



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

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29 December 2023

Ms. Helen McEntee TD
Minister for Justice
Department of Justice
51 St Stephens Green
Dublin 2

Re: Request for advice on Garda Síochána public order policing performance

Dear Minister,

Thank you for your letter of 29 November seeking the Authority's advice on a number of key issues in relation to the policing of spontaneous public order events. Your letter was discussed in outline at a meeting of the Authority on 8 December and in greater detail at its scheduled meeting last week. The purpose of this note is formally to acknowledge your letter and to give you an indication of the approach the Authority intends to take in preparing its substantive response.

The Authority has been engaged with the issue of public order policing since very early in its existence. It was its detailed consideration of the report on an incident in An Cosán in 2014 and its discussion of an incident in North Frederick Street in 2018 that prompted it to exercise its statutory power to request the Garda Inspectorate to undertake an inspection of Public Order Policing, to which your letter refers.

That engagement with the Commissioner and his senior colleagues has intensified over the past eighteen months or so in the context of the increasing number of activist protests, demonstrations and other actions, by a variety of disparate groups, many with a far-right ideological flavour, and mainly directed against immigration policy or locations where international protection applicants were or were due to be located. The Authority has been acutely conscious throughout, of the constitutional right to freedom of expression and to assemble peaceably. But it has also understood that these constitutional protections do not extend to threats, intimidation or violence. And it has emphasised the need to protect the right of the community as a whole to enjoy the freedom to go about daily life without undue disruption. The Authority's focus has been, and will continue to be, on the performance of the Garda Síochána with particular attention paid to the risk that disruptive

tactics by protesters may pose for those who are vulnerable or who need to have access to medical attention. The concern that immigrants, minority groups, those from ethnically diverse backgrounds, Irish and otherwise, and those seeking international protection might feel threatened will also continue to be the subject of active discussion.

Turning to the dreadful events in Dublin on 23 November that began with the appalling assaults on three children and their carer. They culminated in disorder, disruption and destruction in the city centre and the Authority's engagement began from the moment the Commissioner was made aware of the events during our public meeting in Waterford. We had briefings from the Garda Commissioner during the days following and a special meeting was held with him on 28 November. At that meeting, he provided the Authority with an overview of the sequence of events that had occurred on 23 November, gave a timeline of developments and the policing response provided over the course of the day and advised of the extent of injuries to Garda members, the number of arrests made and the extent and challenge of the on-going investigation into the events. Authority members had a comprehensive discussion with the Commissioner on a broad range of issues including possible contributory factors, the scale and speed of the escalation to violent disorder, organisational capacity, intelligence, command structure and resources.

At its publicly streamed meeting on 19 December the Authority heard a presentation on the progress of the operational de-brief being undertaken by an Assistant Commissioner and had a very useful exchange with the Commissioner and his colleagues which will have been a source of valuable information to the public.

I recite these facts to give you and your officials a sense of the extent of the Authority's oversight of these matters and to assure you that this aspect of its work will continue side by side with the preparation of our response.

Among the specific matters that will be the subjects of immediate engagement with the Commissioner are the Garda policy on public order policing generally and policy on the use of force. In respect of the former, the Authority has strongly urged that the suite of policies currently, we understand, in final draft form be urgently and speedily reviewed in the light of recent events and then approved and promulgated throughout the organisation so that there can be confidence that there is universal clarity and understanding of all aspects of this area of policing. In regard to the latter, the Authority will consider the extent to which the law, the Code of Ethics and the use of force policy, when finalised, are clearly presented to and fully understood by all Garda personnel.

The Authority will also consider whether, and to what extent, there is any reluctance about the use of force due to an apprehension of the possibility of a subsequent complaint to GSOC and what steps may be possible to respond to any such apprehension. The internal survey undertaken as part of the operational de-brief offers some reassurance on this point.

In all this work, the Authority will continue to have in mind the statutory distinction between the Commissioner's role in directing and commanding the work of the Garda Síochána and the Authority's oversight focus.

Finally, the approach to the work that the Authority has determined will be part of its response is set out in the appendix to this letter. The work will also be informed by considerable engagement with relevant parties and will be supported by some desk based jurisdictional analysis of trends internationally in this area. It also incorporates engagement with a range of non-policing

stakeholders to ensure that the concerns of the community, in all its diversity, public confidence concerns and the rapidly changing social media context are also reflected. Several engagements have already taken place to develop the response and work is already in hand in making arrangements for the immediate advancement of the project.

The Authority is anxious that this work will be concluded as quickly as possible, consistent with offering you as comprehensive a report as possible. It is difficult to offer a precise timeframe for its conclusion at this stage but the Authority may be better placed to identify a submission target by February. Should any issue arise that the Authority considers should be brought to your attention ahead of the finalisation of the report, that will be done.

Kind regards

A handwritten signature in black ink, appearing to read 'Bob Collins', written over a horizontal line.

Bob Collins
Chairperson

CC

Garda Commissioner J.A. Harris

Ms. Carole Sullivan, Assistant Secretary General

Mr. Neil Ward, Assistant Secretary General

Appendix 1 – Intended approach to review

1. Verify the implementation of the Garda Inspectorate 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. It is intended to do this work in cooperation with the Garda Inspectorate and seek its advice on key elements of the recommendations.
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:
 - equipment and resources;
 - capacity and speed of assembly and deployment;
 - communication with the overall membership;
 - clarity of the command structure;
 - frequency and quality of risk assessment;
 - quality of intelligence; and
 - 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. In approaching this work it is intended to meet with a range of parties including:
 - The Garda Síochána Steering Group on Public Order Policing;
 - Gardaí working in the area of public order policing;
 - Garda Síochána Crime, Security and Intelligence Service;
 - The Garda Síochána Ombudsman Commission;
 - Garda Members and Staff working in Command and Control;
 - Garda Member Associations and Garda Staff Unions;
 - Community Policing Bureau; and
 - A range of non-policing stakeholders.
7. Arising from the foregoing, consider whether any changes to policies, procedures, or indeed the law are required.