

## Focus Ireland Submission to the Consultation of An Garda Síochána Strategic Plan 2025-27

November 2023

### Introduction

Focus Ireland welcomes the opportunity to submit feedback as part of the consultation for An Garda Síochána's Strategic Plan 2025-27. As a leading housing and homelessness organisation in the State, Focus Ireland has over 30 years' experience in working with individuals and families experiencing homelessness through our extensive supports and services nationwide. Since our foundation in 1985, Focus Ireland has always believed that homelessness is wrong and that with the right policies and interventions, homelessness can be solved. On average, our services support approx. 12,000 individuals a year.

Homelessness has reached record levels in Ireland in recent years, including new records for family and child homelessness. Figures published by the Department of Housing recently show a record total number of 13,179 people residing in emergency accommodation in October 2023<sup>1</sup>. A crisis of this scale requires all public bodies and community stakeholders to work collaboratively towards solutions. As part of our role in providing homeless services and housing, Focus Ireland regularly engages with an Gardaí Síochána as important stakeholders in the community.

We operate the Family Homeless Action Team (on behalf of the Dublin Region Homeless Executive) and offer Advice and Information services via our coffee shop on Eustace Street in Dublin, the Family Centre on Mountjoy Street, and other advice and information services nationwide. We have also operated temporary accommodation for families with high support needs for many years and run Housing First services in the Cork and Limerick regions.

In addition, Focus Housing Association (the Approved Housing Body of Focus Ireland) acts as landlord to families and individuals who otherwise would find it difficult to maintain a tenancy with social or private landlords, with Focus Ireland providing tenancy sustainment support. Our primary areas of concern regarding this submission are outlined as follows: (I) Illegal evictions protocol and the role of Gardaí, (II) Community guards and housing developments, and (III) Families presenting to Garda stations in the absence of emergency accommodation.

#### I. Illegal Evictions and the role of Gardaí

Focus Ireland have recently engaged with An Gardaí Síochána regarding a reported increase in illegal evictions through our Advice & Information Services. Specifically, Focus Ireland services have experienced an increase in reported illegal evictions or attempted illegal evictions from landlords in the private rented sector following the temporary Winter Eviction Ban in 2022 and 2023. Having brought this to the attention of An Gardaí Síochána, Focus Ireland had the opportunity to provide

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<sup>1</sup> [Latest Figures - Donate - Focus Ireland](#)

feedback on the policy on Repossessions and Evictions (2020)<sup>2</sup>. The current policy has a strong emphasis on Garda officers preventing ‘breaches of the peace’. While we recognise the importance of this role in the broad circumstances envisaged, we believe it is problematic without guidance as to establishing the lawful occupant of the property when a dispute occurs. Actions which would be viewed as reasonable when a tenant in lawful occupancy is attempting to protect their property and access to their home may be considered unreasonable if they do not have lawful occupancy and are the subject of a valid Notice of Termination and Court Order.

Without first determining lawful occupancy, reasonable actions by a tenant may be misconstrued as a ‘breach of the peace’ – and equally reasonable efforts by a landlord in possession of a Court order may be similarly misconstrued. Without establishing whether the tenant has lawful occupancy it is not possible to identify who is the lawful actor in the situation. Given that the matter under dispute in the circumstances is the home of the tenant, we believe that the burden of proof should fall to the landlord, or their agent, to demonstrate that they obtained the required legal basis to repossess the property.

The tenant is a lawful occupant of the private rental property and a legal contract holder under contractual and lease agreement, unless and until a relevant legal decision alters this. The policy on evictions should be founded on this fact and the relevant Acts in relation to property rights, lawful occupancy and contract law referenced in the policy document. Focus Ireland is increasingly concerned about reported circumstances where tenants are forcibly removed from the property and the paperwork is invalid, as there is little recourse after the eviction has taken place. Absence or uncertainty about such legal authorisation should result in the landlord, or agent, being asked to desist from the attempted eviction and to go through the appropriate legal steps.

For Gardaí to ascertain the appropriate approach to adopt where they arrive at/are called to the scene of a potential eviction, we would propose that an additional step be added to the strengthen current protocol, as follows:

1. Gardaí would, as a first step, request proof in documentation from the landlord (third party trying to secure access) confirming the relevant court document/order to verify whether the eviction is lawful.
2. Where no such documentation is provided, or documentation is incomplete or unclear, the Gardaí should proceed on the basis that the tenant is in lawful occupancy and advise the landlord/third party of the necessary legal steps that would be required for them to gain possession of the property and legally evict the tenant.
3. In the case of planned, lawful evictions where documentation has been verified, the role of the Gardaí is to prevent any breach of the peace and or other crimes being committed while eviction is effected (i.e., a supervisory role). These circumstances and the appropriate actions are well described in the 2020 Policy.
4. The step in which Gardaí ask landlord/third parties to present the relevant paperwork to legitimise their entry to the property should form the basis of a checklist in risk assessments carried out at the scene.

Our communication with the Gardaí regarding their role in potential illegal evictions and their cooperation with the RTB is ongoing. However, the Strategic Plan for 2025-2027 is a timely opportunity to address such issues in a strategic, long-term vision.

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<sup>2</sup> [Repossessions and Evictions Policy \(garda.ie\)](https://garda.ie/Repossessions-and-Evictions-Policy)

## II. Community Guards and Housing Developments

As an Approved Housing Body, Focus Housing Association works with key community stakeholders such as local government and An Gardaí Síochána to maintain strong levels of social cohesion in the community. Our property services maintain good relationships with Gardaí in areas where Focus Housing Association provides housing. Staff have reported timely welfare checks and supportive interactions with Gardaí regarding requests to accompany staff to a property where there is a safety concern. Focus Housing staff are increasingly concerned about drug use in and around properties where Focus Housing Association operates, in addition to an increase in anti-social behaviour of a criminal or violent nature.

In certain instances, this can often lead to vulnerable tenants being targeted and properties taken over (cuckooing) by individuals who are not the tenants of the property. A higher Garda presence on the streets, particularly in Dublin City and conducting more frequent drive-bys in certain housing developments to show a strong Garda presence in communities would be welcomed and would also help provide greater support to our most vulnerable tenants. Additionally, we would greatly welcome it if certain information could be processed in a timelier manner to support property and housing association staff such as Section 15 requests.

Focus Housing Association holds community block meetings to ensure good communication and relationships with residents in areas with Focus Housing Association properties. This ensures clear communication in the community, builds community relations and aids in smoother transitions for Focus Housing tenants moving into the properties. As part of this, Focus Housing Association would strongly welcome and encourage community Gardaí to attend our community block meetings. Focus Housing Association wishes to develop relationships with all community and crime prevention officers in all the areas that we have properties in, to form relationships and ensure strong levels of social cohesion in the community.

## III. Develop a Protocol for Families Presenting to Garda Stations

Since 2014, there has been a sharp rise in family and child homelessness in Ireland. The most recent figures reveal that in October 2023, there were 1,939 homeless families, marking a significant 21% increase compared with October 2022. With the rise in family homelessness, accessing emergency accommodation is increasingly challenging and often emergency accommodation is at capacity or involves administrative delays. When families with children do not have access to safe and appropriate emergency accommodation, they are often faced with the choice of sleeping rough or presenting to a Garda station as a place of safety.

Currently, there is no agreed protocol in place between homeless services, local authorities, TUSLA and An Gardaí Síochána outlining where families with children should present if they are unsheltered for the night. This is an ongoing issue of concern which Focus Ireland has been raising with both TUSLA and An Gardaí Síochána to ensure that an appropriate protocol could be put in place to support families with children who are without shelter. The child protection risks and implications are urgent and serious in these cases and as such, Focus Ireland continues to notify TUSLA of any child safety concerns involving families sleeping rough. We believe that local authorities, homeless services, TUSLA and the Gardaí have a shared responsibility for the safety and welfare of families and

children in communities. It is vital that the relevant stakeholders collaborate and develop a joint protocol which would effectively respond to families in these crisis situations. Focus Ireland proposes that Gardaí work closely with TUSLA, the local authorities and homeless service providers to establish an agreed protocol outlining alternative arrangements for families and children in cases where no emergency accommodation is available or accessible for the night.

As this issue is predominantly concentrated in Dublin City, Focus Ireland recommends that a designated Garda station in Dublin City Centre be signposted to families as a place of safety and shelter in the last resort. This could be established in conjunction with a dedicated Out-of-Hours phoneline for support to signpost families without shelter, advising families on the next steps available for their circumstances. As a provider of specialist supports to families and children experiencing homelessness, Focus Ireland welcomes the opportunity to engage further on this issue with all relevant stakeholders to offer our support and work towards effective and timely solutions.