



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

# **Policing Performance by the Garda Síochána in relation to COVID-19 Regulations**

**Report on the exercising of powers under the Health Act 1947  
(Section 31 – Temporary Restrictions) (Covid-19) Regulations 2020**

17 July 2020

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## Chairperson's Foreword

There is a sense in which this report marks the end of the first phase in the series of reports on the oversight by the Authority of the policing of the COVID-19 health emergency. The Authority had, from the earliest indication of the impending difficulties, identified the importance of ensuring the continuation of its oversight work. Indeed, it was convinced that the need for robust oversight in the public interest would be greater than ever in circumstances where additional powers would be granted to the Garda Síochána.

The decision of the then Minister for Justice and Equality, Charlie Flanagan TD, to request the Authority to report to him on its oversight role was a welcome confirmation of that initial response. It provided a formal mechanism to give public expression to the work of the Policing Authority.

The value of these reports merits recapitulation as this report is submitted to the new Minister for Justice, Helen McEntee TD. In the first instance they present contemporaneous, real time, reporting on the policing of the health emergency to the Department, to the Government and, immediately thereafter, they are published so that the media and the interested public can have access to them. They offer reassurance that the Garda Síochána is using the emergency powers in the spirit in which they were intended to be used. They present the extent of the challenge to the Garda Síochána, give a picture of the breadth and depth of the policing effort throughout the country, and they convey a sense of the rich community response to that policing work. Thus, they offer benefits to all interested parties.

At a meeting with the Minister in recent days, it was encouraging to hear her confirm her sense of the importance of this reporting mechanism and her interest in continuing to receive them.

Inevitably, the early phase of the restrictions on normal patterns of life was the most intense in terms of the exercise of the new powers given to the Gardaí. That was followed by a gradual easing of the approach as the restrictions were lessened. And now, there is a shift of focus to consolidating the gains and doing everything possible to prevent a resurgence of COVID-19 within the community.

The Authority has on a number of occasions pointed to the increasing policing challenge where greater freedom of movement was progressively permitted. The nature of this challenge may well become much more complex in the period ahead as the avenues of approach for active engagement become more limited with the evolution of the regulatory framework. And this will happen in a context of likely public expectation that the Gardaí can play the same role as heretofore, being ubiquitously present with the capacity to solve all problems.

Reviewing the previous reports, a number of elements stand out as being of enduring importance, significant in themselves but with real implications and potential for future public policy and policing practice. The first is, of course, the extent and quality of the service provided throughout the country by the Garda Síochána. It has been immensely important in bringing the community through this very difficult time. And it is not only in respect of the health emergency that this has been evident. There have been other notable policing successes in terms of the disruption of criminal activities which make their own contribution to community safety.

The second is the extraordinary response from the people in the appreciation of the work of Garda personnel in all parts of the country. The recognition of the effort and the openness to the approach taken by the Garda Síochána has been impressive and significant.

The third has been the richness of the responses to the outreach work undertaken by the Authority's staff with voluntary and statutory organisations across the country. These have been reported in some detail in previous reports, as they are in this. And I will refer to one or two points in particular later. The fruits of this work are important to the Authority and to the Commissioner and his colleagues.

The fourth has been the fact that, inevitably, not everyone or every group has had the same response to the experience of policing in these past months. This does not lessen in any way the measure of the achievements that have been well recorded. But it is a timely reminder that there are some for whom the barriers of past experience may make it difficult to perceive the extent of the change in approach that has been so evident to so many.

The fifth has been the real and vivid nature of the perception and appreciation of that change in approach by Gardaí; of the new tone that has been so frequently adopted to such good effect; of the apparently spontaneous character of that widely evident shift in approach; and the universal desire that it become a permanent feature of the interaction between Garda and individual.

A number of thoughts emerge from these considerations.

Individuals or groups are often spoken of as being 'hard to reach'. This is the case well beyond the realm of policing. A difficulty with that seemingly simple term is that it can be perceived as locating the difficulty with the individual or the group. It may be that the problem, at least sometimes, lies in insufficient effort being made to engage those with whom there has been inadequate engagement in the past. The reported value of and welcome for the 'reaching in' approach adopted by Gardaí is very relevant to future approaches in this context.

Very often, children and young people are spoken or thought of as if they were adults in waiting. But, of course, they are fully formed individuals in their own right, with increasing capacity and agency as they get older. Understanding and respecting their needs and interests are important contributors to better engagement. The responses of organisations who work with young people, as reflected in these reports, are an important contribution to greater understanding.

Much of the really valuable experiences that have been reported to the Authority are not resource demanding. It is not a question of opening the wallet but more one of opening the mind. Gardaí themselves must have experienced the generosity of the responses to their exemplary service. The challenge for the Commissioner and the leadership of the Garda Síochána will be to capture that new approach, that new openness, that greater respect and understanding and to make it a permanent part of the life and work of all in the organisation. There is challenge but there are great opportunities in reflecting this new approach in the education of new Garda members and in the continuous professional development of all Garda personnel.

The Authority will engage closely with the Commissioner and his colleagues in respect of all these matters. They will continue to be important elements in the future reports which will be submitted on a monthly basis from now on. Should circumstances change and require more frequent reporting, the Authority will respond accordingly.

**Bob Collins**

**Chairperson**

## 1 Introduction

On 16<sup>th</sup> April 2020 the then Minister for Justice and Equality, Charles Flanagan TD asked the Policing Authority to report on its own oversight activities, its assessment of the application of the COVID-19 Regulations by the Garda Síochána since the regulations came into force on 8<sup>th</sup> April 2020 and to reflect on the consistency of their application with specific reference to vulnerable groups.

This is the sixth in a series of reports prepared by the Policing Authority in answer to that request.

The Government's response to the emergency generated by the COVID-19 pandemic began with an address to the nation by the then Taoiseach Leo Varadkar on 12<sup>th</sup> March 2020 and was followed by the enactment of the Health Act 2020<sup>1</sup> on 20<sup>th</sup> March. The Health Act 2020 provided for the subsequent application of additional powers<sup>2</sup> to the Garda Síochána by way of subsequent Statutory Instruments, if required, designating certain provisions of the Health Act 2020 as 'penal provisions'.

During the early stages of the COVID-19 emergency period before being conferred with emergency powers, the Garda Síochána, from 20<sup>th</sup> March to 7<sup>th</sup> April, adopted a graduated policing response to ensure compliance from citizens through a process colloquially referred to as the four **E's** – **E**ngage, **E**ducate, **E**ncourage and as a last resort **E**nforce. During this time the Garda Síochána relied heavily on the first of three E's using their pre-existing powers of enforcement only where necessary.

As the COVID-19 pandemic began to intensify and more severe restrictions were required, the Minister for Health through Statutory Instrument (S.I.) 121 of 2020 empowered the Garda Síochána with additional powers on 8<sup>th</sup> April. These included the power to:

1. Direct a person to comply with the Regulations;
2. Arrest for failure to comply with such a direction;
3. Demand a person's name and address;
4. Arrest for failure to comply with the demand for name and address; and
5. Arrest for failure to comply with the Regulations.

These powers covered everyone and all activities within the State (except for a range of legislated exceptions) and the period for the continued use of these powers was extended through the implementation of a number of additional S.I.s to cover the period from 8<sup>th</sup> April to 7<sup>th</sup> June 2020.

The introduction of Phase 2 of the 'Roadmap for Reopening Society and Business' on 8<sup>th</sup> June together with the enactment of S.I. 206 led not only to an easing of some of the restrictions that had been imposed on the general public, it also revoked a number of the penal provisions set out in S.I. 121 of 2020. This left the Garda Síochána relying once again, largely, on their pre COVID-19 set of powers with some notable exceptions where penal provisions for non-compliance were provided for:

- S.I. 181 of 2020 sets out regulations for international travellers to the State requiring them to provide information on their location during their stay within the State and made non-

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<sup>1</sup> Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020.

<sup>2</sup> Section 31 (A) of the Amended Health Act, 1947 and the associated regulations.

compliance with this a penal provision.

- S.I. 206 of 2020 introduced a limited range of additional penal restrictions focussed on the organisation and undertaking of events, and access to business premises.
- S.I. 234 2020 allowed pubs serving a substantial meal and restaurants to open with certain restrictions and penal provisions.
- On 13<sup>th</sup> July S.I. 244 of 2020, setting out regulations surrounding the wearing of protective face coverings on public transport, was enacted. Failure to comply with the regulations is a penal provision providing the Garda Síochána with the additional powers referred to earlier.

With the easing of restrictions and the scaling back of emergency powers in early June the use of the additional powers by the Garda Síochána is by extension mainly confined to the two month period from 8<sup>th</sup> April to 8<sup>th</sup> June. However, as noted there are a number of COVID-19 related penal provisions that the Garda Síochána continue to enforce in addition to the enforcement of pre-COVID-19 powers on 'COVID related' incidents. Section 2 presents an overview of these enforcement activities over the period 8<sup>th</sup> April to 11<sup>th</sup> July. Further detail is provided in Appendix 1 and in our earlier reports.

The enforcement of the COVID-19 powers while highly visible is nevertheless only one aspect of a range of activities undertaken by the Garda Síochána during the emergency. The implementation of the other three E's of the organisations graduated response has been equally resource intensive. Over this series of reports the Authority has adopted a more qualitative approach to assessing that aspect of the Garda Síochána's role through a programme of outreach and consultation with a range of external stakeholders and interested groups/organisations representing various segments of society. This is presented in Section three.

Throughout this public health emergency the Authority has focussed on a number of key touchstone themes in its oversight and reporting. The Authority has proactively engaged with the Garda Síochána at all levels in the organisation to ensure that the exceptional powers are used proportionately and only when necessary while respecting the basic human rights and freedoms afforded to citizens. The Authority's concerns around the use of anti-spit hoods remains and it therefore monitors closely their deployment. In addition to the impact on vulnerable groups the Authority is also mindful of the wellbeing of garda members and staff, and the impact on newly attested gardaí of their early deployment in the field. These issues are discussed further in section 4.

## 2 Policing COVID-19 in Numbers

Following the easing of some restrictions and revocation of a number of the penal provisions set out in S.I. 121 of 2020 on 8<sup>th</sup> June, the number of new incidents relating to the specific policing of COVID-19 has decreased considerably. This section presents an overview of operational data provided by the Garda Síochána for the period 8<sup>th</sup> April to 11<sup>th</sup> July. A summary of this data is presented in figure 1, at national and regional levels.

**Figure 1: Policing COVID-19 in numbers - summary by region for the period 8<sup>th</sup> April to 11<sup>th</sup> July<sup>3</sup>**



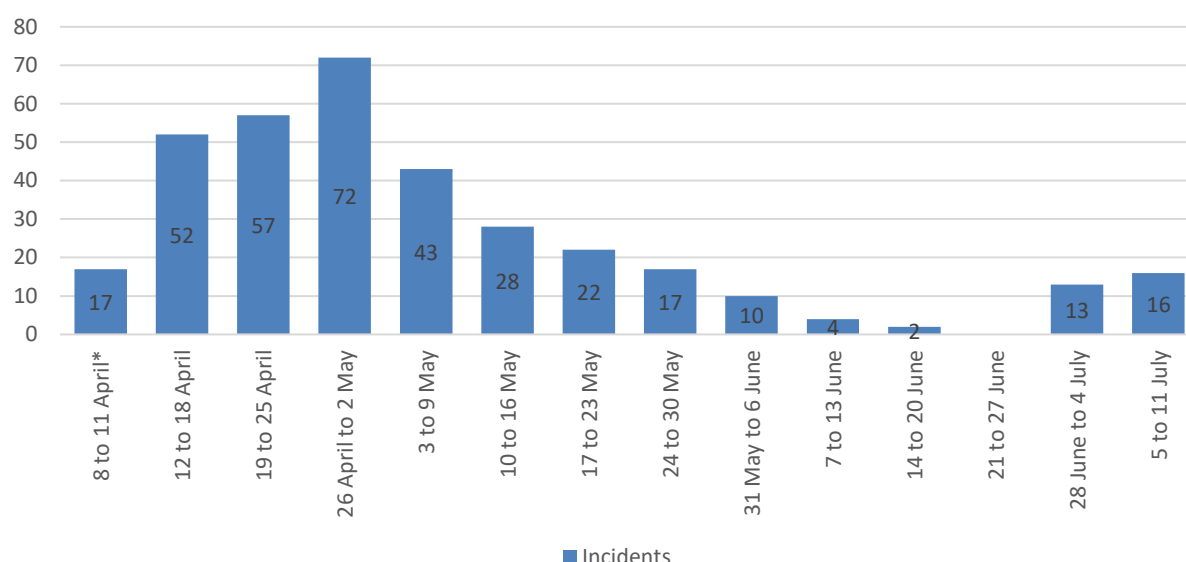
Over the period since their introduction to 11<sup>th</sup> July, the Garda Síochána have exercised powers under the Health Act 1947, 353 times. Use of these powers rose sharply during the early weeks and then declined throughout the rest of the period, and following the easing of restrictions on 8<sup>th</sup> June, they have been relatively sparsely used.

Nevertheless, since the last report to the Minister on 25<sup>th</sup> June there have been 29 new incidents. This is primarily due to Operation Navigation and activities involving the policing of licensed

<sup>3</sup> With exception of checkpoints, all data refers to 8 April to 11 July. Checkpoints refer to period 4 May to 12 July only. Data is indicative only

premises. Policing activity in this area has been significant. It was reported that from 19:00 on 3<sup>rd</sup> July to 23:59 on 5<sup>th</sup> July, 6,830 visits to licenced premises were recorded. Of these 2,785 were found to be open and 2,759 were found to be in compliance with health regulations and/or licensing laws leaving 26 not in compliance. Between 6<sup>th</sup> and 12<sup>th</sup> July a further 12 were found to be non-compliant. Of these 38 premises, 36 are being investigated for breaches of the health regulations

**Figure 2: Number of times powers under the Health Act 2020 have been used per week from 8<sup>th</sup> April to 11<sup>th</sup> July.**



\*As figures are reported since 8 April, this period only represents four days.

Looking at the period as a whole, since the powers under the Health Act were introduced, as previously reported there were only two incidents which were at the direction of a health professional.

In terms of geographic breakdown of the 353 incidents, the North Western Region accounted for 140 (40%) of these since 8 April and remains the region with the highest number of such incidents. Cavan/Monaghan and Galway are the two divisions with the highest number of incidents. While there is some variance between regions and divisions, the examination of geographic distribution of the use of powers at station level does not identify any issues of the use of powers being centralised in one locality.

Not included in the above figures are a further 32 incidents which are being reviewed to determine their exact nature. These may result in an increase to the overall number, or may be deemed not to be a use of these powers and therefore excluded from future analysis.

As noted in previous reports, the Authority had requested that the Garda Síochána provide a disaggregation of which of the five powers were used in the 353 incidents and this has not yet been provided.

In terms of other policing activity that is classified as “Covid-related” but not requiring the use of the additional powers provided there have been very limited increases, and a graphical summary is



included in Appendix 1. In brief, from 8<sup>th</sup> April to 11<sup>th</sup> July 2020, there were 2,207 crime incidents, which represented suspected offences disclosed or uncovered because of COVID-19 policing. In the previous report to the Minister, for the period 8<sup>th</sup> April to 20<sup>th</sup> June, there were 2,127 such incidents. This means an additional 80 incidents have been recorded or confirmed in the past four weeks (a 3.8% increase). It is noted that some of these “new” incidents may have occurred prior to the 20<sup>th</sup> June but were not included in previous totals due to not being validated at that time.

Approximately 19% of these offences relate to public order, while a further 14% relate to simple drug possession. General road offences was the third most frequent offence classification accounting for approximately 14%. However, when all types of road offences are combined, they account for approximately 38%. The proportion of all incidents accounted for by all of these incident types has not changed significantly since the last report.

In terms of checkpoints, Indicative data has been provided for the period 6<sup>th</sup> to 12<sup>th</sup> July. The number of checkpoints carried out has fallen significantly since the last report with approximately 1,000 checkpoints carried out. This compares to an average of approximately 10,000 per week during the month of May.

### 3 Outreach

The Authority's engagement with organisations working in the community and representing different groups within society has continued. Most recently the Authority has engaged with organisations representing older people, vulnerable adults, those working in rural areas and young people, in an attempt to further nuance its understanding of the key themes which have emerged over the course of its outreach work. It has also reconnected with a number of organisations working in the area of domestic abuse to follow and better understand the impact of the policing response for those contending with this situation. The time, thought and insights provided to the Authority are hugely appreciated and have served to reinforce and affirm the key themes emerging within previous reports.

#### 3.1 Appreciation and impact

The recognition and appreciation of the effort, approach and willingness with which the Garda Síochána has engaged with the health emergency remains palpable. Even within groups that point to inconsistencies in the service provided to those they represent, there is still a voiced recognition that broadly there has been an enormous effort by the Garda Síochána in the discharge of its duties during this time. While media coverage has perhaps focused on the lighter moments of engagement in the community, the impact of the policing efforts within these same communities is reported as profound. The health crisis represented a significant disruption to the rhythm and pattern of everyday life and introduced anxiety and uncertainty for many. Groups and organisations have used words like 'comfort' and 'confidence' in terms of what the visibility and approach to policing delivered for the public. While acknowledging that there were other services and organisations centrally involved in that effort, in many ways a message emerging from the engagements has been that the Garda Síochána played a role beyond its usual functions during this time, with one organisation describing the Garda Síochána as 'the anchor' in the national effort.

#### 3.2 The Gardaí's business

When pressed to describe the dimensions of policing to which the community is attaching the most value during this time, a number of aspects are cited. Access to and visibility of Gardaí is repeatedly raised, but it would be an oversimplification to equate increased numbers of Gardaí with the outcomes that appear to have been most valued. The volume and tone of the interactions has been very important. It is not the observable outputs of the policing effort such as increased checkpoints and patrolling - - that draw comment, but rather the social outcomes of that effort. The majority of those spoken to describe an approach to policing that used its increased powers economically and fairly, that sought to conduct its work within the context of a relationship rather than a transaction and which saw *'everyone's vulnerabilities become the Garda Síochána's business.'* The increased sense of personal access to Gardaí and confidence as to their interest was described by one organisation as a *'blueprint for community policing'*.

For organisations working to provide services to vulnerable adults or older people, it was remarked that the *'new environment appeared to remove any reticence or fear that Gardaí might have had that they were acting outside their duties'* and that there was *'an increased eagerness to help the community'*. Practically this was demonstrated for example by an increased willingness and responsiveness to become involved in situations where safeguarding concerns were being voiced. In

terms of tone, organisations have reported increased sensitivity in dealing with these types of situation where often a victim is dependent on the perpetrator and reluctant to report. Gardaí have increasingly demonstrated *'thinking outside the box'* and a recognition that often the very presence of a Garda can have a positive impact.

More than one organisation has posed the question as to whether the difference in the experience of policing is a product of the unusual circumstances, increased resources, a changed crime environment, instruction that delivered greater clarity of purpose or a combination of these factors. The curiosity is fuelled by a desire to understand whether and to what degree the policing outcomes being experienced can be sustained.

### 3.3 Consistency of response

While initially the Authority had sought to understand whether the policing response was being consistently delivered, the focus was geographic consistency across the country. This was not a key issue as no apparent disparities arose in the quality of the policing response as between rural and urban environments. Inconsistency did arise in relation to the experience of policing by one key cohort - namely young people. One of the most interesting aspects to emerge from the outreach work has been the commonality expressed in the views of young people irrespective of social class, ethnicity, sexuality or location in the country. In describing interactions the perceptions reported to the Authority were of an unequal relationship and that young people were treated differently than the rest of the population. Words like *'power trip'* were used to describe some young people's experience of policing during COVID 19. As highlighted in previous reports, young people often located this view within a broader narrative that young people were regarded as inconvenient during this time and that their usual activities were suppressed and were in some way reckless. In discussing these views, organisations that work with young people drew attention to the long term importance and potential implications of any diminution of trust between the policing service and young people. The prevalence and use of social media enables and encourages young people to locate and compare their life experiences, in real time, within a global context. Debates around police legitimacy are part of that context and are not heavy and academic but are rather communicated in short accessible formats that have resonance for young people. The Garda Síochána enjoys significantly high levels of trust with the public but organisations cautioned against any assumption that this would naturally follow into the next generation.

### 3.4 Confidence

Confidence in policing for young people was described as deriving from a sense of there being a relationship of equal standing between the young person and the Garda, as reflected in the tone employed and the responsiveness to concerns expressed. This echoes the themes emerging in previous reports. The Authority's engagement with stakeholders has underlined that there is a real challenge to find new ways to *'reach in'* to children and young people, and for the Garda Síochána to present themselves in their attitudes, approaches and behaviours as relevant to young peoples' lives, as interested in them, as understanding of and respectful of their realities so that young people can feel comfortable in dealing with them and mutual trust can be established or re-established. Organisations also spoke to an awareness and sometimes experience amongst young people of issues around hate crime and sexual crime and that their confidence in policing derives not only

from their own experience but their perception as to the efficacy of the police service in delivering outcomes in these areas. This in turn impacts on their likelihood to report such crimes or engage with policing.

The sustained trust and confidence of the public in policing can be, as witnessed in other jurisdictions, a fragile entity and it requires conscious and sustained tending. There is an operational and strategic imperative for the Garda Síochána to consider whether and how it could attune its policing response, to ensure that it can have the positive resonance for young people that it appears to have had for the majority of the population.

### **3.5 Operation Faoiseamh**

The Garda Síochána is reported as having sustained its policing response to domestic abuse throughout the period, in terms of proactivity and resourcing. Organisations working in the area of domestic abuse continue to report positively on the responsiveness and quality of the interventions being carried out by the Garda Síochána. The view was expressed that a number of high risk interventions conducted by Gardaí over this period may ultimately have averted, in some cases, the risk of domestic homicide. Organisations are also reporting positively on the quality of the phone calls being made to prior victims of domestic abuse and the establishment in some areas of domestic abuse hubs. While some issues remain in terms of culture and understanding of the dynamics and dimensions of domestic abuse, the view was expressed that the policing response to domestic abuse is the best it has ever been in Ireland and the question now arises for organisations and indeed the Garda Síochána as to which components of that response will become embedded in Garda practice and policy.

Organisations and groups have stated that an evaluation of the impact and success of Operation Faoiseamh would be premature at this time but have indicated that amongst the evaluation criteria they will look to will be a reduction in incidents as perpetrators increasingly realise that abuse is being policed, increased confidence amongst victims to report and effective policing of breaches of orders.

### **3.6 Evolution of the context for policing**

The policing demands during this period have changed and evolved as the gradual removal of restrictions allowed for greater movement and a return to social activity. Joint Policing Committee representatives while unanimously positive regarding policing to date have expressed concerns as to the likely difficulties that will emerge in this next phase. They have raised questions as to how adherence to the guidelines regarding social distancing and socialising might be policed within and outside pubs and the possible health consequences of the behaviours they are witnessing in their areas. Reference was also made to a perceived increase in house parties and on-street drinking and the likelihood of this type of activity being further fuelled with the increased movement of people across the country to holiday and socialise. There was a general sense expressed that the policing demands in this next phase are increasingly complex and will be challenging.

## **4 Commentary on Some Key Oversight Themes**

There are four key themes informing the Authority's ongoing oversight in relation to the policing performance by the Garda Síochána during COVID-19, namely:

- Use of powers and use of force;
- Community engagement and service to vulnerable groups;
- Well-being of Garda Members and Staff; and
- Policing to protect and respect Human Rights.

As part its oversight the Authority has throughout the emergency period asked for and the Garda Síochána has facilitated the attendance by Authority staff at a range of internal meetings and briefings across all levels of the organisation. Attendance at these meetings and briefings has served to enrich the coverage and depth of the oversight work and has allowed to the Authority to assess the proportionality and justification of Garda activities.

### **4.1 Use of Powers and Use of Force**

#### **Reporting on use of emergency powers**

In the 95 days that have elapsed since 8<sup>th</sup> April when the health restrictions were initially introduced to 11<sup>th</sup> July the Garda Síochána has reported using the emergency powers it acquired as a result of COVID-19 on 353 occasions, deploying anti-spit hoods on 86 occasions and using its pre-existing powers on COVID-19 related incidents on 2,207 occasions. The Authority would however re-iterate its position that the reported use of powers is a potential underestimation, albeit potentially relatively minor.

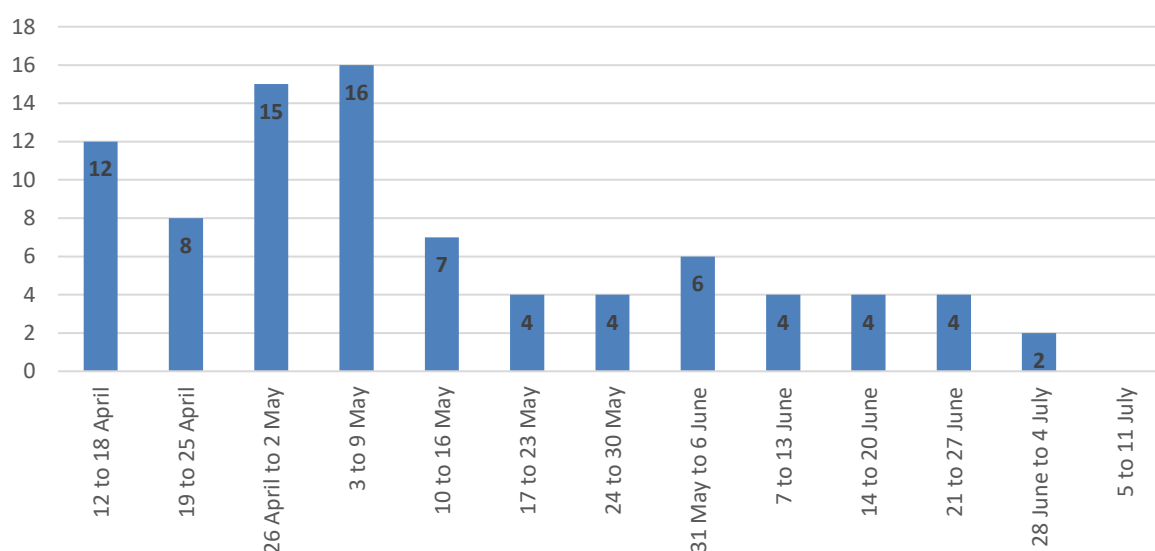
Garda members have, to date, not been required to record the number of occasions on which they used the power to formally direct individuals to comply with the regulations and where that individual has subsequently complied with that formal direction. The Authority continues to advocate that in order to ensure accountability (both during this emergency period and more generally) a fully detailed and transparent recording on the use of all powers by members of the Garda Síochána is a prerequisite. The Authority's view is that the information being provided is not sufficient. This has been discussed with the Garda Commissioner on a number of occasions. The Authority has highlighted and the Commissioner has accepted the need for the organisation to take key learnings such as this and to develop an appropriate response in the future, if required.

#### **Use of anti-spit hoods**

Since the introduction of anti-spit hoods, the Authority has been monitoring incidents of use on an individual basis through the use of a reporting template developed in cooperation with the Garda Síochána. From the outset, the Authority has regarded the deployment of these anti-spit hoods as a source of concern and sought reassurances that these would only be issued for the period of this public health emergency. While the safety of garda members and staff is paramount, there has been limited evidence presented as to their overall effectiveness in protecting police in other jurisdictions, where they were introduced much earlier than in Ireland. Furthermore, in the case of the PSNI, it has been reported that the type of anti-spit hoods deployed in that jurisdiction are not effective

preventing the spread of COVID-19. At the time of writing the effectiveness of the type of anti-spit hood deployed in the State to preventing the spread of COVID-19 has not been determined. The Garda Síochána have committed to a review of the requirement for the use of anti-spit hoods in September 2020.

**Figure 3: The number of weekly applications of anti-spit hoods by the Garda Síochána, 12<sup>th</sup> April to 11<sup>th</sup> July**



- Since their introduction, anti-spit hoods have been used 86 times, with six of these occurring since the last report to the Minister. There have been no reported uses in the week prior to writing this report.
- They have most frequently been used in the Dublin Metropolitan Region, which accounted for 38 of the incidents.
- Public Order offences accounted for 42 of the incidents while assault accounted for a further 18.

In addition to this headline number, the Authority continues to receive a detailed report from the Commissioner for each use of an anti-spit hood. Some of these were presented to the Authority prior to a reporting template being agreed and were in the form of a narrative, and therefore there is some inconsistency in the degree of information available for each incident. However, the Authority has examined the detailed data provided by the Garda Síochána to date and a summary of 73 instances of the use of anti-spit hoods for the period Monday 6 April to Friday 26 June is included below

- The first use of an anti-spit hood by the Garda Síochána was recorded in Dublin on 13<sup>th</sup> April.
- The vast majority (approximately 85%) of those to whom anti-spit hoods have been applied are male.
- 4 individuals to whom anti-spit hoods were applied were under 18 years while three quarters were between the ages of 18 and 44 years.
- In more than half of all cases the garda members involved were of the view that the individual in question was intoxicated.

- While the length of time that an anti-spit hood is in place is under 20 minutes in the majority of cases there is one reported case of an anti-spit hood having been in place for over 5 hours.

### **Armed Checkpoints**

During the earlier peak of the emergency when there was a compelling need to restrict movement throughout the state, part of the Garda response included widespread vehicle checkpoints. There was some public disquiet expressed in relation to the presence of armed Members at these checkpoints. We pursued this issue with the Commissioner at that time and were satisfied that it did not represent a change in Garda policy. The presence of armed members was explained by the need to reassign Detective Garda Members, who are routinely armed, to checkpoint duty and/or the need for armed members because due to specific intelligence. Although this issue has somewhat abated we continue to monitor it through engagement with the Commissioner and his senior leadership team.

### **Incidence of potential complaints**

The Authority has been maintaining contact with GSOC throughout this public health emergency to gain a general understanding of trends in complaints against garda members. GSOC have been collecting data since mid-march and up until 15 July, they had received 188 contacts which in some way related to COVID-19 and the associated policing of the pandemic. This is a relatively small increase on the 173 instances noted in the Authority's last report to the Minister on 25 June. It is also worth noting that not all of these contacts passed admissibility requirements and some are regarded as inadmissible or not meeting the statutory requirement to be treated as a complaint. Furthermore, over a third of these have been closed.

As per previous reports, the majority of complaints relate to alleged lack of PPE worn by members, alleged failure to observe social distancing by members and interpretation as to what is and is not permissible under the Health Regulations. Many of these issues have arisen at checkpoints, during arrest, during search or during some other element of operational policing activity.

## **4.2 Community Engagement and Service to Vulnerable Groups**

Organisations and groups continue to report positively on the work of the Garda Síochána during the health emergency. There is particular appreciation not just for the fact of the work but the manner in which it has been approached which is reported as providing '*comfort*' and '*confidence*' and building positive relationships within the community. There is a sense that the Garda Síochána was attuned to all types of vulnerabilities that presented within the community during this time and have shown a willingness and eagerness to attend to them.

These views have been expressed consistently across the country. Notably the one grouping that has expressed a different experience of policing during this time is that of young people and there are commonalities in the views expressed by young people irrespective of social class, ethnicity, sexuality or location. Within the context of policing during the health emergency but also generally there appears to be a need to explore how the policing service could be better attuned to meet the

realities of young people and provide a service that enjoys their confidence to the same degree as the rest of the population.

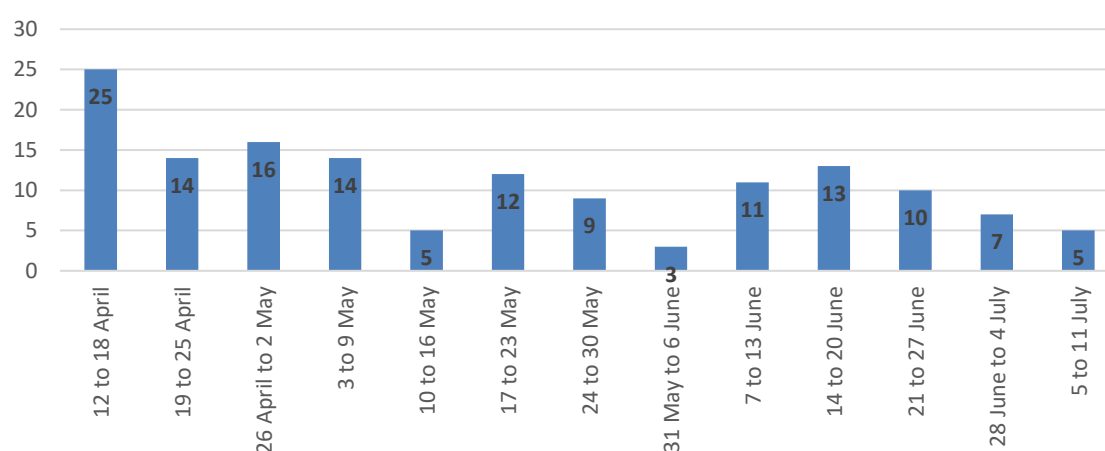
### 4.3 Wellbeing of Garda Members and Staff

The Authority has stated its ongoing concern for the safety and wellbeing of garda members and has raised this with the Commissioner during its meetings and sought views while engaging with members at divisional and more local levels. Reassurances have been received, but this is dynamic issue, so issues such as the availability and usage of PPE, childcare challenges, facilities to isolate and overall communication by Garda Management will be discussed with the Commissioner at its next meeting on 27 July 2020.

#### Spitting and Coughing Incidents

The Authority has denounced the verbal and physical attacks on members which are carried out by a small minority of the public. Assaults on members by spitting or coughing at members, although declining, continues to be an issue as outlined in Figure 4 below. Since the last report (containing data up to and including 20 June), there have been 22 such incidents.

**Figure 4: Weekly breakdown of the number of assaults on garda members who have been coughed on or spat at, 6<sup>th</sup> April to 11<sup>th</sup> July**



#### Personal Protective Equipment

The Authority has engaged with the Commissioner and senior members of the Garda Síochána on the issue of PPE since the outset of its oversight of policing during COVID-19. Initially there was a lack of clarity around the use and issuance of PPE. By 15 May, guidelines were issued by the organisation, in line with advices of the National Public Health Emergency Team (NPHET), the Health Service Executive (HSE) and the Garda Chief Medical Officer. These guidelines specified that garda members should wear face coverings when unable to practice social distancing or when in close contact with another person for more than 15 minutes. This meant members would wear face coverings if on public transport, indoor public areas and confined spaces, while in patrol cars with another person, or where screens or similar protections were not available. However, face coverings



were not to be used on beat patrol, checkpoints, single occupancy vehicles or other situations where social distancing could be maintained. The Authority were given reassurances by the senior management of the organisation that sufficient stocks of PPE were available. The Authority were similarly reassured during its engagements with members at divisional and more local levels. As part of its oversight activities the Authority reviews the monthly garda management accounts which show considerable expenditure to date and further planned expenditure on PPE for members.

#### **Training, support, supervision and performance of new recruits**

The members of the two intakes of garda recruits who were attested before the completion of their training continue to be deployed as “assisting members”. Since the first report, the Authority has not been made aware of any new issues regarding the support, supervision and performance of these members. The Authority has continued to engage with the Commissioner on this issue, and on the completion of their training, both at the Authority meetings and in the more frequent bilateral interactions between the Commissioner and the Authority Chairperson and continues to keep this area under review.

#### **4.4 Policing to Protect and Respect Human Rights**

The current circumstances, by their nature, infringe on the rights of the population to a much greater degree than under normal conditions. Throughout its oversight of policing activity during the public health emergency, the Authority has been applying a human rights lens to key issues which have emerged, particularly in the area of the handling of protests and the consistency in the Garda Síochána’s approach. It is understood that the Garda Síochána’s Human Rights Unit has been contributing to reports and discourse within the organisation in areas such as Domestic Violence, Public Order, the use of anti-spit hoods and considerations concerning ethnicity. The Authority will be following up on this to assess this contribution. The Garda Síochána also have a Strategic Human Rights Advisory Committee in place. However, it is a source of concern that, at the time of writing, this has not met since December 2019 and presents a missed opportunity for the organisation to seek views on the key issues which have emerged during this period. Positively, a meeting has been scheduled during the week in which this report will be published and the Authority will be present in an observational capacity.

#### **Fairness and consistency**

Although a majority of the public have reacted positively to the Garda response when policing COVID-19 there is nevertheless a continuing need to ensure fairness and consistency in the approach taken. This may become a much more difficult challenge in the weeks and months ahead as circumstances change with the possibility of a second wave or the emergence of clusters focussed around specific geographical areas and/or specific demographic cohorts.

#### **Recording Ethnicity**

The issue of recording of ethnicity initially emerged in the discussions surrounding the recording of the use of anti-spit hoods. There was some resistance by the Garda Síochána regarding the recording and reporting of ethnic indicators, but this remains an issue which the Authority is pursuing. The

recording of ethnic indicators is a practice which is carried out in other jurisdictions and is essential for demonstrating that policing is proportionate, fair in compliance with its human rights obligations. Since initial discussions, the Commissioner has expressed understanding for the need to progress this matter. This was discussed at the Authority meeting in public on 24 June 2020 and is part of the agenda for the Authority's meeting on 27 July.

## 5 Some opportunities for ongoing and future policing response

The Garda Síochána's policing performance during the COVID-19 crisis to date has presented positive learning and opportunities. Similarly the experience of oversight during this time has also given the Authority pause for thought, in terms of its own approach to stakeholder engagement, particularly in the context of determining policing priorities and desired outcomes. This is a theme to which Authority will wish to return in advance of planning for 2021, but at this point it may be worthwhile for the Garda Síochána (and indeed the agencies it interacts with) to consider the clear and positive messages that have emerged from the approach adopted to date and how that might be used to inform the future policing response. The Authority would highlight a number of issues for consideration in this regard:

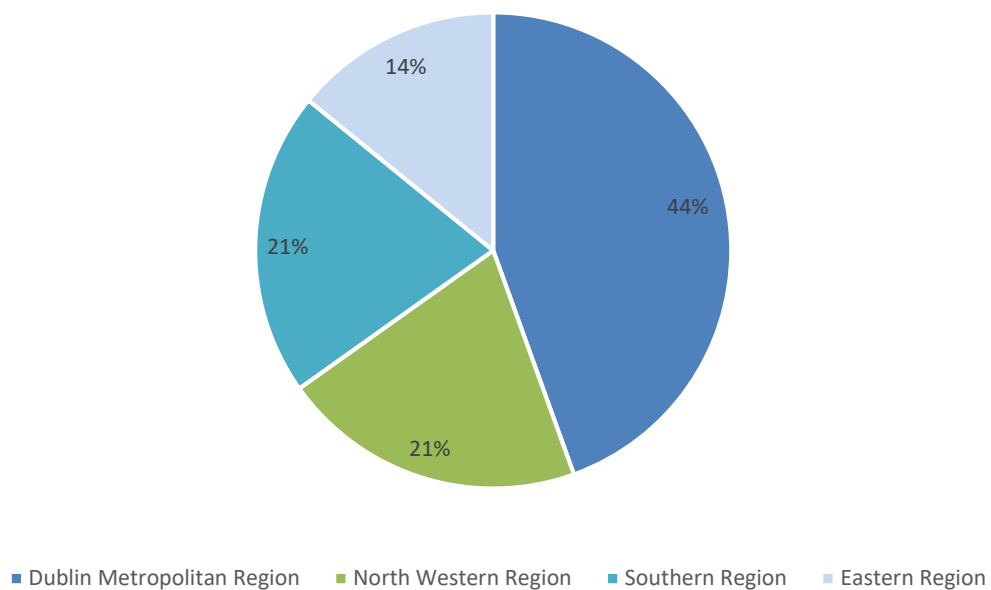
- The value of community engagement and the benefit that it has brought to the community during this time, the potential value it brings to the Garda Síochána operationally and strategically and how that will be captured in terms of the community policing framework;
- The need to listen to the community, recognise that policing is experienced differently and seek to understand what the factors are that result in that difference. There is an opportunity to start a process to address those negative experiences and to build trust with these communities or groups.
- The success of initiatives such as Operation Fanacht and in particular Operation Faoiseamh and how to develop a long-term, corporately consistent response for reaching in and providing an effective policing service to vulnerable groups. Through its stakeholder engagement the Authority has heard of many instances of exemplary practice on the ground that can form the basis of this work.
- The reciprocal benefit that appears to have accrued to Garda Members in terms of clear morale and a sense of purpose arising from their engagement with the community.
- Adopting a Human Rights lens to any putative future restrictions before their implementation and specifically examine the efficacy of the use of anti-spit hoods;
- Determining how full and transparent reporting on the use of all additional powers will be accommodated;
- Providing for greater inter-agency consultation on the operational ability to undertake and implement proposed additional powers;
- Developing a response for the strategic development of the organisation that corresponds with the agility shown with regard to the policing response

## Appendix 1 – Graphical summary of certain policing activities

Figure 5: Reported use of COVID Policing Powers by Garda Division, 8<sup>th</sup> April to 11<sup>th</sup> July, 2020



**Figure 6: Number of incidents associated with COVID-19 policing activities by region, 8<sup>th</sup> April to 11<sup>th</sup> July, 2020**



**Figure 7: Checkpoints carried out by region, 6th to 12th July, 2020**

