their colleagues was not impartial nor ever likely to achieve democratic accountability. The board was dissolved in 2007 and replaced by the Garda Síochána Ombudsman Commission.

<sup>20</sup> Fine Gael Minister for Justice Michael Noonan responding to criticisms of the gardaí on the 10th November 1987.

The Irish police emerged out of a colonial, military model assigned the task of administering state sanctioned terror and violence, specialising in counter insurgency operations, extra judicial imprisonment and executions. Yet public consent for this force was easily won through association with the values of an imagined national culture and the guard took position in community life, along with the parish priest and school teacher in the 'blessed trinity of communal control' (Vaughan and Kilcommons). Until recently conflict in Northern Ireland has deflected criticism from the force and has legitimated a police system that relies on emergency legislation and unaccountable powers. The stories in this collection are shaped by such a history.

## **Part I**

### **On the receiving end: experiences of being policed**

## Working-class experiences of the Gardaí

### A current crisis

Today we live in a media-saturated society that sensationalises crime and gangland warfare in working-class communities. Some say the media through its various functions has become a sort of moral barometer for the national imagination in terms of how the working classes are perceived. This, perhaps, is done through newspapers' slash headlines like "Thugs never had it so good" or "Bugsy Malone gang terrorise North Dublin", or through current TV shows that give a picture of working-class people as rough and disrespectable such as *Jerry Springer* or *The Royle Family*. All this actively contributes to the representation of the working classes as disreputable.

Media moralisation of the working classes serves to cast shadows over the real circumstances people face on a daily basis and, in particular, the situations and realities working-class people challenge in their communities. Not only do they suffer from intergenerational unemployment, poverty and bad infrastructure; working-class people also dealing with and recover from the impact of drugs and drug dealing.

On an almost daily basis, debates arise at the difficult intersections where communities experience how these problems are policed. On the one hand, people depend on garda protection and on the other hand, gardaí at times abuse their power either through physical brutality or using intimidating tactics or indeed both. This is embedded within some working-class communities and it is particular to the experiences of young working-class males. The big question that arises from this is what if part of the current crisis experienced in our communities today is actually due to just not knowing enough about people and their situations, like a lack of knowledge about how it is for those living in such crisis but not having the opportunity to have their voices and experiences heard?

When I began thinking about this, the one thing I knew for sure was there was a lack of connection to the truths in individual lives. Not a lot of opportunity is given to working-class males to voice their experiences, in particular their experiences of the gardaí. This is especially because there is such negative media representation blocking any chance of them telling their side of the story (as they say themselves). There is so much hidden about working-class life and cultural resistance. So much is hidden about people's lives behind the splashy headlines. Working-class culture is rarely documented for purposes other than to entertain or to sell popular culture. Rarely is the knowledge of working-class youths sought for the purpose of consciousness raising and healing.

This small piece of writing comes from my discussions with working-class youths in a council estate. The estate itself is rather isolated from the larger surrounding community and local elites frown on the area and openly refer to other housing estates as "decent places". I must note here that the same elites refer to the local Garda station as the "Barracks". All the discussions brought forward here come from working-class self-organised community education.

### Guilty until proven innocent

It is well known that the working classes view the police with suspicion: one would wonder why! Writers on social class such as Richard Hoggart tell us that working-class people see the police as being against them, or out to get them, rather than working on their behalf. It is well accepted at a local level that gardaí view young working-class males with suspicion. The lads I work with will openly say,

"When you are working-class, you are guilty until proven innocent".

The lads tell of old sayings regarding the gardaí's suspicion of them. These sayings are not only from their contemporary experiences with the gardaí but also come from what they heard their parents say. I have termed these "generational hearsays". Sayings such as,

"We are aliens of the state" or "it's a long road without a turn, the guards have long memories"

might not seem important at first but when you look at them in the context of coming from marginalised youths that have in various different ways become known to the gardaí (so to speak) then they begin to paint a different picture. One that might say that perhaps they have been marginalised by the state since they were born and that the gardaí are always watching them and remembering from one generation to the next.

### **Caught in the middle: working-class youths and power networks**

There was always a great willingness in the group to speak about their experiences and in particular their experiences of the gardaí when they were in their early teens and growing up in the community. These experiences and same old Garda tactics carried into their adult lives. All spoke about the feelings they had about being treated differently. For instance, the family name and any past offences the family had whether it was a father or an older sibling would be dragged up in conversations by some gardaí:

"The dirt was always dragged up for us, like thrown in your face"

The garda would say

"Ah it's you, young such and such, sure we know your father well"

Participants said

"We would hate the garda for this; it was the worst thing ever"

In any discussions around this the lads went on to say,

"It's like this - it's always about where you come from, like a council estate and all that, it's never about me and how I am now, it's always about the past and what I've done or what has happened in your family. This is always carried on, and even when you do go before the courts now as an adult the garda will give all the past. For example, I'm off drugs three years now and I'm doing a FETAC course. I had a minor traffic offence and was in court recently. The same old stuff was brought up. 'Well your honour, this man has previous drug convictions; he's from a disadvantaged neighbourhood' etc. It's never about how I'm doing now or what changes I've made in my life, the judge sometimes knows when the gardaí are using intimidation tactics, and have often cut across the garda and said 'well garda, that's in the past, it's how this young man is now and what he's doing with his life now concerns me'".

### **Caught in the middle - being netted**

When the subject of power was brought up in discussion, the lads would say everything to do with gardaí, being working-class and living in a council estate is all about power networks. The gardaí have the power and know exactly how to use it in certain situations. The lads spoke about the "net" or being "netted" and this is, the lads explained, one of the gardaí's strongest tactics and one that can result in dangerous consequences for working-class youths.

"It's like this, in council estates there is nothing much to do, so you're more vulnerable to what we call getting netted in by drug gangs and the guards. The thing is this. Gangs pick on young lads they know - or if they have known family members. Some lads I know have got involved, simply because they were asked as a favour to mind a stash, the gangs do this. When this happens it's hard to move away, even if you never take drugs, because now you are seen to know too much about the gang. Most lads take drugs and when the guards move in on them, like when they are caught with whatever drugs they have on them, even if it's only small and enough for one's own use, the guards will use this to bargain with you for information on the bigger gang members. If you do, they let you off with your offence but they still have you. Now you're a tooth for the guards and they use it all the more especially to intimidate

lads around gangs. This is known as the net because now you are either what's known as a 'tooth' (a tell tale) for the guards, or seen to be true to the gang, both situations are bad; there is no real middle ground in this. It's fear both ways".

The lads in the group spoke repeatedly about how there was no real middle ground in this situation and how this is the ground or the intersection of community policing where the gardaí really abused their power.

"It works this way, if a garda sees you talking to a group of lads he might stop the car and shout at you 'hey crack head, call up and see us again, like you did last week for a chat'. This is all they have to say, the only saviour is that the lads you're with know what the Guards are like and know their tactics because it's been done to them".

## Something rotten in the gardaí

A Dublin community activist who knows about the hidden aspects of working-class youths' experiences with the gardaí had this to say recently:

"Towards the end of 2007, a young man, aged nineteen, from a deprived neighbourhood came to tell me that on the previous day he had been taken to a Garda Station for a drugs search, during the course of which he had been assaulted by several gardaí. When no drugs were found on him, he was told to leave. He claimed that as he was leaving he was shoved forcefully towards the door by a garda, which caused his head to smash the glass panel of the door. He said that he was then brought back into the Garda Station and charged with assaulting the garda and causing criminal damage to the door".

In discussions around bad police behaviour the lads agreed that there is something rotten at work in the police. They spoke of how subtle Garda brutality can be, they told various stories but one that stuck in my mind was this one,

"I was playing football on the green with a couple of the lads. We decided to get our own team together. Tony [not his real name] had been in trouble for shoplifting; he robbed a roll and milk in Tesco's and then some bottles in the off-licence. He was due up in court in the coming weeks. Anyway, the game was going good and the Garda car pulled up. The guards got out and started playing football. They nearly broke Tony's ankles, the kicks they were giving him. There were four of them, they were getting the digs in wherever they could, and saying "the courts might let you away with it, but we won't". Then eventually they just went away and left Tony on the ground in agony. They do that and they know where to bash you too so it does not leave bruises, but with Tony they didn't care. They knew he wouldn't say anything to anyone."

Another issue that come up in discussion was the shooting of a youth in an ATM robbery. The comments here were on how the papers praised the gardaí's actions,

"We know he was in the wrong but there was no need to kill him, no one knew anything about him. He was alright he was, he just got desperate, he just became disposable. The papers were full of back slapping for the brave guards involved. Do you know what the papers said? They said "This was a brave and successful bit of work by our force".

Again a community activist speaks out on police behaviour towards working-class youths,

"There's an old dominant value system at work in Ireland. All the old gardaí have it, it's a sort of 'live up to standards' which the police force work out of. Because there is this dominant idiom to live up to, young gardaí starting out in the force cannot afford to be seen to sympathise with working-class youths, in particular those who are marginalised or drug users; it's just not done. To combat this, or rather as I see it, there is a role of "macho garda" played out among new recruits in the police force. This means the less you are seen to sympathise and the more you are seen to be nasty, intolerant and such towards the scumbags as they call them, the more accepted they are in the force. So yeah, there are some nasty ones about who work out of that value system, sure the lads will tell you themselves they are treated like dirt, especially in A & E (accident and emergency) and the police stations as we all know."

## **Garda relocation: behind closed doors – it’s like this**

In group sessions some of the lads spoke out about how just silly street corner fooling around could result in more serious consequences. They explained,

“We were drinking some cans one night and the guards came along and were slagging us off - saying things like ‘Ah there ye are, the same auld suspects knacker drinking as usual, would the pubs not have you lads’. Some of us said ‘ah go way you’re only guards, sure what can ye do about it, sure you’re all uniform and mouth’. We were hit across the face with batons and kept in the cell for the night. The guards were saying to us about how we had triggered the short fuse of the garda. They were explaining the actions of one particular garda who was a bit heavy handed on the baton. They were saying ‘you above all lads know what it’s like to just lose it, he just lost it lads, you have driven him to it, he is a good man but he’ll take no nonsense, he has a job to do’.

“My friend’s nose was broken he was fifteen years old and when his parents came to get him they were complaining and asking how he was in such a state. The guards were saying ‘drunk and disorderly but we will let him off this time’. The fact that my friend was drinking and that the garda were willing to overlook it made his parents delighted to have the situation cleared up. The garda in question was relocated to a different district that same week”.

The lads spoke about how gardaí are relocated to different places especially those who are considered to have a short fuse or those who are capable of just losing it,

“It goes on all the time and it just gets forgotten about, it’s like out of sight out of mind and anyway sometimes it’s just best to say nothing at all about it. You would just be bringing the whole thing up again and the guards can make that be a nightmare for you”.

In our discussions about their experiences with the gardaí there was strong emphasis placed on making sure I documented their experiences as a reality in our current times and not as they said themselves,

“Like something that is shown on the TV, like in a documentary where the police have someone in custody and it shows all the rights they have, like the way they can ask for stuff like drinks, smokes, or phone calls or the American way, like it shows all the time in films. Where the person is arrested and being questioned, it shows them saying things like ‘I will wait till my lawyer gets here’ or ‘not without my legal adviser’. Well that’s not how it is in the real world, here the gardaí just laugh at you”.

They went on to tell me that the best thing to do when in the situation of arrest is to just say “no comment” or “I’m not signing anything”. They went on to say that the gardaí still have the power no matter what, especially if you’re drug dependent and you are taken into custody or held overnight,

“If you’re drug dependent you could be left in a cell for up to sixteen hours. You would be climbing the walls. I was on prescribed drugs at the time I was arrested and was just left there. The guards know they have you now, you have a right to call a doctor but they leave you till you’re on your knees. Even then there is no guarantee you will get a doctor, it all depends on who’s around and if a garda thinks you might be a good source of information for them. The guards have the power here and offer drugs sometimes, or the stash you had on you when you were arrested can be on offer to you either. It depends on how desperate you are and the guards play you on this. I tell you it’s a vicious circle”.

## **Working-class resentment of Garda harassment: it’s the gardaí that create the trouble**

Local women in the community have spoken of how the gardaí are something like a militia,

“We understand it’s their job to patrol the area, but it’s a bit ridiculous when you see them hanging around all the time. They do hassle the kids in the neighbourhood. What happens is this, the guards hang around when there’s no need. This only causes tension and a fear in some of the parents that

some of the lads are going to strike out at them, like throw a bottle or stone at the car. We try to tell them don't let them get to you. But they don't always listen, they are too mad at them".

Throughout our discussions the women would continue to ask for reassurance about where the information they were giving me was going and wanted to make sure they would not be named. There was an air of fear and tension as women confessed their experiences of witnessing early dawn drug raids on their neighbour's homes,

"We didn't know what was going on; I mean there was no need for such force. There was up to sixteen guards at one house. It was terrible to witness the old people having to stand out in their gardens in their night clothes. It was very humiliating for them. There's no need for it to be done that way, and in the end they even found nothing. Some say the guards knew they would find nothing, that it was just their way of sending out a message that they are in control".

It has been pointed out that a 'culture of silence' exists in our society. This silence is thickest amongst working-class people when it comes to speaking out against figures of authority. One obvious reason for this stems from historical educational systems where working-class kids were taught first and foremost to obey and know their place in society. A 'hidden curriculum' rewarded conformity and silence and scorned any attempt at critical inquiry. This ensured that kids never questioned the ruling powers they encountered, and in particular the power of the police.

Further discussions with the women opened up the subject of their fears. They spoke about how they might be thought less of in the community if people knew they were speaking out against the gardaí. And the fact is there were a lot of constraints around sticking up for the youngsters who were not bad kids but who did get into trouble because there was nothing to do in the area. But, they told me, a lot of people say the kids are not disadvantaged and make comments like,

"It's just bad parenting skills, and the youths have it too easy".

The women also spoke about how if it was to be known by the local gardaí that they were speaking about them, they would simply not respond to any calls in need of their assistance in the neighbourhood.

## **Garda show no respect whatsoever: we need to have mutual respect**

In February 2006, hundreds of supporters of the loyalist 'Love Ulster' march left Dublin under a Garda escort after their rally failed to get underway due to an outbreak of violence in opposition to the march. Shop windows were broken, cars were burned out and a wave of violence spread across the city centre. Some community activists had this to say:

"Young people hate the gardaí because they show them no respect. They spoke about how they thought working-class youths had acted as they did in the riots because they were angry at Garda injustice".

They concluded with saying there needs to be mutual respect but the gardaí need to begin this process.

## **An end and a beginning**

My ending point, or should I say beginning point, is this - in order to gain respect there needs to be recognition given to the hidden aspects of people's lives. This means at its simplest level that more space needs to be scratched out among the lies, corruption, harassment and class domination that exists in our society today. Openness to want to hear just how it is for others who have not got the position or privilege to speak out in our society is called for. There are some that say there are too many gardaí and not enough policing in working-class communities today, others contend that working-class communities are subjected to more scrutiny and moral power than protection from the gardaí. Young working-class males speak of being singled out,



blamed and silenced rather than helped. Some of the lads spoke about wanting to help others so that they never have the experiences they have had. Some want to begin a youth centre in their own community and suggested the importance of the gardaí interacting more with the community:

“There needs to be a level that would allow young kids become familiar with the facts that the guards are there to protect them and not out against them”.

There is no conclusion as such to this document; as it is part of an ongoing process. I would like to think that instead of closing here, this document provides a space that is very much open by way of giving opportunity to other working-class people to voice their own experiences.

## **Terence Wheelock: looking for justice**

In June 2005 Terence Wheelock fell into a coma while in custody in a Dublin city centre police station. This 20 year old man never recovered from the injuries he sustained in a police cell and three months later he died. The family and friends of Terence Wheelock are still waiting for a credible and complete account of what happened in the station. This article tells the story of Terence Wheelock, the campaign for an independent inquiry into his death and the response of the the Irish state. A lot of the material used in this article was gathered in interviews with one of his older brothers, Larry Wheelock, who led the campaign looking for an independent inquiry into his Terence Wheelock's death<sup>21</sup>.

### **So who was Terence Wheelock?**

Terence grew up in Dublin as one of the youngest members of a large and tight knit family from the north inner city. He was a lively young man who loved both football and music and was very well liked in his local area. His friends talk about him with great affection and if you walk around area where he spent his youth you will see graffiti, using his nickname Fuzzy, remembering him written on hoardings and street corners.

According to his older brother Larry Wheelock in his early teens he got "in with the wrong crowd". As a consequence even though Terence "was by no means a hardened criminal" he did end up in and out of trouble over the next few years. His brother says this not only brought him legal difficulties it also meant that the police singled him out on the streets. By the time of his fateful arrest there was little love lost between the police and Terence and Larry Wheelock says that less than two weeks before the gardaí "had hurt his arm badly".

Late on a sunny morning on the 2<sup>nd</sup> June 2005 Terence left his house on an errand. The police arrived on the scene looking for a stolen car on Sean O'Casey Avenue. The robbed car was on the street with a small group of lads around it. Terence was there and arrested with three other young men on suspicion of being involved in the theft of this car. After a scuffle the men were put in a police van and brought into custody to Store Street station in the city centre. Subsequently some of the men would plead guilty to robbing the car but insisted that Terence had not been involved in the robbery.

What happened in Store Street station that afternoon is still not known. What is beyond dispute is that he was put in a cell late that morning and that just under two hours later he was unconscious and very badly injured. He was rushed to hospital but he never recovered consciousness. Terence spent three months in a deep coma before dying in September 2005. The gardaí have always claimed that his injuries were sustained during a suicide attempt when he tried to hang himself. However, five years after the incident the family have still grave concerns about what took place in that cell.

### **How the campaign came about**

When the family was notified that Terence had allegedly tried to commit suicide his brother Larry's initial reaction was that he "didn't believe it.. I thought Terence might be feigning something after a bad baiting - that he was acting. My ma was worried... she got a mad feeling in her stomach, in her womb, a mad empty feeling is how she described it". Despite this sense of

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<sup>21</sup> Much of the material for this article was taken from an extended interview in 2007. See <http://www.wsm.ie/content/interview-larry-wheelock-%E2%80%9Cno-justice-just-us%E2%80%9D>

foreboding and shock his mother, like the rest of the family were convinced that Terence had not been suicidal. On the contrary he had been in good form and full of plans for the future in the days before he was taken into Store Street.

In the following days the questions and worries about what had occurred multiplied for the Wheelock family. There had been bloodstains on his clothes and unexplained bruises, cuts and abrasions on his body when they first saw him in hospital. They knew that Terence's relationship with the police was not good and knew many people who had receiving a beating from the gardaí in similar circumstances. The behaviour of individual gardaí when they were dealing with family members and a strangely defensive press release from the Garda Press Office about Terence's hospitalisation created further disquiet in the Wheelock family. Something was really amiss. The family contacted a lawyer and demanded that photos of the injuries be taken by a hospital photographer<sup>22</sup>.

Later they discovered there were anomalies and deletions in Terence's custody records, and found out that renovations of the cell where he was detained were done a day after he was taken out of Store Street on a stretcher. Accounts given by others arrested and detained with Terence of what they heard and saw on the day intensified the family's concerns saying that they heard shouts from the cell. Understandably, news that a senior garda, Oliver Hanley, who had previously served in Store Street for over a decade, was going to be responsible for the investigation into what had happened did precious little to allay the stricken family's fears.

### **Establishing the Justice for Terence Wheelock campaign**

With little trust in police investigating police and no clear answers to the growing number of questions, the family and friends of Terence Wheelock decided to set up a campaign asking for an independent public inquiry into the case. Within three months they managed to build a well-supported and highly visible justice campaign based in a community that has long suffered from heavy handed policing. From 2005 to 2008 the Justice for Terence Wheelock Campaign tirelessly pushed the case in the media and regularly organised meetings, protests and vigils which drew hundreds of supporters<sup>23</sup>. His name became a synonym for police brutality and posters featuring Terence Wheelock's face became a common sight on Dublin walls and lampposts. This was in spite of the fact that early in the campaign Larry says that he and other Wheelock family members had encountered serious police harassment.

Certainly in the north inner city the relative longevity of the campaign meant that received wisdom about demanding justice from the state shifted away from a defeatist and pessimistic attitude to the idea that the state and the police can be put under scrutiny. When this is put to Larry he agrees:

"What we have shown is huge.... Even after my family was harassed out of their home, even though I had charges thrown... at me and my brother... we [kept] going. It has inspired a lot of people to, at the very, very least, complain" about police brutality.

As one of the few sustained community based initiatives in the past decade asking questions about the nature of policing, it also became a reference point for other families who have experienced police brutality across Ireland. This meant that scores of people approached campaign members with stories about mistreatment and harassment. At the height of the campaign in late 2007 the informal network that had built up between families and campaigns

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<sup>22</sup> Some of the photos of the injuries can be seen online <http://www.kenfoxe.com/2010/03/terence-wheelock-and-his-injuries-part-2/>.

<sup>23</sup> See the *Village* and Indymedia for a fuller account of the case and the campaign.

resulted in a high profile public meetings where hundreds of people from all over country discussed Garda brutality<sup>24</sup>.

## **Exhausting all legal avenues and exhausting a campaign**

Over the same period the family also fought a legal battle for a full independent inquiry. This was a gruelling process for the family and included attending a number of sittings at the Coroner's Court (which is convened to establish the cause of death when it is not clearly of natural causes). Amid controversy in early 2007, a split jury found that Terence died as a result of a suicide attempt. Much to the dissatisfaction of the Wheelock family and their supporters the court refused to accept independent forensic evidence, explain anomalies in garda accounts or admit an independent engineer's report that found the garda account of events implausible if not impossible.

In July 2007 the newly formed Garda Ombudsman announced it was going to investigate the case "in the public's interest". Family members decided to cooperate with the Ombudsman but maintained their call for an independent inquiry for two reasons. Firstly, the family had very little faith in the state after their experience of the garda investigation led by Garda Hanley and after what had transpired at the Coroner's court. Secondly, the campaign was looking for an inquiry with a broader remit than the Ombudsman's investigation which would look at events before Terence's arrest, including patterns in the garda behaviour in the area, and would also examine the claim that family members had been harassed and intimidated after the campaign was established.

Nonetheless, the announcement of the Garda Ombudsman changed the dynamics of the campaign. Despite the fact that the family was ambivalent about the process there was still some residual hope that they would get answers through the official channels. This and the difficulty of sustaining a very active campaign with a small number of part-time organisers and very little resources over a long period meant that the number of public events steadily diminished. Increasingly the campaign was focussed solely on legal and media work. By 2009, although the Wheelock family felt increasingly disconnected from the Ombudsman's investigation, the absence of a visible campaign meant that many people assumed that the case had been dealt with in a more or less satisfactory way.

In March 2010 the Ombudsman finally published a detailed report on Terence's case<sup>25</sup>. It found 'insufficient evidence' of an assault on Terence Wheelock by the gardaí during the arrest and no 'credible evidence' that he was mistreated in any way during his detention at Store Street Garda Station. The only criticisms made of the gardaí were of the station procedures. While the report does address some of the concerns raised by his family it fails to answer their most serious fears. The greatest weakness of the report is that it consistently takes Garda accounts at face value. The family were shellshocked at the findings and now see the whole process as a complete whitewash. In particular, there are serious concerns that a pattern of Garda brutality in the area has not been taken seriously at all<sup>26</sup>. Overall, the Ombudsman report is really far too little and far too late.

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<sup>24</sup> Meeting in the Royal Dublin Hotel, Dublin on November 29 2007 which brought together hundreds of people with statements and interventions from the Wheelocks, Moloneys, the Rossiter family in Clonmel and residents from Erris. See here for a report <http://www.indymedia.ie/article/85288>

<sup>25</sup> The full GSOC report is here [http://www.gardaombudsman.ie/GSOC/Section-102\(4\)-Mr-Terence-Wheelock.pdf](http://www.gardaombudsman.ie/GSOC/Section-102(4)-Mr-Terence-Wheelock.pdf)

<sup>26</sup> A story looking at the background to the family's concerns about a pattern in Garda brutality can be accessed here <http://thestory.ie/2010/04/13/new-details-relating-to-terence-wheelock-case/>

Five years on from the death of Terence Wheelock, it now seems like we will never know what happened at Store Street. At this point it is still pertinent to ask why the onus was on a grieving family to point out that the gardaí should not investigate themselves. It is still pertinent to wonder why the concerns of that family, backed up by hospital photos and independent engineering and forensic reports, were not dealt with in any substantive way for four years. In fact, amazingly it was the family who had to justify themselves for asking the questions in the first place and only got a response once they were backed by a large public campaign - a campaign that Larry says discovered that "police brutality is all over the country, it is prevalent and Terence's story is not shocking to a large proportion of our population". Finally, it is pertinent to inquire what would have happened if the family had in their grief decided not to ask questions - would Terence Wheelock have been just another anonymous statistic, another young man who died after 'something' happened in custody?

## The prisoner who disappeared...for a while

Derek D from Ballymun was 24 years old in March 2007, when he was sentenced to two terms of imprisonment for firearms offences and sent to Mountjoy Prison. He was known in his area for being tough and had several previous convictions. By his own account, once in Mountjoy he put his head down to do his time and get out before he was 30.<sup>27</sup> It was almost two years into these particular sentences, on 20th January 2009, when Derek D found two prison officers at the door of his cell telling him to follow them. Without notice, he was taken out and away to Portlaoise maximum security prison, without his clothes or belongings, where he was placed in isolation in a cell in a segregation unit in a block containing five separate units in the prison, used for punishments.

Derek D had not been accused of any breach of the prison rules, had no idea why he was in Portlaoise or why he was in total isolation. There was no other prisoner in the unit where he was being held. There was no association with other prisoners, no education, limited phone facilities, no exercise in an outdoor yard and not physical contact allowed during family visits. In fact he could not see, even at a distance, another prisoner. He was confined to his cell in silence for most of the day. "I have suffered migraines, earaches and insomnia and I am concerned for my mental and physical wellbeing", D said in an affidavit to the High Court.

In early February 2009, his solicitors - Fahy, Bambury, McGeever - started telephoning both the Portlaoise and Mountjoy governors to try and find out why he had been transferred and why he was in isolation. They drew a blank, and moved to the High Court a week later to get a judicial review under nine headings as to why he was in Portlaoise and deprived of so many rights and privileges. The Governor of Portlaoise, the Irish Prison Service and the Minister for Justice, Equality and Law Reform were named as respondents in the case. It was to take five months before a judgement was delivered by Mr Justice John Edwards.<sup>28</sup>

His lawyers argued that Derek had a right to be treated with dignity and with respect for bodily integrity, a right to fair procedures and to be treated in accordance with the Prison Rules despite him being a convicted person. His detention in such extreme isolation was a form of sensory deprivation which might have brought on mental illness. The High Court was surprised that no information could be found as to why the prisoner was in Portlaoise other than that it was a Ministerial Order and for "operational" reasons. The matter was so grave that Justice Edwards opened his own "enquiry" under Article 40 of the Constitution. This could have had the effect of causing Derek D to be released, even though he was a sentenced prisoner.

The case meandered in many directions and cul-de-sacs, including accusations that he had breached prison rules, but this never came to a substantial and proved allegation. Then it came to light that intelligence information had been provided to the Irish Prisons Service that Mr D was continuing his criminal career in prison and was a threat to persons (unknown) outside the prison. The origin of the intelligence or its character was not revealed to the High Court, but it must have been from outside the Prison Service which has no intelligence gathering function. The Prison Service argued that Derek D had to be maintained in isolation to protect the security of the State and the lives of persons (unknown) who were not in the prison. The thinking behind this was that he may have been "a player" in gangs outside the prison and that the right to life (of

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<sup>27</sup> A number of facts in this piece arise from a presentation by Sean Gillane, SC at the Irish Penal Reform Trust Seminar with the Dublin Solicitors' Bar Association at St Michans Church, Dublin, 18.11.09. None of the opinions in this piece should be attributed to Sean Gillane.

<sup>28</sup> Judgement by Edwards J. The High Court, IEHC 288 of 22.06.09, High Court Record Number: 2009 165 JR.

others unknown) took precedence over any of his own personal rights. The Justice considered that D could be part of a conspiracy to kill a person outside the prison.

While these arguments were going back and forth, changes were happening in the segregation block of Portlaoise. An unsolicited exercise bicycle arrived and a fitness instructor indicated he would be designing an individual fitness programme for the single prisoner. The chaplain took to visiting Derek up to four times a week though he had not claimed to be particularly devout. A tutor arrived to see what subjects he would like to study in his own personal programme of study which would be provided in an adjoining empty cell. The Governor claimed to visit him on a daily basis. Books such as “crime thrillers” were made available to him. Finally he was provided with the company of another prisoner, also relegated to the isolation unit. Derek was eventually moved to another of the isolation units which had a larger exercise yard.

In his 46-page judgement in August 2009, Justice Edwards considered that a governor of a prison was entitled to have regard to suggestions of threats emanating from whatever source (including senior members of An Garda Síochána). He decided that a prison Governor is entitled to take steps to protect life and to run a prison subject to directions of the Minister and the Prisons Service. However, this should be done in accordance with the Prison Rules and with respect for the prisoner’s human rights. He determined that absence of association could amount to sensory deprivation; however, he found that in the case of Derek D his treatment was not inhumane and that he did have company in prison albeit not mainly from prisoners.

The Justice was perplexed as to why the prisoner’s transfer and his subsequent treatment had not been undertaken following the wording of the Prison Rules. This latter finding was not of consequence in effect for Derek D, since in the special circumstances of the case, Justice Edwards stated that while finding that some of the authorities’ alleged actions could be found to be illegal he was not going to quash the impugned decision, such as his transfer from the relatively open environment of Mountjoy to the isolation units of Portlaoise.

The D case in its complexity brings several legal and social issues to the surface. Not least of these is whether information provided from outside a prison by the gardaí can place an obligation on a prison governor to alter the regime of his own prison in relation to an individual prisoner. The issue of how a prisoner defends himself or herself against accusations from persons unknown outside the prison, without knowing the accusations or their provenance, is a question of concern. The use of total isolation or sensory deprivation can apparently be used without it being an inhumane treatment so long as it is proportionate to the threat to the lives of others – even others unknown to the prisoner and outside the prison. At another level, the Prison Rules must be complied with, according to the High Court. Finally, it would appear that the mental health of prisoners can be justifiably undermined by the regime of their detention when they might constitute, or be perceived to constitute, a threat to the lives of others.

## **Part II**

### **Political policing: the gardaí and democracy**



## **I still remember my first time**

I still remember my first time. It was a fine sunny morning on the Easter bank holiday weekend in 1991. I had just dropped my girlfriend off at an inter-city coach and was walking back past the bank on College Green when a voice behind me said 'Stop, I want to talk to you for a minute'. Presuming it was someone trying to sell me something, I waved them off, but then the guy in the badly fitting suit walked around in front of me, held out some sort of ID card and announced he was Special Branch.

At the time I wasn't used to the routine but it goes a little bit like this. They demand your name and address. You try and avoid giving it to them by asking what this is in connection with. They tell you 'it's terrorism' (or sometimes drugs) and if you won't hand over the details they will arrest you. Of course most of the time they already know who you are; this is just how the game is played out. This morning, the next step for this secret policeman was to tell me he had been looking at a photograph of me at an anti-war demonstration speaking to a known IRA member and he wanted to know who that person was. Years later I have to admire that particular question, both for the wonderfully open-ended nature of the enquiry and for the absurdity of asking me about someone who had just been described to me as 'known to them'. I told him I didn't have a clue what he was on about and the conversation spun around in those sort of circles before I walked off. Today I'd know not to get drawn in, but as I say this was my first time.

When I got out of sight my imagination was in overdrive; I feared this was the first step of a massive crackdown on the anarchist movement and so rang the five or so members of that movement to warn them what was in progress. Needless to say, no one got raided later in the day, although a couple of people did get questioned on the street in a similar fashion over the next couple of months.

A recent encounter in April 2010 happened after I left a Dublin Shell to Sea meeting and was followed down a narrow city laneway by a carload of burly men. They didn't bother stopping, just pulled past me and then went around the block and passed me again as I strolled along, just in case I'd missed them the first time. Two months later in June I was actually stopped, this time five minutes after cycling away from another Shell to Sea event, this time a picket of Mountjoy prison. That amounted to no more than a conversation where they demanded my date of birth (needed for the PULSE computer system) which I refused to give to them.

Almost 20 years on, I've had encounters of some sort with Branch men (and in one case a woman) and their equivalents in Italy, Spain, Czech Republic, Mexico and Britain. In North America, where they do things a little differently, I've evidence of being on a watch list in the USA and I may even have a file in Canada. In Ireland I've lost track of the times I've been stopped, followed or had a car outside my door. I'd quite like to get the file that must exist, as it surely contains much I've forgotten. This list makes it sound like I should be an international arms dealer but the funny thing is that really I've done little to deserve such loving attention: a couple of hundred articles, organising the odd protest and perhaps a hundred or so speaking engagements. And all this in public, indeed every one of those articles is online in my own name.

Sometime, a little over 150 years ago, the French proto-anarchist Pierre Proudhon wrote that

To be governed is to be watched over, inspected, spied on, directed, legislated at, regulated, docketed, indoctrinated, preached at, controlled, assessed, weighed, censored, ordered about, by men who have neither the right nor the knowledge nor the virtue.

He would never have had the experience of walking down a busy city street to observe every single gardaí CCTV camera on every intersection swivel to follow him, but clearly he understood the concept.

Of course we don't live in a military dictatorship. Our secret police force does not bundle people into the back of vans with their torture marked bodies appearing a week later on the town

rubbish dump. From time to time they have bundled people into vans all right, and they have certainly beaten people, but that tends to be the exception rather than the rule. Most often their role is simply to discourage and disrupt, to raise the cost of being active and to reduce its effectiveness.

I figure it's largely about fear and paranoia. That is the purpose of all the time spent watching: it is not for the most part intelligence gathering at all, but instead all about getting you to look over your shoulder and worry about being watched and the repercussions of being watched. As was the case with me back in '91, they target fresh faces with the obvious intention of trying to scare people off. My experience wasn't a big deal because they were obviously not taking the then 5 strong anarchist movement all that seriously! But with the organisations they have gone after hard (eg Sinn Féin in the 1980s) a more extreme version of the same thing had major impact, scaring large numbers of new members away. In some parts of the country SF found it necessary to put new members through a mock interrogation so they were prepared for the inevitable encounter with the branch, and new members stayed in the organisation in much greater numbers as a result.

Apart from intimidating us, this also means that we sometimes needlessly distrust each other. Occasionally, I have had the experience when a new guy, and I say guy deliberately as it's nearly always men that provoke suspicion, who isn't from an existing social scene arrives at a meeting and a string of people tell me they are sure he is a cop. This is liable to happen in particular if you're a little older or more "normally" dressed than the average anti-capitalist activist. It's even happened to me: I remember visiting an anarchist meet-up point during the anti-capitalist protest against the EU in Seville in 2002 only to be confronted by some younger punky types who reckoned I had to be either a cop or a journalist as I was not wearing their 'uniform'.

The secret state, ever-present at our activities, makes us wary of each other. The impact of the secret police can be surprisingly disruptive. It encourages an inward-looking culture that is suspicious of strangers. Someone asking questions becomes someone to suspect rather than someone to welcome. Even under quite mild surveillance, the pressure wears away at the bonds of human solidarity that unite and motivate us in the first place.

How can we resist? Mostly we can understand what it is they are trying to achieve and be careful not to play the game they are trying to push us into. We can refuse to become paranoid and inward-looking. We can refuse to impose a cultural uniform on ourselves under the illusion this will enable us to tell friend from foe. We can expect a certain level of harassment, and although it may quicken our pulses (mine still does when that unmarked car cruises up behind me on a dark city street) we cannot let that affect our activity. We can support friends who are feeling the pressure and we can reach out to strangers who are in danger of being isolated. We can build a movement that is bigger than them.

## **Reclaim the Streets 2002: a police riot and the aftermath**

The following piece is an interview with X, a victim of the police riot that took place May 6th 2002. The 'Reclaim The Streets' (RTS) protest tactic, hosting spontaneous temporary street parties in the name of community ownership over public space, emerged out of anti-capitalist and environmental grassroots politics in the UK in the early 90's and rapidly spread across Europe, Australia, North America and later to South America, Asia and Africa attracting anywhere between a few hundred to tens of thousands of revellers. Following a successful first run of RTS in Dublin the previous year, the 2002 street party kicked off along Burgh Quay with about 400 partyers dancing to music played from a rig blocking one of the city's main roads. The crowd soon doubled in size and the festival atmosphere continued for most of the afternoon until the police became hostile and began making arrests.

### **Interview**

That's when the cop came over and hit me on the back of the head with a baton. I remember walking away and falling over. The next thing I remembered I was surrounded by a couple of my friends and my girlfriend at the time, they were trying to keep me awake. There was a ban-garda there and she was redirecting traffic. My girlfriend went over and said 'you need to call an ambulance, my boyfriend is hurt, he's covered in blood' but she refused. She was a traffic cop so she was in leather and she had the bike so I'm assuming they had a first aid kit there. An ambulance was called but when it arrived the ban-garda redirected it. My girlfriend is going mental now, she's screaming 'what are you doing?' My girlfriend heard her say that she wouldn't piss on me if I was on fire.

When I got to Saint James [hospital] I remember being seen by a nurse. She asked me what happened and I told her I was at a protest and a cop hit me on the back of the head. She was very dismissive of me and gave me a look like I deserved what I got, that I was wasting her time pretty much. At that time I was the only person in the hospital from the protest so I imagine it was the first she heard of it. I don't know how many people show up in hospitals with head wounds from a guard without being under arrest. I can only assume her attitude changed when the A & E was swamped with casualties, but who knows? Then when there was a doctor or a nurse and he stitched me up... he was African and he was very sympathetic so I assume that he would have had to deal with something similar back home.

### **Back at the party**

While X was in hospital the crowd who had gathered for the street party decided to call it a day but fearing threats to their safety the group moved on mass to Stephen's Green where they agreed they would then disperse. But as they began to move through the city, an unmarked police car drove into the crowd, several other police vans arrived at this point and police numbers rose to around 150. The group of partyers, now reduced to approximately 200, were indiscriminately attacked at this point as were passing shoppers and bystanders. One partygoer, Y, recalled the Dame Street police riot:

This was the worst of the baton charges I saw. Previously they had been happy taking a few swings at a couple of people to frighten people back. This time they were knocking people to the ground and continuing to baton and kick people once they had gone down. I saw a young man being thrown against the side of a bus and batoned there by at least five gardaí ... One advertising executive reported that he had been hit three times before seeing two motorbike cops banging a young man's head off a wall. A woman was knocked off her bike and beaten on the ground before being arrested, and many people were sent to hospital at this point.

## Interview with X

After getting stitched up, tetanus injection, they let me out. It was only 5 stitches but because it was so close to the bone and the wound was three inches half my head had to be shaved and stitched up, it was pretty vicious. When I went out into the car park I remember thinking 'my god I'm going to have to tell my parents and they are not going to be impressed' and so I rang and told them and they believed me straight away. I remember the helicopter was still up in the sky and then I got a phone call from one of my mates saying 'are you in James?' I said 'yeah'. He said 'I'm coming down'. I said 'oh no, there's no need'. He said 'I'm coming down in the ambulance'. He'd been attacked as well. I spent the whole evening in the waiting room getting to meet all the other victims as they were coming in and as they were being discharged. And as we sat around I remember watching the RTE news and they gave the typical response that you would have expected from the state news, that there was a riot in town and the gardai had it under control. That was pretty much it.

I made the complaint the day after; I was still in a daze. I went in to Pearse Street [police station], made a complaint, obviously the guy wasn't the most helpful guy but he did take down my complaint and I gave him my address. I told him basically what happened that I got hit on the back of the head, that I wasn't doing anything, that if I was doing something surely I would have been arrested, that I was lying covered in blood and that a ban-garda wouldn't get me an ambulance, when the ambulance came it was redirected. So all this gets taken down. And then the next day, I was living in a flat on Dublin's Southside at the time, I see one of the big riot vans parked on the road opposite my flat and there's a guard there with no numbers on, just standing there. He did briefly look up at the window but at the same time he wouldn't really have known which window was mine. There was a little net curtain there so I'm pretty sure he couldn't have seen me. When I saw that, you know, you're shocked but you're not surprised. I didn't know what to do, I didn't think shouting at them was a good idea so I got a disposable camera, called out to them and took a photo of them with the flash so they saw it and straight away got into the van and zoomed off.

After that I was always on guard; everything makes you a bit paranoid. Obviously they could have made my life more difficult but I wasn't going to not go ahead with the case. The first couple of days I felt pretty upset, it didn't seem like a cover up but it did seem like there was a gagging order of some sort with RTE. I contacted someone; I don't remember if it was the Irish Times or Independent, I went out, bought a paper, got a phone number and called him up. I saw the 9 o'clock news that day and I wasn't going to stand for it, I just wanted everyone to know, this is what happened. It wasn't until Indymedia and the Socialist Workers Party kicked up a shit storm that RTE started to change their tune. It just seems so mad that all of this craziness went down and the national TV station hardly paid any attention to it at all.

Comparing 2002 with 2001... there just seemed to be more cameras, that's what made it such a big deal. Everyone had cameras; people had camcorders, digital cameras. I think that's what made it into the media event that it became because it was documented. Without the documentation you've got your word against theirs. No one would have believed that a cop would have chased someone down on Dame Street and just smacked them in the face with a baton unless they saw it themselves.

A couple of days after I went onto Indymedia and gave some brief details and asked if anyone had any photographs or video footage. Some guy from Friends of the Earth got in touch with me and put me in touch with some solicitors who ended up being really sound and also the guy who got the video. I think he was a DCU student, he sorted me out with the video. Sometime after that *Primetime* got in touch with me and asked me if I would do an interview and I turned it down because my photo was in a lot of the Sunday papers and I was getting hassle by the cops after that, not constantly, not like 'oh god I can't leave the house'.

I had no experience of solicitors, I didn't know if it was just going to be like, 'oh we'll take the case for x amount of money' but they were quite sound. I knew I was on to a good thing when I went in and the waiting room had a big Palestine poster. They took it on pro-bono, they told me they were going to take a certain percentage if I did win compensation, in the end they actually took less than they said they would. So I met up with the solicitors and told them all the details, they said we'd try and take a criminal action, it would be surprising to get a criminal case to court but we'd try anyway. So I gave them video and the details of all my witnesses and they went in and gave some statements and I didn't hear back from them for ages. I don't really remember exactly how long it was before I heard back from them but then when I did hear back it was that the wheels were set in motion to bring a criminal action against the guards and that I would hear back soon.

An ex-garda commissioner was in charge of the internal investigation. I went up with my solicitor and was asked to give a lengthy statement. They asked me a lot of questions and then I was shown a video and asked if I could identify my attacker. It was the biggest farce I've ever seen. What they had done was they had got a lot of the video from Indymedia and they edited it chronologically with helicopter footage but really what it looked like was just an extended version of what had already been shown on RTE and TV3 and the editing was definitely in their favour. I said to them, 'this is ridiculous, you're just showing me footage of people being outraged that their mates are covered in blood, you aren't actually showing me any footage of anyone getting beaten, I don't know what you expect me to say here'.

So the procedure was that I tried to take two cases, a criminal case and a civil case<sup>29</sup>. For the criminal case, my solicitor had to do something called 'discovery', basically had to look for any and all evidence that they had regarding the event. I know they were dragging their heels and then in the end the video that she got was pretty much the video that I saw, the very highly edited video and then a bunch of statements. I only got to see the statements maybe six months before the case was given a date so that would have been mid 2005, a good three years after. The statements that they were making were that I was drunk, abusive, throwing cans.

I lodged my complaint from the flat I was living in. If the cops did any kind of background check on me, and I guess they would have, they would have known my parents lived in a nice house on Dublin's south side. When I saw their statements, they were really trying to play me out like a real thug. The fact that I ended up getting first class honours in my degree... I think all of these things really contributed to how much compensation I got. I think if I was some young fella from Ballymun, I wouldn't have stood a chance, not at all. I think that played a huge part in it.

Then I heard back from them to say that the criminal case wasn't going to go ahead, that it was refused and they didn't give a reason. After that I didn't hear anything for ages and then it was really in the six months leading up to the court case things started happening. I was meeting up with the solicitors and they were talking me through what was most likely going to happen. That the defence would make a big deal out of the fact that I was into the punk scene, that the jury is more than likely going to be housewives and professionals, that this could be tough but they could settle. And I said to them, I wasn't interested in settling, I was interested in getting an apology. If I got an apology and not a penny I would be happy. They laughed at that. I guess obviously they want to get paid. I guess they were laughing because if you get a settlement off the guards, well done, because it's not easy. It's not easy at all.

They told me that for a guard to be up in the dock for assault is very rare. When it came down to it, their internal investigation that was happening up in Irish Life, my understanding of it was that they pulled in few guards to state on the record, 'do you recognise this guard hitting this guy' and they all said no. Obviously they all had legal advice and they were given it immediately before the interview. It's an old boys' network, they're going to look after their own.

So a letter came and said that the criminal case wasn't happening. Obviously, I was disappointed. I had been warned beforehand that it was very unlikely to happen so really what I was hoping for was some kind of acknowledgement that they had done wrong. That if it was going to come to a point where I'm going to have to stand in court and there are all these guards are lying by saying that they recognise me from three years ago being pissed off my face and throwing cans at the cops and I got everything that was coming to me, obviously that's shit. So my solicitors were prepping me for all of the things. The defence were going to play devils' advocate. They are going to say 'well, do you drink, did you drink anything that day, do you have a problem with the cops' and how do you answer that? 'Well, yeah if I didn't before, well I do now, and I did before and I don't know if that is relevant!'

So when the date came through, you get nervous. You know you've spent three years telling everyone that you're going to have your day in court. You're going to get your apology. You're going to get some kind of acknowledgement. You're going to be able to try your best to shame them into making sure that none of this is ever going to happen again. Then I get a phone call from one of my solicitor saying that the legal team of the gardai want to discuss terms of settlement. And so I said, 'well what do you think I

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<sup>29</sup> \* A civil case drawing on civil or common law deals with disputes between individuals from which compensation may be awarded to the victim while a criminal case would enable a criminal conviction for assault.

should do'. The solicitor replied 'well, I'd recommend you'd hear what they have to say and then make a decision'. So, ok – I went in. It was in the library in The Four Courts. Luckily I've never been in The Four Courts before, it was totally unlike anything I'd ever expected. It was really, really busy. The place was full. The library was, if you can imagine Bewleys on a very busy day. And they had something like three barristers. I guess they were barristers sitting at the table, these guys acting for the guards. There was maybe two guys on my side, a woman and a guy working for the firm. So basically they were saying, 'ok, well look; for a head injury if this was in your place of work this is how much you'd be looking for. If you were to lose a finger this is how much you'd be looking for. If you lost the use of your right arm this is what you'd be looking for. But we're going to offer you this'... It was quite a lot of money.

Now my problem with this was, to put it in context, I was one of the first up who was attacked that day and who was going to have their day in court. Two days beforehand when I got the phone call they tell me to come in because now they have the video that they will be showing in court. The video that they had in court was a video that I hadn't seen before. In this video one of my mates is saying 'those fucking pigs are going to pay for what they did, fuck those pigs I'm going to fucking kill them'. It's not going to play well in court at all. And I'm thinking if I say, no I'm not going to settle and I'm going to go to court then I'm more than likely going to lose and if I lose I will have set a precedent for everyone else that's trying to do something. Now it's all well and good for me to say that money doesn't matter, that what I want is an apology but then I'm in a dilemma. Do I have the right to really fuck up the chance for other people where the money would make a huge difference? Maybe they actually have lost some function in their hand and they need some kind of physio. I don't know. So this is the situation and I'm looking at the solicitor and he's looking at me and he's like, yeah it's not looking good. So that coupled with all of these garda statements versus my mates who at the time were on the dole and I'm there with the college degree. I've just finished my masters at the time and how is this going to weigh up? I'm going to sit there and I've got a masters degree and here is my mate who is unemployed on the camera saying he wants to kill the cops. Again my word against theirs, pretty much my entire argument was, I don't have a record and I wasn't arrested that day. I was lying in a pool of blood. Had I done something that would have warranted the attack, what they should have done was hit me on the arms or the legs and arrested me if I was proving to be a nuisance. But instead I was cracked over the head.

I did have video footage of me being attacked and it turned out that it was up to the discretion of the guards' barristers whether or not the video could be shown without the person who recorded it being present. I had asked the guy who shot the video if he would attend the court case but he has said he wouldn't. He just said 'look I was there on the day, I took the video, I gave you the video. I want to keep a distance from it'. It's just one of those things. It's just common knowledge, if you try and fuck with the cops they are going to come at you. If they're going to send a riot van to sit outside my gaff for making a complaint and then you read about Larry Murphy (convicted rapist and suspected serial killer) being released tomorrow and they're not going to be able to keep tabs on him at all. He's just going to be floating around. It makes you wonder how these resources are being allocated

It's about your class background and how that plays a part. It makes you feel so shit when you're thinking, 'oh my god I'm going to have to walk into that and rely on that'. That is shit, when you hate the system, you hate the way all of that shit works and now you're in a position where you're like, well I hope they look kindly on me because I've got a college education and my parents have a nice house. That's like a personal dilemma. So in the end they told me how much they were going to offer me and I said, 'look all I want is an apology, if you give me an apology right now I will walk away'. They all laughed and I got the feeling they all knew each other and they were all going through the motions in the same way you might see two boxers knocking the heads off each other and afterwards they give each other a big hug.

So, yeah I said that and they just laughed and said well, 'you must be a good poker player'. I didn't quite get what he meant and then he threw on more on top of what he'd just offered me. I spoke with my solicitors and asked 'what do you think about that?' They said 'well look, I deal with a lot of personal injury and that is very, very good so you know you can risk it and it would be up to a jury to decide whether you deserve to get compensation'. Basically the way they argued it was that this is not a criminal case, this is about money. 'You're not going to get an apology this is purely about money. So this is what they're offering you. You can take it or you can go to court and you can get your name dragged through the mud and lose'. So in the end I took the money.

## **Conclusion**

In total the May 2002 police riot, which put 12 people in hospital and resulted in 24 arrests, cost the State €1 million in fees and claims, €288,700 of which was paid out in compensation. Although the behaviour of the gardaí that day is noted by police researchers as resulting in a major legitimacy crisis for An Garda Síochána, charges of assault against 7 gardaí never made it to court and the one case that did, that of Donal Corcoran who became known as Robocop, resulted in acquittal. No disciplinary action was taken following the internal inquiry and on a public level rank and file gardaí attributed blame to poor management structures while management level police scapegoated rank and file gardaí by ordering the removal of garda batons at the RTS that took place 6 months later.

For further discussion on the implications of events that took place at the 2002 RTS see the pieces "When do the police get away with violence, and why?" and "From force to fencing: political policing in the Republic of Ireland".

## **Resisting Shell in Mayo and the experience of policing in Erris: an eyewitness account**

The following article is an eyewitness account of policing in Erris in Mayo where protests against Shell construction of a gas refinery are ongoing. The article gives some general background to the protests and details what it was like to see Garda brutality on a regular basis.

In October 2007, An Garda Síochána drafted several hundred gardaí to one of the most isolated parts of Ireland - the Erris peninsula in northwest Mayo. Since then the state has spent millions on overtime and have sent ever larger numbers of gardaí to this small corner of Mayo. By the summer of 2009 there were a hundred and fifty uniformed gardaí, a hundred and fifty Public Order Unit members equipped with riot gear, numerous Special Branch deployed alongside the ERU (the armed emergency response unit), Garda naval teams and two hundred privately hired security men in one small, rural parish.

It was a bizarre to see that many gardaí in such a remote area. To explain just how bizarre it's probably worth explaining a little bit about Erris. It is situated at the meeting of two bays on the northwestern corner of Connaught. The area is dotted with sparsely populated fishing villages and small tight knit farming communities. It lies 50 miles from the nearest town of any size, Ballina, and it has one of the lowest crime rates in the country. So what led to this extraordinarily large and threatening mobilisation of gardaí?

In 2005 a long-running community campaign in Erris to oppose attempts by the oil and gas multinationals Shell, Statoil and Marathon to build an onshore raw gas refinery in the area came to a head. The project had been opposed by locals since 2000 because of health and safety concerns about placing a high pressure unrefined gas pipeline close to houses over land which is boggy and unstable. The crisis was precipitated when Shell sought an injunction against five local men and one local woman who along with others had tried to block work going ahead on the pipeline. They decided to ignore the injunction and continued to oppose the pipeline and in June 2005 the five of the six people under injunction were imprisoned for 94 days, becoming better known as the "Rossport Five".

In response to their imprisonment, local people blockaded Shell's building sites in Erris. This got widespread public support across Ireland and managed to shut down Shell operations in Mayo. The community decided to maintain the blockades, while Shell and the gardaí made little attempt to break through them fearing that more controversy and negative publicity would further bolster support for the campaign. This situation continued until late 2006.

However, although Shell and gardaí had decided to avoid confrontation that summer, they were busy preparing for a counter attack. Throughout 2006 several newspaper stories emerged in the national papers from Garda sources about how "sinister elements" had taken over the local campaign called "Shell to Sea". This reached a crescendo in October 2006. Paul Williams, a journalist they frequently use, in the *Sunday World* on October 1st 2006 in a piece entitled "How the Shinners hijacked Rossport" announced to the world that the IRA had taken "control of Rossport". This piece of 'news' was credited, as usual, to anonymous Garda sources. No matter that this was happening at a time when many politicians in Ireland and the world were celebrating the fact the IRA was completely inactive and has fully engaged in the peace process.

As the gardaí fed the rumour mill, making up one fantastical story after another to blacken the campaign, they faced one huge problem. It was just not true. When they drafted in the gardaí from around the country they were lining up against a community. This community was older than average, with a majority of residents being 40 or over. They were very 'normal people' and what's commonly described in Ireland as 'salt of the earth'. There were no scary "terrorists" or "criminals" just people who could be your aunt or uncle, brother or sister, or parent or grandparent. Naively some of us thought initially that the gardaí would be unable or even unwilling to brutalise because of this. This had absolutely no impact and four years later the



Erris is a repository for a frightening number of stories of psychological and physical abuse at the hands of the gardaí.

They acted like animals at protests, breaking bones, punching, kicking and manhandling protestors regardless of their age and gender. This led to numerous hospitalisations and several people suffered injuries which continue to give them trouble. The severity and regularity of violence has led many observers to conclude in retrospect that the police were attempting to provoke locals and their supporters into violence. The violence was backed up by frequent intimidation, harassment and surveillance of rural communities when people were going about their daily business. The black humour of the people in Mayo, who came up with the description of their lives as "Shell shocked", give some indication of the impact this had on people's lives.

It is noteworthy that of the hundreds of gardaí were drafted in to the area over the coming years very few refused to engage in violence and intimidation (less than a dozen to my knowledge). At no point were gardaí made accountable for what they were doing in the area. Despite this the community resisted peacefully, avoiding anything they thought might provoke or worse in their minds hurt the gardaí.

In retrospect it is clear that this was part of a broader strategy. The gardaí were asked to break the campaign through violence and intimidation but to avoid any high profile arrests (which could result in another Rossport five). In fact senior gardaí have admitted using tactics which would mean there would be no 'martyrs in prison' in the *Garda Review* in late 2007. Instead of arresting people engaged in civil disobedience they were going to operate on the logic of "teach them a lesson". To do this they used a dual strategy of tarring locals and supporters as marginalised, conniving Republicans in the press and violence against demonstrators on the roads of Mayo.

Knowing this does not change the fact that when you see that level of constant brutality it's very hard to understand. These people were not used to abuse and vilification from the gardaí. They had previously trusted and respected the police. This is what made me really understand that the person you see in a uniform is much more than just a face or an individual. They are remoulded by their training in Templemore and the culture within the gardaí.

The gardaí in Mayo exhibited a pack mentality with an unfaltering and unquestioning allegiance to their leadership and a sense that anything they did in Erris was not their 'personal' responsibility. The leadership, which the rank and file follow like sheep, led the way in assaults. This was clearly not about the odd rogue garda getting out of control and the Superintendents, Detectives and Sergeants administered much of the violence with many others joining in or at best looking on often laughing or smirking. On occasion I wondered if behind the smirks, grins, leers and laughter of the gardaí there was no compassion for the people in Mayo? After a while I gave up.

The gardaí changed tactics in 2008 when they moved to an arrest policy again. This has seen hundreds of charges, usually bogus (most have been thrown out in court) backed up with the continuous physical assaults. Again there was no sense or evidence of public accountability or personal responsibility, even when gardaí contradicted each other in court while trying to prosecute community members.

It was obvious it was not just senior gardaí or the 'system's fault'. They are culpable, but the individual guards are too because they chose to ignore what was going on in Erris (including for instance a 70-year old woman being punched). No matter how much training you get, you always have a choice. Amazingly though, the people in the communities in Mayo have their choice to back down, walk away and ignore what they think is wrong. Yet in the face of this brutality they choose to struggle on.

## Policing the anti-war movement in Ireland

The following exploration of the policing of the anti-war demonstrations will be in two parts: the first will look at the change in policing through the eyes of a participant, a new activist, while the second will make a more thorough examination of the forces at work which lead to such a massive escalation in the policing of anti-war protest, particularly at Shannon, both on the side of the protesters and that of the gardaí.

### *Through a newcomer's eyes*

My first visit to Shannon saw a very significant act of civil disobedience, in a mass trespass onto the airfield. This had followed on from a fairly standard, if boisterous, march from Shannon town centre to the airport, some speeches, and some indignation at the refusal of the gardaí to let anyone enter the airport terminal building, including a six-year-old boy who needed to use the toilet. As we left the airport, the Catholic Workers had dyed the fountain near the entrance blood-red, to symbolise the lives that would be lost were the war to go ahead. Then we continued on our way. But further on, as we left the terminal area, and continued on the road alongside the perimeter fence and the runways, a section of the crowd had broken off and were pulling at the airport fence – and it was coming away. As it came down, a few brave souls ventured onto the airfield, being followed, after a moment's hesitation, by a much larger section of the crowd.

The police response was disorganised, to say the least. There were a small number of gardaí present, who were mostly positioned between the march and the fences, but they clearly weren't expecting anything on the scale of what occurred, and would have been heavily outnumbered in any case. It was the decision of the protesters not to venture onto the runways, out of concern for safety, and instead to sit down on the airfield – it wasn't forced by the gardaí, who would not have been able to do so. A few vocal people were arrested, 'to make an example', but quickly released after the protest later relocated (of its own accord) to Shannon Garda station.

A protest organised by the Midwest Alliance against Military Aggression (MAMA) in December passed relatively without incident, but with a noticeable increase in police visibility and low-level intimidation, such as following protesters who had been separated from the march as they were leaving the area. This was a situation which the incredibly admirable and dedicated band of Planespotters were very familiar with, as shown in the documentary 'Route Irish', among other places. While this is a significant issue, this article will only touch on it for reasons of space.

As the year turned into 2003, the campaign ramped up, as the preparations for war continued apace. The Shannon Peace Camp was set up to oppose the war on a constant basis at the site of Ireland's involvement. The Camp would go on to gain huge publicity and act as a focal point for much of the resistance which would follow. Taking and holding space directly opposite the airport was a very public declaration that the opposition to war was very committed and would challenge Irish involvement in it.

At the end of January and the beginning of February, two actions took place at Shannon which would hugely change the situation for both protesters and police. On January 29<sup>th</sup>, Mary Kelly entered the airport at night and disabled a US military plane by hitting its nose cone with an axe, rendering it impossible to fly. This action is estimated to have caused €500,000 worth of damage. A few days later, on February 1<sup>st</sup>, the five 'Pitstop Ploughshares' also entered the airport and damaged the same plane, as well as digging up part of a runway. On both occasions, the protesters stated that gardaí on duty securing the plane were asleep or absent.

The fact that a fifty-year-old nurse and then a group of five people involved in a religious poverty alleviation group were able to gain access to the airport and damage a plane caused a predictable backlash and reaction. While Eoin Dubsy had disarmed a plane by painting a peace

sign on the windscreen in September 2002, this level of damage was unprecedented. 'If these people could get in and do this kind of damage', went the cry, 'then what kind of damage could terrorists do?' The government moved quickly against the protesters, with Taoiseach Bertie Ahern saying that we were 'over-tolerant' of protesters, who were 'not one bit peaceful'. In a much more significant move, the Irish army were drafted into Shannon airport to protect it, and this move formed the centrepiece of a co-ordinated offensive against the motives and credibility of the anti-war movement. The message was clear: the Irish army were needed, because the protesters were dangerous.

Then on February 15<sup>th</sup>, came the largest anti-war demonstration Ireland, and the world, had ever seen. Millions marched around the world, while over 100,000 participated in Dublin. But while the anger was the same as that which was being expressed at Shannon, the treatment was very different. The gardaí were very much in the background, while Bertie Ahern's reaction (however disingenuous), was to welcome the protest and lament the fact that he could not attend.

The separation between 'good' and 'bad' protesters in the mind of the Irish establishment would be further strengthened in the weeks ahead. The Grassroots Network Against War (GNAW), a loose group of left and libertarian people had been set up to provide a vehicle for more mass direct action against the war, after frustration with the reticence of the Irish Anti-War Movement (IAWM) organisation grew. GNAW called for a mass act of peaceful civil disobedience at Shannon of March 1<sup>st</sup>, to pull down the fences and access the airfield (as had happened the previous October). Despite the fact that the protest had explicitly been advertised as non-violent, there was a determined effort by the government and the media to portray it as otherwise.

While anti-war groups had consistently been accused of 'anti-Americanism', these attacks multiplied as the movement grew. When the mass civil disobedience was called, two of the last three remaining troop carrying airlines announced they were pulling out of Shannon (another having pulled out after the Pitstop Ploughshares action), citing security concerns. A hysterical media campaign was initiated, with ever shriller denunciations of the 'violent' nature of the protest. It even got to the point where there were suggestions that the army might shoot people. This had the effect of scaring off some people, including the Labour Party and the Greens, but also the IAWM.

On the day of the protest, the march split into two sections, the GNAW direct action one and the IAWM one. When the GNAW march got to the airport fence we were confronted by a line of riot police with shields and a number of dogs, along lots more riot police inside the fence, a fire engine (to be used as a water cannon if needed), and the aforementioned Irish army. This was a much bigger operation than anything seen at Shannon before. After some time of a line of protesters facing down the line of police, the protest line lurched to the side, taking the gardaí by surprise, and a few people managed to get ropes onto the fence and began to pull it down. But the police managed to get in and rugby tackle people before this was very advanced. Nevertheless, despite the rough equivalence of numbers, it is notable how close the fence came to coming down, and most protesters went away positive, and with thoughts of how to do it better next time.

However, the start of the war, and indeed the taking of Baghdad, happened very rapidly after this. On Day X, the day the war started, there was a protest at the Dáil, and symbolic red paint was poured on a Fianna Fáil senator who came out to justify the war, and Ireland's part in it. There was also an attempted blockade. The manner in which this was dealt with by the gardaí is eloquently explained by Éamonn Crudden:

"The way in which the protesters attempting a spontaneous blockade were dragged from the road in the aftermath of the vote [in the Dáil, to allow for US use of Shannon] showed the face of a state unwilling to allow a space for civil disobedience to open up. No mass arrests, just brute force."

There were a number of protests in Shannon in the months and years that followed, one in particular of which attempted to access the airport, but which was quite isolated, and didn't

manage to achieve its objective. The visit of George Bush to the Mid-West of Ireland in 2004 also saw a large mobilisation against the war, as well as the drafting in of hundreds of gardaí, secret service, and a large number of Armoured Personnel Carriers (APCs). While these events were significant, and both involved acts or attempts at civil disobedience, the systematic, regularly organised actions ended not long after the taking of Baghdad, for reasons which limitations of space stop us going into, but which are much debated. Because of this, the following discussion will concentrate on the actions during the run-up to the war, the policing of these actions, and what we can learn from these.

### *Discussion*

Clearly, as the drive to war continued, protests escalated, and so did their policing. There are a number of different strands which need to be examined in order for us to be able to fully understand the process of how a protest which called for peaceful civil disobedience (and which remained peaceful) ended up being met by two lines of riot police, water cannon, and the Irish army, 'the bizarre spectacle of the Irish army being deployed to protect the US military from 300 non-violent activists' (Cox).

The early demonstrations at Shannon described here could be characterised as having had a relatively low level of policing, with the gardaí on duty drawn largely from the region and led by local officers. This was not the case on March 1<sup>st</sup>. The role of the media and of the political establishment will be looked at in this light. And while the police certainly responded to the aforementioned change in protest action, the circumstances of this need to be examined.

One of the many fascinating cables to emerge from WikiLeaks in the last few weeks had to do with anti-war protest in Ireland. The US ambassador to Ireland in 2007 expressed anger at the acquittal by jury of the Pitstop Ploughshares (referred to in the cables as the 'Shannon 5') but, in spite of this, the importance of not providing 'campaign grist' which could be used against the Irish government was emphasised, as they had 'consistently... acted [my emphasis] to ensure continued US military transits at Shannon in the face of public criticism.'

Never was this truer than in the early months of 2003. Early criticism by government Ministers concentrated on the supposed 'anti-Americanism' of peace protesters, and on the idea that there would be flight of US capital from Ireland were we to withdraw use of Shannon (*Irish Times* editorial). In the wake of the disarmaments of the US warplane by Mary Kelly and then the Pitstop Ploughshares, this criticism grew to new heights. The supposed threat of violence was emphasised and there were even suggestions that the Irish army might shoot people as mentioned earlier. The run up to the protest on March 1<sup>st</sup>, the media fulfilled the role of 'PR auxiliaries' (Cox) for the police, broadcasting a message of violence and generally scaremongering. Politicians sought to stimulate a 'moral panic' through the media in order to accentuate the supposed threat. A 'moral panic' is defined by Welch as 'a phenomenon marked by a turbulent and exaggerated reaction to a putative threat'.

The discourse of 'othering' of protesters who take radical action against the war was very much to the fore in much media coverage also. For example, Eoin Dubsy disarmed a US jet in 2002 by painting a peace sign onto the windscreen. This action was portrayed as eccentric, and his status as a student was (over)emphasised in headline and article (*Irish Times*). This plays into a more general theme of attempting to separate so-called 'hardcore' peace activists from the wider opposition and movement against the war, by placing these actions as those of some kind of deviant subculture, as opposed to normal people motivated to action by the wrongs they see. This approach is replicated throughout that newspaper's coverage of the anti-war protests, and indeed that of other newspapers – anyone who takes radical action is different, freakish, 'other'. This has been further emphasised by what has been called the 'pathologising of conflict':

"The dominant political discourse developed around the notion of 'a communications society' aims at eliminating all traces of social conflict in favour of negotiation and dialogue (Neveu 1994). In this world, conflict is increasingly perceived as pathology, and the rules of 'good demonstrating' increasingly exclude the legitimacy of recourse to violence, or even civil disobedience. Radical protest

is more and more considered as not only illegitimate, but even unpolitical” (della Porta and Reiter 1998).

This feeds into the separation between ‘good’ and ‘bad’ protesters mentioned earlier and clearly feeds into the attempt to intimidate new protesters, and thereby seek to frighten them out of involvement (Klein 2002) in an attempt to isolate more radical protesters.

As well as using propaganda tools in an attempt to discredit the anti-war movement, the government also took more physical steps. The most obvious of these was the decision to send in the Irish army, but further action was also taken. Filleule and Jobard emphasise that it is important to take political involvement into consideration when examining how decisions on policing approach are taken. Further to this, della Porta argues that political inputs vary depending on the political orientation of the parties in power, and that the Left-Right divide is arguably strongest in relation to policing. That is, the Left would generally take a civil rights approach, while the Right would take a law-and-order one.

It is arguably significant that after the May 2002 general election, Michael McDowell of the Progressive Democrats was appointed Minister for Justice. McDowell was viewed as one of the most law-and-order oriented members of that cabinet, and indeed of that Dáil. It is contended that it is highly unlikely that possibly the largest mobilisations of state forces against non-republican protest (up to that point) took place without his approval or involvement. The contrast between the policing of this protest and that of the chaotic ‘police riot’ at the 2002 Reclaim The Streets (RTS) celebrations, when the crowd were attacked unprovoked by the gardaí, is striking. The latter brought widespread condemnation upon the police; while the former saw a clear ‘softening up’ process on the media, through demonization of the protest and those involved in it. Lessons had clearly been learned. Della Porta further explains that established political actors are generally initially closed to new demands, explaining the virulence of the reaction against the protests. This is taken a step further by Cox, who finds (in relation to the ‘movement of movements’, but equally relevant here) that:

“If neo-liberalism has undermined the State’s ability to secure consent, its turn to coercive solutions has further distanced itself from many citizens... The movement of movements ... is made possible by the decreasing ability to secure consent. The Irish state has accordingly resorted to force in its response to the movement, thus further weakening its legitimacy for many people.”

The significance of the fact that this was a new type of movement will be further explored below.

But it is important not to over-emphasise the influence of these external actors, and thereby fall into the conclusion that the gardaí are simply a malleable tool in the hands of government. On the contrary, they play a huge active role in the policing of anti-war protests in this time period. In general, the policing of protest has been a key feature for the development and self-definition of the police, and this also follows for its current self-image in modern democratic societies (Winter 1998). The imperative of control in any given situation is, of course, a very important influence on the gardaí. Further to this, the image developed of certain ‘types of people’ (and protesters), and different situations by the police has a huge bearing on their approach to any given situation.

Much research on social movements has shown a tendency towards a harsher approach against groups who are seen as threatening the status quo and its elites, as being ideologically focussed or having radical aims (della Porta and Filleule 1998; Earl 2007; Davenport 2000, 1995). Each of these descriptions are applicable to the anti-war movement in this country, and that movement’s heterogeneity, use of direct action and assumed ‘anti-politics’, all match up with police assumptions of what is seen as ‘high threat’ (della Porta). The internal characteristics of the police, such as their organisational competencies, the degree to which they are militarised, and how professional they are have all been seen as important in determining police responses. This is clearly seen in the case examined here, as initial clear inadequacies were identified and action was taken, particularly in drafting in the riot squad and the army in an effort to address this.

The anti-war movement in Ireland grew massively very quickly in 2002 and 2003, and had some notable successes as well as some failures. It carved a niche in the public sphere and was for some time the biggest news and discussion item in the country, much of the credit for which must go to the work of the movement. All throughout the demonstrations at Shannon and elsewhere, policing was a foreground issue, and played a very important role in how events transpired. Seeking to understand that hopefully enables that movement, and others, to organise better next time. Future research could be helpful in historically situating these events more specifically in Ireland's history of protest, and also possibly looking at psychological tactics used by the authorities, their impact, and the wider issue of effects that movement had on people involved.

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## When do the police get away with violence, and why?

In any society that has a state (and so police, courts, jails, and soldiers) and different classes (the super-rich and homeless people, shopkeepers and professionals, travelling people and farmers etc.), the state treats different classes differently. Many people argue that this is what states are for anyway; but all that matters for the purposes of this article is that this is what actually happens.

In Ireland, for example, the everyday experience of many young men in unskilled working-class estates, or of homeless people and addicts, is of being at risk of becoming targets for intimidation or violence by the police. In one Dublin police station, for example, mothers can collect their teenage sons when they sign a paper to say that they haven't been assaulted in the station – which says it all. Other people, in leafy suburbs, often grow up feeling that the police are on their side, and are used to being able to call them to deal with noisy neighbours or after burglaries.

This difference in treatment – being woken by a boot in the face if you're a junkie sleeping on the streets of Dublin, or having the guards as friendly school visitors if you're in a nice country town – is particularly visible when people protest, or gather in large numbers. If working-class youth have a bonfire (now illegal on Halloween), if travellers resist being moved on yet again, or if office workers like the staff in Thomas Cook travel agency occupy the offices when told they're going to be sacked – the police will move in and people will be lucky if they're only manhandled out of the way.

Conversely, if there's a GAA match, if farmers occupy the Department of Agriculture or guards themselves go on strike, everyone knows that they'll be treated nicely. That's just how it is, in our kind of society. In fact, where this line runs – between who gets thumped and who gets called “sir” or “madam” – is one way of defining different kinds of society.

### Mayday 2002

What's really interesting, though, is what happens when things don't go according to “business as usual”. For example, in 2002 a group of young people organised a protest about the way Dublin city centre is given over to cars at the expense of bikes and people. A group of police were sent out (illegally) without their uniform numbers on. Removing numbers is the usual indication that police expect to get violent - as they did, leaving a trail of teenage blood along Dame Street (or, if you prefer, heroically keeping the streets safe from crime). So far, business as usual – except that the next day even the tabloids were full of headlines about “cop riots”, and there was a major outcry about it. Why?

One simple answer is that trainee gardaí were dozing off in their sociology classes at Templemore, and couldn't tell the difference between nice kids from good families who happened to be wearing funny clothes and going a bit wild (which is usually allowed if your parents are rich enough) and working-class lads who can and do die in Garda stations without anyone being held to account for it.

Another possible answer is that Garda management were spending too much time in Europol seminars being shown photos of protestors in Seattle and Genoa and being told “these are your new subversives”, and forgetting that ordinary Irish people might find it just that little bit harder to feel seriously threatened by a street party.

One way or another, the cops overstepped the line (it didn't help that they also attacked an *Irish Independent* reporter, and business executives waiting at the taxi rank). They were also caught doing it, though – on a video which was sent to RTÉ in time to make the 6 o'clock news, and was produced clearly enough that RTÉ could use it. So in this case, the guards got it wrong, and the Indymedia cameraman who did the video was able to catch them out.

The fallout was not good news for Garda management, who did their best to put all the blame on individual cops. In the (internal) inquiry that followed, the cops who actually took part lied through their teeth and all claimed not to have recognised any of their colleagues who took part. One trainee was made an example of, and that (apparently) was that. The point was rubbed in at the next Reclaim the Streets demo, when the front-line cops had their batons taken off them as if management couldn't trust them (as if they had not given the nod and the wink to events last time round, when senior officers were clearly visible in the middle of the police mayhem). The riot squad were of course waiting round the corner, just in case.

Garda strategists didn't like the results of this: not just were ordinary police more reluctant to put the boot in when ordered in case they were hung out to dry afterwards, but the media couldn't be relied on to toe the line as they usually do, and there might even be legal fallout, or questions to be answered from higher up. What to do?

## Mayday 2004

The problem didn't go away: in 2003 Peter Sutherland called in a few favours, and the World Economic Forum (then doing a whistle-stop tour of the world's continents to deal with their inexplicably bad public reputation) were due to hold a "regional" meeting in Dublin. The Irish Social Forum and the Grassroots Gatherings both announced plans for protests, and the meeting was cancelled at the last minute.

A PR executive absent-mindedly cited "security reasons" - presumably the difficulty of effectively policing an event in Dublin Castle without shutting down the city, or perhaps the prospect of more baton charges on Dame Street reminding people of the previous year - but it didn't take very long to realise that this was not the best message to be sending out, and "on mature recollection" the official story was changed to a consultant not having finished their report on time.

Clearly, the police were still on the back foot as far as dealing with protests went, and in the run-up to the even more prestigious 2004 EU enlargement summit they invested a lot more in training, went to yet more international seminars on how to deal with protestors, polished up their media strategies and thought hard about how they were going to re-establish a situation where they could attack the people they are supposed to attack, without risking too much media or political fallout. This time too they got it wrong, but (from their point of view) not so badly wrong.

There was a steady drip-feed of scare stories to the press fed by anonymous "security sources" to crime correspondents (who depend on the police for their daily bread-and-butter of crime stories). Much use was made, by RTÉ in particular, of endlessly recycled material from the Seattle and Genoa protests. Unfortunately, the "leaks" (about arms dumps, international anarchist visitors, plans to set fire to Blanchardstown shopping centre etc.) were so ludicrous that much of the serious press could use them to have a go at the tabloid media.

Even the attempt to set up a de facto curfew by going round city centre shops warning them of the likely damage from protestors and encouraging them to board up their shops for the long weekend was a washout. Sympathetic shopkeepers passed the story on to activists, so that when RTE mysteriously got hold of the "story" that shopkeepers were fleeing the city in fear, organisers told them exactly where this was coming from. The "story" somehow died.

The announcement at the last minute that the riot squad would be deployed at the long-publicised starting point for the Dublin Grassroots Network march (and the attempt to spread the story to the media that the march had been cancelled) also backfired, and in the event far more people turned up for the march than would otherwise have done: people who might not have agreed 100% with the march organisers, but felt that freedom of speech and assembly was too important a principle to depend on the whim of the Garda Commissioner.



At the final confrontation, near the Ashtown Gate, the police were held relatively in check – not of course by the protestors, who were outnumbered by police and soldiers, but by the presence of a huge amount of media, much of which was willing to listen to what protestors had to say about the event, by a well-organised legal team, and by the fact that much of the surrounding working-class area had turned out to watch.

The original goal implied by the dirty tricks campaign – of creating a moral panic around the protests, beating protestors off the streets, and describing them as rioters – failed outright, and the clandestine presence of observers from other European police forces made no noticeable difference to the outcome. In the event there were only a handful of arrests for minor offences (virtually all "refusal to obey the order of a garda to disperse" or "breach of the peace"), and many charges collapsed in court. Judges made it clear in several cases how little respect they had for the blatant lies, or incompetent preparation, of the police who act as prosecutors and witnesses in these minor cases, throwing out the most serious charge (of possessing stencils!) on the grounds that the police had failed to bring any evidence to show that the accused was not intending to stencil their own bedroom.

It was probably important, from Garda management's point of view, to hold a baton charge and use water cannon – otherwise, how to justify the deployment of half the entire force, calling out the army, preparing body bags and clearing wings of hospitals and jails? Had events gone differently, no doubt far more serious charges would have been laid against organisers and those arrested. The fact that this didn't happen makes it clear that Garda management didn't believe their own stories - or realised that the courts and media wouldn't.

## Occupying Erris

In the event, then, the 2004 protest left the police without their traditional right to define public gatherings as riots when they don't like them. This was to be re-established in Erris. As other articles in this collection make clear, in Erris we have seen the effective occupation of an entire community for years at a time, the intimidation of (often elderly) individuals, a string of assaults by gardaí, repeated thuggery by private security (treated as an extension of the police rather than as private individuals whose violent acts are just as serious as anyone else), the deployment of the Navy against peaceful protestors, and two uses of paramilitary methods (gangs of masked men assaulting an individual and in another case sinking a boat) with the evident approval (and "blind eyes") of the police. How was this possible?

While the Erris community was in many cases precisely the kind of community that gardaí are traditionally recruited from, and were surprised as well as horrified at the kind of treatment they have received, they have nevertheless been well-organised, with good media and legal work, national and international solidarity.

Shell's initial 94-day imprisonment of the "Rosspoint Five" turned out to be a costly mistake, as the piece elsewhere in this pamphlet explains. Following this, the police consciously decided on a "no-arrest" strategy. In this "no-arrest" period, individual protestors were assaulted in ways that do not leave marks, attacked off-camera or away from protest events, had fingers and ribs broken during apparent restraining procedures, and were intimidated by consistent use of intrusive policing, direct filming and collection of information, and a dozen other methods of making everyday life a constant experience of fear.

Another important element of policing Erris (with the enthusiastic cooperation of many journalists) to claim that the whole protest is somehow subversive, led by Sinn Féin, infiltrated by paramilitaries or otherwise tainted. While Sinn Féin have indeed been involved, so have many other political parties, including the Greens (until they went into government) and the Labour Party (ditto), as well as left-wing parties, trade unions, environmentalists and anarchists. In the Republic, once something is accused of being republican, any kind of behaviour is justified, and (as *Village* magazine and Indymedia have pointed out) few of Ireland's "fearless, hard-headed,

investigative” crime journalists will ask questions even about Shell security's links with Eastern European fascist gangs and mercenaries, or about how police could stand by and let masked men beat an elderly farmer. It isn't clear whether this silence is because journalists do not in fact think that hard, or because they know the answer only too well.

It has also helped, no doubt, that one of the main local judges took it upon herself to treat the whole protest as criminal (or in the case of Maura Harrington, psychiatric). This behaviour (and the handing down of many sentences quashed by higher courts) is no doubt completely independent of the fact that she is married to a Fianna Fáil ex-minister. Repeated challenges in court to her impartiality were met with her walking out or interrupting the applications.

The net effect of all of this is that garda "special units" and the "riot squad" (ordinary gardaí who volunteer for the joys of beating up protesting citizens) have been able to use Erris as a training ground where they can hone their skills in deniable violence and intimidation, play war games against defenceless opponents and generally enjoy acting like the police forces in Northern Ireland, Britain or the States that gardaí often envy. It is not just police management who look beyond the 26 counties for ideas.

## Conclusion

From the viewpoint of Garda management in particular, the "battle of Erris" is a battle over their right to use what violence they choose, against whom they choose and in whatever circumstances they like. They have not yet won this battle, although clearly they can smell victory. In particular, once the military had been brought in to break protests at sea and mysterious forces were allowed to attack leading figures in the campaign, the no-arrest policy has been ended (although as noted most arrests have not stood up on appeal - their purpose has rather been to harass protestors).

Nevertheless, solidarity work, media and legal support, as well as the physical presence of as many outside supporters as possible, have helped to protect the Rossport community from a situation that could have been far worse - and enabled the campaign to continue far beyond the normal length that such struggles against the world's largest energy companies normally last. In this sense, politics is ultimately more significant than policing: it has clearly been politicians who have set the tone at each stage of the conflict, starting from the mysterious decision of Ray Burke, the only minister ever jailed for corruption in this state, to hand over the State's ownership of natural resources to the energy companies and ending with the sending in of the navy.

While writing this piece, fallout over police attacks on student protestors (a mounted charge on Stephen's Green, the beating unconscious of a young woman inside the Dept. of Finance, and RTÉ being forced to show its own footage of these events after 80,000 people had watched them on Youtube) continued, and despite routine "dirty tricks" in relation to anti-bailout protests the gardaí do not seem to have a blank cheque. Indeed, a blow may unintentionally have been struck for human rights by the announcement of a cut of 1,500 from garda numbers and increased restrictions on overtime payment.

The battle over the police's right to decide who to attack is not finished in the Republic, and never will be so long as protestors are able to work out ways to support each other in the face of physical assault, to record events and develop effective media, legal and solidarity support. Police are not all-powerful or immune from comeback, and we can set some limits to their behaviour - in different ways in different cases, but following similar principles.

## **From force to fencing: political policing in the Republic of Ireland**

This essay attempts to describe some of the highlights of the policing of political protest in the Republic of Ireland from the late 1960s to the present day. We may begin with some obvious generalisations: there are differences between Garda policing of protests by 'respectable' and 'non-respectable groups', and protests by republicans or radicals receive more forceful policing than protests by trade unions or farmers. The difference lies in garda perception of the legitimacy of these protesters, not in the groups' actual protest behaviour. Farmers were permitted to use disruptive tactics while peaceful marches were physically attacked. Throughout the period in question we can see Garda response to protester innovations, although responses were not limited to the gardaí. We should note the state legislative response to protest through the passage of laws such as the Forcible Entry Act and successive Criminal Justice Acts broadened Garda powers to intervene in and control protest.

### **The early period: 1960–1980**

For the earliest period, Brady (1974:245) notes 'on all too many occasions since 1969, street demonstrations and protests have been mishandled by over-reacting gardaí. The late sixties and early seventies were characterised by an increasing use of direct action by leftists and IRA members in support of squatters and others resisting eviction, which often led to stand-up fights with gardaí and private security. For example, Dublin Housing Action Committee (DHAC) protests included both traditional marches and direct action to facilitate and protect squatters. In January 1968 the 'battle of Sarah Place' in Inchicore, where residents barricaded themselves into their cottages to prevent relocation to Ballymun, led to DHAC and Official IRA members opposing Corpo bailiffs and 30 gardai attempting to breach the barricades, resulting in 24 arrests, including that of Proinsias de Rossa. (Hanley and Millar 2009:97). DHAC marches also received attention from the gardai: a 2,000 strong DHAC march on January 18, 1969, led to running battles on O'Connell Street (Hanley and Millar 2009:108-109) after, in the words of Ballsbridge resident and veteran campaigner Hilary Boyle, gardaí attacked 'like mad bulls...They hit out with their batons, they kicked and pushed and generally acted as agents provocateurs'. She wrote to Taoiseach Jack Lynch 'Things have come to a pretty pass when a tame old lady of 70 who was completely peaceful can be kicked by a garda' (State papers 2000/6/423). A campaign led by Seamus Costello against the privatization of Brittas Bay in Wicklow also led to clashes with private security and arrests. (Hanley and Millar 2009:111).

In response to the growing street protests in 1968, the government put forward the Criminal Justice Bill to give gardaí greater power to prohibit demonstrations and to arrest for 'conduct likely to lead to a breach of the peace' (Hanley and Millar 2009:106). The last major street battle resulted from an eviction attempt on a squatted building on Pembroke Road owned by property developer Matt Gallagher, and saw the first deployment in garda history of riot shields, and hours of violent conflict.

For students an example is provided by the 'Battle of Belfield' in January 1975, when students protesting at fees and cutbacks fought gardaí while protesting at the presentation of a cheque for \$100,000 to UCD to fund a professorship in American history by the DuPont Foundation (set up by US industrialist Alfred DuPont) and a garda baton charge led to running scuffles on the main concourse.<sup>30</sup>

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<sup>30</sup> <http://ucdhiddenhistory.wordpress.com>

In the late 1970s and early 1980s, security around summits was light. During the European Commission 'Heads of State' protests in 1979, security was so light that a group of anti-nuclear protesters not only succeeded in occupying the EC offices in Merrion Square but also found a Commissioner unprotected in the offices they were occupying. A protest march that night was allowed to proceed up to the locked gates of Dublin Castle where the Commissioners were dining in state.

## 1980s–1990s

As the 1980s progressed, the state began cordoning off space in various ways to contain protest and to prevent protesters from reaching the site at which they wished to protest, though they also maintained elements of their previous repertoire. The first major indicator of the change came with the July 18<sup>th</sup> 1981 hunger strike march to the British Embassy on Merrion Road in Dublin. While in 1972 the gardaí stood aside and allowed crowds angry at Bloody Sunday to burn the British Embassy (then in Merrion Square) the H-Block march was stopped at the junction of Simonscourt and Merrion Roads where gardaí, after taking a fair amount of stick, attacked with a 'savage' baton charge which pushed the march back in disarray. Some 2000 gardaí were on duty that day and overtime costs were 310,000 punt. 200 people were treated in hospital, 150 of whom were gardaí. The National Union of Journalists complained that journalists were assaulted, harassed and attacked by gardaí, while others complained that many gardaí did not wear their numbers. (Dail Report 23/7/81).

The gardaí maintained their traditional methods of dealing with Republican protests. Gene Kerrigan's report on garda brutality on O'Connell Street after another H Blocks march stated that

"Down at Clery's, near Sackville Place, a man was crouched down by the shutter, one hand on his head. Four gardaí were kicking him, kneeling him and hitting him with batons. They could not all reach him at the same time and were jostling each other. The man had been standing at Clery's holding a black flag, standing apart from the march when it came back down to the BHS. When the gardaí had finished beating him they walked away towards Abbey Street. They did not arrest him." (Magill May 1981: 9)

Gardaí were also up to their tricks of not displaying numbers or identifying themselves:

"I ran after the four who had beaten up the man outside Clery's and asked for their numbers. They wore no shoulder numbers. I was told to fuck off. I asked for the name of the officer in charge. One turned and raised his baton and said 'Fuck off or I'll give you what's your number up your arse.'" (Magill May 1981:11).

Kerrigan notes that while the attacks on the gardaí were undertaken by Dublin youth, the garda response was not to attack the youth but to assault H Block Committee stewards.

With the Reagan visit in 1984, a variety of restrictions came into play, with one critic claiming the constitution had been suspended for the weekend. Secret regulations were introduced to remove the Women for Disarmament peace camp from the Phoenix Park, including detention for breaking bye-laws. Over 7000 gardai – some 70% of the force - were involved in the Reagan operation, as well as armed members of the US Secret Service, and some 500 protesters were kept a mile away from Shannon Airport when he arrived. Some 10,000 protesters participated in the "Ring Around Reagan" march to coincide with the state dinner at Dublin Castle. This march was turned at City Hall/Parliament Street while the march occurring when Reagan was speaking to the Dáil was allowed into Merrion Square.

Another interesting example of how police perception and judgement affected their treatment of protest was provided by the Dublin Gay Pride 1984 march where, when the march attempted to rally outside the GPO, the gardaí continued to direct traffic up O'Connell Street, heedless of the physical safety of the demonstrators. One marcher, Cathal Kerrigan, ended up on the bonnet of a car that had been driven at the parade and continued up O'Connell Street, the driver ignoring the situation until Mr Kerrigan fell off in Parnell Square. The attention of the gardaí was drawn to

this by a Pride steward but this was ignored. Later, however, the gardaí began to cooperate with Pride march stewards who sought garda involvement due to concern over the physical safety of marchers. Similarly the gardaí restrained their policing of other political marches, intervening only on rare occasions.

Thus protest policing became as routinised as protest itself, the major garda involvement – outside Special Branch attendance and harassment - being traffic management. The 80's also saw the closing off of public space such as the blockading of the American Embassy –allegedly in response to the transnational terrorist threat - where previously pickets could be mounted on the gates. Another example was the closing off of the steps at the Central Bank, which happened in 1994 in response to a strip-tease by the Diceman on the steps following the Gay Pride march celebrating the legalisation of homosexuality.

The gardai also began to co-opt some of their critics. From 1999 the Irish section of Amnesty International worked with the gardaí, including in an advisory role to the Garda Human Rights Working Group since its foundation in 2000. The Garda Human Rights Working Group aimed to build 'a human rights culture within the gardaí. (*Garda Review* May 2003: 27-30).

### **From 2000 on: neoliberal policing (of/and) anti-globalisation protest**

With the development of the anti-globalisation movement in Ireland, the gardaí found themselves facing a new group which was not happy to continue with 'business as usual' demonstrations. In October 2001 protesters at an international privatization conference at the Burlington Hotel in Dublin were attacked by gardaí with batons, aided by what appeared to be private security with sticks and torches. Photographers were attacked, 14 arrests were made and those arrested held overnight under Section 6 of the Public Order Act. An attempt was made to make an example of Rory Hearne of Globalise Resistance and the Socialist Workers Party who was accused in court of calling for a charge against the hotel, but the charges failed to stick.

The Reclaim The Streets policing operation in May 2002 was basically a case of the gardaí "putting manners" on those it believed had broken the unwritten rules about what was acceptable protest behaviour. What began as a rowdy street party ended with 24 arrests and 12 people taken to hospital, including – bad mistake, this - a photographer for the *Irish Independent*. Gardai, many having removed their identification numbers, baton charged the crowd. Following complaints and an official investigation, seven gardai faced assault and other charges, though the only case which came to court resulted in an acquittal, as the gardaí showed deficient eyesight and memories when called on to testify, being unable to recognize or identify gardaí shown on video and in photographs battering protesters; the officer in charge was similarly deficient in identification skills. While no internal disciplinary action was taken against the gardaí involved, €228,700 was paid out in compensation to those assaulted. (*Irish Independent* 6/7/08).

Following the RTS debacle the Garda Commissioner 'recognised there was a need to build the organizational capacity for dealing with situations of violent disorder'. This involved the creation 'in all the regions throughout the state' of 'professional public order capability'. By May Day 2004 there were 950 members in the public order unit, all of whom were volunteers. (*Garda Review* April 2004). The end result of this training was the policing of May Day 2004: 'Training for these large-scale events has ultimately changed the way policing is done in this country.' (*Garda Review* April 2004: 34).

With May Day 2004 we saw police control of space escalate in line with international practice. The state closed off the entire Phoenix Park to prevent any chance that protesters would come physically close to the ruling elite, while the placing of armed soldiers in the Park was intended to warn off anyone foolish enough to consider ignoring the exclusion order for the Park. This was in line with an international trend in responding to mass anti-summit protests by creating exclusion zones and militarising policing. The gardaí welcomed and publicized international assistance and training for policing of the summit and proudly announced the loan of water

cannon from the PSNI. In line with international practice gardaí also provided a permitted place of protest: 'we met with organisers to suggest locations where protests might take place. We felt there was a suitable open area...' (Garda Review April 2004: 34). The site was of course on the opposite side of the river to the Park; furthermore the riot squad just happened to have been ordered to congregate on the opposite side of the river at the announced starting-point of the Dublin Grassroots Network march, representing an effective ban on that march taking place.

The protests were preceded by a public relations campaign by the gardaí demonising the protests and protesters, claiming an anarchist army of battle-hardened continental protesters would descend on Dublin, while anarchists had stock-piled weapons and planned to attack shopping centres. Practically this was intended to discourage protesters from taking to the streets, while ideologically it was intended to provide advance legitimisation of aggressive policing tactics. There was indeed a group of protesters dressed in Black Bloc style who advanced on the gardaí lines in Cabra later that night, but these were far from seasoned continental fighters fresh from Genoa and similar clashes: all those arrested and charged were Irish citizens, some on their first protest. What occurred –and was reported in the mass media as a riot- was, in the words of Harry Browne, 'a garda riot control operation without a riot.'

Some considered the May Day operation represented a dry run for the policing of the impending US/EU summit, at which Bush was to appear. For the June 25/26 2004 Bush visit to Dromoland Castle, in both Shannon and Newmarket-on-Fergus, access was restricted, residents were required to obtain permits for their cars and those of any visitors during the weekend. Temporary walls and barriers were erected around the centre of Shannon on Bush's route to the castle. The airport itself was protected by armoured personnel carriers and army tanks. Arrangements were made for Limerick Prison to be available, while a unit in the Shannon Industrial Estate was made available and designated 'a Garda Station/Courthouse and Detention Centre to ensure the smooth and timely processing of prisoners'<sup>31</sup>. US security services were involved in the planning of the policing operation, as were the defence forces. The threat of Islamic fundamentalism was used to justify the militarization of the protest policing and the Special Branch had been diligent in creating files on more than 300 suspected Islamic fundamentalists. (*Garda Review* April 2004: 34). A couple of thousand demonstrators marched to the newly erected security perimeter at the airport, while up to 20,000 marched in Dublin against the visit.

As well as these individual protest events, there are currently two long-running protests that the gardaí are policing –at Shannon, Co. Clare and at Rosssport, Co. Mayo. While US aircraft began using Shannon Airport in November 2002 the intense garda presence at the airport began when the Commissioner reviewed security there following an attack on a US plane on February 3<sup>rd</sup> 2003. Staff at the local station was increased from 30 to 144, while military support was also called in. 'The operation is set to last as long as the war lasts' according to the *Garda Review* (April 2003: 15). From 2006 to 2009 the operation has cost 8.68 million Euro, 2.76 million of which went on overtime. While gardaí claim the operation is to protect personnel, staff, passengers and property at the airport, John Lannon of Amnesty International says 'the safety of personnel, staff and passengers at Shannon Airport has never been put at risk by protesters' (*Limerick Leader* 14/9/09).

## **Rosssport/Shell: Mayo under garda occupation**

For Rosssport we see an extension of the public space that has to be policed, as well as the privatization of public space such as Glengad Beach where the native inhabitants – people and birds - lose their rights to a transnational corporation (TNC). There had been previous

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<sup>31</sup> [www.garda.ie/press/2004/..%5C2004%5Cp22jun2004.html](http://www.garda.ie/press/2004/..%5C2004%5Cp22jun2004.html)

temporary occupations of land to allow specific operations to occur to the benefit of multinationals – such as the erection of telemasts (for example in Kerrykeel, Co. Donegal in December 1998 where at a demonstration on Wednesday 2<sup>nd</sup> December, according to allegations at a public meeting the following Monday, ‘protesters were kicked, abused, assaulted, elbowed in the mouth and dragged...along the street by officers who refused to identify themselves...two of the officers said they were “007” and “Jack Straw” ... “We are being treated like anarchists” says Kevin Kingston of the local enterprise group<sup>32</sup>), while on May 15<sup>th</sup> 1978 gardai shoved their way through a picket line of mainly women and children at Ovens, Co. Cork to allow US TNC Raybestos Manhattan dump asbestos waste. The problem with Rossport, however, is that the occupation is not for a couple of days but ongoing – until the pipeline is laid garda presence is necessary (and possibly afterwards?).

From 2003 to 2008 state security for Shell cost over €10 million (*Irish Times* 20/9/08: Supp3), with costs for October 2008 alone reaching €1,035,000. This does not include the costs of three Irish Navy boats used in the operation around the Solitaire pipe-laying ship in September 2008. Costs were expected to exceed €15 million by the end of 2009. (*Sunday Business Post* 10/5/09: 2). By January 2009, according to Mayo Garda Division reports, 74 people had been arrested, 14 charged and 31 convictions recorded. (*Western People* 20/1/09: 11).

Originally the gardaí ceded ground to the local people. ‘The entrance to the site was blocked for a year and a half. Local people had a veto on who went in and out of the site.’ (*Garda Review* November 2006: 4). Then on October 3<sup>rd</sup> 2006 the gardaí broke the protesters’ hold on the refinery site by bringing in some 170 gardaí who forcibly removed sit-down protesters and pinned them behind barriers (a characteristic of policing the anti-globalisation movement, according to some analysts, but actually in general use). Further protests met a heavy police presence and protesters suffered injuries and verbal abuse. On November 10<sup>th</sup> 2006 a baton charge was used to disperse protesters blocking the road to Shell trucks.

A report by Global Community Monitor, based on eye-witness reports, photographs and video footage concluded gardaí were using excessive force and infringing on protesters’ civil rights<sup>33</sup>. The *Sunday Independent* (13/5/07) reported ‘there is strong evidence that members of the force may have been overzealous in quelling the subsequent demonstrations.’ The gardaí followed a policy of non-arrests, to avoid the creation of ‘martyrs’ around whom campaigns could be orchestrated.

This policing has been experienced by local residents (and not just the local protesters) as akin to occupation. One unaffiliated local described the situation as ‘pre-1922’: ‘it is not just a roadblock in Glengad: the north of the Mullet peninsula is in effect cordoned off.’ (letter to *Mayo News* 16/9/08: 31). The assault on the ground has been accompanied by an assault in the media, with protesters tainted by association with dissident republicans. Gardaí divide the outside protesters into ‘genuine environmentalists’ (those who stayed in the area over the winter) and what they call ‘rent-a-mob’, those who arrive from outside for specific protests. The gardaí have also publicised their use of international police links through Interpol to trace the identity of non-Irish activists supporting the local opposition (*Irish Times* 1/9/08: 2) but did not call on these links to identify suspected East European neo-fascists of the Szekler Legion working for Shell’s security subcontractors IRMS (*Irish Examiner* 28/4/09: 6). Newspapers have facilitated this campaign by assigning their crime reporters rather than environmental or regional reporters to the story.

The state has complimented this PR campaign by selective prosecution of the more forward and vocal among the protesters, with the policy of non-arrests replaced by a policy of targeted arrests and prosecutions, with use of suspended sentences in some cases and imprisonment in

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<sup>32</sup> <http://donegalcounty.com/nw2.html>

<sup>33</sup> [www.gcmonitor.org/article.php?id=598](http://www.gcmonitor.org/article.php?id=598)

others. Recently Maura Harrington and Niall Hartnett were both targeted while, in a move reminiscent of the use of psychiatry to control dissidents in the Soviet Union, Judge Mary Devins referred Maura Harrington for a psychiatric examination on jailing her for 28 days in March 2009. (*Irish Times* 13/3/09: 6).

With the return of the *Solitaire* in 2009 gardaí used innovative methods, such as preemptive detention when gardaí detained two fishing boats under the Maritime Safety Act. The gardaí have also been imaginative in their self-justification, claiming to be policing a 500-metre exclusion zone around the *Solitaire* “passed by the Department” despite the Department of Transport denying that any such order had been issued. (*Irish Times* 27/6/09: 2).

With Corrib we can also see several characteristics of neoliberal policing in action. The coordination of security operations by gardaí and private security forces is evident, as is the close connection between the state police and the TNC whose interests are being defended, in, for example, the use of the Shell compound by gardaí to illegally detain arrested protesters. The increasing use of technological surveillance through video characteristic of policing the anti-globalisation movement can also be seen. In Rossport, for example,

‘Much of the protest is being video recorded as part of the evidence gathering process. This is a new concept in Irish policing plans. Members have been filming three to four hours of video footage per day, and now had well over 50 hours of tape by the end of October. The thinking behind this is to keep proper records that cannot be contradicted – as part of the evidence gathering process. There is a chain of custody for those tapes and an exhibits officer to administer them. They are treated in the same way as any electronic recording of interviews.’ (*Garda Review* November 2006: 11).

Still reassuringly these technologies sometimes fail: for instance the *Connaught Telegraph* (14/10/08: 11a) reported one such occasion under the headline ‘Camera was not recording when protesters got alleged beating’.

## Conclusion

If we compare policing over the time frame this article covers we can see increasing encroachment by gardaí onto protesters’ rights and protest spaces, as well as a variety of tactics and behaviours that continue over the years. Garda policing of protest has evolved from the rough and ready direct action of the early period, through greater advance planning and control of space in the 1980s to the neoliberal model of policing visible in the last decade. Comparing the Reagan visit with May Day 2004, we can see these changes in policing practice. When Reagan stayed in the Phoenix Park the Park remained open, though the peace women were expelled from the Park and eventually detained in the Bridewell; still, they had been allowed close enough to the ambassador’s residence to protest there; in 2004 the Park itself was closed. Similarly, marches were allowed much closer to the sites at which the elite were present. Furthermore there was reported dissent among Garda ranks at the US Secret Service taking a leading role in security precautions and carrying arms; there was also dissent among the local political elite, though it required conservative politician and constitutional law expert John Kelly to lay it on the line in the Dail as to how the constitution was flouted. Garda policing of protest is increasingly similar to international practice and international cooperation is routine, while the state now unquestioningly cedes sovereignty to the EU in a way that would have horrified the national elite even twenty years ago.

There are also continuities in policing that may be observed. Thus Garda provocation of peaceful protest appears in 1969 and in Erris 40 years later. There is also a continuing use of the media against protesters, demonstrators and dissenters, stretching from the red scare in the papers in the late sixties in relation to the housing, fish-in and other radical direct actions of the time, via the IRA scare used against the CPAD in the media in the 1980s up to the foreign agitator and anarchist scare used against May Day in 2004 and the ‘republican dissident’ scare currently being peddled in the papers to demonise Rossport protesters. Another continuity is the Garda concern not to cede control of the streets: this concern not only involves traffic management –



which should not be underestimated as a motivation for Garda action, reflecting as it does Garda responsibility for the smooth circulation of workers and consumers in the capital city- but also Garda desire for uncontested control of the streets and the physical space of protests. Finally there have been continuous legislative responses to protest, with new legislation increasingly encroaching on the civil and human rights of dissidents.

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## **Part III**

### **Responding to abusive policing: practical resources**

## **Challenging the gardaí: a personal experience**

### *Challenging the gardaí: a personal experience*

#### **The incident**

On a Saturday night in July 2008 at about 11pm, I was waiting outside a fast food restaurant in Drumcondra for a friend, when over eight garda vehicles came speeding from a few different directions with their sirens on. They pulled up outside a pub just up the road from where I was. I cycled up to have a look at what was going on. When I got up there, there didn't seem to be a lot going on. I started to film the line of garda vehicles parked in the centre of the road. I had been filming less than a minute when a guard approached me, demanding that I give him the camera. I put the camera in my pocket and told him it was a public area and I was entitled to film.

He grabbed me by the arm and tried to take the camera from me. I resisted and continued to insist that he'd no right to take the camera. Then another guard grabbed me from the left hand side and reached into my pocket to try and take the camera. At this stage I was being pulled from both sides and my bike was pulled from under me. I'm sure by this stage more guards had got involved and were holding me from behind. I was then shoved up against a van, lightly kneed in the back of the legs and my right arm was twisted up behind my back. While all this was going on, the second guard was still trying to pry the camera from my hand, they were demanding the camera and I was refusing to hand it over.

At one point I remember telling them, if they let go of me I'd delete the footage myself, to which one of them responded 'No you won't you smart little prick', or something along those lines. Eventually the guard on my left got the camera from me and they released me. As I turned around the guards behind me turned their backs and walked away a bit. I turned to the guard who had taken the camera and demanded it back, but he said he didn't have it. I took out my phone and saved his number into a message. Another guard said I could have my bike back and a few of them chuckled. I went up to the guard who had grabbed me from the right. To see his number I had to move a strap which was covering it, he snapped 'get your hands off me you little prick'.

I went around approaching other guards and asking them if they'd seen what had just happened and whether or not they thought it was justified. One plain clothes ban-guard commented 'we don't wanna be seen on your indymedia'. After a few minutes the guard who had taken my camera came up to me with it in his hand and asked how to delete on it. I told him I didn't know, as it wasn't mine. He figured it out, deleted the files and handed it back to me. I questioned him for a minute on whether or not he realized what he'd done was wrong and unjustified. While he wasn't apologetic, he seemed calm and trying to be fair, but just honestly believed they had the right and justification to go on like that. I walked away a bit shook up and bemused by their whole-hearted belief in their right to rough people up and take/interfere with people's property however they pleased.

#### **The complaint**

Later that night in the pub, when I had time to think, I started to get fired up about how wronged I'd been and how I had to do something about it. One of my friends was telling me it was pointless, they always get away with it, but I was adamant I'd make something of it. The next day as I wrote down my account of events in my diary, I was beginning to believe it was pointless. There was no video evidence, no witnesses; it was just my word against theirs. Then another friend who was less skeptical about the state and accountability, spurred me on and said that I

had to try, so early that week I went into the Garda Síochána Ombudsman Commission (GSOC) to give my statement.

The investigating officer who took my statement seemed very open and honest. He told me I was right not to hold my breath, but that I had got a good case for a complaint if I wanted to go ahead. I gave him a copy of my account and then he took a statement. When the statement was done I read back over it and said that I was happy with it. A couple of weeks after I gave my statement I received a letter to say that my complaint was admissible and it had been assigned to the same investigating officer who had taken my original statement. Soon afterwards the investigating officer contacted me and asked me to come in and give another statement and to put him in touch with my friend who owned the camera so that he could send the memory card off to see if the footage was retrievable. All this was sorted out over the next few months.

A few months after that I received a letter to say that criminal charges were being brought against the two guards I had identified in my statement, which surprised me as all along I had thought that it would just be dealt with as a disciplinary matter. The investigating officer contacted me to check if there was anytime I wasn't going to be available over the next couple of months as I would be needed to appear in court as a witness. The next I heard after that was a text from a friend to tell me my name was in the papers in relation to two guards appearing in court. A few days after that I was contacted by the Ombudsman to tell me the date I had to appear in court and I had to go in and sign a notice of summons.

## **Court**

When I arrived in court on the morning the case was heard, I was introduced to the DPP barrister who would be prosecuting on behalf of the state. She told me to be prepared to be thoroughly cross examined and possibly have my character attacked as they would be 'fighting for their jobs'. I suppose it was naive of me, but I hadn't realized until then just how serious it was and I was quite taken aback. Even though she said to me that I shouldn't feel bad about that as it was up to the court, I did, as it was me that had made the complaint and, even though I knew I had been wronged, I didn't feel comfortable with two people losing their jobs, for acting in a way they had been taught was ok.

When the case was called the first hour was spent dealing with technical arguments against the case going ahead, but the judge ruled against them and the hearing began. I was called first to give my evidence. Thanks to the fact I had written my memory of the incident down the day afterwards, I was able to recall it quite clearly and was confident in answering any questions the judge had for me. After I gave my account the prosecution asked me a few questions to clarify my account in relation to my statement. When the prosecution was finished, I addressed the judge to tell him I was uncomfortable knowing that the guards' jobs were on the line and didn't feel it would be justice for two guards to lose their jobs as scapegoats for what was the mentality of most of the guards who were there that night and of a lot of the ones who weren't. At this stage I thought it was the judge who would decide if they would be punished by losing their jobs and hadn't realized, it was policy that a guard with a criminal conviction automatically loses their job, so in order for them not to lose their jobs, he would have had to not give them convictions.

The defence then began to cross examine me; before moving onto attacking my character, he went back and forward on my account of the incident, trying to catch me out, but as I was telling the truth, I was able to answer the questions with confidence. I was somewhat prepared for them to bring up my involvement in grassroots campaigns as I mentioned it in a statement, because I felt not revealing my reason for having an interest in policing could be made to look dishonest and I had nothing to hide anyway. I was also prepared when they brought up my involvement in the Shell to Sea campaign as I had been arrested and convicted for public order offences in relation to protests in Mayo. But, when they brought up the fact that I was involved in Climate Camp in Offaly during the summer, I was caught off guard. I felt intimidated and that my

privacy had really been invaded, because I knew of no record of my being involved with Climate Camp, so they must have really been doing their homework.

The prosecution objected to the line of questioning and the judge told the defense to get to the point. It wasn't until the summary that his point became crystal clear, but it was basically that, although I was well within my rights to engage in 'legitimate' protests and I could not be faulted for doing so (engaging in 'legitimate' protests), my involvement in such protests had clearly desensitized me towards garda scenes. Therefore he argued that I was not capable of differentiating between a 'legitimate protest' and a normal garda scene and nobody in their right mind would have gone into the 'middle' of a scene where they had just seen garda vehicles racing towards. After the cross examination the judge thanked me for my evidence and I was excused.

I was told I could go, but I waited to see the guards' evidence and the outcome. They both gave false accounts. Both denied grabbing me by the arm, even though they had done so hard enough to leave bruises. They said I had fallen off my bike and landed up against the van. The one who took the camera from me said he had pulled my hand from my pocket by my sleeve and taken the camera from my hand. I don't know anybody who would not be able to keep a camera from someone who wasn't even touching them. I know they were lying to try and save their jobs, but it made me a little more comfortable with them losing their jobs, to see them lie through their teeth and basically make me out to be the liar. After hearing the final submissions from both sides, the judge said that he was accepting fully the evidence given by me and not accepting the evidence given by the guards. In mitigation the defence pleaded that the judge deal with it without convictions as it would lead to full job severance. The judge noted that they had not taken the option of pleading guilty before convicting them, fining them and ordering them to pay compensation to me.

## **The Appeal**

Some months later I was contacted again to come in and sign a summons notice for the appeal and I was informed that the appeal of one of the guards would take place in June 2010. When I went to court the prosecution for the DPP was surprised to see me and asked if I had got the message that I didn't have to come, which I hadn't. She said I could stay if I wanted, but there was really no need because they weren't appealing the conviction but only the severity of the sentence, so I left, but had a friend sit in to see how it went.

Later that day my friend rang me to say that it looked like they were probably gonna get off. I went back to hear the judge summarise his findings.

He basically found that they were over all really 'decent' guards, who made a mistake in a high pressure situation and if I had just followed the advice that his parents had given him long ago 'to stay as far away as you can from anything like that', the incident would have never occurred. Unlike the judge before him, he didn't take into account the fact that these 'decent' guards had a chance to admit guilt, but instead chose to perjure themselves in the stand and he showed them the leniency of the court in giving them suspended sentences and no convictions marked against them. Something about the prosecution felt strange, she wasn't half as confident as she had been originally and seemed to have forgotten the great argument she made for this being detrimental to the fact that 'that we live in a democracy'.

At the time that really pissed me off, that I was made out to be at fault and the poor guards, just made an error in the course of duty, but with time to think, I realised it was all just a big joke anyway. They're all a part of the same system and that system can only be strong so long as they look out for each other. The original conviction was at best a stroke of luck, that the prosecution made a particularly good case on the day, the defense fumbled and the judge was a fair one (or at least on this occasion). At worst it was all contrived to allow the show of justice in the district court, only so things could be 'put right' in the circuit court, either way the same result.

Funny, I had the impression of the ombudsman that dealt with my complaint that he was a decent guy and he had always seemed fair and nice, but after that day in court he was outside shaking hands and chatting with other guards, he wouldn't even look at me, let alone come over to talk to me about what had just happened. I learned afterwards that he had been on two years leave from the guards and went back to take up his high ranking position.

I found the process, very draining and very disempowering. It went on for almost exactly two years, throughout which time I was kept not too well informed. The summoning was one of the most bizarre things I thought. I'd made a complaint against the guards, I had no say in how the complaint would be dealt with once it was made and when it went to court if I didn't show up I could be 'imprisoned or fined'. It's also messed up that as soon as a complaint is made the guard the complaint is against will be informed of the complainant's name. I can't imagine this would inspire too many people in fear of further harassment to make a complaint, particularly if they know what little good it's likely to do in the end.

I guess I'm still glad I went through the whole process, even if it was only part of a larger personal process to find out for myself that it's all a complete shambles. It's frustrating, because I've since been assaulted and arrested by the guards. I've seen others around me abused and the abuse of power seems so engrained within the guards and the whole system that I know I shall continue to witness oppression from the guards. Now I know first hand that the one 'legitimate' course of action available only serves to disempower people more. I don't know what can be done but I know something has to be. I think there's a serious need for an independent body to deal with complaints about human rights abuses by the guards. People should also be allowed to make anonymous complaints against guards, even if only to help expose their behaviour to people, so that the facade of justice can be smashed, because I don't believe you can expect any justice from a system based on in-justice.

## **Postscript**

Since this case finished in the courts and the author set about making a personal record of it, they have continued to process this and other experiences of engagement with An Garda Síochána, the courts and GSOC. While still maintaining all the above to be true and accurate, they now feel that, having done much self-healing and recovering from trauma, with love and support of friends and family, that for them, it is important to continue to engage with An Garda Síochána, the courts and GSOC, as the only other options would seem to be to completely retreat to the life of a hermit or to learn to turn a blind eye to injustice, neither of which, do they wish or are they willing to do.

While remaining aware that their optimism can lead to disappointment, they also wished to note that they have witnessed glimmers of hope from within the systems of oppression. More and more, they believe that there is still hope that the folk within these systems can start to realise the errors of the system and that "I'm just doing my job" is not a good enough answer. While it's understandable, they are in fear of losing their jobs, it does not negate personal responsibility for actions which harm others.

## **The Prisoners' Rights Organisation: a case study in grassroots organising, 'history from below' and police accountability**

The Prisoners' Rights Organisation (PRO) was founded in the early 1970s. Before its dissolution in the late eighties it was in many ways a unique phenomenon - a small but highly energetic grassroots organisation that consistently called public attention to cases of police brutality and misconduct through varied forms of street protest and media work. This article tells the story of the formation and development of the organisation and the 'hidden history' of the PRO's attempt to make police accountable.

### **The origins of the PRO**

As the name suggests the PRO was not initially concerned with the gardaí but with prison conditions. In the early 1970s the prison system reached crisis point as more and more people were incarcerated in filthy, badly planned Victorian prisons. As a result Irish jails were convulsed by waves of protest and repression and the PRO emerged from this cycle of resistance. Specifically the organisation's roots lie in a 'Prisoners' Union' set up in Portlaoise in 1971 following a serious assault on an inmate by a warder. When members of the Portlaoise union were moved on to the Curragh and Mountjoy, prisoners' unions were established there. Through the unions the prisoners began to document the reality of incarceration and to formulate clear demands for a more humane prison system<sup>34</sup>. The demands were publicised outside the prisons by a hastily formed Committee for Prison Reform. In 1972 a number of the prisoners who had been involved in the unions were released and began to work with some of the members of the Committee for Prison Reform which led in 1973 to the formation of the PRO.

The organisation was launched publicly in July 1973 at a packed meeting of ex-prisoners and human rights activists. The group soon proved to be extremely active and innovative. In the following months they organised a number of high profile meetings in Dublin at which radical clergymen, Irish and international political activist and trade unionists<sup>35</sup> called on the government to reform the prison system. At the same time they were routinely organising pickets and protests outside prisons and the Department of Justice.

Within a couple of years of their inception, the PRO was involved in an enormous number of initiatives and projects. This activity took three forms - practical support and solidarity for prisoners, political agitation and protest, and media and research work. The practical support for prisoners involved a wide range of services and even included running a bus for families visiting inmates, but most frequently involved making legal representations and complaints on behalf of prisoners. The political and media work drew directly on the information gathered

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<sup>34</sup> It is noteworthy that compared to other groups involved in the wave of prison protests that took place Europe in America in the same period, both the PRO and the Prisoner's Unions' demands were very modest. Although the PRO was critical of the justice system and class inequality there was no call for the abolition of prisons and the group was certainly not explicitly anti-capitalist. Instead they called for reform and less punitive conditions and demanded meaningful rehabilitation through education. Interestingly some of the *Jail Journal* articles even expressed concern about warder's working conditions. This of course reflects the mooring of the PRO in prisoners' experience and a political pragmatism rather than radical politics. In fact some senior PRO members deeply distrusted ideologically driven activists.

<sup>35</sup> In the first few years of the PRO, the organisation tried hard to develop connections with the trade union movement and called for the formation of official prison unions which would be affiliated to the Irish Congress of Trade Unions.

while offering practical solidarity to prisoners and was then disseminated both in their own publications and through the mainstream media.

However, despite the impressive level of energy shown by the PRO throughout its history, the core group of activists was very small - between 10 and 15 people. Initially it was mainly made up of ex-prisoners and was based solely in the north inner city of Dublin. Over the years the composition of the organising committee of the PRO changed somewhat and despite positioning itself as an explicitly 'non-political' organisation it did attract a number of political activists from both inside and outside the community into its ranks, most notably the feminist and socialist Máirín de Burca whose interest in prison reform stemmed from her own experience as an inmate and Joe Costello who was a spokesman for the organisation for several years and later became a Labour TD for the north inner city. However, political activists were never a majority within the organising committee or the group as a whole.

Although the core activist group remained small, the PRO did over time spread beyond the north inner city in Dublin and eventually set up another branch in Cork and developed a fairly large active support base of people who would turn up at protests. By the late seventies the PRO had also developed a network of influential contacts in the media and in the legal profession. In 1979 they had the contacts and wherewithal to organise a high profile three-day public commission on the penal system chaired by Seán McBride with extensive submissions from prisoners, academics and legal experts. Remarkably, it was the first review of penal conditions in the history of the state. The event was reported by RTE and the Irish Times and later resulted in the publication of a book<sup>36</sup>.

According to a campaigner active in the PRO throughout the eighties "letting the public know" by documenting and publicising the reality of everyday life in the prison system was seen internally as one of the central functions of the organisation. Particular attention was given to the personal experience of prisoners and in this respect the PRO can be regarded as part of a serious and sustained attempt to write the history of the criminal justice system in from 'below'. A key part of this was the regular publication and distribution of the *Jail Journal* which came out every couple of months. The journal was mainly written by prisoners or ex-prisoners, and the bulk of the publication was concerned with the experience of imprisonment through personal testimonies, poems, reports and analyses. Although in the latter half of the life of the organisation the tone of the journal became a little more formal, it always retained a sense of immediacy and a connection with everyday life. The publication built up a regular circulation in the low thousands by members selling it in pubs and at demonstrations. The PRO tirelessly tried to bring the issues raised in the *Jail Journal* to the attention of journalists and a number of the stories first carried in the journal later featured in the national media<sup>37</sup>.

The main publication was the *Jail Journal*, but the PRO also published a range of other material including a book on how to use prison rules to make legal cases about prison conditions. The organisation also took upon itself to do more 'academic' research. It completed socio-economic surveys of young and adult offenders and drew up reports on individual institutions<sup>38</sup>. This grassroots research on crime and punishment was completely unprecedented in an Irish context and demonstrated in a systematic way, for those who may have doubted it, that there was a clear link between poverty and imprisonment.

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<sup>36</sup> Seán McBride (Ed) (1982) *Crime and punishment*. Ward River Press: Dublin

<sup>37</sup> This of course depended on a type of crime journalism very different from the fare which predominates at the moment (a mish mash of warmed-over Garda press releases, sensationalism and right wing prejudice). In the 70s and 80s the public was well served by the investigative journalism of *Hibernia* and *Magill* and the work of writers like Gene Kerrigan, Nell McCafferty and Vincent Browne.

<sup>38</sup> See for instance PRO (1978) *Loughan House: a survey of fifty 12-16 year old male offenders from the Sean McDermott Street - Summerhill area of Dublin's inner city*. PRO: 1978.



Given the emphasis the PRO gave to creating space for prisoners 'to tell it like it is' the organisation inevitably found itself getting to grips with and articulating with a whole swathe of problems which had a bearing on prisoners' lives but which were not directly connected with gaols. So along with prison conditions the *Jail Journal* often carried articles about social inequality, mental health and the anomalies and idiocies of the court system. In this way the remit of the organisation widened somewhat. As a consequence in the 1980s the PRO even found itself involved in the struggle against the criminalisation of street traders in Dublin's inner city and it even became one of the first groups to do advocacy work and popular education on the issue of HIV/Aids.

### **The PRO and Garda brutality**

It is unsurprising then that from very early on in its history the organisation found itself documenting cases of Garda brutality. This would come to the attention of the PRO either through personal contacts or from people who would arrive at the regular committee meetings and give an account of their experience at the hands the police. Advice would then be offered on how to proceed against the police. The PRO would then double check the story and great care was taken to be scrupulously accurate and avoid any exaggeration. If they thought the story was credible they would contact the media and hold a picket at the station where the incident occurred. The stories were written up in the *Jail Journal* and followed up in various ways either through further protests or through legal means. Significantly the PRO would offer support to the victim right through any legal or complaints process. Eventually policing became one of the major concerns of the PRO and every edition of the *Jail Journal* prominently included a list of rights when arrested and occasionally carried advice on how to best to deal with the police.

In fact one of the highpoints of the PRO's activity and certainly some of the most visible and angry protests that the PRO was involved in concerned a high profile case of police violence. Eamonn Byrne a 22 year old from the north inner city was shot during a foiled armed robbery in November 1982 on the North Wall. On the morning in question Byrne and two other went to steal the cash from the purser's office on a B & I ferry docked in Dublin port but when it became clear that the gardaí had foreknowledge of the robbery Byrne and the others decided to abandon their plans. They attempted to flee but failed and Eamonn Byrne was shot while unarmed and on the ground. The gardaí said the shot was discharged accidentally, but it widely believed that his death was suspicious and that the gardaí had set out that morning to settle a score with Byrne .

Some of the suspicion and anger created by the death of Eamonn Byrne stemmed from the fact that he was very well known and popular young man in the north inner city who was viewed by many as a Robin Hood sort of character. More importantly though, it was common knowledge that in the months preceding the botched robbery Byrne had approached several organisations including the PRO and the Irish Council for Civil Liberties and made statements that he worried about his safety and that the gardaí had it in for him. In the wake of these events the PRO regularly mobilised hundreds for numerous well attended pickets and demonstrations. Sympathetic articles about Byrne appeared in the mainstream media and although the gardaí were exonerated the PRO had a key role in articulating a community's concerns and creating media and legal pressure for greater police accountability.

### **Assessing the impact of the PRO on Garda brutality**

Byrne's case is in someways representative of the strengths and limitations of the PRO work in general. Looking back over the organisation's history it is clear that because the PRO was embedded in the community, had a stable organisational structure, enjoyed a network of legal,

media and political contacts and above all was willing to provide a public forum for stories of misconduct and brutality it was a uniquely well placed to make the invisible abuse of police power a visible phenomenon<sup>39</sup>. Eventually through an accumulation of individual stories the PRO was able to build up a picture of what was happening in custody in a way that had not been done before for 'non-political' everyday policing. Specific gardaí, specific stations and particular patterns in behaviour emerged as particularly important through these stories and the PRO was able to link them across time. In some ways the PRO helped construct a collective memory of what was happening in particular stations and see structural patterns which before could be written as 'anomalies' or the actions of 'rogue' gardaí. Following this up over an extended period of time demonstrated that violent macho cultures flourished in certain stations<sup>40</sup>, most often in or at the edge of working class areas, and must have therefore either been encouraged or at least given tacit approval by senior officers.

The PRO dissolved in the mid-eighties. According to one of the members of the PRO active at this time this was primarily because drug abuse changed the social dynamics within the communities that PRO was rooted in and led to some of their erstwhile supporters falling away. In retrospect it is difficult to judge how effective the PRO's work was in making the gardaí more accountable. The PRO never reached, and for various reasons probably could never have reached, the sort of size where their work would have a clearly discernible direct effect on policing<sup>41</sup>. However, activity such as regular pickets outside a given police station, the naming of gardaí guilty of brutality in print and the creation of visible networks of solidarity, however hard to measure, is very likely to have had numerous hidden positive effects. What is easier to establish is that that the PRO alongside left wing activists, Republicans and to a lesser extent international NGOs such as Amnesty helped to change, to some extent, the public discourse about policing between the 1970s and 1980s.

More importantly still what the PRO demonstrates is that the work of a small committed group of activists, however poorly resourced and however enormous the task they face, can create a new cultural and political space where silenced stories can be aired, elaborated and thought through. And at the very least, through persistent research, protest and media work, the PRO created a powerful chink in the armour of untouchable moral righteousness that continues to contribute so much to the lack of Garda accountability in Ireland.

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<sup>39</sup> Some of the victims of police brutality, especially from communities where aggressive policing was not the norm, who met with the PRO were relieved to find people who believed that unprovoked assault by the Garda was in any way believable.

<sup>40</sup> For example Store Street, Fitzgibbon Street and Sundrive Road.

<sup>41</sup> As already has been suggested, both the strength and the weakness of the PRO was it was deeply rooted in the specific social experience of prisoners and to a lesser extent embedded in one specific geographical area (the north inner city of Dublin). Such a close identification meant that the PRO had limited appeal outside of communities in which imprisonment is a fairly common experience. This also certainly put off some of the more 'respectable' members within the community from which the PRO drew most of its support.

## **Challenging targeted policing: my experiences in the Ontario Coalition Against Poverty**

Mike Harris came to power as Premier of Ontario in 1995. Harris could easily be characterised as ruthless, callous and even authoritarian. One of his first acts as Premier was to slash welfare payments by a whopping 21.6%. Under his “Common Sense Revolution” Harris cancelled funding for affordable housing and curtailed services to the homeless, introduced workfare, repealed pro-labour legislation, brought in tighter eligibility criteria for disability allowance, and introduced legislation in relation to renting and tenants rights that resulted in many more becoming homeless in the process. Poor people were demonised and cast as scroungers and cheats, with welfare fraud hotlines established to report them.

One of the more draconian, poor-bashing measures he instituted was the Safe Streets Act. Essentially a social-cleansing bill, this legislation pushed the poor and homeless out of sight, outlawing ‘aggressive’ pan-handling (asking for money) and squeegeeing (cleaning of car windows at stoplights in exchange for spare change, often done by ‘kids’). This act also allowed for targeted policing (or community action policing as Harris called it). Modelled after Giuliani’s “zero tolerance” policing policies in New York City, it gave increased powers to the cops. This armed police force routinely harassed and illegally searched the homeless and youths in an attempt to remove them from public spaces. They have also beaten up several homeless people at random. Homeless people and squeegee kids were often arrested and charged with loitering! Another common tactic was to issue fines for supposed breaches of the Safe Streets Act. These fines are unaffordable and also restricted movement in their own space and communities as a way of driving the poor out of certain areas of the city. A study conducted by a Toronto legal clinic reported that 11.5% of street youth claimed their worst victimization was at the hands of the police, as opposed to other ‘hazards’ like sickness, being attacked or threatened or sexual assault.

It was in this climate I joined the Ontario Coalition Against Poverty or OCAP. The brainchild of John Clarke, OCAP is a direct action anti-poverty organisation based primarily in Toronto. Clarke’s idea was to build a movement of poor people to resist oppression. The history of OCAP stretches back over twenty years, beginning with a founding conference in 1990. Prior to the formation of OCAP, many of its now members were involved in marches against poverty during the late 1980s. The 1990 conference brought together groups from over twenty five different communities in Ontario, solidifying OCAP’s identity and purpose. It thereby defined itself as an organisation committed ‘to mobilizing poor and homeless people to fight back through militant, direct action’. Most significantly OCAP decided to reject “notions of basing the organization on methods of consultation and compromise with those in power” (OCAP 2009).

OCAP has been a formidable presence on the political landscape of Ontario. They have organized around housing issues, deportations, First Nations struggles, and campaigns against capitalism. They employ creative yet militant techniques to challenge oppression. Among the tactics used are mock evictions and takeovers, street feasts and festivals for the homeless and poor held in wealthy areas of the city, pickets of employers using workfare, and crashing glitzy fundraising events organised by political parties. OCAP also engages in direct action casework or advocacy for individuals, acting as a go-between for poor people and hostile services like welfare offices. To date they have an office in downtown Toronto with a paid organiser to help with their campaigns.

One of the first demonstrations I participated in was the Allan Gardens takeover in August 1999. Allan Gardens is a large park in the heart of Toronto that was frequently used by the homeless as a place to sleep and congregate. Police had consistently been driving people out of the park using the Safe Streets Act as their justification. OCAP organised a mass sleep-over in an attempt to reclaim the space. On the first day a large part of the park was cordoned off and supporters from a number of sectors including students and unions participated to show their support for the

project, including many homeless people. The idea was to have OCAP members and supporters camp in the park with its regular 'residents' as a means of deterring the police.

While at this demonstration I spoke with many members of the homeless community who relayed stories of their experiences of police brutality. One man in particular stands out in my mind to this day. A man in his 40s, he was homeless upon his release from prison after being incarcerated for attacking a man who had raped his daughter. At one point in our conversation he pulled up the leg of his trousers to show some of the injuries he had from being attacked by police on countless occasions because he slept in the park. Down one side of his leg was a large amount of scarring and disfiguration which he received from being run over by a police cruiser in the park one night – something he believed was intentional. His story was by no means exceptional.

Over 100 people stayed overnight in the park, many patrolling the area to keep it cop-free. It lasted four nights until the cops invaded the park just before dawn to evict all those present. Twenty-seven people were arrested. We met the next day to decide what the next step would be. There was a decision taken to abandon the permanent takeover and leave the park for the immediate future, though since that time OCAP has organised subsequent takeovers of Allan Gardens, the most recent held in 2009. While these takeovers have not resulted in a permanent reclamation of the park, they have drawn considerable attention to the plight of those who use the park as a safe space and to the abuse they face at the hands of Toronto cops. They have also increased support for OCAP and resulted in an increase in its membership base.

Another action OCAP organised to protest the Safe Streets Act, and particularly the cops' harassment and ticketing of the poor, was a mass pan-handling demonstration at the Toronto International Film Festival in the same year. Several OCAP members, including members of the homeless and poor communities, parked ourselves at the end of the red carpet, with our pails for panhandling and shouted "the films might be nice but the homeless pay the price." Many of the glitterati in the Canadian and international film industry were shuffled in through a side entrance to avoid us while others braved the red carpet for the photo op, thereby ensuring that OCAP's presence was felt. It also drew attention to the heavy nature of policing OCAP actions. As John Clarke himself noted, the huge police force in attendance of the event, many on horseback, only added to the action's success.

These were just two actions in a series that were aimed at challenging police criminalisation and targeting of the poor. Other OCAP actions included collecting tickets handed out to the homeless and squeegee kids who were deemed to be in violation of the Safe Streets Act and challenging the tickets in court. This had considerable success. We also invaded Toronto's wealthy Yorkville district, home to celebrities and Canada's elite, for a mass-panhandling action, storming the restaurant in the Four Seasons Hotel, grabbing food off the plates of the rich who looked on in disgust, jumping on tables and disrupting their luxurious lunch. This action was successful because a decoy bus was arranged to travel to a publicized action as a means of confusing the police who were following us – the Yorkville action was kept secret even from members until the bus arrived at its location. Other tactics have included mock evictions of government ministers, and mass squatting in abandoned buildings.

With every success OCAP has had it has been met with increasing force from the police. Every OCAP event had an increasingly large and hostile police presence. A good example is the protest on Parliament Hill in 1999 where those of us attempting to gain access to the public government chamber, many of whom were homeless, were attacked by riot cops with pepper spray and batons. It was the first time pepper spray had ever been used on Parliament Hill.

Many OCAP members have been targeted by the police over the years – followed, threatened, arrested and falsely imprisoned as a means of intimidation. Perhaps the culmination of police outrage against OCAP resistance was the June 16<sup>th</sup> (2000) protest which was deemed a 'riot' by the Toronto police. This protest resulted in the unprovoked attack and beatings of many protestors, several arrests, including that of John Clarke, and a court case to charge John with inciting a riot. Clarke and two other members of OCAP were strip-searched upon their arrest –

again as a means of intimidation. OCAP has managed to successfully challenge these acts of intimidation through the courts on a number of occasions, with at least four OCAP members successfully winning their cases against the Toronto cops and receiving settlements as a result.

These direct action tactics further mobilised people and OCAP's membership continued to substantially grow over the next four or five years. Several chapters of OCAP opened in other parts of the province. I think this shows that even small acts of resistance are important mobilising tools and are effective in drawing attention to police behaviour and challenging it.

OCAP empowers people to stand up for their rights and to stand up to the police. Those who have been the target of police brutality can now stand in solidarity with others who have experienced similar treatment. They can see that their experiences are not isolated incidents but part of a broader structure designed to further marginalise and oppress the poor.

OCAP continues to organise against police brutality and the criminalization of dissent. This has increased pertinence since the Queen's Park Riot as police officers from outside towns and cities are now often brought in for OCAP demonstrations. Forced to be creative in the face of increased policing, OCAP adopted interesting techniques as a means of achieving successful actions. These included snake marches and timing demonstrations to coincide with events happening simultaneously in the city (e.g. the Pope's visit) as a means of ensuring that the police would be on their best behaviour. Most recently they successfully mobilised in the face of increasing police harassment at the G20 protests in Toronto in June 2010. For OCAP the right to protest without threat of harm or criminality is central to their overall goal of societal transformation.

OCAP is particularly appealing to those from poor and working-class backgrounds because their message is an empowering one. It offers the opportunity to participate in a group that not only recognizes that this targeted policing of the poor exists but actually overtly challenges it. Their rhetoric and action helps to make sense of one's life and the all too routine experiences that accompany growing up in poverty. OCAP has made a tangible difference in the lives of many people.

While OCAP may not have yet fully changed the nature of policing in Toronto, knowing the group takes such experiences seriously, recognising them as systemic is quite empowering in itself. It lets you know that you have somewhere to go to share your similar experiences and gives you a means of challenging such repression. That, I think, is invaluable.

## **Making policing history: different ways of resisting**

How have activists tried to put manners on the police? Which methods have worked? Which might be worth trying? This article is a brief overview of different ways of resisting political and social policing.

In general, it is very difficult to successfully demonstrate wrong-doing on the part even of individual police officers, let alone systematic misconduct – a rule which holds across countries and police/legal systems. Very few complaints brought by members of the public are upheld, while successful complaints seldom translate into any significant disciplinary action; and successful criminal prosecutions of police officers for acts of political or social repression are extremely rare.

At present, for example, the UK's Independent Police Complaints Commission has noted that despite 333 people dying in British police custody over the past 11 years no officer has ever been successfully prosecuted; a mere 13 officers were even prosecuted. Matters are no different in Ireland. There have been occasional successful prosecutions for corruption, making it clear that it is not so much that police are universally above the law as that particular kinds of crime (violence against the poor and political activists) are systematically tolerated by the courts, prosecution services and other police officers.

The main purpose of the strategies discussed here is not the wider one of creating a society in which this is no longer true - one which does not see the job of the police as defending the rich against the poor and the status quo against popular movements - but the more immediate one of creating a climate which "puts manners on the police", where either police commanders are reluctant to sanction previously-normal behaviour, or individual officers restrain themselves from such behaviour. It is important to realise that police commanders are vulnerable to media criticism, and to cases which create public embarrassment for their own bosses in government, while individual police officers are conscious of the possibility of what they typically see as unjustified persecution or scapegoating by management.

The strategies discussed below work both directly and indirectly. Directly, strategies such as the presence of legal observers, the stated concern of human rights groups, the presence of independent media or "copwatch" patrols all act to discourage police from behaving in ways which they may have to work hard to justify or which they fear may jeopardise their careers.

Indirectly, the publicising of cases of police abuse (even when they never reach the courts), the dissemination of "know your rights" information and so on, act to create a situation in which the public at large is less willing to grant the police *carte blanche* to behave as they like.

More generally, both strategies can contribute to crises of established policing models, such as that after Reclaim the Streets 2002 in Dublin (discussed elsewhere in this pamphlet) or that of Ian Tomlinson (who died following police assault at the London G20 in 2009), where media pressure leads to political, police-internal or legal inquiries into particular police approaches. Such inquiries rarely solve the problem, but they can set a different tone for what police commanders and individual officers feel they can get away with – or how they are expected to behave.

On rare occasions they can actually lead to institutional change (most notably, the disbanding of organisations with an institutional culture of violence, such as the Irish "Heavy Gang"). The experience cross-nationally of police-internal reform initiatives and oversight bodies has been relatively disappointing, but at times police reform has led to more effective "command and control" – meaning that police violence becomes less a matter of individual behaviour and more a matter of deliberate policy.

Thus policing campaigners have to be prepared for a relative lack of visible results in terms of convictions of violent officers etc., in return for invisible results – in terms of assaults and deaths *not* taking place, police restraint, a broader public "eye on the police" etc. Police violence and

abuse of powers is extremely unlikely to cease within capitalism, but some limits can be placed on it in some circumstances.

## Different strategies

**Dissemination of information** is the most widespread tactic used in response to both political and social policing. This involves making available basic information on your rights – for example, in relation to being stopped by the police, to answering questions, to being searched, to arrests etc. – in an easy-to-use form (associated with contact details for potential support, such as a legal hotline for a protest or a local community group). It can be effective in encouraging those targeted by the police to stand up for themselves.

**Stewarding** is a double-edged tactic; in Ireland the role of stewards is now mostly to make sure that protestors comply with prior agreements between organisers and police, but their origins lie rather in police attacks on protestors. The Irish Citizen Army, whose organisers included James Connolly, Sean O'Casey and Jack White, was formed after the deaths of two strikers and police assaults on working-class areas during the 1913 Lockout, initially to protect workers' demonstrations from the police. (Not much has changed in this respect: the police were acting on behalf of the owner of the *Irish Independent* among others, and were subsequently rewarded for their behaviour with free use of the trams which he also owned.) In 1968, stewarding groups in countries like Italy again became more like self-defence organisations in the face of police attacks. If democratically controlled stewarding can help protect protestors from police provocation and marches from being broken up, in practice Irish stewarding is typically about controlling demonstrators and does little to protect them.

**Protest training** for all participants often seems a more effective approach for contemporary protests. There is a wide variety of training available, including the use of affinity groups (small support groups who look out for each other on demos), de-arresting (what it sounds like), resisting "kettling" (police encirclement and extended open-air detention of protestors), spotting covert arrests, grounding techniques (a means of staying calm and resisting panic) and so on. Trauma support work (for those recovering from police attacks) has also come to be an important element, both in training and as protest support, given the ever-present possibility of police violence.

**Legal observers** are widely used at protests in many countries. The task of a legal observer in a potentially conflictual protest is to act as an independent witness, taking a record of incidents of police violence and other potentially unjustified actions to a standard suitable for courtroom use. Under the right circumstances, the presence of clearly identifiable legal observers can deter police brutality. It is also a role which can be offered to (for example) older, more established or mainstream allies, who are unlikely to be the targets of police violence themselves and who courts are more likely to see as reliable witnesses.

**Legal follow-up work** is resource-intensive and time-consuming, but sometimes has had remarkable results. A good example is the legal team which worked for the 9 years following the 2001 protests in Genoa. While the results for protestors facing charges were not good, the team's compilation of evidence was part of a process which saw a series of major trials in which members of the security forces were found guilty of serious offences in relation to the attacks on protestors at the Diaz school, the treatment of prisoners at the Bolzaneto barracks which was converted into a temporary detention camp, and so on. 44 people (including carabinieri, prison officers, soldiers, police officers and doctors) were found guilty in the Bolzaneto case alone; in relation to the Diaz case those found guilty included the Genoa chief of police, the heads of the Rome riot squad and the current chief of anti-terrorist activities. While the Berlusconi government did its best to rescue its closest allies, outcomes like this (which also threaten the pension rights etc. of senior police officers) are going to be noticed by those who may in the past have felt they had a free hand in attacking protestors. The Genoa legal team achieved this at a heavy cost - a constant process of fund-raising and touring to support the development of some

very innovative work with video evidence in particular - but the example is worth bearing in mind.

By contrast, the **Garda Síochána Ombudsman Commission** has been a major disappointment (see the personal experience elsewhere in this pamphlet). The vast majority of complaints have no result. However, on occasion (as in Rosspoint) the Commission has recommended action (in this case reprimanding a senior Garda). Elsewhere - in the case of Garda attacks on students occupying the Department of Finance in 2010 - complaints to the Ombudsman formed the basis of a story which allowed RTÉ journalists to release footage of police violence which had previously been embargoed.

**Human rights and civil liberties groups** have a natural brief in promoting the respect of human rights and civil liberties by law enforcement, court, prison and military officers. Their effectiveness depends on their independence, their non-political status and (often) the legal expertise of their staff. Statewatch, organised at European level, has a particularly useful website for research purposes.

**Independent media** can play a comparable role; as with the filming of the "cop riot" at the May 2002 Reclaim the Streets party, high-quality video or still photography in particular can play a role in highlighting police abuses; under some circumstances, the visible presence of a technological record can put limits on police behaviour, but suitable arrangements need to be made to ensure the rapid handing-on of images to safe third parties (for example, using bike couriers or Internet cafes to upload data). Independent journalists can of course themselves become targets of police attacks.

One rapidly developing area is the use of online sites to record and publicise police violence in particular, and more generally to support demonstrators (eg calling for people to come and support protestors under police threat). This can range from twitter feeds covering police actions via live streaming of demonstrators' experiences to direct broadcasting from protests.

**Copwatch** tactics are more associated with issues around "social policing", for example harassment of young men in disadvantaged communities. Copwatch groups in the USA and Canada organise patrols monitoring police interactions with civilians. On occasion this has been successful in forcing inquiries into particular incidents.

In the context of political policing, the UK's Fitwatch group has been particularly effective in turning surveillance back on the intrusive and aggressive "Forward Intelligence Teams", publishing their names and photos in a "name and shame" process, deliberately blocking their attempts at surveillance, and publicising illegal police activity.

**Community-based projects**, such as the Newham Monitoring Project in London, can integrate casework with research and monitoring on police racism as well as campaigning on specific issues.

**Protests** directly targetting police behaviour can often be effective in various ways; in Dublin police have been withdrawn from the locations of the Terence Wheelock campaign marches, while in Italy there were more protestors at police violence after the 2001 Genoa protests (at which one protestor was shot and killed) than there had been at the protests themselves.

**Self-defence and exclusion of police** has been a response of some beleaguered communities, usually ethnic minorities. Sometimes this has been in response to attacks by racist mobs (as in Notting Hill in 1958), at other times (as with various Native American protests) in response to police racism; Free Derry in 1969 started with assaults on the Bogside by the RUC and "Paisleyite" mobs. Such organisations have usually been targetted directly by police forces (most famously in the case of the Black Panthers, which were founded in opposition to police brutality in Oakland and which pioneered neighbourhood patrols.)

**Critical police organisations** and **critical judicial bodies** are relatively common in western Europe, such as the German Bundesarbeitsgemeinschaft kritischer Polizistinnen und Polizisten (Federal Working Group of Critical Police Officers, 1987 - present), a body of current and past



police officers who understand themselves as "citizens in uniform", the Republikanischer Anwältinnen- und Anwälteverein (Republican Lawyers, 1979 – present), which plays a similar role for German lawyers, the centre-left Magistratura democratica (Democratic Judiciary, 1964 – present) in Italy, Magistrats européens pour la démocratie et les libertés (European Judges for Democracy and Liberties, 1985 – present), representing trade unions and associations of judges from 11 different European countries committed to the defence of democracy and human rights, and so on

Within the Republic, the "barracks culture" of the gardaí means that individual whistle-blowers, let alone groups of critical police, are absent, and those who find themselves uncomfortable within the force tend to leave rather than try to change things. However, this need not be a permanent state of affairs. Within the US, the BadCops police oversight portal is oriented to "good cops, community leaders, victims and other concerned citizens".

Finally, if dissemination of information is where the work starts, **victim support and solidarity** comes at the end of the process. Public support of those who have been the victims of police violence is often effective, notably in court and prison processes which are geared to isolating victims and punishing them further. This can include everything from courtroom accompaniment and prison visits through the organisation of legal defence funds – or collections for medical fees – to awareness-raising meetings and the production of documentaries etc. One particular form of this is the Anarchist Black Cross organisation, which specialises in supporting anarchist prisoners (and more locally Maura Harrington).

Clearly there is no "one-size-fits-all" model of how police can be brought to respect basic human decency (let alone the letter of the law). Perhaps the most important outcome from the various experiences mentioned here, however, is that **you can do something**; the police are not all-powerful; not everyone accepts that they have a complete licence to do what they want; and it is possible to set some limits to their behaviour.

What are the most useful tactics? Much depends on who you are - your ability to commit time and energy, take risks and engage with the unpleasantness and dirty tricks that can be expected from challenging the gardaí - and the kinds of actions you are comfortable with. What is clear is that even a small group of dedicated activists (as noted in this pamphlet's article on the Prisoners' Rights Organization) can have a real impact in specific areas.

As noted above, indirect effects are really important as direct success will probably be limited. Change within police forces (which does happen) depends on a huge range of other actors. Some of these are elites - modernising police managers, judges who are not willing to give the police a blank cheque, critical journalists, even occasional politicians. Others have more to do with communities resisting the police, a decreasing public willingness to accept police violence, even individual officers who become willing to risk their careers by acting as whistle-blowers.

Resisting policing is multi-dimensional, and perhaps the best advice is to pick one field of activity which can be sustained over time by a small number of people, and attempt to do that well - without losing sight of the bigger picture and links to others working on different parts of the jigsaw.

## Appendix

### *Policing Ireland: some useful resources*

This list is intentionally 'partitionist' in that it deals only with police in the "26 counties" as providing material on policing in the "6 counties" would easily treble the length of the guide.

Allen, Gregory (1999) *The garda síochána: policing independent Ireland 1922-1982*. Dublin: Gill and Macmillan. 306p. (Written by an ex-member, and with every sign of it)

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