



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis

19 April 2021

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Chairperson's Foreword

In the foreword to the twelfth report the question of the vaccination of relevant members of the Garda workforce was raised. The Authority recognises that the health authorities are the ultimate source of advice to the government in respect of the prioritisation of eligibility for vaccination but it is acutely conscious of the need to have due regard to the wellbeing of gardaí. Following its meeting at the end of March, the Authority wrote to the Department of Justice to convey its strong views on this matter.

Without unduly repeating the points made in the last report, it remains a fact that gardaí are necessarily and inevitably engaged with a wide range of people in an unplanned way and in uncontrolled circumstances. Not only that, they are in a real sense interconnectors between the successive groups or individuals with whom they will be in contact in the course of duty, including those who will from time to time be in Garda custody. Consequently, the concern extends beyond the wellbeing of the Garda workforce alone to all those with whom they come in contact.

We understand that some hundreds of Garda members have been vaccinated in recent weeks but, welcome though that be, it may be something of a 'sop in áit na scuaibe', an inadequate substitute for a more considered and wide-ranging approach. There is also an anomaly at work here in that many, if not all, of those with whom they work, whether in the defence forces or in other agencies, have themselves been vaccinated. The greater than expected level of attendance by gardaí required at mandatory quarantine locations underscores the point. The Authority will maintain close contact with the Commissioner and with the Department on this important matter.

This report, as have some earlier reports, outlines some of the Statutory Instruments that provide the regulatory framework during the health emergency. The range of such instruments is complex and, for very many, potentially bewildering. They are unlikely to be read by the general public even though they set the standard against which the current permissibility of a wide range of ordinarily common activities will be measured.

It is, of course, the case - as has been noted in these pages in earlier reports - that there will be few who do not understand the seriousness of the pandemic and who do not have a general sense of the restrictions that now obtain. But the changing character of the regulatory framework, the wide set of exemptions and the sometimes subtle changes can mean that there are comparatively few who have a comprehensive sense of what is lawful and what is precluded. This emphasises the continuing importance of the use of the 'Four Es' which have been the basis of the Garda Síochána's approach to the public. Priority has been given to engagement, explaining and encouraging, with enforcement as the last resort. It is important that this prioritisation continues to underlie and to characterise the relations between Garda and individual at all times in respect of the emergency restrictions and the use of their related emergency powers.

These changes in the regulatory environment also pose challenges for Gardaí. Precise clarity is an important ingredient for consistency of application across the state. The Authority has been reassured by the detailed explanation given by the Commissioner and his colleagues of the arrangements that exist to evaluate the issuance of fixed penalty notices with a view to being

satisfied that such consistency is achieved. But it is noteworthy that in at least two relatively recent issues of the very valuable COVID Newsletter issued to the Garda workforce, the compilers deemed it appropriate to include reminders that the then travel limit of five kilometres applied only to the taking of exercise.

There is evidence of open areas in urban settings where people gather in large numbers, although not as a single group or for any single event or on any evidently organised basis. Food and beverages are consumed and appear sometimes to be delivered to such locations. Social distancing advice is not heeded. Apart from the significant level of inconvenience and annoyance to local residents whose needs and interests seem to be entirely disregarded, it is a challenge for the Garda Síochána to deal with such occurrences. It is also a challenge for the general public to understand how they can take place when so much else is prohibited. The existence of disparities of this nature does not assist adherence to or understanding of the regulations. As welcome lessening of restrictions steadily increases, the challenge for gardaí and public alike may also increase.

This series of reports owes a great debt of gratitude to those individuals and organisations who have given of their time to outline the experiences of those whom they assist and support during the health emergency. Their first hand telling of how policing is experienced is invaluable. As has been comprehensively reported in these reports, the performance of the Garda Síochána has been of a high quality and warmly appreciated in the great majority of instances. The confirmation that there is no evidence of any ‘COVID fatigue’ in respect of support for those who experience domestic violence is a very encouraging outcome. But this report, while still very positive in so many respects, sounds a further note of concern that the experience of an increasing number may be changing.

It is a well established principle of policing and of forensic science that ‘every contact leaves a trace’. That can also be applied to the human engagement between individual and Garda. That first encounter, its tone, its empathy, its evident respect - or its absence, can be decisive in forming a long lasting impression of our policing service in the minds of people and their families and associates. Any sign or evidence that those contacts are less appropriate or supportive than they should be is troubling. That it should be the case with migrants who can be particularly vulnerable and that there might be an absence of necessary sensitivity would be a source of real concern. Therefore the contents of the relevant section of this report should be the subject of serious reflection by the Commissioner and his senior colleagues. The Authority will wish to encourage such reflection at its next meeting with the Commissioner later this month.

A not entirely separate point emerges from the report on the outreach to support organisations and touches on the suitability of very many, if not most, Garda stations for confidential conversations. This is not exclusively related to policing during the COVID-19 pandemic, of course, but it has a particular resonance in these times. The configuration of Garda stations is not the most appropriate for the types of issues that members of the public may need to raise with the Garda Síochána. Banks and other such institutions have long since recognised that leaning over a counter is not a way to handle confidential business. How much more sensitive are the issues that may prompt people to visit a Garda station to report an incident or to seek advice. Anything that would deter people from making such a visit is of concern. This is not a criticism of individual gardaí nor is it something that can be resolved overnight. It is, however, something that the Authority will take up with the

Commissioner following on from earlier discussions on how the presence of the Garda Síochána in and to communities can be reimagined.

An important element of this report is the reflection on the engagement with representative associations of the Garda workforce, with individual member and by the presence of Authority staff at checkpoints. This will be a continuing part of the Authority's outreach and can become more extensive, once again, when restrictions are lifted. Such engagements greatly enhance the Authority's understanding of the daily reality of policing and enrich its discharge of its statutory oversight duties. Similarly, the opportunity for the Chief Executive to observe in person the COVID planning and responses on St Patrick's Day has added significantly to the appreciation of the challenges involved. Its facilitation by the Commissioner and his colleagues is much appreciated.

Bob Collins
Chairperson

1 Introduction

This is the 13th Report to the Minister for Justice on the Authority's oversight and assessment of the policing performance of the Garda Síochána through the COVID-19 emergency. Since the last report to the Minister, the Authority has continued to monitor the trends and key issues in enforcement, with a particular emphasis on engagement with stakeholder groups, the Garda Síochána and garda members.

Section 2 of this report outlines recent developments in the Government's response to COVID-19 and its implications for the Garda Síochána. Section 3 provides a brief assessment of the use of powers by the Garda Síochána during the public health emergency and summarises related data provided by the Garda Síochána. Section 4 presents findings from the Authority's ongoing engagement with stakeholders to assess the nature and consistency of Garda Síochána interactions during the period. Section 5 presents findings from the Authority's engagement with garda members at various levels of the organisation to reflect on their perceptions and experiences of policing during the pandemic. The final section presents an overview of the key oversight issues on which the Authority is engaging with the Commissioner, the Garda organisation as a whole and with relevant stakeholders.

2 Key Developments in Response to COVID-19

As reflected in previous reports, the development of regulations in response to COVID-19 has proceeded, necessarily at an unprecedented pace. This has created significant challenges for the Garda Síochána as an organisation to adapt systems and communicate the scope of powers to its workforce. The Authority's engagement with stakeholders has also revealed a high degree of uncertainty among members of the public as to what was permissible and what was not. Some of this feedback and its implications are explored in Section 4 of this report.

For the majority of the period covered by this report, the regulations remained unchanged since the last report to the Minister. The main relevant regulations included:

- S.I. No. 701/2020 (published 5 January 2021) prevented people from leaving their residence unless they had reasonable excuse. There was a considerable list of reasonable excuses specified including, but not limited to, essential work, education, court attendance, healthcare, weddings and funerals and agricultural activities. Some of these had further restrictions attached (such as maximum numbers associated with weddings and funerals). People could also leave their home to visit essential retail. In practical terms this included pharmacies, grocery stores, hardware shops, for example. People were also permitted to leave their home to exercise, provided they did not travel further than a 5km radius from their residence. These regulations also placed restrictions on events in dwellings (house parties or gatherings), restrictions on sporting activities, and allowed for "pairing of households" (bubbles). A number of new S.I.s were introduced to amend S.I. No. 701/2020 adjusting regulations concerning childcare arrangements, construction activities and sporting activities, and extending the expiry of the original S.I.

- S.I. No. 44/2021 (published 9 February 2021) placed obligations on certain passengers arriving into Ireland who have travelled from overseas, with regard to testing. Under these regulations, relevant travellers were also obligated to self-quarantine.

Both of these S.I.s have been revoked and been replaced by the following

- S.I. No 168/2021 (published 10 April 2021) revoked S.I. No. 701/2020 and came into effect on 12 April. Under these new regulations a person may travel within their “relevant travel area” which includes within their own county or 20km radius from their home if travelling into a neighbouring county. People may travel beyond this limit if they have a reasonable excuse, a list of which is specified in the S.I. It is also specified that people may not travel to a port or airport for the purpose of leaving the state, unless they have a reasonable excuse, a list of which is also specified. Events in dwellings (such as house parties) remain prohibited. However, up to two households may mix within a residence provided, for example, they are part of a paired household arrangement or where the host and attendees have been vaccinated. The S.I. contains further restrictions on businesses and sports.
- S.I. No 169/2021 introduces penal provisions for breaches of certain regulations contained in S.I. No 168/2021 which relate to retail or licensed premises.
- S.I. No. 135/2021 (published 2 March 2021) revoked S.I. 44/2021 and placed obligations on travellers arriving into Ireland with respect to being in possession of a negative COVID-19 test, having appropriate documentation and rules around self-quarantine. It also places obligations on travel organisers.

In addition to the above, the Health (Amendment) Act 2021 introduced rules around quarantine at designated facilities for travellers from specified jurisdictions. This is supplemented with S.I.s, for example, fixing rates and placing an onus on the traveller to pay the costs of their stay in the designated facilities.

These changes are likely to have numerous implications for the approach to policing.

For example Garda Síochána resources have already been called on to assist with policing self-quarantine as well as responding to incidents at designated quarantine facilities. As the number of countries on the quarantine list increase this may require an increase in the demand for Garda Síochána presence.

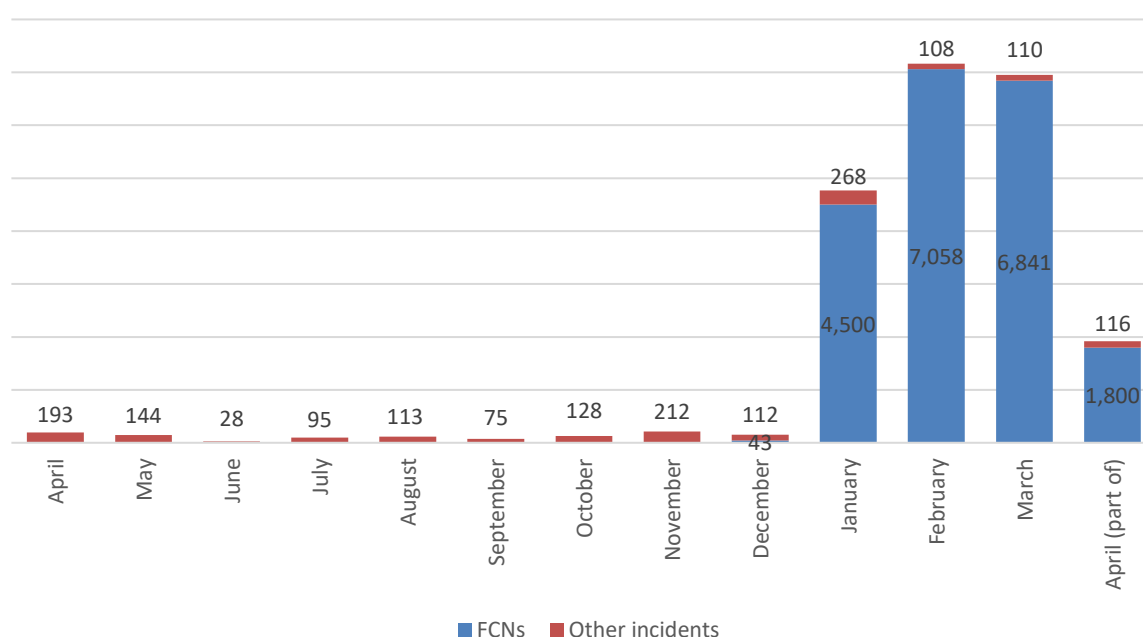
Additionally, the loosening of travel restrictions may change the manner and timing of checkpoints and or indeed whether checkpoints continue to be effective at all.

Another unknown is whether high numbers of Fixed Charge Notices (FCNs) will continue to be issued, given that many of the FCNs issued were for people leaving their own residence without reasonable excuse. In circumstances where there is now unqualified freedom to travel within one’s own county and, where relevant, to other counties within a 20 kilometre radius of one’s home it is likely that a substantial reduction in such penalties will ensue. It may also be the case that this freedom of movement will make it more difficult to establish the extent to which individuals are intending to attend gatherings that are still prohibited.

3 Policing COVID-19 in Numbers

Up to 15 April, 20,242 FCNs had been issued to individuals for breaches of COVID regulations. These are presented in greater depth in Section 3.1. In addition to this, there were 1,702 incidents where COVID related powers were used by the Garda Síochána that did not involve FCNs, but may result in charges and/or summonses for individuals. These are outlined in Section 3.2, along with other data relating to policing during the public health emergency. The number of times enforcement powers have been used did not change significantly between February and March.

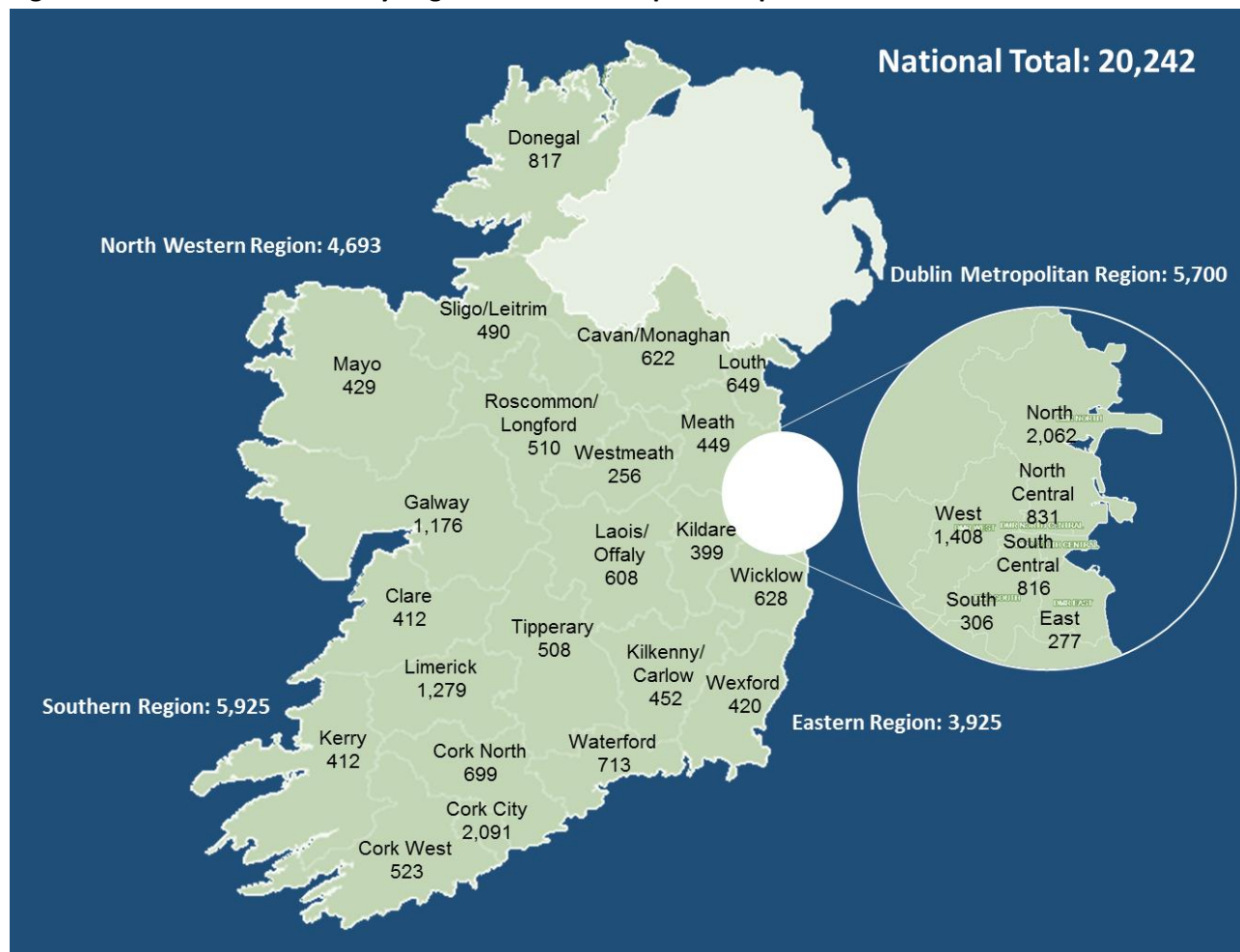
Figure 1: Number of incidents where powers under the COVID-19 Regulations were used or fines were issued, 8 April 2020 to 15 April 2021



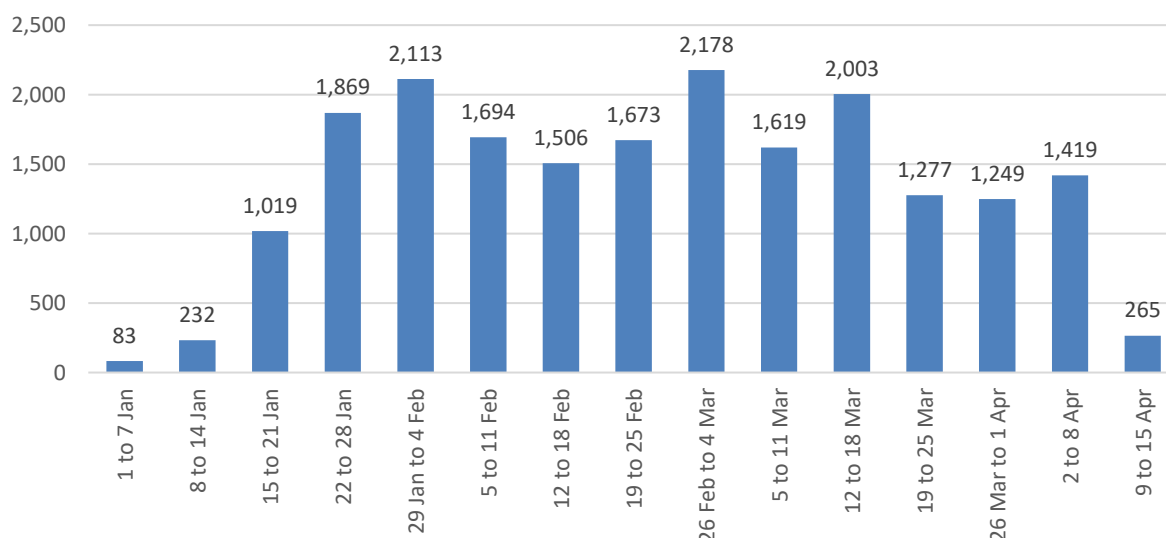
3.1 COVID Related Fines

Since the last report to the Minister 7,405 FCNs have been issued bringing total FCNs issued up to 15 April to 20,242.

People leaving their homes without a reasonable excuse is the largest reason for issuing FCNs, accounting for 72.4% (14,650) of the total. It is worth noting that the while these account for the vast majority of FCNs issued, the Garda Síochána have stated that these are frequently issued to those travelling to or returning from house parties and similar gatherings. In addition to this approximately 4.0% (803) were issued to organisers of events, in both non-dwelling and dwellings, while a further 14.1% (2,855) were issued to those who attended events in dwellings only. Non-wearing of face coverings accounted for just 1.7% (341). Finally, the proportion of FCNs issued for breaches related to international travel increased. FCNs for non-essential international travel accounted for 5.9% (1,186) while fines for persons travelling into to the state who are not ordinarily resident accounted for 2.0% (407).

Figure 2: COVID Related Fines by Region and Division up to 15 April 2021

The region with the highest number of FCNs issued remains the Southern Region, accounting for approximately 29% of the national total. Cork City, DMR North and DMR West are the Divisions with the highest number of fines issued, standing at 2,091, 2,062 and 1,408 respectively.

Figure 3: COVID Related Fines per week, 1 January to 15 April 2021

The number of FCNs issued increased in the week after the period covered in the last report, with 2,003 issued in the week ending 18 March. While figures declined after that, they did increase again during the week 2 to 8 April, which included the Easter weekend. The period from Thursday 1 April to the bank holiday on Monday 5 April accounted for 1,294 FCNs alone.

Overall, while this data covers up to the 15 April, it is worth noting that no FCNs have been reported since 11 April. This is due to the requirement to make technical changes to the Garda system following the recent introduction of new regulations. FCNs issued after 11 April will be included in the next report and figures for the week 9 to 15 April are subject to change as a result.

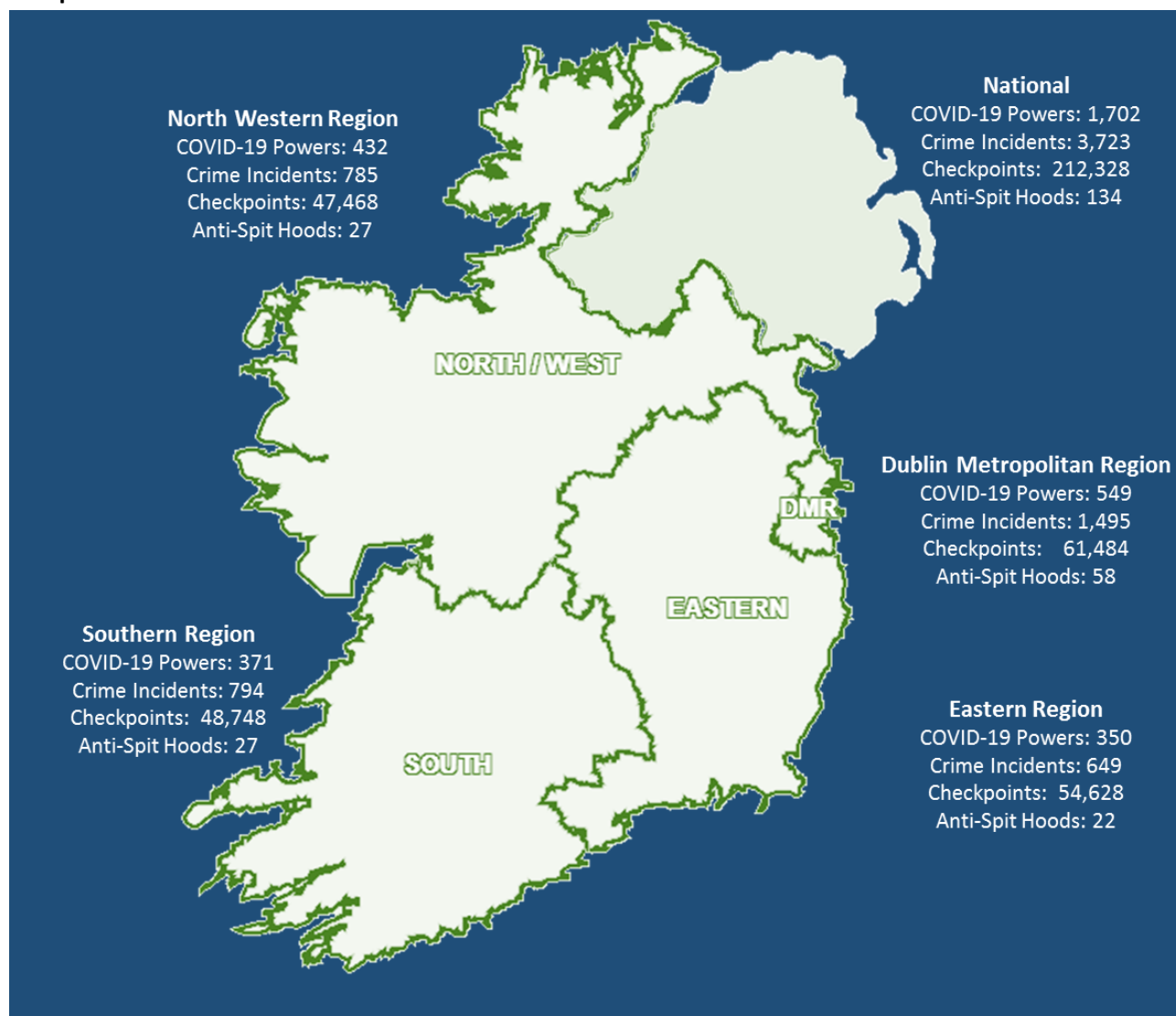
In terms of the age and gender breakdown, there has been no change. Those aged 18 to 25 received the highest number of fines, accounting for 53% of all fines issued, while 75% of the total fines were issued to males.

It is too early to state definitively the degree to which the easing of restrictions will influence trends in enforcement. The majority of restrictions on gatherings are still in place, as are restrictions and conditions for international travellers. The Authority will continue to monitor trends and engage with the Garda Síochána as to their approach to policing the restrictions which are still in place.

3.2 Non Fine Related COVID Policing Activity and Enforcement

In addition to issuing FCNs, members of the Garda Síochána have reported using their powers 1,702 times since 8 April 2020. This is an increase of 279 since the Authority's last report which, specifically with regard to the use of powers, covered the period up to 10 April.

Figure 4: Non Fine Related COVID-19 Policing in numbers - summary by region for 8 April 2020 to 10 April 2021¹



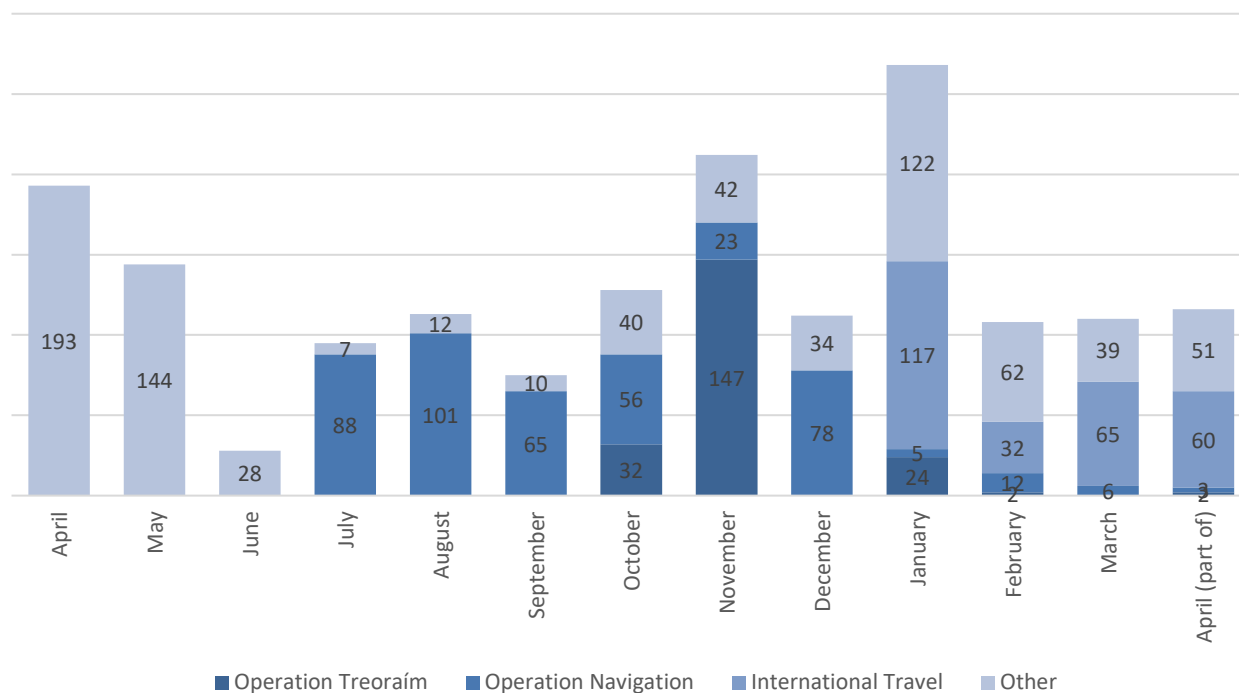
Since the start of the year, there have been 602 incidents where members have used powers under the COVID-19 regulations. Since January, breaches relating to international travel have been the main source of these incidents accounting for 274 incidents. Of these, 216 relate to a failure to produce a negative PCR test on arrival into the country, 43 relate to breaches in mandatory hotel quarantine, and 15 relate to breaches on mandatory quarantine outside of designated facilities. On the latter, the Authority has discussed with the Commissioner and his colleagues the challenges

¹ Use of COVID powers, crime data and anti-spit hoods refers to 8 April to 10 April 2021. Checkpoints refer to periods 11 May to 2 August 2020 and 10 August 2020 to 11 April 2021. Data is indicative only.

arising from policing self-quarantine, including the quality of information available, and we will continue to monitor this over the coming weeks.

Operations Treoraím² and Navigation³ found 28 and 26 breaches, respectively, since January and demonstrate a downward trend since the start of the year. The remaining 274 incidents from 2021 relate to other breaches by individuals including 28 incidents which relate to face coverings and which are in addition to the FCN figures.

Figure 5: Number of times powers under the COVID-19 Regulations (excluding fines) have been used per month from 8 April 2020 to 10 April 2021



Due to increased restrictions on international travel, the geographic distribution of incidents has changed since the start of the year. Dublin Metropolitan Region recorded the highest number of incidents, accounting for 385 (approx. 32%) of total incidents since 8 April 2020, overtaking the Southern Region. The divisions with the highest number of incidents for this period are DMR North with 232 incidents and DMR North Central with 117 incidents. Outside of Dublin the divisions with the highest number of incidents are Cork City, Galway and Donegal with 109, 108 and 85 incidents respectively.

From 8 April 2020 to 10 April 2021 there have been 3,723 crime incidents which were discovered as a result of COVID-19 policing activities, representing an increase of 215 incidents since the last

² Operation Treoraím is the operation to police retail premises which are trading non-essential items in breach of COVID regulation.

³ Operation Navigation is the operation to police licensed premises which are in breach of COVID regulations.

report. There has been no significant change to the crime types associated with these incidents with offences relating to roads, public order and drugs offences being the most frequently occurring.

Checkpoint activity has decreased marginally over the course of 2021. However, approximately 5,000 checkpoints have been conducted each week since the beginning of March. Overall more than 210,000 checkpoints have been carried out since 11 May 2020.

4 Stakeholder Engagement

4.1 Outreach

The Authority's approach to its outreach work over the past year has been premised on a recognition that the experience of the health emergency for individuals and communities has not been static or uniform. This is something that has been consistently emphasised in these reports. The Authority has resisted any temptation to provide definitive statements or generalisations as to the experience of any one group or community precisely because there has not been any one definitive experience. Instead the Authority has continued to listen and present the experiences as described in real time. The regularity of reporting and the relative immediacy with which the Authority can report on what it has heard brings an opportunity for the Garda Síochána to reflect on what is being experienced and the perceptions that may exist for some, at a point in time, of policing. This has been made possible by the generosity with which groups and organisations have responded to the Authority's invitation to engage with us, often repeatedly. This has meant that conversations have taken place across the last year allowing for a tracking of that experience between communities and groups, but also within the same community. The engagements which inform this most recent report again confirm that premise that the experience of policing can and does shift and is uneven within what may appear to be a single cohort or community.

Engagement in the period since the last report has included Joint Policing Committee (JPC) chairpersons, organisations working with migrants, organisations working in the area of domestic abuse of both women and men as well as organisations representing student populations. The outcomes of these discussions are set out briefly below.

4.2 Migrants

Those working with migrants – documented and undocumented – cited uncertainty around immigration rules and renewal of documentation, domestic violence and homelessness as the key issues which had arisen for those in contact with them during the last year. Uncertainty as to the implications of COVID for the renewal of documentation required to remain in the country was a source of stress for many. The need for consistent messaging and communications around any new arrangements for automatic renewal was emphasised. Reference was made to a perceived need for training and communications to reduce confusion within the Garda Síochána around new arrangements but also the need for better communication by the Garda Síochána with the migrant community as to the provisions put in place to automatically extend documentation deadlines.

In terms of the experience of policing, reference was made to both positive and negative experience. Examples were given of positive engagement with migrant families presenting as homeless to Garda stations and the efforts that were made by Gardaí to engage with services and secure accommodation for these families.

In tandem reference was made to a perceived lack of empathy and understanding experienced by some migrants in their interactions with Gardaí in stations. The impact of the threat of deportation was raised. The use of a threat of deportation by Gardaí in interactions with migrants both as a serious threat but also in terms of 'joking' about deportation in interactions around documentation renewal, was cited as unhelpful, disrespectful and in some cases was experienced as humiliating. It was described as showing a lack of appreciation of the fears around a loss of status and the employment and financial entitlements that flow from that status. The view was expressed that it is

indicative of a lack of understanding as to what is at stake for a migrant in each of these interactions and the enormity of the impact of any decisions taken. This type of interaction was described as detrimental to a migrant's sense of confidence in the police service.

Migrants' confidence to report crime or confidence that the Garda Síochána will keep them safe was described as low. This is especially the case for undocumented migrants. It was stated that this is further fuelled by a belief amongst some migrants that instances of abuse or hate crime are not taken seriously when reported. Reference was made to instances where migrants were not furnished with or had difficulty obtaining PULSE numbers or names of Gardaí, which would have allowed them to enquire as to what progress had been made regarding an incident. This has led to diminished trust and low expectations amongst migrants as to what they can expect from the Garda Síochána especially if reporting incidents that did not involve a physical attack or include 'minor violence'. The point was made that informality can - in many contexts - be a strength of the Garda Síochána, but that some measure of greater formality in terms of consistent and clear approaches by gardaí might offer protection against these types of interactions and the stress and low confidence they can engender.

4.3 Domestic Abuse and Operation Faoiseamh

Conversations with organisations working with women and men who are suffering domestic abuse have continued to be positive with regard to the policing of this area of crime. The numbers of people contacting the support organisations remains consistently high with higher numbers of adults with children and more complex cases presenting, with more severe violence and trauma being experienced.

Fears expressed early in the pandemic regarding the likely resilience of the policing effort in this area have been allayed. There is a sense that the progress made is such that there can be confidence that the changes in understanding, culture and approach to the policing of domestic abuse are being, and continue to be, bedded in and unlikely to regress. The Divisional Protective Services Units, now present in each Garda Division, are highly regarded as offering an experienced, expert and victim centred service to those who come forward to report. Early outcomes are described as positive and the units are seen to be working well. Operation Faoiseamh is credited with having encouraged reporting amongst men and women.

The 'first touch' or contact made between a victim and the Garda Síochána was described as critical in determining the likelihood that a victim would persist with the process of reporting. The front desk in a Garda station is the location for many such initial contacts. A common theme that has emerged in conversations with organisations working with those who have experienced domestic abuse but also other community organisations has been the trepidation that many carry with them as they arrive at the front desk to disclose something important to the Gardaí. For some, that disclosure represents a very significant leap of faith or a significant moment of vulnerability and exposure. For others there may be fears around being seen by others in the community to be disclosing an incident and for others still, the nature of what they need to disclose could only confidently be disclosed with privacy. It has been remarked across many engagements that the public area and front desk as currently operated would appear to be entirely un conducive to such moments. The visibility and sense of exposure which can be experienced while in a queue within a busy public environment have been referenced. The environment was described as less than ideal

for both the individual coming to report and the Garda who has to respond. The variety of needs presenting and the variety of responses demanded in quick succession – from the procedural to the profound - was described as potentially militating against the likely success of that first contact for some. In contrast, it was reported that when the first contact has been with personnel from a specialist unit, it is generally a positive experience.

What is also emerging at this point, one year into the pandemic, is the sense of the strengthened relationships that have developed between the Garda Síochána and the groups and organisations working in this area - and the opportunities now arising from those relationships. While this may have already existed at national level, it has begun to solidify at local level. Examples were given of Gardaí in a number of areas across the country approaching and actively seeking to undertake joint training and cooperation on domestic abuse initiatives, including on the assessment of risk. It was remarked that there has been no sense of 'COVID fatigue' in terms of the effort and focus going into the policing of domestic abuse and that there is now a 'greater connection' between the Gardaí and organisations working in the sector. It was remarked that women are more trusting of the Gardaí as a result of the positive experiences they have had and that Gardaí are increasingly applying soft skills gained from this type of joint training.

While the feedback is overwhelmingly positive, engagement with these organisations is an opportunity to also track inconsistencies in the policing service provided, which are less frequent than they were and which were described as more likely to occur outside the specialist units.

Inconsistency in relation to the knowledge and understanding of the various orders, breaches and what the services are doing still exists in some areas. Another area of inconsistency concerns the response to victims who on contacting the Gardaí to report, are asked "what do you want me to do?" This is referenced as unhelpful in a number of ways. It suggests to the domestic abuse victim that the actions being reported are not objectively a crime, that they require the victim to make a subjective assessment as to whether a crime has been committed and whether their partner should be removed. This, it was stated, shows a lack of understanding or appreciation of the trauma being experienced and places an additional and unnecessary pressure on the victim to make a decision as to the appropriate course of action. A third area of inconsistency referenced relates to a perceived tendency for Gardaí to be dismissive of domestic abuse cases involving alcohol and drugs.

The importance of the public statements made by various Gardaí during the period of the pandemic was again referenced on numerous occasions. These were highlighted as being consistently victim centred and clearly offering reassurance that the Gardaí are 'still here' and that domestic abuse against women and men will not be tolerated. It also gave confidence that there is 'an institutional understanding' of domestic abuse and it was remarked that the significance of these moments for victims should not be underestimated.

4.4 Students

The Authority has engaged with student organisations from around the country on a number of occasions and the experience of policing across different campuses and at various points in the last year has varied. The last report made reference to a sense that there had been some weakening in the relationship between the Gardaí and students, however more recent engagement suggests that for some students this relationship has significantly deteriorated. While pre-COVID relations were

described as positive, the events of the past number of months have seen a change to one which was characterised negatively in terms of feelings of distrust, harassment and fear.

Students spoke of the relationship change not in an abstract fashion but in more visceral terms of there now being fear and nervousness around dealing with the Gardaí in their area. Students were described as being on edge and seeking to avoid contact with the Gardaí. It was remarked that this was the case for students who are fully complying with the restrictions but who now lacked confidence to engage with Gardaí. This lack of confidence was described as being based on their own experiences, experiences of friends or those documented on social media. It related to a lack of confidence that they would get to explain to a Garda where and what they were doing before being accused of breaching or intending to breach restrictions. It was remarked that 'there is no space now for a conversation' or 'to have an opinion'.

Students, based on their experience of recent interactions with Gardaí, reported being confused about their rights but increasingly reluctant to assert them for fear of being 'cuffed and fined'. Interactions with Gardaí were described as premised on an assumption that first and foremost as a student you were up to no good. Those spoken to referenced many examples each, of interactions they believed to be unfair and not based on an accurate interpretation of the restrictions. Students were increasingly unlikely to contest fines with Gardaí as it was 'easier to just take the fine'. These included students who were reported as being fined for being on a walk within a 5km radius of home, being told that a walk was not a necessary journey, being turned back from going to a nearby shop for food and negative interactions at checkpoints. There were also reports of food deliveries being stopped and searched prior to delivery to check for purchases of alcohol as well as reports that houses were entered to break up gatherings. This is in contrast to the experience heard on other campuses whereby Gardaí would wait outside as a house cleared of visitors.

The prevalence of examples given was used to support the contention that all students are now being policed in a manner that assumes that all students are breaching the restrictions or are about to. It was remarked that the 3Es had been working for the majority of students but that a sole focus on the 4th E, while appropriate for those who were breaching the restrictions, was now being applied in a blanket 'power trip' fashion.

The students were clear in articulating an understanding of the need for the restrictions and the need to enforce the restrictions. They cited examples of where they had contacted the local Gardaí to alert them to impending gatherings. In their view, the calls were not responded to in good time and it meant that the events had escalated significantly by the time the Gardaí arrived.

The long term fear expressed was that 'students won't forget' and that there has been significant damage done to the perception, trust and confidence in the Garda Síochána. This in turn was cited as likely to deter students from reporting crime to the Gardaí.

5 Engagement with the Garda Workforce

In addition to engaging with stakeholder groups and with the senior leadership of the Garda Síochána the Authority has been reaching out to all levels within the Garda Síochána to gather perceptions and experiences of policing during the public health emergency, and observe policing and community engagement. This has included engagement with representative bodies, focus groups with divisional officers, attending checkpoints with members of regular and roads policing units and reaching out to probationers. As has been the experience with engaging with communities, the views shared were not uniform across all members spoken to, however the following summary provides a broad flavour of the issues raised and observations by Authority staff.

5.1 Checkpoints

Authority staff attended checkpoints in ten locations in DMR, Eastern and Southern Regions in late March and early April in order to get a sense of the challenges of policing and the tone of interactions between garda members and the public, and to understand the consistency in the approach. The general sense from members is that the public were fatigued with the restrictions and ongoing health emergencies, but that the public understood why the checkpoints were operating and were understanding of members in their interactions. These comments were realised in the observations, with the majority of interactions friendly in nature on both sides, and Authority staff witnessed particular individual acts of kindness from members of the public shown towards some members. This included one individual leaving her vehicle to give the members a bunch of flowers.

In relation to enforcement, members stated that relatively few fines are being issued at checkpoints. The majority of members stated that FCNs were primarily being issued in relation to house parties and, to a lesser extent, at public amenities, verifying comments previously made by senior leadership to the Authority. However, the view was expressed at a minority of locations that those who were issued with FCNs at checkpoints were in many cases individuals who also don't comply with other legislation. Members were very aware and supportive of the four Es approach and in some cases commented on the negative effect that heavy handed enforcement could have with communities. In a number of locations it was stated that when FCNs were introduced, there was a sense during initial briefings that there was encouragement to issue them. However, this did not translate to a departure from the four Es in members' approach. Furthermore, during observations across all checkpoints, only two FCNs were issued and a small minority were turned back out of the considerable volumes of traffic that came through the checkpoints.

A number of members spoke about the efficacy of checkpoints and challenges and practicality of enforcing regulations. With the increased knowledge that people have of the regulations and what reasonable excuses are permitted to allow movement, there is a significant challenge to members as to how they can verify or interrogate these excuses. It was also noted that the public were aware of checkpoint locations, particularly for static checkpoints, and were familiar enough with roads to avoid these. At a number of locations it was stated that rolling checkpoints were more effective for encouraging compliance. Comments from later engagements suggested that more autonomy was required for divisions in deciding the locations and timings of checkpoints.

The approach to resourcing checkpoints varied considerably. Shifts and relief periods varied, particular for static checkpoints. Some were operated on overtime while the majority were part of units' regular duties.

There was consistency on how the checkpoints were operating in terms of maintaining the flow of traffic. It was stated that this had become more challenging compared to previous lockdowns due to significant increases in traffic volumes. In some cases it was estimated that traffic volume was 80% of normal. Nevertheless no significant delays were observed.

5.2 Enforcement of non-COVID offences

The view was expressed at a number of locations that the checkpoints had proven very effective for detecting other offences. Roads offences were cited in particular and checks in relation to this were frequently observed, with cars being pulled over frequently for more detailed checks. Those who had the mobility devices⁴ for both issuing FCNs and performing these checks, spoke highly of them and of their effectiveness. Mobile based Automatic Number Plate Recognition (ANPR) was less well received, with a number of issues cited including poor data supporting the system and the devices being unstable in cars due to vibration or outdoors due to wind and therefore not being able to read number plates. However, roads policing members were also very positive about the drug and speed testing equipment which had been issued. It was stated that the drug testing in particular was highly effective and that during the pandemic, positive tests for drug driving had surpassed drink driving detections. Later comments stated that those members of the public who use drugs are not often aware of the length of time it takes for these to pass through their system and are detected as a result. It was also stated that the perception of young people being the main offenders for drug driving was incorrect, and that a significant number of detections were from older age groups from higher socio-economic backgrounds. Members from the regular units commented on a number of large drug seizures at checkpoints. However, it was stated that those transporting drugs have switched to using public transport and, in particular, trains and so the enforcement effort has had to adapt. In terms of how these seizures impacted on the community, the responses varied. In some areas it was not believed that there was a significant drugs issue. However, in others there was a noticeable shift to drugs such as heroin. From a more general perspective, with exception of domestic abuse, crime trends are generally going down across most categories. Burglary was most frequently cited as an area which was falling in part due to criminals being denied use of the roads.

5.3 Organisational Support for Members and Wellbeing

Generally, support for members by the organisation was found to be sufficient. There was adequate supply of PPE and no issues were reported in relation to accommodation. In terms of wellbeing, spitting assaults against members were said to have fallen. It was stated that some of the initial incidents during the pandemic were driven by named social media apps. However, it was stated in a number of locations that there was increased awareness that spitting assaults would be met with heavy penalties and this had been a factor in their decline.

⁴ The Garda Síochána is in the process of providing relevant members of the garda workforce with mobile phones (mobility devices) which have policing applications, including the ability to digitally issue FCNs.

There were more mixed views on communications. The HQ directives issued were found to be imprecise and not offering any real guidance. It was stated that the organisation does not make documents accessible or consumable for members. This was challenging in normal times, but during the public health emergency and with regulations changing so often, this challenge was exacerbated. Those who mentioned the COVID e-mail updates and internal communications were generally positive about them but a minority highlighted a risk of information overload.

One support which received considerable praise was the COVID unit. This provided members with a number to call for advice on key issues from enforcement to safety concerns. It was described as highly responsive and accessible. Members were also generally supportive of the roster though there was some criticism of its capacity to interrupt the continuity of investigations.

Training was cited as a key concern. The considerable backlog was reflected in a number of areas with driver training being a key issue. It was also stated that training was often used by supervisory ranks as a reward for good performance, or in cases where a member narrowly missed out on promotion, as a means of addressing competency gaps and fostering development. With training largely on hold and with a potential backlog on the horizon, the potential for hard working and ambitious members to be dis-incentivised was cited as a worry.

5.4 Anti-spit hoods

Use of anti-spit hoods was either unknown or cited to have happened earlier in the pandemic and been infrequent. As previously stated, it was thought that heavy sentences for spitting assaults on members was a factor in driving these down. However, it was also stated that the oversight of anti-spit hoods discouraged use of these devices. In some cases it was said the burden of the additional administration required when using an anti-spit hoods put members off using them. Others had a slightly different view, stating that members were very aware that if they used them, the reports on use would be scrutinised, creating a reluctance to use them.

5.5 Community Engagement

Support for more elderly and vulnerable people was a key feature of the policing effort during COVID-19 and the general view from members was that it had built considerable goodwill. It was stated that it allowed members to engage with people who might not have otherwise been on their radar or who might not have come to garda attention before. It was said in some areas that many of the activities which members had been doing (such as picking up prescriptions or groceries) had since been taken on by relatives who were now more comfortable leaving their homes, and accounted for some of the increased traffic on roads. Despite this decline in engagement, the goodwill had been maintained. Some areas reported local initiatives to keep records of those engaged with for future use, should garda members be needed to take on this role in the future (during heavy snow was cited as an example).

6 Key Oversight Issues

6.1 Enforcement

In the last report to the Minister, the Authority reflected on the approach to enforcement in light of the high numbers of FCNs and increasing trends in use of other powers. The feedback to the Authority was that the 'Four Es' were very much still a feature of the approach to enforcement with the use of FCNs being limited to more blatant behaviours and breaches of restrictions. The sustaining of this approach was reflected in the attitudes of garda members engaged with during the Authority's engagement with them and observations of their interactions with the public. However, the stakeholder engagement has indicated that this more engaging and encouraging approach has not been exercised in all areas, with a heavier hand applied to students in particular.

In advance of the previous report, the Garda Síochána stated that where fines are issued, the reason for the journey provided by the recipient of the fine, is recorded. It was stated that the incidents are reviewed at District and Station level by managers. A second layer of reviews was stated to occur at the Fixed Charge Processing Office. The Authority will continue to follow up on this aspect of internal oversight to be assured that the rigour of these reviews is appropriate. However, with 32% FCNs unpaid within the prescribed period and subject to courts summons, there will be a measure from this as to the appropriateness of enforcement.

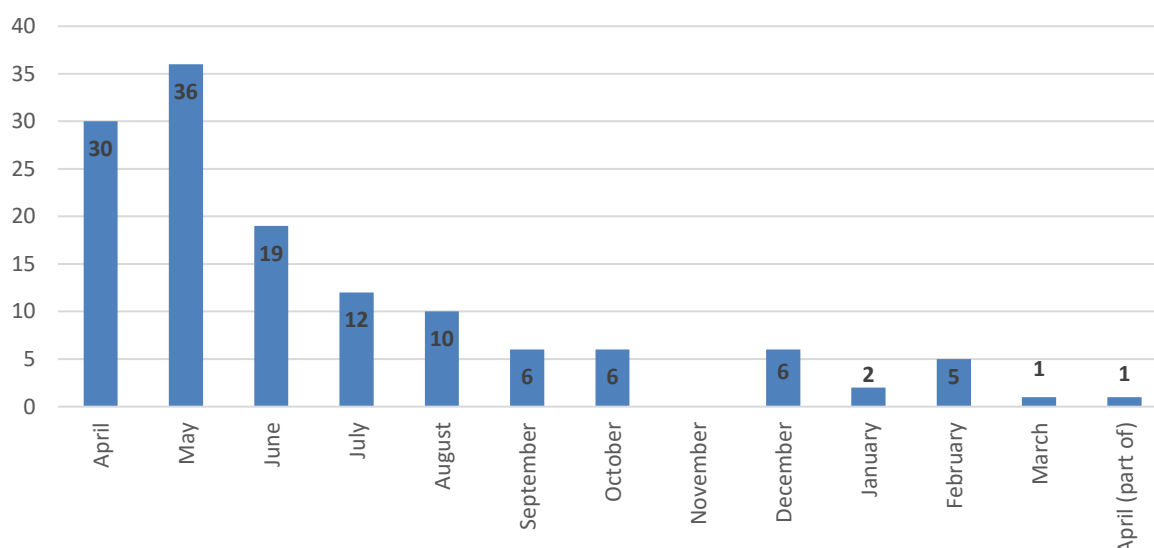
6.2 Anti-Spit Hoods

The Garda Síochána completed its evaluation on the use and management of anti-spit hoods to which the Authority and other stakeholders had made submissions. The Authority had opportunity to discuss this at its meeting on 25 March. Overall the evaluation did not provide any firm conclusions as to whether the anti-spit hoods have been effective or if they should be retained as part of Garda Síochána equipment. It also presented areas which required further assessment. The Authority expressed some concern as to whether the evaluation was effectively a proposal for the use of anti-spit hoods beyond the pandemic. However, in the meeting, the Commissioner has provided reassurances that this is not the case. The Commissioner also committed to discussion about their ongoing use. The Authority will be submitting a more detailed response to the evaluation to the Garda Síochána and will continue to engage on this subject.

To date there have been 134 incidents involving anti-spit hoods recorded, with only three additional incidents since the last report. An assessment of the figures provided reveals;

- 66 of the incidents involved public order offences while 35 were associated with some form of assault.
- There were no new incidents of use on children, with seven such incidents recorded since the introduction of these devices.
- 113 incidents involved use of the devices on men while 21 relate to use on women.
- 110 involved persons with Irish nationality and 24 relate to other nationalities. There is no data available on the ethnicity of the persons involved.

Figure 6: The number of applications of anti-spit hoods by the Garda Síochána by month, 12 April 2020 to 10 April 2021



Due to the seriousness of use of anti-spit hoods, the Authority receives more detailed reports for individual incidents, to ensure the narrative provided corresponds with Garda Síochána policy and guidance. Due to low levels of recent use and a time lag between the incidents and the Authority's receipt of the reports, the Authority has not received any new reports since the last report to the Minister. As per the last report, analysis of the 123 incidents for which reports have been received reveal the following;

- In 17 incidents, the Garda member perceived the detainee to have obvious signs of a mental health issue. This was not the case in 76 incidents and it was unspecified in a further 30 incidents.
- In 1 incident, the Garda member perceived the detainee to have obvious signs of a learning disability. This was not the case in 91 incidents and it was unspecified in a further 31 incidents.
- In 84 incidents, the Garda member perceived the detainee to demonstrate obvious signs of intoxication. This was not the case in 21 incidents and it was unspecified in a further 18 incidents.

6.3 Wellbeing of Garda Members and Staff

The Authority is supportive of the prioritisation of the vaccination of garda members and has engaged directly with the Department of Justice on the matter in recent weeks. While accepting the logic in the very recent change to the national approach to vaccinations, it must also be considered that the nature of the work the Garda Síochána undertakes inevitably involves unplanned close physical contact with the public in a variety of circumstances and conditions which are almost always outside the immediate control of members. According to estimates from the UK Office of National Statistics, outside of health related occupations, police are among the professions most exposed to diseases. They are also one of the professions which work in closest proximity to others. In an Irish context, the proximity factor is likely amplified for the Garda Síochána in the extensive community engagement work which its members carry out and which has been a hallmark of the organisation's response to the public health emergency. That poses a considerable risk not just for their own health but also for the health of members of the public. Moreover, the nature of policing work also involves engagement

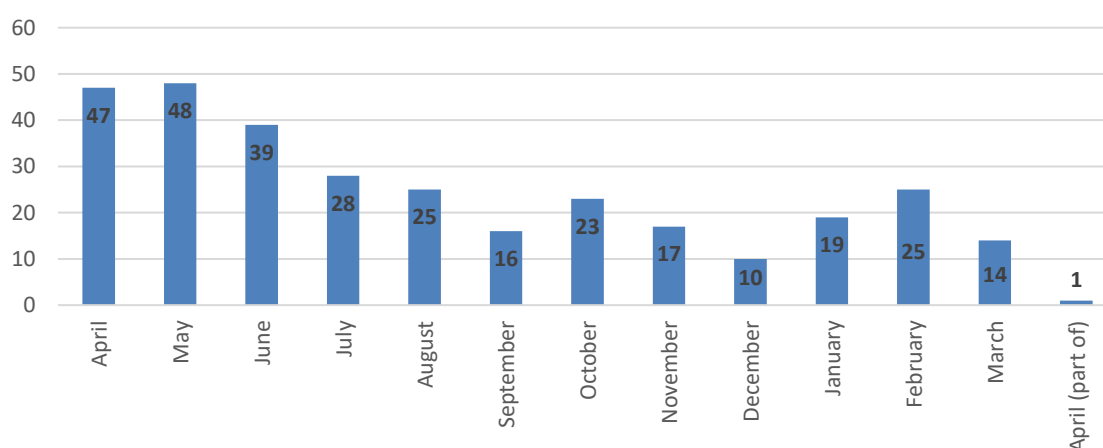
with successive duties in varying locations, thus potentially amplifying the risk. Many of these assignments will not be conducive to social distancing or other remedial measures.

The risk became reality at the onset of the latest wave with some divisions losing up to 20% of their members. While resilience has returned to levels which support the policing effort, it is an ongoing risk for interrupting a service which cannot be substituted or delivered remotely, and has been called upon to deliver services, beyond the realm of what might be considered policing, during the public health emergency.

The Authority understands that since its last meeting, a number of members on specific duties have been vaccinated. However, this amounts to only a fraction of the service. The Authority will continue to support the prioritising of vaccinations for members on operational duties.

Spitting assaults on members of the Garda Síochána are an illustrative measure of the risks to members during the pandemic. After a concerning rise of such incidents since November, these have started to decline again since February with 12 newly reported incidents since the last report to the Minister and a total to 312 since 12 April 2020.

Figure 7: Monthly breakdown of the number of assaults on Garda members who have been coughed on or spat at, 12 April 2020 to 12 April 2021



6.4 Public Order and Policing of Protests

The Authority is continuing to monitor the issue of policing protests and, where relevant, associated public order incidents. The Authority engaged with the Garda Síochána in the run up to protests due to take place on St Patrick's Day and over Easter. With respect to the St Patrick's Day protest, the Garda Síochána established checkpoints around the city centre to prevent unnecessary travel by members of the public and contain the planned protests. The decision to deter people from attending was based on intelligence and an awareness of potential threats of public disorder. There was a proactive arrest policy in place in respect of those individuals suspected as being likely to take a leading part in threatening behaviour. Actions were also taken in consultation with the licensed trade to limit the availability of alcohol.

At its meeting on 25 March the Authority engaged with the Commissioner on this issue. He explained that in addition to ongoing monitoring of planned public events, the Garda Síochána is in the process of conducting a “lessons learned” review of the protests which took place in Grafton Street on 27 February. We understand that this review will assess the level of available intelligence and how it was used together with the extent to which public order policing was in compliance with current policy and procedure. Preliminary information was available from this to inform the approach to the protests which occurred in Cork during the weekend which followed the Grafton Street incident, and also fed into planning for anticipated protests at St Patrick’s Day and Easter. The Commissioner provided clarification on the approach taken by the Garda Síochána. Protest as a function of democratic expression was recognised, but so too was the balancing of these rights with the right to life and protecting people. Ultimately, protest is legitimate but challenging in the context of the COVID-19 pandemic. It was stated that intelligence is the basis for curtailment of protest, and different approaches were taken depending on the likelihood of violence or public disorder.

With respect to the implementation of the recommendations from the Garda Inspectorate Public Order Report, an update was provided on a number of actions taken by the Garda Síochána. The Strategic Threat and Risk Assessment was confirmed as being in place as a live document under constant review. While policy and procedures are in place, new policies are being finalised in the context of the Inspectorate recommendations and ongoing learning.

The Authority will continue to monitor this area, and in particular the consistency of deciding on the policing approach to different protests.

Appendix 1 – Graphical summary of certain policing activities

Figure 8: Reported use of COVID-19 policing powers by Garda Division, 8 April 2020 to 10 April 2021



Figure 9: Distribution of crime incidents disclosed during COVID-19 policing activities by region, 8 April, 2020 to 10 April, 2021

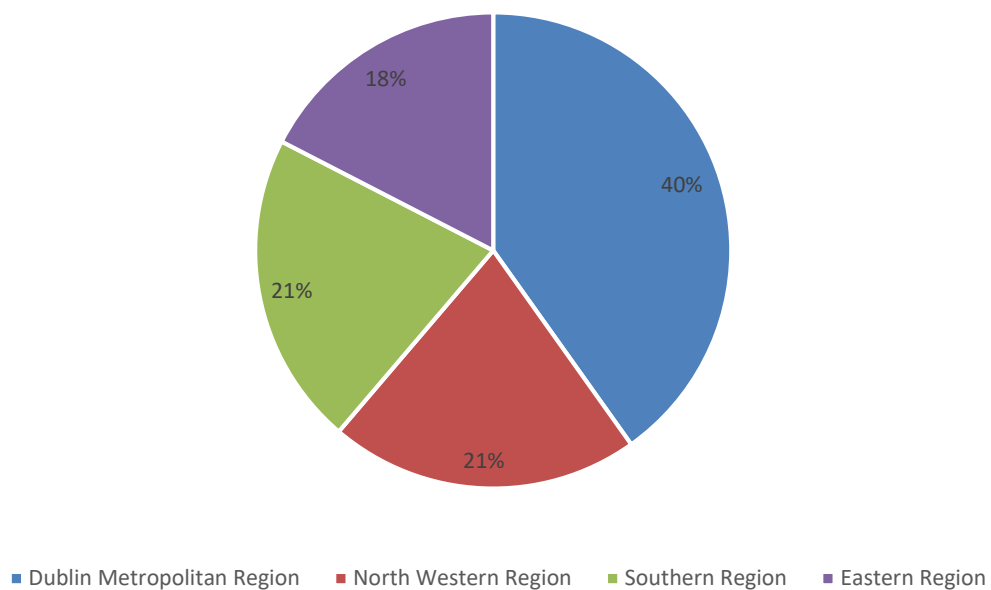


Figure 10: Checkpoints carried out by region, 5 to 11 April, 2021

