



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

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

18 February 2021

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Chairperson's Foreword

When 2020 dawned, we had no intimation of what the year would unleash. In the same way, when the foreword to the tenth COVID-19 Report from the Authority to the Minister was being written a week before Christmas, it did not echo the apprehension that some foreknowledge would have warranted. We know now that the third wave had begun and with more dramatic consequences than had previously been encountered.

The Government had been for some time considering the possibility of introducing fixed penalties for certain breaches of regulations and, although such regulations had been introduced, the extent of their application in December was very small. It is not always widely understood that the introduction of a fine in the form of a Fixed Charge Penalty Notice (FCPN) cannot immediately be reflected in policing practice. A number of essential steps must be taken so that the appropriate recording of the relevant details can be provided for and the penalty given effect.

The Authority's view of the use of emergency powers has been well expressed through the last year. As has its view that these powers should be used proportionately, appropriately and as sparingly as possible. That was the Commissioner's policy and the 'Four Es' were widely identified as the approach to be taken by the Garda Síochána, with enforcement as the last resort. Compliance was, in the main, exemplary throughout the state, even if, as the year went on, patience and resilience could be detected as fraying a little. The Authority strongly supported the Commissioner's approach.

The stark change in the prevalence of the virus and the increased transmissibility of new variants, coupled with evident changes in some patterns of behaviour, caused the government to alter course in respect of the penalties that attach to certain breaches of the regulations which represented a threat to the attempts to arrest the spread of the disease. Government also identified the need to have a wider range of responses to breaches and to make simpler and more immediate the imposition of a sanction in the light of the growing threat to public health and to the health service.

The policing response was a reflection of the fact that the seriousness of the pandemic was now abundantly clear to all. There could be very few who were not aware of the need for restraint and caution in personal behaviour and of the awful consequences that had visited so many. This was less a case of an escalation of policing action than an understanding that the severity of the threat required a more rapid move to enforcement, the previous nine months having been a steady process of explanation and encouragement for the entire population.

The figures set out in this report speak for themselves. The cumulative total of enforcement actions reported by the Garda Síochána between April and 5 December as currently updated come to 930. Those enforcement actions between early December and 5 February came to 6,065.

There was something of a revelatory character to the range of behaviours that were identified as incurring sanctions and in the apparent insensitivity of some in the population to the reality of the lives of the rest of the community. And, although the percentage of cases they represent was relatively small as the figures in this report show, the extent of non-essential international travel reflected a

sharp disparity between the perceived freedoms for some and the careful and diligent adherence to the rules and the public health advice on the part of the great majority.

The introduction of fixed penalty notices and the increasing scale of the fines attached may also pose something of a challenge for Garda members in their daily work. The Authority has always recognised the necessary discretion that must be available to individual gardaí, within the law and the organisation's policies. But a process of steady increase in financial penalties may place a burden on Garda members in determining whether a fixed penalty notice is appropriate and on the organisation in ensuring a consistent application of policy and practice across the country. The Authority has been given detailed briefings on the current approach to ensuring such consistency of approach and is reassured by the Commissioner's full understanding of these questions.

Side by side with the policing response to the health emergency regulations there continues to be the comprehensive engagement by the Garda Síochána with all those who are vulnerable as a consequence. This report continues the practice of reporting on the Authority's outreach to statutory and non-governmental organisations who work with vulnerable people and with victims. Once again, it brings a picture of deep appreciation of the work of the organisation and its members and the rich possibilities for long-lasting change in relations between gardaí and the community. As heretofore, it also identifies challenge - but challenge with the potential for positive development.

There is a richness of reflection in these reports and it is to be hoped that there is a mutuality in the experiences reported. That is to say, that the expression of appreciation of the good work and the new approach by gardaí so generously offered by those active in communities is matched by the appreciation that individual gardaí have of the response to their work and of the potential it offers for the future. And that that appreciation is reported to their supervisors and more senior officers so that it can form part of the shaping of policing in every Division. It is also to be hoped that those with responsibility for any aspect of public policy that touches upon these themes, within and without the Garda Síochána, will take careful account of what they say - not just because they are the work of the Policing Authority but because of the rich cumulative resource of insight and understanding that they offer.

The Authority has, from the outset, been acutely conscious of the wellbeing of the workforce of the Garda Síochána and of the risks that policing a health emergency on this scale represents. This matter is a constant focus of discussion with the Commissioner. The number of members who have contracted COVID-19 or who have had to self-isolate because of close contacts with others is its own statement of this truth. Long hours, dark days, multiple checkpoints in inclement weather all take their toll. The sensitivity to these matters is reflected in the regular COVID-19 newsletters that are circulated internally to all who work in the organisation and in which the importance of individual health and wellbeing are evident concerns.

The other work of policing goes on throughout the pandemic. The challenge of keeping people safe, of preventing crime, of detecting perpetrators, of disrupting organised criminal activity, of recognising the new avenues of approach of those who wish to gain by exploiting the disadvantage of others; all these must and do continue - and with frequent conspicuous success. That must also be recorded in the reckoning of the policing response to COVID-19.

The impact of this emergency, which is far from over, will outlast it - in positive and in challenging ways. Some urgent and ambitious projects in the reform of the organisation have been slowed of necessity. Intake of new people and a wide range of essential training have been disrupted. These, as so many other aspects of all our lives, are affected by the long shadow that this pandemic is casting.

Bob Collins
Chairperson

1 Introduction

During 2020, the Authority delivered ten reports to the Minister for Justice on its oversight and assessment of the policing performance of the Garda Síochána through the COVID-19 emergency. Since the tenth report, issued on 18 December 2020, the scale of the public health crisis has escalated significantly and the regulatory framework has reacted to that, which in turn had an impact on the policing response. The result is an increased level of enforcement with the operationalising of new fines for breaches in regulations, as well as the ongoing use of existing powers.

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

2 Key Developments in Response to COVID-19

Throughout the course of 2020, the response to COVID-19 has evolved at an unprecedented pace with more than 50 Statutory Instruments published under the Health Act 1947, introducing, amending, repealing or specifying time limits on restrictions for society, aimed at preventing the spread of COVID-19. A number of these introduced or guided an element of enforcement to be carried out by the Garda Síochána. Both the Garda Síochána and the public have found it challenging to adapt to and keep informed of the continually changing legal environment.

Commencing with Statutory Instrument (S.I.) 121 of 2020, the Garda Síochána were given powers to direct, demand names and addresses and, if necessary, arrest individuals for committing offences by breaching restrictions. In the case of adults breaching regulations, files were forwarded to the DPP who could direct a charge and/or summons or, in the case of children, a Juvenile Liaison Office referral could be actioned. Despite the availability of enforcement powers, from the outset of the COVID-19 emergency the Garda Síochána adopted a graduated approach to policing referred to as the four E's – Engage, Explain, Encourage and as a last resort Enforce.

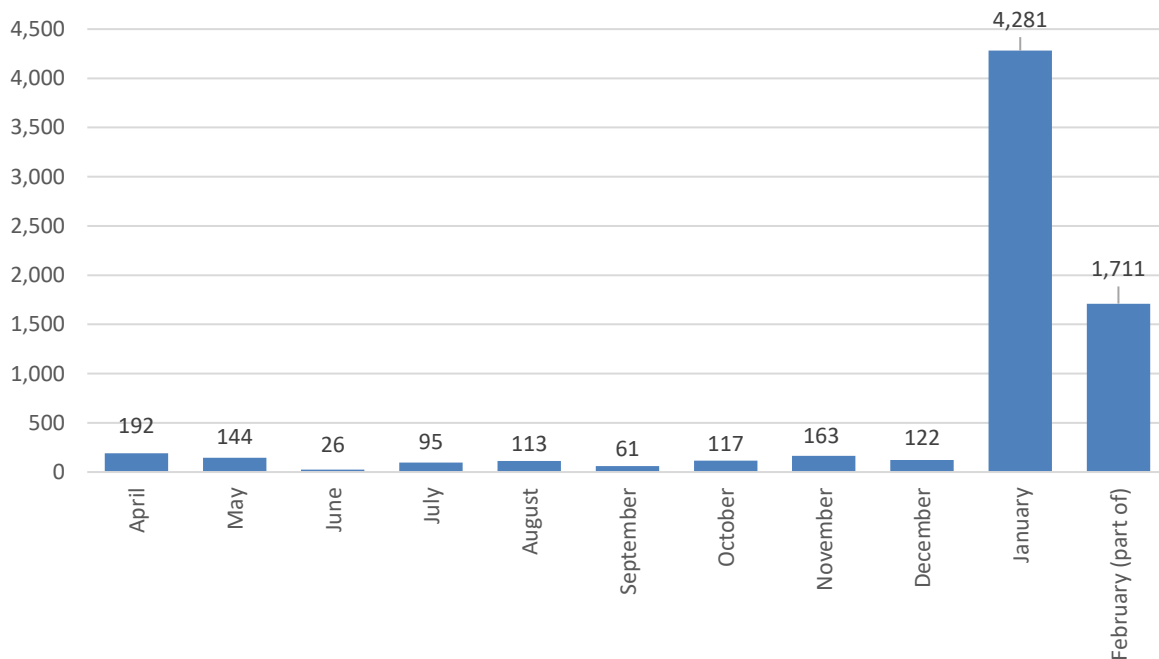
On 24 November 2020, S.I. 536/2020 introduced the notion of Fixed Penalty Notices (FPNs) with a variety of fines for breaches of regulations including for people leaving their residences without reasonable excuse, organising or attending events and for the non-wearing of facemasks. On 29 January, S.I. 30/2021 introduced further FPNs for non-essential international travel. While the S.I.s provided for these enforcement measures, necessary steps needed to be taken by the Garda Síochána to introduce these and therefore these were not immediately available to individual garda members, and in December 2020 restrictions were eased. However, with the rising number of cases in the third wave at the end of December and the consequent reintroduction of restrictions as the country moved into 2021, the Garda Síochána ensured the required processing capability was in place to allow for the issuance of these FPNs and the collection of fines. At this point the Garda Síochána once again were in a position of having to ensure the public and businesses were complying.

The ability to issue fines has coincided with a sharp spike in enforcement activity. However fixed charges have not necessarily displaced enforcement activity elsewhere. Arrests, summonses or charges are at their highest level since policing of the emergency began. These trends are addressed in the next section of this report.

3 Policing COVID-19 in Numbers

To date 5,784 fixed charges have been issued to individuals for breaches in COVID regulations. With the exception of 16, all of these have been issued in January and the first eleven days of February. These are presented in Section 3.1. However, this is not the only area of enforcement. In January, there were 207 incidents where COVID related powers were used by the Garda Síochána that did not involve fines, but may result in charges and/or summonses for individuals. These are outlined in Section 3.2, along with other data relating to policing during the public health emergency. Combined these represent a significant increase in enforcement, compared to the previous peak in April of 2020 when powers were used in 192 incidents or any other time in 2020 when the number of times powers were used was significantly lower.

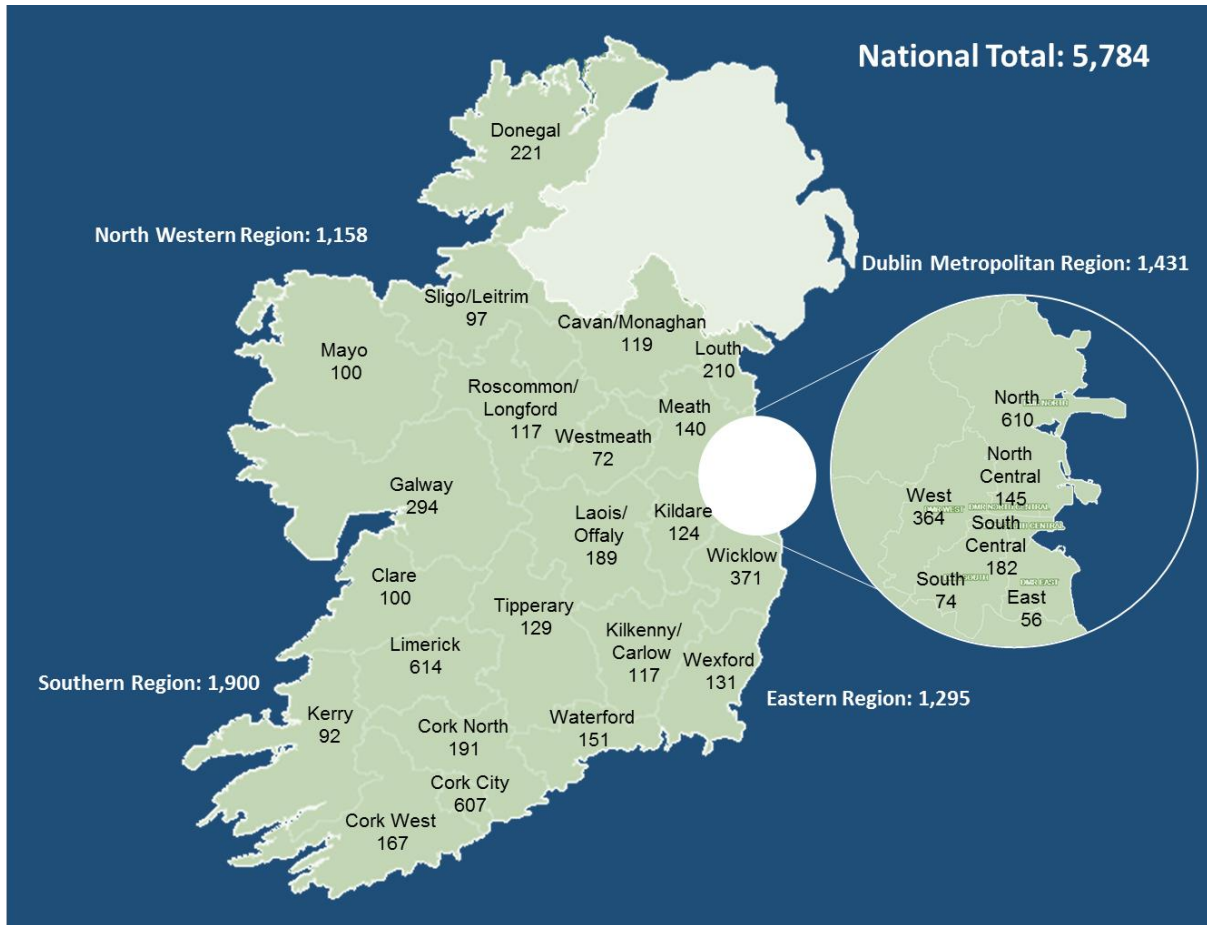
Figure 1: Number of incidents where powers under the COVID-19 Regulations were used or fines were issued, 8 April 2020 to 11 February 2021



3.1 COVID Related Fines

Of the 5,784 fines, 16 were issued in December, all related to the non-wearing of face coverings. This increased to 4,074 in January, with an additional 1,694 for the first eleven days of February. Approximately 85% (4,911) of fines were issued to people leaving their homes without a reasonable excuse. Approximately 2% (116) were issued to organisers of events while a further 8.6% (498) were issued to those who attended events. Non-wearing of face coverings accounted for just 2.2% (127) and included 16 fines from December, while international travel accounted for the remaining 2.3% (132) and have only been issued in February.

Figure 2: COVID Related Fines by Region and Division up to 11 February 2021



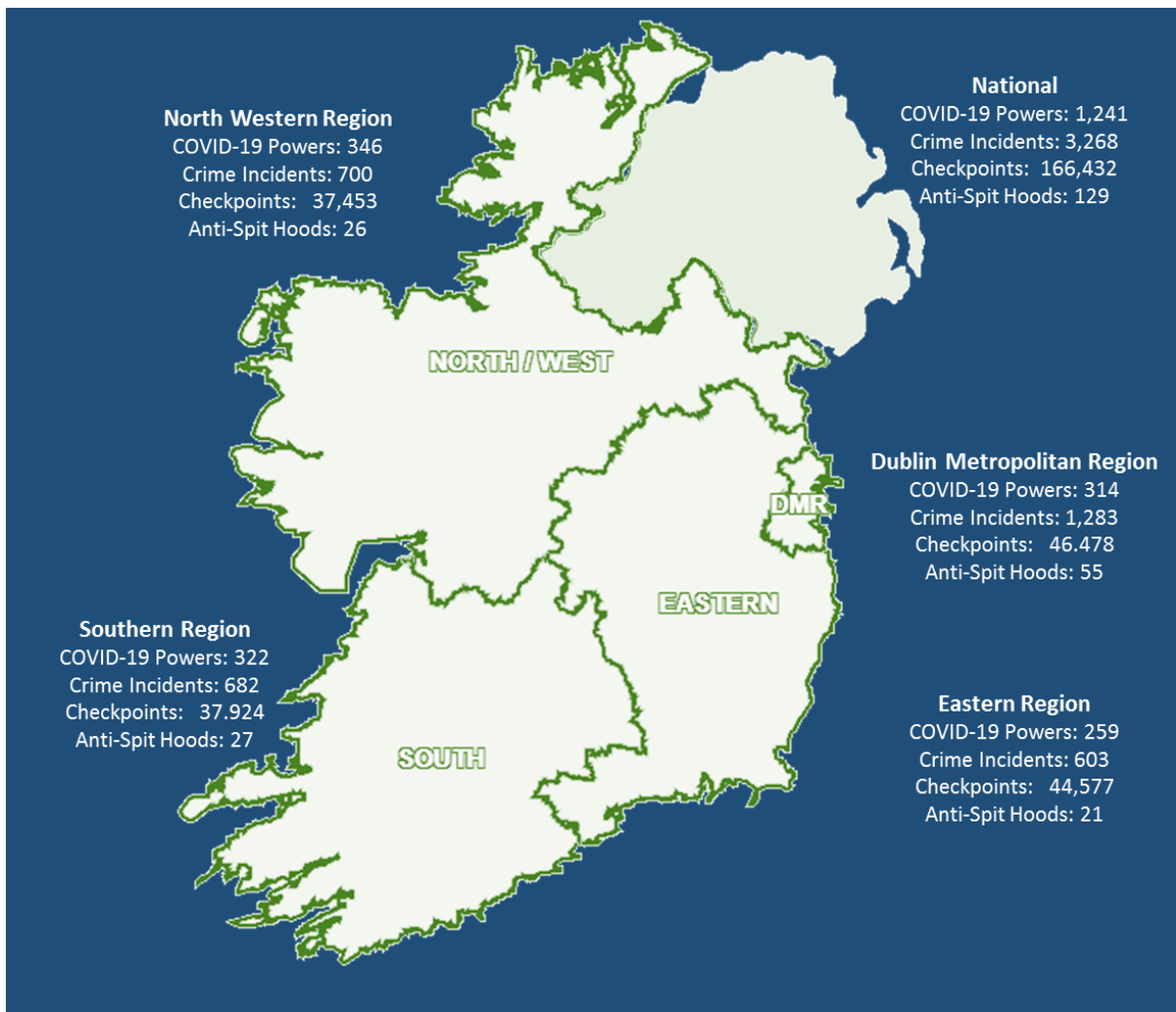
The highest number of fines was issued in the Southern Region accounting for approximately 32%. Limerick, DMR North and Cork City are the Divisions with the highest number of fines issued, standing at 614, 610 and 607 respectively.

Those aged 18 to 25 received the highest number of fines, accounting for 53% of all fines issued. There are indications that people in this age group are more likely to be part of a group when a fine is issued, therefore the number of penalty notices is likely to be higher than the number of incidents. However, further analysis is required to verify this. Males received three times more fines than females, accounting for 75% of the total fines.

3.1 Non Fine Related COVID Policing Activity and Enforcement

In addition to fines, members of the Garda Síochána have reported using their powers 1,241 times since 8 April 2020 - an increase of 382 since the Authority last reported to the Minister in mid-December 2020.

Figure 3: Non Fine Related COVID-19 Policing in numbers - summary by region for 8 April 2020 to 6 February 2021¹



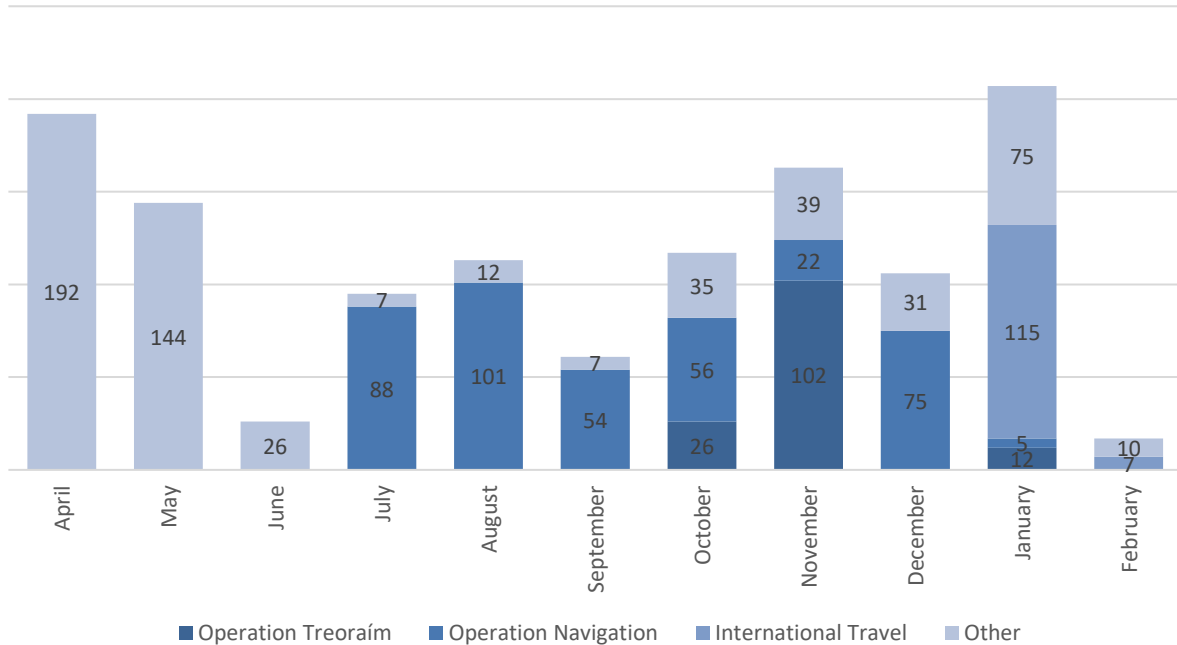
Since the last report to the Minister, figures for November for Operation Treoraím (policing of retail premises) have been updated by the Garda Síochána and represent a higher level of use of powers than had previously been reported. The remainder of December also saw a significant increase in incidents related to Operation Navigation (the policing of licensed premises). Figures for both of these tailed off into January as the country re-entered Level 5 restrictions.

In January incidents involving the use of powers, other than fines, peaked at 207 to exceed those at the height of the first lockdown in April, which numbered 192. The primary driver for this were incidents relating to the failure of international travellers to provide a negative PCR test on arrival into the State. These accounted for 115 incidents in January and a further 7 to date in February. Of the remaining incidents in January 10 relate to the non-wearing of face coverings and are in addition to

¹ Use of COVID powers and crime data refers to 8 April to 6 February 2021. Use of anti-spit hoods covers the period 8 April to 14 December. Checkpoints refer to periods 11 May to 2 August and 10 August to 13 December only. Data is indicative only.

the fines reported in the previous section. The nature of the remaining 65 incidents which occurred in January is not specified.

Figure 4: Number of times powers under the COVID-19 Regulations have been used per month from 8 April 2020 to 6 February 2021



The North Western Region remains the region with the highest number of incidents, accounting for 346 (approx. 28%) of total incidents since 8 April. The divisions with the highest number of incidents has changed with DMR North, Galway and Cork City accounting for 107, 89 and 78 incidents respectively. The increase in DMR North in particular has been primarily driven due to breaches by incoming international travellers who fail to provide negative PCR tests on arrival at Dublin Airport.

From 8 April 2020 to 6 February 2021 there have been 3,268 crime incidents which were discovered as a result of COVID-19 policing activities. This is an increase of 354 incidents since the last report. The majority of these incidents relate to roads, public order and drugs offences with no new trends emerging since the initial assessments by the Authority.

Checkpoint activity has increased significantly since December with approximately 6,500 checkpoints being carried out per week in January. This is lower than the approximately 9,500 average weekly checkpoints carried out in May during the initial lockdown. Overall 166,432 checkpoints have been reported since 11 May, though due to an incomplete data set, this figure may be slightly higher.

4 Stakeholder Engagement

4.1 Outreach

In the first few weeks of 2021, the Authority engaged with a number of groups and organisations to continue its outreach work. This work aims to explore the lived experience of policing during the health emergency. The range of groups engaged with is diverse - deliberately so - in acknowledgement that the impact of the health emergency, the restrictions, and how they are policed, can impact differentially on people and communities. The themes which emerge often echo views expressed previously in these reports over the past 10 months but as greater time has elapsed, groups and organisations are better placed to assess what has gone before and better positioned to look ahead as to concerns but also opportunities they envisage existing. This relates to the current time but also a time post COVID. In the period since Christmas, the Authority has engaged with groups working in the area of community development, domestic abuse and homelessness.

4.2 Community engagement

In considering the impact of COVID-19, one community organisation highlighted that the pandemic had brought new families to its doors seeking support that had never cause to look for help before or who had never contemplated that they might need such assistance. It spoke about the uptake in families seeking counselling resources as well as the impact in the area of drugs both in terms of young children being recruited into drugs related crime but also drugs intimidation. While children had typically been targeted en route to school or in the school environs, the closure of school buildings has not eliminated this recruitment activity. The area was described as one in which the population would be slow to be seen to enter a Garda Station for fear of reprisals and while relationships with the Gardaí in the area were described as vastly improved over the years, confidence in the Garda Síochána amongst the population was described as low.

When asked to describe what influences confidence in policing, positive reference was made to the influence of the initial Garda response when assistance is sought. In this regard, a perceived lack of responsiveness to the phone in the local station was cited as 'well known in the community'. This was cited as particularly important when there are fears around being seen to go to the station. It was felt that this fear is not fully appreciated as evidenced by what was described as 'a slow response at the hatch' for community members already anxious at being in the station.

It is within this context that the experience of policing during COVID-19 was described as 'the single best thing to happen to community police relations in the area.' In elaborating on this point reference was made to the changed perception within the community of the role of the Garda Síochána and the type of relationship that it is possible to have with Gardaí. Specifically, the change relates to an existing perception that interaction with the Garda Síochána occurs solely in the context of law enforcement – 'when you're in trouble'. Policing during COVID-19 had revealed for this community that engagement with the Garda Síochána is not limited and can be about support, compassion, empathy and help. This was evidenced by the presence of Gardaí checking on people, bringing shopping and prescriptions – overtly responding to community need rather than just crime.

Two key points were emphasised in the discussion. The first related to community policing and a perception that it is not valued by the Garda Síochána. Reference was made to 'being lucky' with the two community gardaí assigned to the area. The individuals were described as invested in the area

as evidenced by their attendance at community events, their membership of local football teams and their regular presence on foot and on bicycle in the area. The fact that they had been 'left in the area' and not transferred was regarded as being significant in allowing relationships to be established.

When pressed as to how this supports a view that the Garda Síochána does not value community policing, the response was twofold. Firstly a sense that the community Gardaí were the first and most easily diverted towards other policing needs as they arose. Reference was made to community initiatives designed to allow members of the community to meet with the community garda in a drop in capacity in the organisation's premises, rather than requiring individuals to go to the Garda Station. When this could happen it worked well but often it fell through at short notice as resources were needed elsewhere.

The second point made related to the proximity of the garda station itself which was a few minutes walk away. The point was made that the proximity of the station building was in no way indicative of the proximity of the Gardaí to the community. A perceived lack of curiosity and interest by the many Gardaí working in the station to venture into the area or establish relationships was cited as a basis for the view that community policing is not regarded as a serious part of the work. The point was also made that when the Gardaí require community assistance in solving crime there appears to be a lack of awareness that relationships function better when there is reciprocity and that engagement with the community helps build that sense of reciprocity – that good community policing supports other types of policing and for that reason it should be valued more by the organisation. During COVID-19 new Gardaí had come into the community, met with people and been seen to seek out those needing assistance and response to that need. These were not new Gardaí, but they were new to this community and assuming that at least some of these relationships might endure, this was cited as a positive outcome of the health emergency.

The location of the COVID-19 checkpoints which were positioned away from the entrance to the area was also cited as a positive. There no sense that the community was being particularly targeted and it was reported that this was noticed by the community. There is optimism within the community that COVID-19 has changed some perceptions on both sides and that the relationships built during this time might endure.

4.3 Engaging with the Homeless

The experience of policing during COVID-19 for one organisation working with the homeless was described as a continuation of an existing partnership that works very well. Individuals and families come into contact with the Gardaí or are directed to the Gardaí when other services are not available. The view was expressed that over the years the Garda Síochána has developed a better sense and understanding of vulnerability and the complexities associated with homelessness. Examples were given of the manner in which Gardaí engage with hostels and work with hostel staff, recognising the competence of those working there and when and how it is most appropriate that they intervene in a situation. This has arisen during COVID-19 in cases where clients refused to follow social distancing or isolation protocols. This was described as often sensitively done. Communication with the Gardaí and the ability of the organisation to raise any issues as they arose was described as good and the sense was that policing during this time benefitted from the working relationship already in place.

Gardaí who encounter homeless people on the street proactively contact the organisation and during COVID-19 this was described as important in allowing services to stay in contact with people sleeping on the streets. Reference was made to recent removals of temporary accommodation in the city centre. The organisation supports the Garda Síochána's actions in removing the tents given what it described as the vulnerability of the homeless and the potential for exploitation in terms of drug abuse and sexual crime while homeless people live in tents.

Overall, the experience of policing during this period was described as responsive and sensitive.

4.4 Operation Faoiseamh

In recent engagements with those working in the area of domestic abuse, Gardaí are described as 'following up, checking back and providing a continuity of support' with 'genuine care being experienced by victims'. The importance of a continuity of support was emphasised - domestic abuse is not a single event as might be the case in other types of crime, it is ongoing. One organisation used the word 'revolution' to describe the progress made in the last 15 years in this area of policing stating that Garda action in the last year gives confidence that the Garda Síochána can deliver on the promises being made in public to victims about the service they will receive if they come forward.

Organisations believe there is still scope for improvement of that service referencing areas in which training and soft skills can be developed further. These included an increased understanding that emotional abuse can constitute a breach of an order, and that it doesn't have to happen within the confines of a domestic space. It was felt that risk assessment tools being developed and rolled out by the Garda Síochána will benefit from increased training in soft skills that will help elicit knowledge from victims. It was further stated that administration and processes can be further honed in relation to the serving of orders and the logging of summonses and orders on PULSE in good time

In terms of the future, concerns remain that as COVID-19 recedes and other types of crime revert to pre COVID levels it will be difficult to sustain the resourcing levels currently invested in policing domestic abuse.

5 Key Oversight Issues

5.1 The Four “E’s”

The Garda Síochána approach to policing the COVID-19 regulations has been graduated, applying the four E’s – Engage, Explain, Encourage and as a last resort Enforce. This has been well publicised and has contributed to the low levels of enforcement by the Garda Síochána up to December 2020. However, the trends in enforcement have changed significantly, both in terms of fines and the use of other powers.

While the four “E’s” are still being promoted by the Garda Síochána, the spike in enforcement would suggest a lesser emphasis on the first three “E’s”. It is arguable that 10 months into the public health emergency and the associated restrictions, and given the level of publicity and volume of interactions that have already taken place, that the need to explain and encourage is less necessary. Recent commentary from Police Scotland would suggest this is the case in other jurisdictions, whereby ‘flagrant’ breaches in restrictions will result in jumping straight to enforcement.

In its Policing Strategy and Performance Committee meeting on 15 February 2021, the Authority had an opportunity to clarify the current approach and position of the Garda Síochána with regard to enforcement. The position of the organisation is that the change in emphasis is a reaction to the status of the current crisis with rapidly rising cases and a health system facing unsustainable pressures. The view is held that for certain offences, a point has been reached where the first three “E’s” are no longer considered as effective in preventing certain behaviours which present a public health risk. Specific examples have been reflected upon including, relatively high traffic volumes in early January 2021, high volumes of student activity in areas such as Cork, Galway and Limerick and incidents of non-essential international travel to and from Dublin Airport in particular. In more general terms, where the movement of persons is concerned, and where explanations from persons leaving their homes are not credible, there is a more rapid move to enforcement, relative to what had been done during the lockdown from March to May 2020. This is also a function of the Garda Síochána now having the ability to issue fixed charged fines as part of the policing options available.

Similar to routine policing, much is appropriately left to the individual discretion of the garda member involved in a given interaction. However, this is reported to be subject to internal oversight. Where fines are issued, there has been a strong emphasis on recording narratives of the excuses given by members of the public for leaving their residences or not complying with the regulations. These are reviewed by senior management of the service and also distributed to regional and divisional leaders to review and ensure there is a consistent approach to enforcement across the country.

Greater levels of enforcement have the capacity to change the nature of the relationship between the Garda Síochána and the public which up to now has been very positive, resulted in very few complaints and raised the profile of the service in communities. This is an area which the Authority will continue monitor and which it anticipates that the Garda Commissioner will also keep under review.

5.2 Policing Borders and International Travel

In 2021, new measures were introduced to prevent non-essential international travel and with it, placed additional requirements on the Garda Síochána to enforce these restrictions. This has involved establishing high visibility checkpoints at airports and ports to discourage travel and use enforcement powers if necessary. However, there are additional pressures on Garda resources as a result of this. Travellers entering the country with negative PCR tests can, in the main and up to now, quarantine in their own homes following the completion of a passenger locator form. The monitoring of passenger locator forms has been outsourced to a private company by the Department of Health, and the Garda National Immigration Bureau is acting as a liaison to this company to distribute requests for checks to relevant garda divisions. However, regarding the proposed and imminent mandatory quarantine at designated facilities, while the Garda Síochána may have a role in terms of responding to incidents at such facilities, the transporting of persons to these and supervision of persons staying at these facilities may not be an appropriate use of Garda resources.

5.3 Processing of Fines

As highlighted in Section 2 of this report there have been a significant number of fines issued for breaches in COVID regulations. This in turn creates a significant volume of additional processing work for the Garda Fixed Charge Processing Office (FCPO) in Tipperary.

The issue of fixed charge processing has been an ongoing area of oversight for the Authority, particularly since 2016 and the errors which arose in relation to the incorrect issuance of FCNs in the area of Roads Policing. Following the Crowe Horwath Review, the Authority have been monitoring progress of actions to address the issues uncovered, including improvements to processes in the FCPO and the roll out of mobility devices.

The mobility devices were initially limited, with apps to process FCNs for roads related offences only. However, with the relatively recent introduction of fixed penalties for breaches of COVID-19 regulations, the Garda Síochána have responded and are in the process of developing apps to process these, which should be launched in mid-February. The Garda Síochána has been proactive in taking a number of steps to ensure that as many fixed charges as possible can be processed through mobility devices. These steps include reallocating roads policing members and members who already have devices to COVID checkpoints to ensure as many checkpoints as possible have access to a mobility device, and prioritising the roll out of mobile devices to those most likely to be in a position of issuing fixed charges. This has required a coordinated effort between ICT, regional offices and Roads Policing.

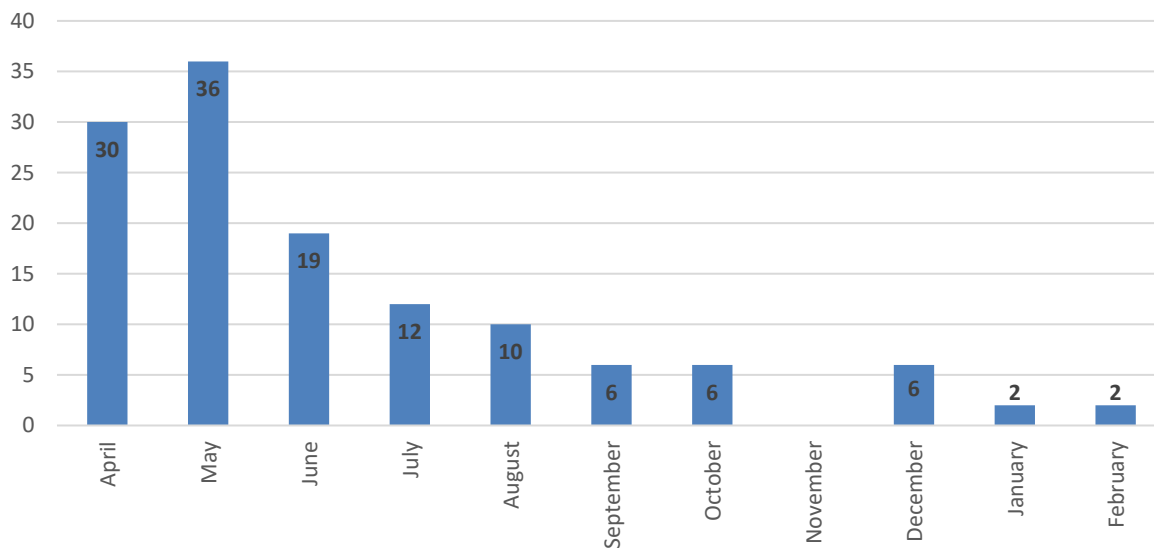
There is potential learnings from the current context for the future roll out of mobility devices. The emphasis, particularly in terms of finance, has been on procuring and distributing mobile devices to members. However, these devices are only as useful as the apps which they contain. The Garda Síochána have highlighted that investment is required in developing the capability of the devices through app and software development, for these devices to be able to disseminate data and become a useful tool for members on operational duties.

5.4 Anti-Spit Hoods

The Authority has continued to voice concerns about the ongoing availability of anti-spit hoods and has been closely monitoring each incident as it has been reported by the Garda Síochána. These remain a feature of policing during the public health emergency, despite the absence of any evidence that these protect garda members and staff against the COVID-19.

The Authority is further concerned that it provided observations to the Garda Síochána for its evaluation of the use and management of anti-spit hoods in August 2020 and as yet the outcome of this evaluation has not been completed or submitted to the Authority, and no updates have been provided.

Figure 5: The number of applications of anti-spit hoods by the Garda Síochána by month, 12 April 2020 to 6 February 2021



Despite the concerns relating to the availability of anti-spit hoods, it is welcome that use of these continue to fall, with only 2 uses recorded in January. This is appreciated in the context that in the same period, spitting assaults against garda members have increased (see figure 6 below). To date there have been 129 incidents recorded, including nine additional incidents since the last report. An assessment of the figures provided reveals;

- 63 of the incidents involved public order offences while 34 were associated with some form of assault.
- Seven incidents where spit hoods have been used on children.
- 108 incidents involved use of the devices on men while 21 relate to use on women.
- 105 involved persons with Irish nationality and 24 relate to other nationalities. There is no data available on the ethnicity of the persons involved.

The Authority has received detailed reports for 123 of the incidents and has assessed these to ensure the narrative provided corresponds with appropriate use in line with Garda Síochána policy and guidance. The following additional information was extracted from these reports.

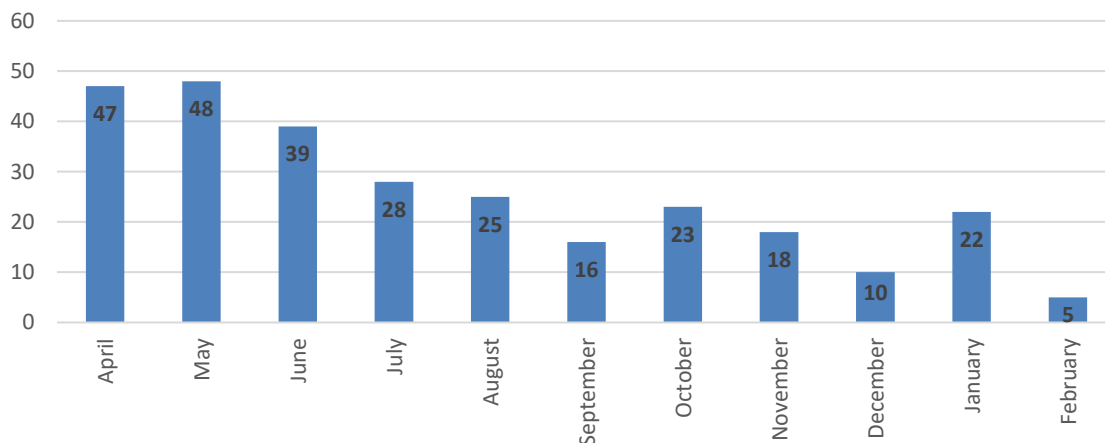
- In 17 incidents, the garda member perceived the detainee to have obvious signs of a mental health issue. This was not the case in 76 incidents and it was unspecified in a further 30 incidents.

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

5.5 Wellbeing of Garda Members and Staff

There has been an emphasis on the wellbeing of garda members and staff by the Authority since its inception, and in particular the Authority has been engaging with the Commissioner on these matters since the start of the public health emergency. Protections and supports for members and staff are discussed on an ongoing basis. The service has not been immune to the recent and rapid rise in cases. In the earlier stages of the pandemic, the organisation reported resilience levels in the area of 94%. However, at the start of January this dropped to 87%. While this has now recovered, the protection of members and staff is essential to ensure sufficient capacity to deliver a sustained policing and community engagement effort. In addition to this the Authority has been monitoring assaults on members who have been coughed on or spat at.

Figure 6: Monthly breakdown of the number of assaults on garda members who have been coughed on or spat at, 12 April 2020 to 6 February 2021



Since 12 April there have been 281 such incidents, with 34 newly reported incidents since the last report to the Minister. After a relatively low number of incidents in December, the rise of such incidents in January is a source of concern.

5.6 Garda Reserves

Since the outset of the public health emergency, the Garda Síochána has been seeking to leverage its maximum capacity, through releasing trainee garda members to frontline duties, releasing members who work in support roles to frontline and introducing a new roster. The resourcing of new units, in areas such as cyber-crime, economic crime and anti-corruption, has also been postponed as absences in the organisation recently and temporarily spiked.

To date, a relatively untapped resource has been the Garda Reserve. The Commissioner is now seeking to use this resource which now numbers 476 following the attestation of 69 new members in January 2021. Currently the reserve members have no powers of enforcement for COVID-19 regulations, but this is currently being addressed by the Commissioner.

The utilisation of the Garda Reserve is a positive step, which the Authority welcomes, as it has been pursuing the development of the Garda Reserve in a wider context for a considerable length of time. Under the former Modernisation and Renewal Programme, the number of Garda reserves was to be increased to 2,000 by 2021 and accompanied by a strategy, clearer role definition and additional supports to coordinate Garda Reserve activity. A finalised Garda Reserve Strategy is still awaited. The Authority plans to discuss the augmentation of Garda Reserve powers, in the context of the planned Garda Reserve Strategy and role of the wider Role of the Garda Reserves with the Commissioner.

5.7 Policing to Protect and Respect Human Rights

The issue of recording ethnicity arose during the Authority's engagement with the Garda Síochána in relation to the recording of anti-spit hood use. The discussion of this topic has since gained momentum and prompted the Garda Síochána to conduct an assessment of the legal basis for recording ethnic identifiers. The issue has been further raised at the Garda Síochána's Strategic Human Rights Advisory Council. The Authority has also commissioned research on this area and has engaged with other bodies, including within the Justice Sector, to assess how this area can be advanced.

Appendix 1 – Graphical summary of certain policing activities

Figure 7: Reported use of COVID-19 policing powers by Garda Division, 8 April 2020 to 6 February 2021



Figure 8: Distribution of crime incidents disclosed during COVID-19 policing activities by region, 8 April 2020 to 6 February, 2021

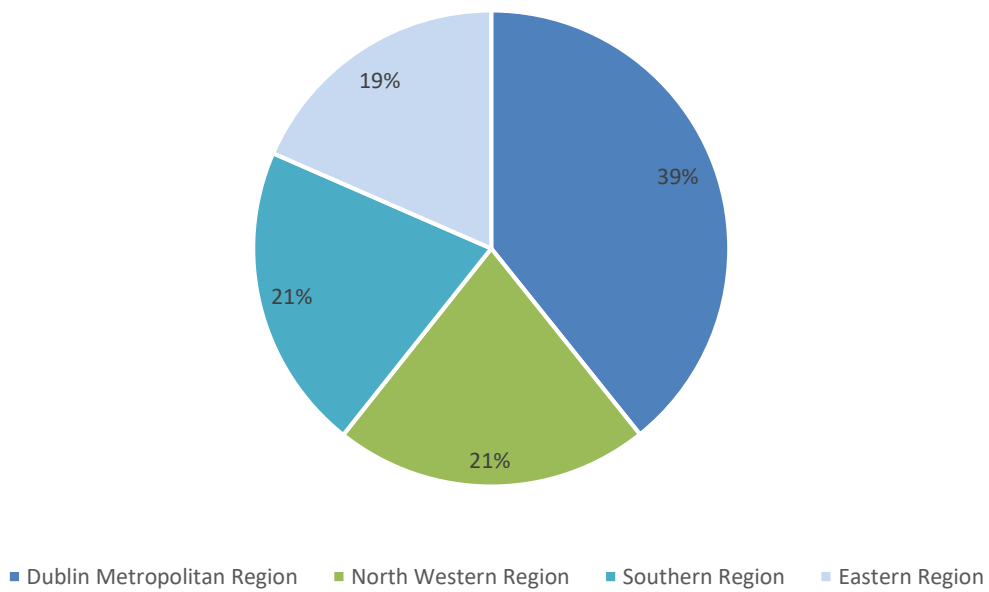


Figure 9: Checkpoints carried out by region, 1 to 7 February, 2021

