

August 2024



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

# Review of Public Order Policing

# Policing Authority Review of Public Order Policing – 2 August 2024

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AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

Policing Authority, 4th Floor, 90 King Street North, Dublin 7, D07 N7CV  
Phone: +353 1 8589090 Email: info@policingauthority.ie

**Ref: PA-GC-00158 -2024**

2 August 2024

Helen McEntee, T.D.  
Minister for Justice,  
51 St. Stephen's Green  
Dublin 2.

**Re: Public Order Review Report**

Dear Minister,

The Authority has completed its work on a review of public order policing, as requested by you on 29 November 2023 and the consequent report to you is enclosed. The work has involved a significant level of engagement with public order Gardaí, Garda management as well as a wide range of stakeholders

In the period of conducting the review, the policing of protests and public disorder has continued to be a live issue. As part of our ongoing oversight work, the Authority has engaged with the Garda Commissioner in private and public on events which have occurred since November 2023. The engagement on more recent protests and disorder events has proven useful in contributing to the review, in sense checking emerging themes and considering lessons learned and positive changes made by the Garda Síochána since.

The Authority recognises the challenge and risk involved in the policing of public disorder. We also recognise the courage and dedication of the Gardaí who undertake this work. As you will see in the review, the themes do not relate to the skills, competence or work ethic of the Gardaí undertaking this work. Rather, the Report focuses on issues of coordination, governance and clarity around decision making.

There are eleven themes set out in the review, many of which link back to the recommendations of the 2019 Garda Síochána Inspectorate Review. The review has found that less than half of those recommendations have been implemented. The Garda Inspectorate identified poor governance and coordination of public order policing as the key risk faced by the Garda Síochána in relation to its performance in the area of public order policing. The Authority's view is that this risk remains until these recommendations are implemented in full.

There is an urgent need for public order policies (which have been in development for a number of years) to be finalised and disseminated. There is a current public order policy in place, but the policy dates from 2017, which pre-dates the Garda Inspectorate Report recommendations and does not take into account emerging challenges in public order. These will give effect to a number of the Inspectorate recommendations as well as provide consensus and clarity on the purpose and use of public order policing, consistency of response and clarity of leadership. These will give greater clarity as to where in the organisation strategic coordination of public order

policing and accountability for compliance with policy is located. It will also address what is currently a lack of strategic coordination and communication between the regions and the National Public Order Steering Group.

There has been much commentary on the adequacy of resources available to public order policing and the speed of mobilisation of Public Order Units. The question as to whether there is a need for standing Public Order Units is one for the Garda Commissioner. It is not a question however that can be considered without robust demand analysis and consideration of overall Garda numbers. Public order policing is significantly funded through overtime. The creation of standing public order units would by necessity draw from Garda numbers that are already stretched.

In my letter of advice to you last week, on resources for the Garda Síochána, I emphasised the need for radical changes in the approach to retention and recruitment of Garda members and staff. As you will be aware from the Garda Síochána's current analysis, there is no immediate prospect of Garda members, rising above 14,000 in the short or medium term, despite the desire and the existing approval to recruit up to 15,000 Garda members. The current rate of in-take of Garda members will mostly be off-set through retirements and resignations, in addition to which the Garda Síochána will also face a retirement 'cliff' within the next five years, arising from accelerated recruitment undertaken in the late 1990's/early 2000's. The absence of sufficient Garda numbers influences the policing response that can be delivered generally and in the context of public order policing. For example, it has emerged that a lack of sufficient Garda numbers at public order events can be a key influence on public order Gardaí's decision as to whether they can safely use force.

In terms of physical resources – equipment, protective uniform and vehicles - the Garda Síochána has invested significantly in each over the past six months. Any issues that remain appear to be ones of communication with the regions around timely distribution and storage.

There have been injuries to public order Gardaí and the issue of Garda welfare must be emphasised within any consideration of public order policing. Formal welfare systems are in place. However, the review has found that management at regional and divisional levels need to consistently acknowledge the tough job of policing protests by members and not to underestimate the impact on morale when the 'white shirts' do not recognise that effort. Such acknowledgement needs to happen from management in the division from which the policing resources are drawn as well as the division where the public order occurred. As set out in the review, social media is one which is significantly impacting on the nature of protest but also on the welfare of Gardaí. This is an area of welfare which the Garda Síochána organisation is and needs to continue to develop its supports for members and staff.

The Authority is of the view that this area of policing is one which will continue to require keen oversight and in addition to ongoing oversight, it is an area to which it will return in 2025 to examine the progress made.

Yours sincerely,



**Elaine Byrne**  
**Chairperson**

**CC:** Garda Commissioner J.A. Harris

# Policing Authority Review of Public Order Policing – 2 August 2024

## Executive summary

This review has been undertaken during 2024, in response to a request by the Minister for Justice following the events of 23 November, 2023. It is not a review of the policing of events on 23 November, but rather a review of the state of public order policing in the Garda Síochána generally.

The approach to the review saw considerable engagement with public order Gardaí around the country, the National Garda Síochána Public Order Steering Group, Senior Leadership within the Garda Síochána, the Garda Training College and Garda Associations and Staff unions. It also involved engagement with a range of other stakeholder organisations, including from other jurisdictions. The review also examined material received from the Gardaí as well as a jurisdictional analysis of reviews and reports conducted following significant public order events.

It is positive to note that in terms of public order policing in Ireland, many of the key themes which have emerged in other jurisdictions have either been addressed in an Irish context or form part of the ongoing work to implement the recommendations made in the Garda Síochána Inspectorate (GSI) Report on public order policing.

This review has found that while progress has been made since the publication of the GSI Report in 2019, some of the key recommendations remain incomplete. These issues do not relate to the commitment, dedication and bravery of public order Garda members which has been strongly evident during this review and others, but rather relate to improvements needed in the central coordination, management and governance of public order policing. The review found that eleven key themes emerged and these are outlined in detail in Section 4 of the report. Some areas deserving of emphasis are set out below.

### **Central Coordination, management and governance issues**

- There is current public order policy in place, but the policy dates from 2017, which pre-dates the Garda Inspectorate Report recommendations of 2019. It dates from a period pre COVID and pre what is an increased use of social media for the mobilisation of protest and pre current issues such as migration policy. The process of development of new policies that address the new protest environment, the new Garda divisional structure introduced in 2019, and clearly articulate a shared understanding of the purpose and role of public order policing has been protracted. While there is evidence of progress made during the months of this review, there is an urgent need for the organisation to finalise these policies and communicate them clearly to support Garda members and staff. The Policing Authority (The Authority) is of the view that the revised policies must clarify the purpose and role of public order policing, the decision making

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structures, how resourcing and training are to be coordinated and clarify where decision making in relation to each is located. It is important to note that a lack of agreement and understanding exists at local and regional leadership level and this requires attention.

- The Garda Síochána Strategic Threat Risk Assessment while in place needs to be further developed to include robust demand analysis and to include all risks and threats pertaining to public order policing, including non-compliance with policy.
- The status of the National Public Order Steering Group as a coordinating structure within the organisation to oversee all aspects of public order policy, practice, training and standards needs to be consolidated with greater clarity as to where decisions on matters of resourcing and training will be taken.
- There is a need to ensure compliance with and consistency in the use of the Public Order Incident Command Model. There is a need to clarify where accountability and governance lies in terms of the use or non-use of the Public Order Incident Command Model. The retrospective identification of roles as having been strategic, operational or tactical does not deliver the benefits or reduce the risks that a timely activation of the model at the beginning of a spontaneous event would deliver. The organisation needs to be confident that its leadership at local and regional level is engaging the model when appropriate. There needs to be clear governance that is charged with assessing and reporting on compliance in this regard.

### **Resourcing of public order policing**

- The adequacy of public order policing numbers and whether standing capability is required is a matter for the Garda Commissioner, but this has to be considered within the overall reduction in Garda numbers and factored into strategic workforce planning.
- Greater demand analysis is needed to ensure that the adequacy of public order capacity and capability is rigorously assessed on a continuous basis as the environment shifts.
- Public order capability and performance cannot be divorced from a consideration of Garda resourcing in terms of the total number of Garda members and Garda staff available to the organisation. Consideration as to whether public order policing should be a standing capability or whether it should continue to be serviced from the use of significant overtime has to be based on the capacity of the organisation - given current Garda numbers - to service such a decision. Ultimately it would require drawing more Gardaí away from other areas of policing, which can negatively impact service. Public order capacity can only be considered within a conversation about what potential radical approaches exist to increase Garda numbers. In its annual advice to the Minister on Garda Síochána resources, the Authority has emphasised the

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need for radical action on the issue of Garda recruitment and retention in order to more quickly increase Garda numbers.

- The use of overtime in order to substitute for reduced personnel must be overtly called out in the organisation's strategic workforce planning and the associated risks identified

### **Use of Force**

- The review found that there is clarity amongst public order members as to how to use force and the legal and human rights parameters within which it can and should be used.
- The primary factor reported by members to the Authority influencing their decision to use force is whether members can do so safely if there are inadequate numbers of Gardaí present to deal with any resulting escalation of violence. The decision to use force within a public order context is primarily influenced for them by the availability of Garda numbers both in terms of public order Gardaí and regular Gardaí. A critical number of Gardaí is required in such situations they believe to allow for the safe use of force by Gardaí.
- The use of social media to record Garda members and the potential dissemination of edited material also influences the use of force. A fear of a use of force resulting in a complaint to the Garda Síochána Ombudsman Commission (GSOC) was a much lesser factor for public order members.

### **Equipment and Training**

- There have been significant resources put into public order policing in terms of equipment and body armour totalling €3.2m since November 2023. Additional vehicles have also been procured.
- Issues remain around the coordination and distribution of resources, and these can be worked through by the National Public Order Steering Group and regional leadership.
- There is a need for greater central coordination of training and recertification. Clarity as to where decision making regarding each rests is also necessary.
- The Garda Síochána does not currently have permanent access to a central training location for public order training and is dependent on the use of Army training locations. A central location with built structures that emulate streetscapes or what is known as a tactical town is needed so that training can as much as possible mirror real life scenarios. Such a resource would also be useful for armed response training and driver training.

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## Staff Welfare

- There is a need to consider welfare of public order members outside of the formal welfare structures. A greater understanding is also needed among local leadership as to their role as managers in attending to the welfare of public order members post events.

The review highlighted that public order policing is operating in a challenging and dynamic environment in which each situation and context must be considered on its own merits, within an agreed and understood policy context. There is much that is good within public order policing in the Garda Síochána, not least the dedication and commitment of public order personnel, trainers and instructors, who during this review articulated considerable pride in their work.

In summary, while considerable progress has been made, the Authority would restate the risk identified by the Garda Inspectorate – namely that governance and coordination remain the most significant risk for the Garda Síochána in terms of public order policing.

The Authority will maintain its oversight of public order policing and regards it as imperative that this area is revisited in 2025 to ensure that momentum is maintained in the implementation of the Garda Inspectorate Report recommendations.



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## Glossary of Terms

- **Armed Support Unit (ASU):** a specialised unit of the Garda Síochána, specialised to respond to high-risk situations involving firearms and other serious threats. The ASU provide tactical support, conduct armed patrols, and handle incidents such as armed standoffs and hostage situations.
- **Garda Síochána Inspectorate (GSI):** The Garda Síochána Inspectorate is a statutory body, independent in its operation, set up under the Garda Síochána Act 2005. Its purpose is to ensure that the resources available to the Garda Síochána are used efficiently and effectively.
- **Emergency Response Unit (ERU):** is an elite tactical unit of the Garda Síochána specialising in counter-terrorism, hostage rescue, armed interventions and other high-risk situations requiring advanced skills and equipment.
- **Public Order (PO) Serial:** consists of 1 PO Sergeant, 6 PO Gardaí, 1 PO Driver, 1 PO Vehicle
- **Public Order (PO) Unit:** consists of 3 PO Serials under the control of a Public Order Tactical Commander.
- **Public Order Steering Group (Steering Group):** Group within the Garda Síochána established to oversee all aspects of public order policy, practice, training and standards.
- **Strategic Threat and Risk Assessment (STRA):** A document produced by the Garda Síochána quarterly which sets out an assessment of all strategic threats and risks relating to public order.
- **Dublin Metropolitan Region (DMR):** comprises of the following divisions; South Central, North Central, North, South, East, West.
- **Southern Region:** comprises of the following divisions; Clare/Tipperary, Cork City, Cork County, Kerry, Limerick.
- **North Western Region:** Louth/Cavan/Monaghan, Donegal, Galway, Mayo/Roscommon/Longford, Sligo/Leitrim.
- **Eastern Region:** Kildare/Carlow, Waterford/Kilkenny, Laois/Offaly, Meath/Westmeath, , Wexford/Wicklow.
- **Use of Force:** Garda power under the Garda Síochána Act 2005 to use proportional and necessary force while in the course of their duties. This includes the use of handcuffs, baton strikes, pepper spray.

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## 1. Introduction and Context

The events of 23 November 2023 focused attention on the reality of the nature and challenge of public order policing. Following this event, the Minister requested that the Authority would undertake a review of public order policing. The Minister asked for the Authority's advice on what might enhance policing performance and support the Gardaí in the exercise of their lawful powers in such situations. The request also asked that the review would have regard to the changed environment post-COVID, along with the growth of social media. The Minister asked for the Authority's view as to whether additional equipment, ICT, vehicles or training are needed by the Garda Síochána. Finally, the request specified that the review would have regard to whether the Authority believed on foot of work undertaken that any changes to policies, procedures, or the law are required.

The Authority has maintained a focus on public order policing since its establishment in 2016. It commissioned the Garda Síochána Inspectorate (GSI) to conduct an inspection on public order policing in 2019. The Authority has engaged subsequently with the Garda Commissioner to determine the progress made in the implementation of the recommendations that arose from that inspection. It has also considered and discussed reviews carried out by the Garda Síochána into specific high profile public order events such as those which occurred at An Cosán, North Frederick Street and more recently events involving an eviction on Berkeley Road and a public order incident on South William Street.<sup>1</sup> Many of the issues raised and recommendations made remain relevant to this review.

The increase in public order incidents and protests in the past few years, including during the COVID-19 pandemic, has prompted considerable engagement between the Authority and the Garda Commissioner, in public and in private. This has focused on the Garda Síochána's approach and effectiveness in providing a policing service during these types of events and this review also draws on that ongoing engagement. This review is not an examination of the events of 23 November 2023. As is usual practice for such significant events - the Garda Síochána has completed its review of the event to inform future practice and to consider successes and lessons learned. Furthermore, the

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<sup>1</sup> **An Cosán/ Jobstown protest (2014):** A protest that demonstrated against the installation of water metres and water charges. This protest resulted in the blockade of the then Tánaiste Joan Burton's car for several hours, with some protesters eventually charged with false imprisonment. However, the accused were later acquitted.

**Take Back the City (North Frederick Street and Berkeley Road - 2018):** A significant protest where activists occupied a vacant property to highlight the housing crisis in Ireland. The occupation led to a police led eviction, which resulted in the use of force and several arrests.

**Public order incident on South William Street - 2021:** This incident involved large crowds gathering, in violation of COVID-19 restrictions. The situation escalated as some individuals threw objects at Garda members and refused to disperse. This resulted in the dispatch of a Public Order Unit and multiple arrests.

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review is not concerned with advising when certain public order tactics should be used and whether, or when force should be or should not be used. These are operational policing decisions for the Garda Síochána.

The Authority is grateful to the Garda Commissioner and Garda leadership at national and local level for the timely access given and arrangements made to facilitate engagement across the organisation. It is also grateful to all those who gave generously of their time and who engaged with candour and openness - all in a desire to improve public order policing.

During the course of this review, considerable work has continued within the Garda Síochána to address the learning that emerged following 23 November. In many cases, key findings of this review are already in the process of being addressed and that work is identified in this review where relevant. The events of 23 November, subsequent protest activity and its geographic spread across the country, have acted as a catalyst for action across policy, equipment, training and governance as well as raising awareness of public order policing across policing divisions nationwide. This work is in progress but as outlined in this review, it is essential that it continues with pace in order to mitigate the risks identified.

### **2. Approach taken in conducting this review**

The approach taken by the Authority to this review is in keeping with its approach to its oversight work generally. The Authority seeks to listen to and understand a breadth of views from those working at policy and operational level, as well as those with lived experience of policing, both in terms of delivering and receiving the service. This review was informed by seven strands of work which are outlined in Appendix 1. Appendix 2 outlines the key documentation considered to inform the review and Appendix 3 notes the breadth of stakeholders engaged with. .

Arising from this work the review sets out:

- A brief consideration of the changed policing environment post-COVID-19 in which public order policing occurs;
- An outline of the findings and key themes arising from the work undertaken;
- An outline of the degree to which the recommendations arising from the GSI Report in 2019 have been implemented; and
- Conclusions and points for action.

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### 3. Policing environment post-COVID-19

In its training material, the Garda Síochána defines the work of its Public Order Unit as *'a national tactical unit whose goal is to return an area to an environment where normal policing can resume'*.

This definition gives a sense of the breadth of what constitutes a public order event or situation.

While the key focus of this review is the policing of protest, it is important to remember the continuum along which public order policing is engaged. No two events are the same and the policing response is obligated to protect rights and preserve peace and public order. While operating within a set of policies and practice, the policing response is always context and situation dependent.

The Authority has commented before that policing now occurs in a new environment in which the public is increasingly aware of its rights and quite properly has expectations that those rights will be vindicated by their police service. Democratic values underpin the right to protest peacefully, and the right to peacefully protest is protected by the Constitution and one which, as with other rights, the police service is obliged to vindicate and protect. Protesting is not limited to local issues but increasingly relates to the expression of solidarity on global issues that are not contained within borders.

From a policing perspective, social media has brought an increased speed to the mobilisation of protest. It has enabled the organisation of protest to happen in a virtual sphere with sometimes little sense of an organising party. It also facilitates the speedy organisation of counter protest.

The issue is not the fact of protest itself, but rather the additional challenges presented to the Garda Síochána in this context to provide a timely and appropriate policing response.

The impact of COVID-19 on all aspects of society continues to be considered and studied. It is well established that in a changed environment post COVID-19, misinformation and disinformation spread online can lead to direct and real-life action, including acts of violence.

From a policing perspective in Ireland, the periods of lockdown saw huge public appreciation for the work of the Garda Síochána. However, it was also a period where the Garda Síochána, as enforcers of the COVID-19 restrictions put in place by Government, became the public face of the constraints put on the ordinary patterns of life. This drew the resentment of some with accompanying protests. During this time, the use of social media to criticise policing, and in particular to record and disseminate the abuse of individual members of the Garda Síochána, became commonplace. This is a practice that appears to have endured.

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It is anticipated that public order events will continue. Public disorder impacts public confidence. It can impact public confidence when it is seen to be ineffective and when it is seen to be heavy handed. The onus on the Garda Síochána, particularly in a public protest situation, is to appropriately balance competing rights in a manner that retains that confidence. This is a very complex and challenging thing to do, particularly if an event is unplanned and becomes violent.

The impact of these changes and the context in which public order policing occurs and is experienced by Gardaí are discussed throughout the report.

### 4. Findings and key themes arising

The review by the Policing Authority included extensive engagement with relevant parties and key individuals, internally and externally, through which eleven key themes were generated. These are:

1. Demonstrable dedication and commitment to public order policing
2. Inconsistent view of what public order policing is for the Garda Síochána
3. Governance and Coordination
4. Inconsistent use of the public order Incident Command Model
5. Resources – personnel
6. Resources – equipment availability, suitability distribution and storage
7. Use of Force
8. Public order training
9. Regional Intelligence
10. Well-being
11. Legislation

#### 4.1 Demonstrable dedication and commitment to Public Order Policing

Public order policing is challenging. It comes with an enhanced risk of injury and abuse and is increasingly the subject of social media coverage. Public order training within the Garda Síochána is seen as tough and there is a demonstrable pride and camaraderie amongst those who have come successfully through the process.

All public order members that were engaged with throughout the regions were very proud of and positive about their work in public order. They believe that public order policing in Ireland is unique in that it is premised on working *with* the community and on an ethos that is based on human rights, with specific reference to the right to protest. Members made reference to the emphasis on, and ability to engage with the public and de-escalate situations through conversation. They believed this

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was facilitated by the service's ethos and strong history of community policing. To that end, members believed that the Garda Síochána could be an international leader in the area of effective public order policing. Despite the inherent risk of injury, there is considerable enthusiasm for public order policing with healthy numbers applying to undertake training in public order.

The dedication of public order Gardaí and commitment to respond to events has been evidenced in the many protests that have taken place in recent years. The nationwide mobilisation of public order Gardaí on 23 November 2023 can be referenced as indicative of this commitment. In the reviews of public order policing conducted in recent years, it is worth noting that the skills, commitment, bravery and the resilience of those on the front line of public order policing have been identified and that is again the case in this review. As with the other reviews conducted, the key themes that emerged focus on matters of policy, coordination, governance and command, rather than issues relating to the delivery of the service by public order members on the frontline.

### 4.2 Inconsistent view of how and when Public Order Policing is used

There is not yet a consistent view across the Garda Síochána organisation as to what the purpose of public order policing is and when it is to be engaged. Public order policing often has connotations of what would have been referred to as the “*riot squad*” with accompanying imagery of baton charges and violence. While use of force is definitely within the ambit of public order policing, as with all policing, modern public order policing in an Irish context is concerned with using the least intrusive means of force appropriate to the situation. It is policing that is engaged when regular policing has insufficient tactics, equipment and specialist training to deal with potential, impending or existing disorder. It supports regular policing in keeping people safe.

#### *Discrepancies in Understanding of Public Order Tactics*

During the review, it emerged that among the ranks of Superintendent and Chief Superintendent there is not yet a consistent view of public order policing or an understanding of the capabilities of Public Order Units. This was typically described to the Authority as ‘*some of them think it's France*’ – meaning that the view held by some - with no prior public order training - that public order policing is more akin to a “*riot squad*” that is only mobilised when violence is anticipated or imminent. Others at these ranks, especially those with public order policing experience, were aware of the potential of public order policing across a range of policing scenarios.

This lack of knowledge within the organisation extends to the suite of tactics and capabilities involved in public order policing and how it can be used to provide community reassurance and act as a deterrent when deployed in a graduated mode. The lack of knowledge exists at local management level but also at key decision making points within the organisation, such as the

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command and control centres and the Critical Incident Firearm Command. In particular, there was a lack of knowledge of the range of scenarios for which public order Gardaí are currently trained.

By comparison, there is a clear sense of the tactical capabilities of the Armed Support Unit (ASU) and Emergency Response Unit (ERU), and this has been developed through the involvement of command and control personnel, ASU and ERU in each other's training programmes. No such initiative has been taken as yet for public order but the Garda National Public Order Steering Group has indicated to the Authority at a recent meeting that this is now being planned. No indicative timeframe is yet available.

### *Implications of the Discrepancies in Understanding the Remit of Public Order*

The lack of a consistent view as to the purpose of public order policing, knowledge of its capabilities and an organisational view as to when it best can be deployed is problematic for a number of reasons. At its most basic, the organisation is investing significant resources in public order training and the development of tactics that go far beyond a 'riot squad' scenario. In terms of a return on this investment it would seem inefficient if the full suite of capabilities that it is trained to deliver is not deployed in instances where it is designed to be effective. Secondly, the potential for public order policing to deter activity or incidents that might enhance the safety of the public or Garda members may not be fully availed of. Thirdly, the non-use of public order in incidents where it might be deployed potentially masks the demand that actually exists for public order policing, in terms of numbers and capabilities.

### *Progress in 2024*

Awareness raising of public order capabilities for the command and control centres is now planned by the Steering Group based on the outcomes of discussions held during this review process. The increase in protest activity and its geographic spread has brought the relevance of public order policing to the fore front and there is increased interest among divisional officers in understanding their public order capability. Awareness training planned for all Divisional Officers in public order is anticipated as part of the roll out of the impending public order policy, which will ensure that there is a shared understanding across senior divisional management. It is imperative that the policy is finalised to underpin this work.

## 4.3 Governance and Coordination

In its Inspection Report, the GSI identified that the biggest risk in terms of public order for the Garda Síochána as an organisation '*was not from the potential for widespread public disorder, but rather arises from inconsistent governance and application of Garda policy.*' As such, the GSI made specific recommendations around the need for strategic coordination. It recommended that this would be led

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by the Assistant Commissioner Roads Policing and Major Event Management who would have lead responsibility for public order governance, policy and compliance and chair a National Public Order Steering Group. The recommendation was in response to what the Inspectorate found to be diffused accountability and a lack of strategic coordination, as public order responsibilities overlapped across a range of Assistant Commissioners, Chief Superintendents and Superintendents. A number of its recommendations highlighted the need to update and develop policy around public order policing to respond to the issues raised.

### *Public Order Policy*

Public order policing is currently governed by a policy produced in 2017, namely the Public Order Incident Command Policy (HQ Directive Number 75/2017). The policy is supported by a procedures and guidance document which is confidential and sets out specific tactics and Policingcraft. To address the changing environment, the Operation Domhain guidance document on policing of protests was issued in 2023, and this was further developed and issued in 2024. The development of new policy in this area of policing has been ongoing for years, but still remains to be finalised and approved by the Senior Leadership Team and communicated to Garda members and staff.

The Authority is aware that until such time as the new policies are produced, a number of the recommendations in the GSI Report cannot be considered implemented. The Authority is of the view that many of the key themes that emerged in this review - including the need for a shared understanding of the purpose and role of public order policing, the definition of a critical incident, the role of the Steering Group in governance and accountability, and training and recertification requirements - all require new policy to ensure they are addressed. The Authority understands that the relevant policies are at an advance stage of development but it would advise that they are urgently produced and made available. These will provide the basis against which governance, coordination and accountability can be measured.

### *Garda National Public Order Steering Group*

The establishment of the Garda National Public Order Steering Group (the Steering Group), to be chaired by the Assistant Commissioner, was a key recommendation to address the risks arising from poor governance and coordination in the area of public order policing.

It is positive that the Steering Group has been established, is active, meets regularly, has working groups and a clear sense of how public order policing can be developed in the organisation.

Membership of the group includes a variety of personnel of varying ranks with experience in public order policing delivery and training. It also includes representatives of the enabling functions such as finance, human resources, the Garda Training College, fleet management, human rights and



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specialist procurement. This breadth of membership was recommended to expedite decision making regarding equipment, training and vehicles. The Steering Group has developed draft training policy, further developed training curricula and is engaged in developing new public order tactics in response to the changing nature of public order incidents. It appears to have a clear sense of direction and ambition for public order policing within the Garda Síochána.

However, the view of the Authority is that the organisational positioning, influence and decision making power of the Steering Group is not that as envisaged in the GSI Report. The GSI saw the Steering Group as an authoritative voice on public order policing within the Garda Síochána, undertaking a central coordinating and governing role. In reality, the Steering Group has not, until recent months, been involved in the development of guidance around the approach to public order policing and protest. It has struggled to gain traction in terms of influence on regional and divisional decision making regarding investment in training. Despite a significant investment of time and resources by the Group in building capacity to deliver a Command Model of Strategic, Operational and Tactical Commanders (formerly Gold, Silver and Bronze), this work has not resulted in its consistent adoption by Chief Superintendents or Assistant Commissioners across the country.

It is also unclear what role, if any, is afforded to the Steering Group to raise the issue of non-activation of the Command Model or inconsistent application of policy in instances of public order with senior leadership. All this is in the context that the key rationale for the GSI Report's recommendation to establish the Steering Group was to address the problem of inconsistent governance and application of public order policing across the country.

An indication of the Steering Group's organisational positioning is perhaps exemplified in its non-involvement in, or knowledge of the production of the Domhain guidance in 2023 on policing of protests until the day it was distributed to the whole organisation. It is not evident that it has been given a strategic coordination role and decisions regarding training and recertification are taken by the regions. The Authority has seen evidence of the Steering Group not being informed by the regions of instances where substantial numbers of public order Gardaí would fall out of certification, significantly impacting on overall capability.

The Authority recognises that in managing a region, an Assistant Commissioner must have autonomy to ensure that training does not take members away from their normal duty at a time when it would leave policing in that region incapable of delivering a policing service. However, the GSI Report did emphasise the need for strategic coordination by the Steering Group. Its members have expressed the view that it is at all times aware of the need to facilitate training in a manner and timing that works for the regions. In practice, the National Public Order Unit is dependent on the Regional

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Assistant Commissioner's decision in this regard. It is unclear in this example, where the final say should happen and who is to be held accountable in the event that an incident occurs and there is subsequent insufficient capability. The lack of clarity as to decision making and authority as between National Units and regions/divisions is not unique to public order. There is considerable frustration amongst the Steering Group members and the Steering Group is clear that it is *'on a journey'*. Steering Group members concurred that despite the considerable work it undertook across public order policing policy, training and equipment, the recommendation regarding the coordinating role it should play could not be considered implemented at this time.

In short, it is unclear as to where the authority lies as between the Steering Group and regional management in decisions concerning public order resources and training. This risks inconsistent decision-making and has an impact on clarity around leadership, training, equipment and resources. It also creates uncertainty for frontline members and a potential risk to community safety in the event of public disorder.

### *Progress in 2024*

In the course of this review the Authority has seen evidence of an increasing role for the Steering Group, however until such time as this recommendation is implemented effectively, the risks relating to a lack of governance and coordination identified in the GSI Report remain.

### *Strategic Threat and Risk Assessment*

A key means by which the Steering Group can take an informed view as to the adequacy of public order capability, capacity and resources, and provide a coordinated response, is through its regular consideration of the Strategic Threat and Risk Assessment (STRA). The requirement to produce a STRA was a key recommendation in the GSI Report.

The Authority is aware that a STRA is being produced quarterly and it has seen redacted versions of the document. This is positive and the Authority would therefore regard this recommendation as partially implemented. There are two reasons why it is not fully implemented.

Firstly, the STRA does collate intelligence in relation to the risk of public order incidents, it collects figures from the regions relating to numbers of public order Gardaí trained and it identifies resource demands where these are highlighted by the regions. However, while these are all elements to be expected in a STRA, the GSI Report is also clear that it should also examine wider issues relating to risks to public order policing. Key risks identified during the course of this review in conversations with public order members as well as with the Steering Group, were not present nor had ever been present on the STRA documents. These include for example:

- the risk of inconsistent application of public order policy;

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- the risk relating to a lack of central coordination of training and recertification; and
- the impact of the funding of public order through overtime.

In terms of enabling the Steering Group to have an informed view as to the adequacy of public order capability, the STRA does not currently provide an evidence base in terms of demand analysis that gives a clear sense of the level of deployment that occurred and the adequacy of resources to fully resource those deployments. Therefore, as a document which is intended to inform the Steering Group's assessment of risk, threat and adequacy of resources, it is incomplete.

Secondly, in terms of how the STRA is used within the organisation and its centrality to decision making around public order capability and resources, the Authority is of the view that it is not currently functioning as a vehicle by which all threats and risks relating to public order policing are captured, considered and escalated to the Garda Senior Leadership Team. Currently, the STRA is not always ready in time to be considered at the Steering Group meeting and it is not clear how and whether it is subsequently considered when this happens. It is also not clear that the STRA has been used to identify and escalate issues to senior leadership within the organisation.

The view of the Authority is that while the document is produced, the GSI Report recommendation in terms of its content and intent is not implemented at this time.

### *Progress in 2024*

Additional staff resources have recently been allocated to the production of the STRA within the National Public Order Unit. In addition, a piece of work has commenced which will, using the new GardaSAFE system, examine Public Order Unit deployment numbers and provide empirical evidence of the demand on public order resources. The Steering Group has also discussed the need to broaden the range of risk captured by the STRA document and tailor it for use as a looking forward document as well as a reporting back document.

## 4.4 Inconsistent use of Public Order Incident Command Model

The Public Order Incident Command Policy (HQ Directive Number 75/2017) sets out when the Garda Public Order Command Model (the Command Model) is to be activated. The Model consists of three command roles: Strategic, Operational and Tactical. Each of these roles have clear responsibilities once the model is activated. The policy sets out what a Chief Superintendent should consider in deciding to declare a public order incident. In the event that it is believed that current resources and skills sets will deliver an effective Garda response to the resolution of the incident, it is managed through the existing Garda rank structure. Within the Command Model, it is possible to have a more senior rank reporting into a more junior ranked Garda, as the model is based on training and

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expertise in public order rather than rank. For example, a Superintendent may occupy the role of Tactical Commander reporting into an Operational Commander at Inspector rank.

The GSI Report recommended that the Command Model must be activated whenever specialist resources or tactics are being considered. The future public order policy will also contain a description of the Command Model to be employed.

There has been considerable investment in training of Commanders at Strategic, Operational and Tactical level, including the training of Tactical Advisors, who specialise in providing tactical options to Commanders. However, it is not apparent that the Command Model is activated consistently when specialist resources or tactics are being considered. As per the Garda Síochána's policy, the Command Model *'provides a structure that facilitates the efficient and effective Garda response to and command of the incident, enhances the flow of information and command decisions and ensures consistency of approach in that all decisions and actions pertinent to the command of an incident are documented as part of the public order incident's audit trail'*.

The Command Model clarifies roles and decision making in what can be a pressurised, dynamic situation. The Authority has found that while the language of the Command Model is used, very often the roles are retrospectively identified after an incident, rather than a proactive activation of the Command Model at an early juncture. In relation to the events of 23 November, the Garda Síochána's own review found that there was no evidence that the Command Model was formally activated. The Authority was also informed by the Steering Group, that during the violence in another location in 2024, while the characteristics of a Command Model could be identified retroactively, it was not formally activated on the night.

The risks in the absence of a consistent use of the Command Model are the corollary of its benefits – potential unclear line of command, lack of consistency in approach and lack of documented decision making. Currently, the Steering Group is aware that there is inconsistency in the activation of the Command Model but it does not appear to have a role in overseeing and ensuring compliance with this policy.

### *Progress in 2024*

The Authority understands that the development of the new policies governing public order policing include a restatement of the Command Model. The Garda Síochána is also making plans for the numbers of each level of command it will train, which is hoped to increase compliance with the policy. There is a need for the policy to also make clear how and when compliance will be measured to ensure consistency in its application.

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### 4.5 Resources - personnel

Resources in relation to personnel is a broad heading in terms of public order policing and the review identified the following as worthy of particular attention:

- Trained Personnel and public order demand analysis;
- Garda numbers and availability of public order members;
- Need for increased resourcing of Community Policing; and
- Reliance on overtime to staff Public Order Units.

#### *Trained Personnel and Public order demand analysis*

In terms of the numbers of public order Gardaí, the 2024 Quarter 2 STRA reports that there are currently just over 1,500 fully trained public order Gardaí, within certification and available. The regional spread of fully public order trained Gardaí is set out below:

*Table 1: Trained public order personnel and numbers of protests, per Regions*

|   | <b>DMR</b> | <b>Southern</b> | <b>North West</b> | <b>East</b> | <b>Total</b> |
|---|------------|-----------------|-------------------|-------------|--------------|
| Number of trained public order personnel between June 1 2023 and May 1 2024 | 677        | 300             | 218               | 335         | <b>1,530</b> |
| Number of Protests between June 1 2023 and May 1 2024                       | 692        | 163             | 80                | 179         | <b>1,114</b> |

There have been approximately 1,114 protests in the last twelve months, compared to 636 protests in the preceding 12 months (June 2022 to May 2023). Caution must be taken when comparing these figures as they were produced using different methodologies and are based on particular points in time. However, the figures do indicate a consistent trend of an increase in protests year on year. Protests vary in terms of their policing requirements so the numeric distribution of protests across the regions is not necessarily indicative of policing demand. The geographic spread of protests is approximated in Table 1 above.

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### *Garda Numbers and availability of Public Order members*

The numbers of Gardaí trained in public order does not mean that this is the number available at any time. Public order trained officers are not dedicated to public order, but rather have a 'day-job'.

Therefore, public order is run by drawing on-duty trained officers from other work and locations and utilising significant overtime. There is an overtime cap of 70 hours per month per member. This can impact whether a member is available to respond to a call and is especially true in the last week of each month when it is likely that members have already exceeded their 70-hour cap.

Public order capability is described in terms of Units and Serials. A Public Order Serial consists of one public order Sergeant, six public order Gardaí, one public order driver and one vehicle (eight in total). A Public Order Unit consists of three Public Order Serials (twenty-seven in total), under the control of a Public Order Tactical Commander.

In terms of permanent/standing capability, within DMR one Public Order Unit operates Sunday to Friday. An additional Unit operates on Saturday. In the rest of the country, there is no standing capability. Rather, Public Order Units or Serials are called into service as required.

In terms of whether a standing capability is required outside the DMR, there are mixed views. The majority view the Authority has heard across management and Garda members is that at the moment there is an insufficient public order policing need to justify a standing or permanent capability.

However, this is something that needs to be considered on an ongoing basis as circumstances change. The STRA is the process by which the Garda Síochána assesses the demand that exists for public order policing. It could be argued that there is currently insufficient demand analysis undertaken to understand exactly how many public order Units or Serials are deployed nationally in any period of time and whether these Units were fully staffed. In the absence of a consistent use of public order policing there is also a question as to whether some public order demand is masked.

The numbers of regular Gardaí and public order Gardaí also influences the safety of the environment in which specific public order tactics and/or force can be used. In the absence of sufficient back up at an event, be that in terms of regular Gardaí or additional Public Order Units, conducting arrests or using force may not be safe options given the propensity for such actions to potentially further agitate a crowd. While such decisions are complex, members reported to the Authority that the primary factor influencing their decisions is whether members can do so safely if there are inadequate number of Gardaí present to deal with any resulting escalation of violence. The absence of sufficient Garda numbers can influence the policing response that can be delivered, which may in turn impact community confidence.

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### *Need for increased resourcing of Community Policing*

Public order policing does not occur in a vacuum and its effectiveness is not immune to the general issues that exist around Garda numbers. Garda numbers generally has seen certain areas of the organisation depleted of members, one of which is Community Policing. While the Garda Síochána insists that all Gardaí are Community Gardaí, this, the Authority would argue, is not the same as having trained Community Gardaí whose primary focus is to consistently work with specific communities, establishing relationships with and knowledge of the community in which they work. This view has been echoed in the Authority's engagements with communities nationwide, as reflected in the Authority's Assessment of Policing Reports and What we Heard Report.

The relevance to public order policing is that the presence or absence of strong community policing in the area can influence the receptivity of the community to outside agitation and the likelihood of protest moving into violence and criminality. Strong community policing numbers is a key influencer on the conditions in which public order policing is required and operates. This view is echoed in reports and reviews produced in other jurisdictions. All jurisdictions that had undertaken reviews following significant public order events made recommendations to the police regarding the need to build or strengthen formal and informal relations with the communities they serve, including community leaders.

### *Reliance on Overtime*

Overtime is used within the organisation to substitute for understaffing, as a result of continuous under resourcing of the workforce, to meet day to day service delivery across all areas of policing. However, public order, given that it does not have a full-time dedicated resource, is funded very significantly on overtime (and member's goodwill when overtime caps are reached), even in times when Garda numbers were not so depressed. This use of overtime to substitute for understaffing impacts on all areas within the organisation. The increasing demands exerted on a reduced workforce that were described as continuously exceeding Working Time Act limits is leading to fatigue and chronic burnout amongst personnel, which presents a significant risk to the organisation, the well-being of members and community safety.

Examples were given of members who have responded to public order call outs and operated beyond the 70 hours overtime cap at times when they state there was insufficient time to secure overtime approval. Some reported not being paid or still awaiting pay. Others who were responding with 70 hours already done in an expectation of time off in lieu (TOIL) were not able to take TOIL which was described as almost non-existent in the organisation. There were instances reported of

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there being insufficient numbers to fill a full Public Order Serial or Unit. While it was acknowledged that there is a sound basis for the overtime cap and that overtime itself must be governed by the organisation, the view was consistently expressed that the fact that public order policing runs on overtime and increasingly what was described as ‘goodwill’, presents a significant risk for the organisation.

### *Progress in 2024*

Consideration of public order resourcing cannot be divorced from overall workforce planning within the organisation. This is an area of work that the Authority has consistently emphasised over the past 9 years. Progress is being made but there is still a long way to go for the organisation to have a costed headcount plan and good automated information relating to its personnel to enable real-time management decisions. Better demand analysis is needed in order for the organisation to take an informed decision regarding the degree to which public order policing should be a standing capability in some urban areas.

### **4.6 Resources – equipment availability, suitability, distribution and storage**

In the course of the review there were contrary views put forward in terms of the availability of equipment and specifically the availability of body armour for public order members. Members around the country spoke of repairing body armour and/or body armour not being available for newly trained public order members. In one instance, the Authority was made aware of a significant group of members who completed training and at the time of recertification had not had access to body armour and as a result had not, in the interim, been in a position to respond to public order call outs. Garda members have presumed this is a matter of finance and that the organisation could not afford to provide the armour.

In reality, the review reveals that there has been significant investment in equipment and body armour since 23 November, with over €3.2 million having been spent since November 2023. Additional vehicles have also been purchased. The Steering Group was in a position to respond in an agile fashion and the Authority has been informed that there is currently no shortage of available body armour in central stores. The view was expressed by the Steering Group that there is no need for any public order member to be attempting to repair body armour as new armour is available. What has emerged is a lack of strategic coordination and communication between the regions and the Steering Group, which is impacting on the timely procurement and distribution of new and replacement equipment.



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This has been rectified in recent weeks but it is important that this is communicated to public order members so that they understand that the organisation has invested in equipment and armour that is available for them.

In terms of non-armour equipment, the recent investment in a mix of types of shields and the new Mark 9 incapacitant spray was welcomed by Garda members. The spray in particular has provided a tactic that assists in avoiding close at hand interaction. A limited number of Tasers provided per Unit is being tested as a possible addition to the suite of tactical options and is the subject of an ongoing working group. However, it was universally agreed that the use of Tasers at events such as that of 23 November would not have been appropriate.

In terms of the suitability of the current armour and 'kit', the point was made that the armour is not suited to women having been designed for men and this is something the Steering Group is seeking to rectify. Similarly, there is an awareness that the 'kit' needs to be considered holistically so that new elements are capable of incorporating into existing gear. For example, the new incapacitant spray canisters were difficult to use while wearing the existing public order gloves.

Storage of body armour and shields within stations and vans is an issue and is leading to armour getting damaged or lost. In terms of central stores, there were mixed views as to whether this is appropriate. While the positive of having equipment held centrally means it is protected and carefully stored, requiring all Units to travel to a central site to get new armour, as in the case of an event such as happened on 23 November, is not ideal.

### 4.7 Use of Force

A dominant narrative at the time of the November 23 riots was that members were reluctant to use force because of a fear of a complaint to GSOC. A number of instances from the riot were circulated widely on social media and a question was raised within the media narrative as to why the Gardaí in these instances had not used force.

The non-use of force in many of these instances was entirely appropriate from a police training perspective in terms of it being the correct option for the safety of the members involved and community safety. What has emerged from work undertaken during this review is that the narrative that members were reluctant to use force because of a fear of a complaint to GSOC does not reflect the experience of public order members. The consensus appears to be that any perceived reluctance to use force is influenced by a number of factors, of which the fear of a complaint is perhaps the least pressing. These factors are outlined below.

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### *Resources Required when Using Force*

The most significant factor in a reluctance to use force is the availability of Garda numbers at a scene. Members cite the requirement for sufficient resources to be in place to allow for a safe use of force in terms of their own safety, that of colleagues and of the public. In a protest context, a use of force can cause a crowd's behaviour to escalate and this can endanger members and the public if sufficient Garda resources are not in place to handle this fallout. It was discussed that in some protests in 2024, force wasn't used where it might, as it was known that back up would not be in place for some time. This is also cited as influencing the making of arrests at the time the offence is committed in a protest situation.

This is not to say that use of force or arrest at the time of an offence is always the correct course of action. There are often sound policing and community safety reasons why there is no use of force or a choice is made for an arrest at a later date rather than during the event. However, in the event that public order members do not believe sufficient back up is available to either use force or make an arrest safely, this option is not open to them. Members believe however that there are instances where this emboldens certain cohorts engaged in criminal behaviour and who, although they may well be arrested at a later date, are perceived to act at that time with impunity. Public order members also believe this impacts potentially on public confidence, not least given that the public may not be aware that the arrests were subsequently made.

### *The Influence of Social Media*

A second factor cited as influencing the decision to use force is the now common recording of any use of force by protestors or bystanders and it appearing almost immediately on social media and shared widely across social media platforms. Members stated that social media clips are edited out of context to make the use of force appear disproportionate. Members expressed concern for their family members in particular, where information regarding their name, address and family details are then published online on the comments accompanying the clip.

The Authority met with Coimisiún na Meán. Coimisiún na Meán advised that in instances when Garda members are recorded by members of the public and the content is posted to social media, the member should contact the respective platform to report the content as illegal (if they believe the content to be illegal) or as a breach of a platform's own community rules. Coimisiún na Meán has pointed out that making and sharing videos of police operations can be an important exercise of the liberty of expression and contributing to civic discourse, however, the sharing of personal details in a way that intimidates officers and their families or puts them in fear for their safety may go beyond a legitimate exercise of freedom of expression, as well as possibly breaching the law.

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The member also has a right to subsequently appeal, if relevant, the platform's decision related to removing content. Following this, if a member is dissatisfied with the platform's actions or responses, they can contact Coimisiún na Meán. The information received from a query or complaint will help Coimisiún na Meán to supervise online platforms' compliance with their legal obligations. Coimisiún na Meán also stated that, while platforms are obliged to remove illegal content once they are made aware of it, the platforms' community guidelines can take different approaches in terms of what other content is permitted. Platforms might claim that the types of clips that may be reported by members do not necessarily contravene the community standards of the platform or are not illegal and are not removed as a result. The largest platforms have an additional obligation to assess and mitigate risks to public security and to a person's physical and mental well-being. Enforcing this obligation is the responsibility of the European Commission. Coimisiún na Meán intends to raise concerns with the European Commission regarding content that creates concerns for the safety or wellbeing of police officers or their families (or other individuals) and whether platforms are sufficiently complying with their risk mitigation obligations in this area.

In addition, the processing of personal data could raise issues under the GDPR, and Coimisiún na Meán has advised members of AGS to also raise this with the Data Protection Commission.

We understand that work is beginning on the development of a memorandum of understanding between the two organisations, which will formalise engagement with both parties, however it is not anticipated that this will address the issue of social media and individual Gardaí.

### *The Influence of GSOC and internal disciplinary proceedings*

A third reason given was a lack of confidence for some that the organisation '*would have their back*' in adequately supporting them through a complaint process, be that internal or to GSOC. In terms of GSOC, it was stated that its attendance at public order and use of force training within the Garda Síochána would be useful for both organisations. This had occurred before but has not since 2008.

### *Use of Force Statistics*

In terms of the GSI Report recommendations concerning use of force, the Garda Síochána did produce a monthly report for the Authority which was included in the Commissioner's monthly report, outlining the type and frequency with which various forms of use of force had been employed. This was an important development in terms of transparency and brought the Garda Síochána into line with police services in other jurisdictions. It is important to note that this reporting would not suggest that there is a reluctance to use force as numbers of uses has remained consistent during the period in which it has been reported. Reporting on use of force stalled in late 2023 as the existing counting system has relied on a knowledge of the identity of the person on whom force was exercised. The Authority has been clear with the Garda Síochána that it must be

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capable of accurately recording use of force within a public order context, as one in which there is more likelihood of its use and public scrutiny of how it is used. It is critical that this information is publicly available in terms of public confidence in policing. Work has been undertaken on a methodology to allow for recording of use of force against unknown persons based on the location of these incidents.

### *Progress in 2024*

The Authority regards it as critically important that public reporting on use of force is available and welcomes the work undertaken in 2024 to capture use of force in public order event incidents. It also however is keen to ensure that the use of force statistics that are produced are monitored by the Steering Group as per the GSI Report recommendation.

## 4.8 Public Order Training

### *Current training*

There is currently a model for training to be certified as a public order policing member. The training requirements are well documented and understood. Similarly, training is in place for public order instructors and trainers. There are timeframes set out within which members must recertify as the skills are regarded as perishable. Training is undertaken typically at facilities owned by the Army at a time convenient to the Army.

Current public order tactics were put in place 24 years ago. There is a need for tactical training to evolve in light of changes in the protest environment. In many of the jurisdictions examined, the need to relook at training was a common theme. This included training in crowd control with simulated conditions of extreme violence. In reviews conducted in other jurisdictions following significant public order events, there was also an emphasis on the need for de-escalation techniques.

While Peaceful Crowd Management training is included in probationer training since 2022, engagement with Irish public order members and Garda Associations suggest that basic public order training relating to de-escalation and conflict management could also usefully be provided to all probationers. This was also outlined in the Garda Síochána Review of the events of 23 November, which states that: *“a review into training should include consideration to providing a basic level of training to all members of An Garda Síochána. If such training is approved, it should form part of foundation training”*.

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The Steering Group and Garda Training College have undertaken significant work to develop public order training in anticipation of the finalisation of the new public order policies, but until such time as these policies are in place, planning and delivery of a revised approach to training will not proceed.

### *Central coordination of training*

In terms of the Garda Síochána having a clear sense of its public order capability at any one time, this is mitigated if training is not centrally coordinated. It also has implications for there being a national standard of training across the country. The Steering Group is not being satisfied that there is a national standard and that training and recertification is delivered consistently. This lack of a national standard of public order training in terms of content, delivery and frequency is a situation where some within the organisation want a centralised approach to training and others want to retain decision making around training at regional level. In this regard, a clear statement on training priorities by the organisation and how public order training fits within this is needed.

### *Training Location*

Most of the significant training is done at the army site at Gormanstown but this is dependent on it being available when not needed by the Army. There is a need for capital investment to improve central training facilities to ensure that training matches real life scenarios as closely as possible and prepares members for those scenarios. Currently, members are required in some instances to imagine scenarios using tape on the ground to demarcate what is a building or a streetscape. The Authority is supportive of the view that there is a need for capital investment in a location that could include permanent structures such as a 'tactical town' that would serve the training needs of not only public order but also armed response, emergency response and driver training.

### *Public Order Training for Leadership Ranks*

The issue of public order training for senior leaders within the organisation has already been raised in terms of the need for a consensus in understanding of the role and purpose of public order policing. This influences when public order capability is used and how and when the Command Model is activated.

### *Recertification*

Public order training to serve on a Public Order Unit is a six-day course. Current policy states that public order members must be recertified annually, however this can be extended. Recertification involves attending refresher training. There are currently, following an extension of certification granted by the Steering Group, public order members entering their third year without recertification. There are trainers and instructors who have not been recertified since 2018.

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Public order instructors are similarly required to recertify every three years. Trainers are required to recertify in specific aspects dependent on the area, for example ASP baton trainers must recertify every two years. Despite this, there was a lack of consensus on the need for recertification of members, instructors and trainers, despite policy requiring such recertification and it being in line with common practice in other jurisdictions. Currently, recertification of members is done at varying intervals across the regions. Trainer and instructor recertification does not appear to be happening in all cases. In addition, more trainers are needed, given that four of the nine current trainers are due to retire.

In terms of the authority of the Steering Group, there is a sense that there is not an acceptance within the regions that recertification should occur on an annual basis, despite it being recognised internationally as best practice and agreed by the organisation. The view appears to exist within the regions is that if a public order training member/trainer/ instructor is using his or her skills regularly, this mitigates the need for recertification. This is not in line with international standards or accepted practice, as reviewed in other jurisdictions.

Reviews in other jurisdictions resulted in recommendations that training requirements be reviewed for leadership and front-line officers engaged in public order on a regular basis, to ensure that staff with the right skills are available when required. This would consist of monitoring certifications and maintaining a register of deployable skills of staff which should be shared across the organisation.

### *Progress in 2024*

An extension of certification without training has recently been announced. While this addresses a formal requirement for public order members and trainers to be within certification, it does not address the underlying issue that the recertification training has not happened and in some cases dates back to 2018. As previously noted, the new public order policies are being worked on and in some cases close to finalisation. They will set out a settled view on recertification and this will be useful in terms of governance and coordination of training and recertification.

The training demands across the Garda Síochána organisation are considerable and any commitment to the delivery of training against the new policies needs to be considered as part of a wider organisational training strategy with clear priorities and resourcing.

## 4.9 Regional Intelligence

Intelligence for public order is currently monitored at national level and by the Intelligence Unit in the DMR. Members working outside the DMR reported insufficient intelligence gathering to support

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public order policing regionally. Members explained that they rely on each other (on or off duty) to report any suspicious observations on social media which may relate to potential public order events. Greater availability of monitoring of activity across social media on a regional basis was raised as an important need.

There is work in process to strengthen Garda Síochána intelligence capacity in three regions on a pilot basis and this is to be welcomed. It will be important that there is good training and communication with members as this continues, so that all members understand their role in the intelligence cycle. It will be important to ensure that what is happening on the ground does not contradict guidance within Operation Domhain, which states that Garda operations to police protests, will be intelligence led and intelligence driven, thereby ensuring the effective use of resources.

### 4.10 Well-being

The welfare infrastructure available within the organisation – peer support initiatives, post event psychological assessment, annual assessment and access to counselling – have improved considerably over the last number of years. Public order members engaged with were aware of these resources and conscious of the improvements made in this area by the organisation.

The dominant theme emerging during this review was not concerned with the formal welfare infrastructure but rather a perceived lack of care demonstrated by local leadership and its impact on morale following significant public order incidents. Tangibly, reference was made to the inconsistency in local managerial response as between those supervisors who sought out members to check in with them and those who took no time to check in with Members following significant public order events. This echoes with findings in other jurisdictions where a negative impact on morale was observed following a significant public order events, police officers stated they had received a “generic email” following up on their wellbeing. It was stated in that review that a “business as usual” approach was not sufficient for the unexpected level of violence experienced by officers and a more rigorous health and wellness response was recommended.

Of note, the Commissioner’s visit to Newtownmountkennedy during the protests there was cited as a positive example which was appreciated by public order members.

### 4.11 Legislation

From an initial engagement with Garda Síochána Legal Section and with operational public order Gardaí, it would appear that the view exists that current legislation is sufficient to provide for an appropriate policing response that can keep people safe while vindicating human rights.

The Public Order Act (1994) was described as robust. The recent Operation Domhain guidance on the policing of public order events distributed to the Garda workforce sets out the various powers pertinent to public order incidents and how they can be used. The Garda Síochána, in particular the Steering Group, has also recently finalised a laminated card that fits into the Garda notebook and sets out as an aide memoire all the relevant legal powers pertinent to public order policing, which will be useful for all frontline members.

In terms of any potential future legislation, the establishment of a legal basis to require individuals who have breached section 8 of the Public Order Act<sup>2</sup> to remove face coverings is being sought by the Garda Síochána. This is not without some complexity, given the need to ensure that it does not disproportionately impact on the right to privacy. It is the Authority's understanding that it is not intended that this would preclude individuals from covering their face while participating in a protest and only require removal of a face covering if the individual has breached section 8 of the Act. It will require clear guidelines for Garda members and for the public as to the parameters within which removal of a mask might be compelled. Further consideration will also be required as to how such legislation might interact with any future legislation on Facial Recognition Technology (FRT) and how this might add to concerns around infringement of rights in either.

The Garda Síochána is currently conducting a proof of concept across four areas in the country to use and test body worn cameras. The use of body worn cameras is expected to be of particular relevance to public order policing. While the legislation provides for the use of body worn cameras, additional legislation is required to allow for the digital storage and retention of material to enable it to be used as evidence. Police services typically employ a digital evidence management system (DEMS) and there is a need to ensure that the legislation to facilitate its usage is in place to maximise

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<sup>2</sup> 8.—(1) Where a member of the Garda Síochána finds a person in a public place and suspects, with reasonable cause, that such person—  
(a) is or has been acting in a manner contrary to the provisions of [section 4](#), [5](#), [6](#), [7](#) or [9](#), or  
(b) without lawful authority or reasonable excuse, is acting in a manner which consists of loitering in a public place in circumstances, which may include the company of other persons, that give rise to a reasonable apprehension for the safety of persons or the safety of property or for the maintenance of the public peace,  
the member may direct the person so suspected to do either or both of the following, that is to say:  
(i) desist from acting in such a manner, and  
(ii) leave immediately the vicinity of the place concerned in a peaceable or orderly manner.  
(2) It shall be an offence for any person, without lawful authority or reasonable excuse, to fail to comply with a direction given by a member of the Garda Síochána under this section.  
(3) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500 or to imprisonment for a term not exceeding 6 months or to both.



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the policing benefit of body worn cameras. The full implementation of a system wide use of body worn cameras is a number of years away.

### 5. Jurisdictional Analysis

The Authority undertook a jurisdictional analysis to understand the nature of issues and recommendations arising from the experience of public order policing in a number of other countries in the interests of exploring common issues, themes and the response of other police services to these challenges. Following a scoping review, seven jurisdictions were identified: England and Wales, Scotland, New Zealand, Canada (specifically Ontario), South Africa and France. The reports in which the jurisdictional review were based on are as follows:

*Table 2: Reports used to inform Jurisdictional Review*

| Jurisdiction      | Report Title  |
|-------------------|---|
| England and Wales | <ul style="list-style-type: none"><li>- Getting the balance right? An inspection of how effectively the police deal with protests</li><li>- National Protest Operational Advice</li></ul> |
| Scotland          | Review of the 2016 Independent Report on Marches, Parades and Static Demonstrations in Scotland   |
| New Zealand       | The Review: Policing of the Protest and Occupation at Parliament 2022, Independent Police Conduct Authority   |
| Ontario (Canada)  | Report of the Public Inquiry into the 2022 Public Order Emergency   |
| South Africa      | Report Of The Expert Panel Into The July 2021 Civil Unrest  |
| France            | Schema National du Maintien de l'Ordre  |

Within these six reports, there were a total of 89 recommendations made which are applicable to both police services and government bodies. Despite the differences in cultural context and police forces/services, recommendations were related to the need to create national standards for policing of major events, changes to existing legislation, regulations, policing manuals, policies, and procedures that identify essential elements of strategic, operational, and tactical planning for major events, such as protests.

Positively, it is of note that many of these recommendations are already in place in the Garda Síochána. For example, recommendations were made in relation to the need for national standards for policing major protests, which the Garda Síochána have through their Operation Domhain Guidance. There were also recommendations to prioritise de-escalation techniques and use a graduated response to protests. Finally, recommendations were made that local government should be encouraged to undertake initiatives, including strengthening community policing forums that

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establish partnerships between the public and the police. These recommendations of interest for this review were mainly related to training for public order members and leadership roles, the importance of community engagement, social media and well-being of members.

### 6. Implementation of Garda Inspectorate Report Recommendations

The Authority examined the degree to which the 20 recommendations arising from the 2019 GSI Report have been implemented and considered what risks might exist, in particular in relation to recommendations either partially and/or not yet implemented. The Authority is grateful to the GSI for its assistance in this work.

Implementation of the recommendations, as outlined above, is central to many of the issues and risks highlighted.

In making its assessment, the Authority has had the benefit of the passage of time to examine the degree to which structures such as the Steering Group and the STRA, which were put in place at an early point to fulfil the recommendations, have operated in practice. The Authority's approach to oversight of 'putting its hand in the wound' has highlighted that the existence of a structure or policy is not always indicative that it is delivering on its intent. The Authority examined the degree to which recommendations were implemented by engaging with public order members, senior leadership, the Steering Group, external stakeholders and also reviewing documentation that was requested.

The Garda Síochána has provided the Authority with a recent update of its assessment of the degree to which the GSI Report recommendations have been implemented. This was received on 7 June 2024. It is the Authority's view that some of the 11 recommendations that were regarded as implemented by the Garda Síochána and reported as such require further work and would more accurately be described as partially implemented.

Table 3 outlines the Authority's view as to the progress made while Table 4 sets out some summary detail in relation to each recommendation.

*Table 3: Garda Inspectorate Report recommendations and outcomes*

| <b><u>Outcome of recommendations</u></b> | <b>Garda Síochána Assessment</b> | <b>Policing Authority Assessment</b> |
|--|----------------------------------|--------------------------------------|
| Implemented                              | 11                               | 3                                    |
| Implemented with modifications           | 0                                | 1                                    |

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| <u>Outcome of recommendations</u>       | <b>Garda Síochána Assessment</b> | <b>Policing Authority Assessment</b> |
|---|----------------------------------|--------------------------------------|
| Partially implemented or action ongoing | 7                                | 9                                    |
| Not implemented                         | 0                                | 5                                    |
| Implemented by external parties         | 2                                | 2                                    |
| <b>Total<sup>3</sup></b>                | <b>20</b>                        | <b>20</b>                            |

Table 4: Assessment of implementation of Inspectorate recommendations

| <b>Recommendations from Public Order Policing Report</b> |   | <b>Policing Authority Assessment</b>   |
|--|---|--|
| <b>#</b>   | <b>Summary of Recommendations</b>   |  |
| 1  | The Inspectorate recommends that the Garda Síochána develop a wider strategic assessment of threat and risk which should be formalised in a Strategic Threat and Risk Assessment document.  | <b>Partially Implemented</b><br>The STRA is produced quarterly but its content and use requires further development to deliver on the intent of the recommendation.  |
| 2  | The Inspectorate recommends that the Assistant Commissioner Roads Policing and Major Event Management should have lead responsibility for public order governance, policy and compliance and chair the National Public Order Steering group.....The Group should meet regularly to commission and review the Strategic Threat and Risk Assessment, and to oversee all aspects of public order policy, practice, training and standards, including human rights and the Garda Síochána Code of Ethics. | <b>Partially Implemented</b><br>The group has been established, with a broad membership, it meets regularly and has undertaken significant work. However, its positioning within the organisation is not sufficiently strong to ensure that it is delivering on the governance and coordination role envisaged by the Inspectorate. This is developing and the public order policies once finalised will provide a solid foundation to support the Group’s position within the organisation. |
| 3  | The Inspectorate recommends that the Garda Síochána Public Order Incident Command Model must be activated whenever specialist resources or tactics are being considered.  | <b>Partially implemented</b><br>Current policy (HQ Directive number 75/2017) sets out the Public Order Incident Command Model and the principles and procedures around its activation. There is not consistency in the proactive activation of the Model and while roles may be retrospectively identified, this does not deliver on the benefits of the model in real time. There is insufficient evidence that the model is consistently activated or that this is monitored.              |
| 4A   | The Inspectorate recommends that the remit of the Garda Síochána National Public Order Steering Group be expanded to include the internal monitoring of use of force .....The Garda Síochána should publish use of  | <b>Partially implemented</b><br>The Garda Síochána publishes use of force data. However, the Steering Group does not monitor the   |

<sup>3</sup> 20 recommendations and recommendation number 4 is divided into 4A and 4B

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| Recommendations from Public Order Policing Report |  | Policing Authority Assessment  |
|---|--|--|
| #   | Summary of Recommendations   |  |
|   | force data on its external website as well as all procedures and guidelines relating to public order and use of force, with only operationally sensitive material being excluded.  | use of force and the procedures and guidelines relating to public order are not published.   |
| 4B  | The Inspectorate recommends that the external oversight of Garda use of force trends should be incorporated into the performance monitoring activities of the Policing Authority and any subsequent oversight body.  | <b>Implemented</b><br>The Garda Síochána provides use of force data to the Authority in the Commissioner’s Monthly Report.   |
| 5   | The Inspectorate recommends that the Garda Síochána use the evidence base of a current Strategic Threat and Risk Assessment to determine its public order operating model, capacity, capability and order strategic/operational commanders contingency.  | <b>Partially Implemented</b><br>The STRA is in place and is an element of the evidence base used. However, information regarding capacity and capability is not yet readily available and has not yet been included in the STRA. There is insufficient evidence that the STRA has an influence on decision making around capacity and capability.                                  |
| 6   | The Inspectorate recommends that the Garda Síochána develop a standardised, transparent selection process for the National Public Order Unit.  | <b>Implemented</b><br>Documented process in place for the selection of members for the National Public Order Unit. Consistency in its application remains an issue.  |
| 7   | The Inspectorate recommends the adoption of a specific strategy into the greater female representation in public order policing  | <b>Partially implemented</b><br>A small number of specific measures included in the documented process for the selection of members for the National Public Order Unit to encourage greater female representation. Consistency in its application remains an issue. Issues around the suitability of body armour for female use are being addressed in the purchase of new armour. |
| 8   | The Inspectorate recommends that the National Public Order Steering Group should determine the number and distribution of Garda Síochána public order strategic/operational commanders on the basis of the Strategic Threat and Risk Assessment. The need to enhance the diversity of public order policing through more visible female role models should also be a strategic objective of the group. | <b>Not implemented</b><br>It is the Senior Leadership team and not the Steering Group that determines this.  |
| 9   | The Inspectorate recommends a mandatory recertification process for all public order commanders that ensures that they maintain operational competence, professional knowledge and   | <b>Not implemented</b><br>The new public order policies will clarify these requirements.   |

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| Recommendations from Public Order Policing Report |   | Policing Authority Assessment  |
|---|---|--|
| #   | Summary of Recommendations  |  |
|   | a current understanding of relevant human rights issues.  |  |
| 10  | The Inspectorate recommends that staff in the new regional control rooms and the DMR Command and Control Centre have the capacity and capability to manage all spontaneous incidents, such as critical firearms and public order incidents.                           | <b>Partially implemented</b><br>There is a need for greater awareness and understanding within the Command and Control Centres and the Critical Firearm Incident Command Centre (CFIC) as to the capabilities and purpose of the Public Order Units.   |
| 11  | The Inspectorate recommends that the Department of Justice and Equality planned legislation for the recording of images in public, fully supports the use of photographic and video equipment by the Garda Síochána at public events for evidence-gathering purposes. | <b>Implemented</b>   |
| 12  | The Inspectorate recommends that event planners and public order commanders have ready access to human rights advice.   | <b>Partially implemented</b><br>It is not clear how readily advice can be accessed and the degree to which it is accessed in practice, during live events or the planning of same. Currently there is no systematic process for the Human Rights Advisor to review strategic and tactical plans and operational orders.<br>The Human Rights Advisor is available to provide advice on 'practical operational issues' to operational commanders. Due to capacity issues, the Human Rights Advisor attends planning meetings for only some significant public order events. This appears to be on an ad hoc basis.<br>The Human Rights Advisor does not sit in Strategic or Tactical command rooms during public order operations to provide real time advice to command team and is not involved in operational debriefing processes. |
| 13  | The Inspectorate recommends that as part of the planning process the Garda Síochána adopt a more structured approach to engagement, including the use of community impact assessments and crisis negotiators.   | <b>Not implemented</b><br>This awaits the production of policy.  |
| 14  | The Inspectorate recommends that all planned deployment of the National Public Order Unit has the prior approval of the Assistant Commissioner with lead responsibility for Public order policing. For  | <b>Implemented with modification</b><br>The current policy is that the Divisional Chief Superintendent seeks approval from the Regional  |

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| <u>Recommendations from Public Order Policing Report</u> |   | <u>Policing Authority Assessment</u>   |
|--|---|--|
| #  | Summary of Recommendations  |  |
|  | spontaneous public order incidents the Garda Síochána should develop an effective authorisation process for deploying National Public Order Units.  | Assistant Commissioner for both planned and spontaneous events.  |
| 15   | The Inspectorate recommends that the Garda Síochána embed the Garda Decision-Making Model into operational practice through the provision of scenario-based exercises in all use of force and public order training.  | <b>Implemented</b>   |
| 16   | The Inspectorate recommends that the Garda Síochána adopt a wider definition of ‘critical incident’ that recognises the risk to confidence in policing and take steps to ensure that this wider definition is embedded in operational practice.   | <b>Not implemented</b><br>This awaits the finalisation of the new public order policies, including the policy on critical incidents.   |
| 17   | The Inspectorate recommends that the Garda Síochána formalise its debriefing process by involving external stakeholders including organisers, protesters and wider representation from internal organisational units. Lessons learned should be reviewed by the National Public Order Steering Group and should influence subsequent selection, training and development of tactics and strategy.       | <b>Partially implemented</b><br>Debriefs from events and lessons learned are being produced and considered. This work is developing and will be further informed by the new public order policies. |
| 18   | The Inspectorate recommends that the Garda Síochána formalise the process for establishing the criminal justice and intelligence aspects of the planning and policing of events.  | <b>Not implemented</b><br>This will be further developed within the context of the new public order policies.  |
| 19   | The Inspectorate recommends that the Garda Síochána enhance welfare arrangements by considering the Employee Assistance Services as part of public order event planning and debriefing; promoting the availability of Employee Assistance Services on all command and operational public order courses; and reviewing the current welfare support provided to members at Superintendent rank and above. | <b>Implemented</b><br>Employee Assistance Service and Peer Review in place.  |

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## Appendix 1: Seven Strands of Work Which Guided the Authority's Approach to this Review

1. Verify the implementation of the GSI recommendations on public order policing that have been reported as complete by the Garda Síochána and assess the degree of progress made on the recommendations that remain to be implemented. This work was conducted in cooperation with the GSI and its advice on key elements of the recommendations was sought.
2. Ascertain and report on the risks arising from any recommendations not implemented or partially implemented.
3. Consider and report on how policing performance with regard to public order policing of spontaneous events might be enhanced including such matters as:
  - a. equipment and resources;
  - b. capacity and speed of assembly and deployment;
  - c. communication with the overall membership;
  - d. clarity of the command structure;
  - e. frequency and quality of risk assessment;
  - f. quality of intelligence; and
  - g. training.
4. Examine any emerging international trends in public order policing and any implications they might have in an Irish context.
5. Consider the degree to which the processes and structures that exist to allow for timely liaison and cooperation between the Garda Síochána and social media platforms is adequate to allow for an effective policing response to spontaneous public order events.
6. Engagement with a range of parties, including:
  - a. The Garda Síochána National Steering Group on public order policing;
  - b. Gardaí working in the area of public order policing;
  - c. Garda Síochána Crime, Security and Intelligence Service;
  - d. The Garda Síochána Ombudsman Commission;
  - e. Garda members and staff working in Command and Control;
  - f. Garda member Associations and Garda Staff Unions;
  - g. Community Policing Bureau; and
  - h. A range of non-policing stakeholders.
7. Arising from the foregoing, consider whether any changes to policies, procedures, or indeed the law are required.

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### Appendix 2: Key Documents Considered for the Review

| <u>Year</u> | <u>Author</u>          | <u>Document</u>   | <u>Status</u>              |
|-------------|------------------------|---|----------------------------|
| 2017        | The Garda Síochána     | Public Order Incident Command Policy (HQ Directive number 75/2017)                            | Publicly available         |
| 2017        | The Garda Síochána     | Garda Síochána Public Order Incident Command – Procedures and Guidelines                      | Request outstanding        |
| 2019        | The Garda Inspectorate | Public order Policing: A review of Practices in the Garda Síochána                            | Publicly available         |
| 2023        | The Garda Inspectorate | Implementations of Recommendations from Public Order Policing Report                          | Publicly available         |
| 2024        | The Garda Síochána     | Implementation update re: recommendations from Garda Inspectorate (March 2024 and June 2024)  | Received                   |
| 2023        | The Garda Síochána     | Operational Debrief Report: Serious Public Disorder in Dublin City Centre in 23 November 2023 | Received                   |
| 2024        | The Garda Síochána     | Operation Domhain: Policing of Protests Guidance Document                                     | Received                   |
| 2024        | The Garda Síochána     | Strategic Threat and Risk Assessment Q1 2024 (redacted)                                       | Received                   |
| 2024        | The Garda Síochána     | Strategic Threat and Risk Assessment Q2 2024 (redacted)                                       | Received                   |
| 2024        | The Garda Síochána     | Updated public order policies   | Policies are not finalised |
| 2024        | The Garda Síochána     | Figures related to organisational position in relation to training, recertification           | Received                   |



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### Appendix 3: Entities Engaged with as Part of the Review

| Category                             | Details of entities   |
|--------------------------------------|---|
| Garda Síochána                       | <ul style="list-style-type: none"> <li>• Assistant Commissioner Eastern Region concerning the Terms of Reference of his review, and progress made</li> <li>• Assistant Commissioner Crime and Security Intelligence Service and his team to discuss intelligence gathering and sharing</li> <li>• Garda Public Order Training Co-Ordinator</li> <li>• Garda Command and Control personnel</li> <li>• Garda Procurement, Dogs and Mounted Unit</li> <li>• Executive Director, Legal &amp; Compliance</li> <li>• Public Order Gardaí Eastern Region</li> <li>• Public Order Gardaí North Western Region</li> <li>• Public Order Gardaí Southern Region</li> <li>• Public Order Gardaí Dublin Metropolitan Region</li> <li>• National Public Order Steering Group</li> <li>• Public order training demonstration</li> <li>• Public order instructors and trainers</li> <li>• Special Tactics and Operations Command</li> </ul> |
| <b>Staff associations and unions</b> | <ul style="list-style-type: none"> <li>• Association of Chief Superintendents</li> <li>• Association of Garda Superintendents</li> <li>• Association of Higher Civil and Public Servants</li> <li>• Association of Garda Sergeants and Inspectors</li> <li>• Garda Representative Association</li> <li>• FORSA</li> </ul>   |
| <b>Statutory Bodies</b>              | <ul style="list-style-type: none"> <li>• The Garda Síochána Inspectorate</li> <li>• Coimisiún na Meán - regulator of broadcasting and online media in Ireland</li> <li>• The Garda Síochána Ombudsman Commission (GSOC)</li> <li>• Irish Human Rights and Equality Commission</li> </ul>  |
| <b>Other stakeholders</b>            | <ul style="list-style-type: none"> <li>• Irish Council for Civil Liberties</li> </ul>   |

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| Category | Details of entities   |
|----------|---|
|          | <ul style="list-style-type: none"><li data-bbox="576 280 1337 353">• Mr John Wadham, Human Rights Advisor, Northern Ireland Policing Board</li><li data-bbox="576 376 1337 450">• Dr Nessa Lynch, Matheson Lecturer in Law, Innovation and Technology (UCC)</li><li data-bbox="576 472 1230 510">• Dr Orla Lynch, Senior Lecturer in Criminology, UCC</li><li data-bbox="576 533 1350 571">• Dr Illan Wall, Lecturer in School of Law, University of Galway</li></ul> |