



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

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

17 May 2021

Contents

Chairperson's Foreword.....	i
1 Introduction	1
2 Key Developments in Response to COVID-19.....	1
3 Policing COVID-19 in Numbers.....	2
3.1 COVID Related Fines	2
3.2 Non Fine Related COVID Policing Activity and Enforcement	5
4 Stakeholder Engagement.....	8
4.1 Outreach	8
4.2 Domestic Abuse and Operation Faoiseamh.....	8
4.3 LGBTI+	9
4.4 Working in Garda Stations during COVID-19	10
5 Engagement with the Garda Workforce	12
5.1 Resilience	12
5.2 Managing the Emergency	12
5.3 Delivery of Services	13
5.4 Enforcement	14
5.5 Returning to 'Normal'	15
6 Key Oversight Issues	16
6.1 Community Policing	16
6.2 Anti-Spit Hoods	16
6.3 Wellbeing of Garda Members and Staff	17
Appendix 1 – Graphical summary of certain policing activities.....	19

Chairperson's Foreword

As these words are being written, the next level of easing of COVID related restrictions is being experienced throughout the country. Retail outlets are almost all now available, adding to the recent ending of the county boundary as being, in most cases, the outer limit of permitted travel. This will come as a great relief to everyone, with the promise of further opening in the hospitality sectors in coming weeks and months. The gradual pace of reopening society is a measure of the caution that is still required, a caution that is echoed in other countries.

There are some, however, who appear to have felt free to throw that caution to the winds. Large crowds are assembling in some public places, with scant regard for local residents who are discommoded as a result. Some wedding celebrations do not adhere to the regulation limits. For the vast majority who make every effort, however difficult, to respect the limits and seek to protect themselves and their neighbours, this is, at its mildest, discouraging.

The Garda Síochána cannot deal with all these events on their own. They cannot be everywhere simultaneously. The engagement by other public authorities in dealing with some of these issues is very welcome. This is not to preach or to patronise but gratuitous ignoring of law and regulatory frameworks is not without consequence for the community. And there may be public policy issues for future consideration.

As restrictions are progressively lifted, there will be a lesser need for and fewer instances of fixed penalty notices. Some categories will remain, at least for a while, in respect of international travel and gatherings in dwellings for example. But the freedom of movement within the country removes from consideration the activity that attracted the greatest number of FCNs. A striking feature of these fines is that 53% were issued to those between 18 and 25 years of age. According to the Central Statistics Office's 2020 population estimate, that group represents 9.9% of the population. Moreover, 74% of the fines issued were to males. That would suggest that just short of 40% of all such fines were to young men - a group that represents 4.8% of the population.

The disproportion in these figures is self-evident. It raises a range of questions for consideration. And there is substance for reflection for the young people concerned, for that age group, for the families of the younger of them, at least, and for the wider society. Taken together with some of the outreach work that the Authority has done throughout the period of the health emergency, there is occasion for the Garda Síochána to give detailed consideration to these figures also as well as to a range of aspects of the relationship of policing to young people in general.

It is too early to adopt a retrospective view of the pandemic. There is too much uncertainty about what lies ahead. But it is clear that the last fifteen months have been an enormous challenge to our policing service. The scale of the number of checkpoints undertaken - almost a quarter of a million - the general policing of the regulations, the extent of the community involvement throughout the country, the maintenance of the response readiness to deal with all the other demands on policing, the disruption and detection of organised criminals, all taken together reflect the complexity of the task.

Much of that challenge remains until greater clarity and confidence about the future begin to emerge. There is also the challenge of recapturing the momentum of a range of initiatives that had to be postponed or modified in the face of the requirements of the health emergency. Some elements of the Policing Plan, for example, had to be set aside temporarily. They will be the subject of reflection in a future COVID Report. But there are two issues that merit mention here.

The first has been touched on a number of times but its essential significance justifies further reference. The policing of the pandemic revealed the extent to which the lives of so many people, including children, are constantly marked by vulnerability, where the threat of violence in the home is very frequently present. The stark reality of this has long been known but its presentation in the confining context of COVID now focuses new attention. The Garda Síochána's response has been extensively documented in this series of reports. And the vital importance of retaining and building on that greatly appreciated approach will be both challenge and opportunity for the organisation in the future.

There is a further aspect to it. If the concept of interagency co-operation to secure community safety has meaning - and it has profound meaning and significance - this must be a priority area for increased and sustained engagement to ensure that people can feel and be safe. The proposed legislative arrangements to promote and support community safety can have great potential but the engagement that is envisaged here cannot await the enactment of the new legislation. The impact on people, women mainly, and the impact on children's development, education, and future prospects require no less.

The other issue is that of ensuring that workforce planning and Garda assignments allow and encourage a greater level of continuity of service, especially in community policing. The Authority has long advocated such an approach in the assignment of Divisional and District Officers. But its importance is not less in supporting a greater opportunity for gardaí and people to get to know one another better, to understand the needs of communities and thereby to offer a better service. That also brings the need to have a planned approach to changes in assignment so that accumulated knowledge can be passed on. This is an issue that we will continue to discuss with the Commissioner.

Bob Collins
Chairperson

1 Introduction

This is the 14th Report to the Minister for Justice on the Authority's oversight and assessment of the policing performance of the Garda Síochána through the COVID-19 emergency. Since the last report, there has been a significant decrease in enforcement activity in line with the easing of restrictions.

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

2 Key Developments in Response to COVID-19

Since the last report to the Minister, there has been a further significant easing of restrictions. S.I. 168 of 2021 which was the primary source of these restrictions was amended and subsequently revoked with the introduction of S.I. 217 of 2021.

The introduction of these new regulations maintains a ban on non-essential international travel. While large events in households (such as house parties) are still prohibited, smaller indoor gatherings can take place involving people from up to three households while gatherings held outdoors in part of a dwelling can include up to 6 people from any number of households or up to 15 people from up to three households. Weddings and funerals may also have a larger number of attendees, while sports and training restrictions have been eased. Any retail which cannot currently open to the public can operate a click and collect service from premises, while cultural and heritage facilities can reopen.

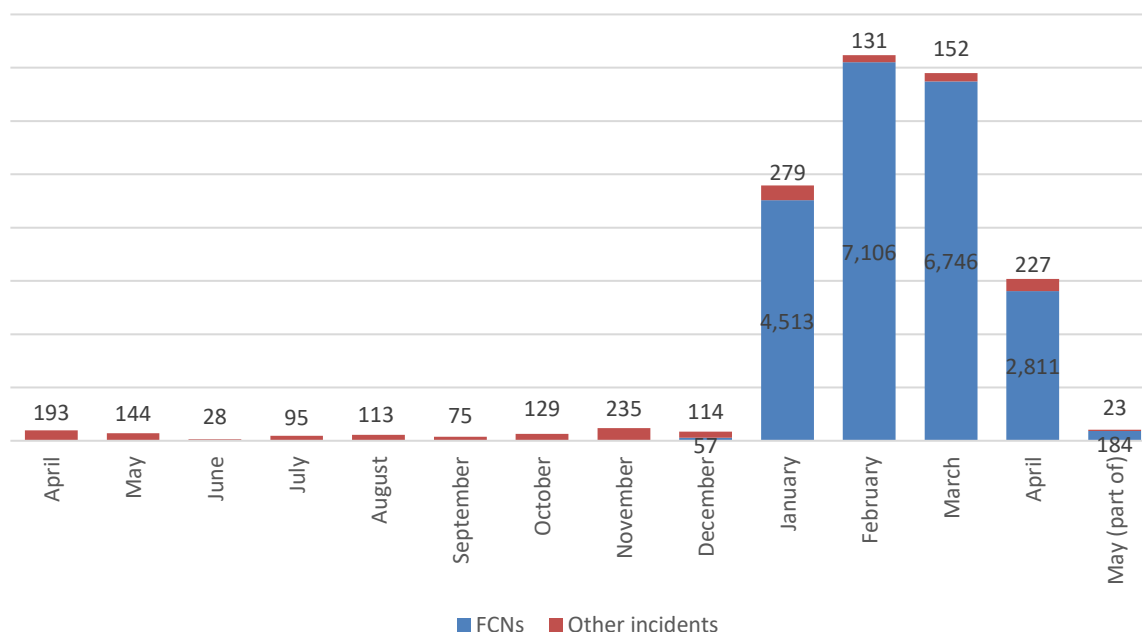
All remaining retail opened today, 17 May 2021; and hotels may also open from 2 June, including serving food and drink to overnight guests. However, other licensed premises remain closed until later in the month.

The levels at which Fixed Charge Notices (FCNs) are set, remain unchanged where restrictions still apply.

3 Policing COVID-19 in Numbers

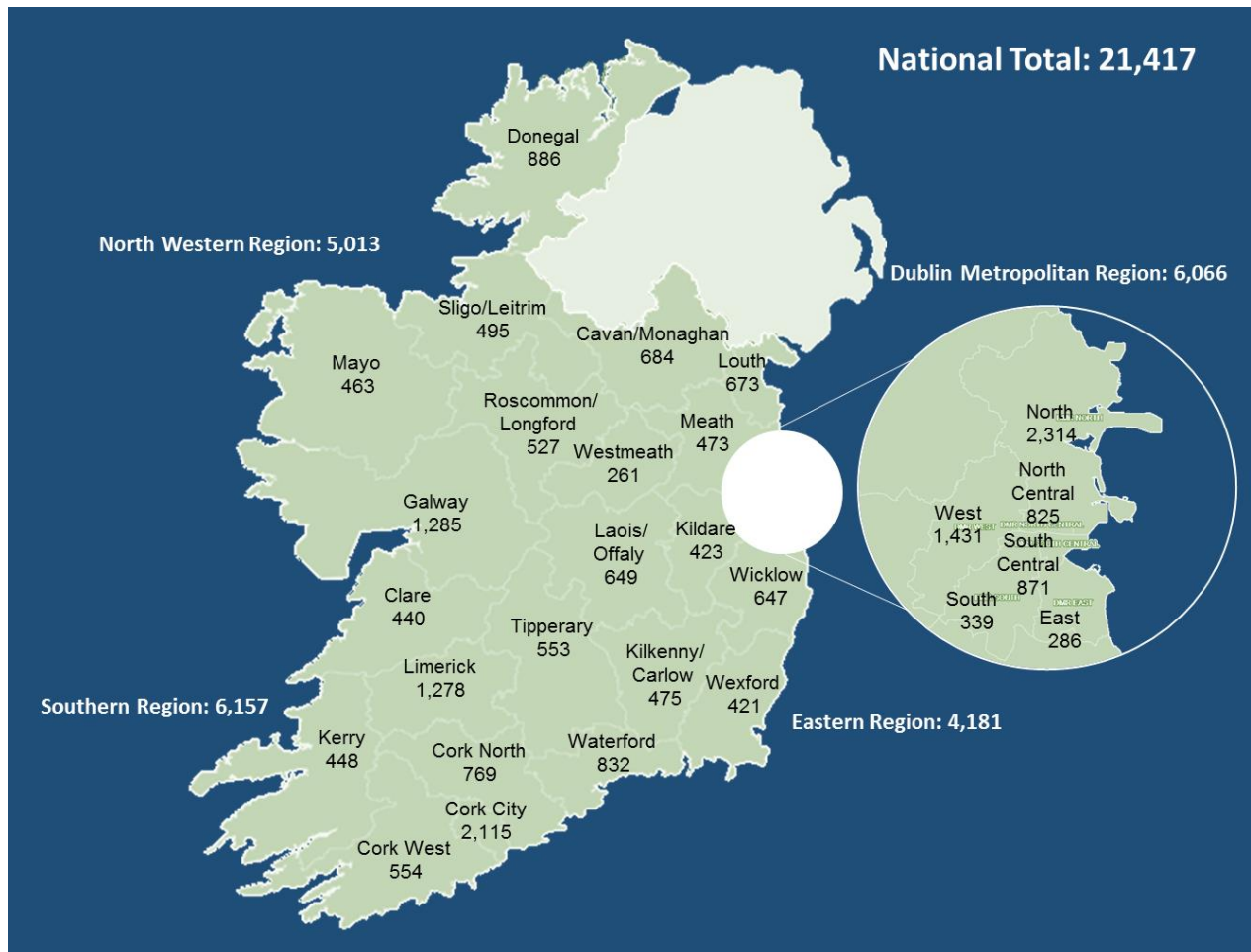
Up to 9 May, 21,417 FCNs had been issued to individuals for breaches of COVID regulations, representing only small increase since the last report. These are presented in greater depth in Section 3.1. In addition to this, there were 1,938 incidents where COVID related powers were used by the Garda Síochána that did not involve FCNs, but may result in charges and/or summonses for individuals. These are outlined in Section 3.2, along with other data relating to policing during the public health emergency.

Figure 1: Number of incidents where powers under the COVID-19 Regulations were used or fines were issued, 8 April 2020 to 9 May 2021

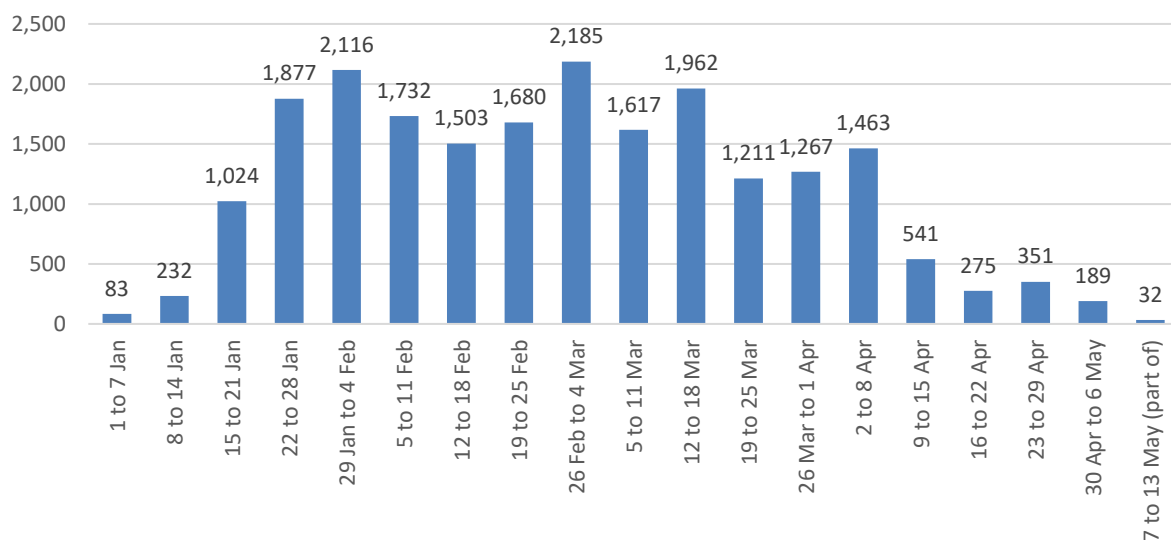


3.1 COVID Related Fines

Since the last report to the Minister 1,175 FCNs have been issued bringing total FCNs issued up to 9 May to 21,417. Since FCNs were introduced to enforce COVID restrictions, people leaving their homes without a reasonable excuse have accounted for the largest reason for issuing FCNs, equating to 69% (14,791) of the total. Issuance of this category of FCNs ceased on 11 April as restrictions changed and a new category of FCN was introduced for “movement of persons” accounting for a further 1.5% (331) of total FCNs. Approximately 4.3% (929) were issued to organisers of events, in both non-dwellings and dwellings, while a further 14.5% (3,113) were issued to those who attended events in dwellings only. Non-wearing of face coverings accounted for just 1.8% (391). Finally, the proportion of FCNs issued for breaches related to international travel has continued to increase. FCNs for non-essential international travel accounted for 6.6% (1,424). This includes 256 which were issued after the fine was increased to €2,000. FCNs for persons travelling into to the state who are not ordinarily resident remained at 2.0% of the total (438). The total value of FCNs issued equates to approximately €3.6 million. 46% of FCNs issued have been paid to date, while 47% remain unpaid and either have or will result in court proceedings.

Figure 2: COVID Related Fines by Region and Division up to 9 May 2021

The region with the highest number of FCNs issued remains the Southern Region, accounting for approximately 28.7% of the national total. DMR North, Cork City and DMR West are the Divisions with the highest number of fines issued, standing at 2,314, 2,115 and 1,431 respectively.

Figure 3: COVID Related Fines per week, 1 January to 9 May 2021

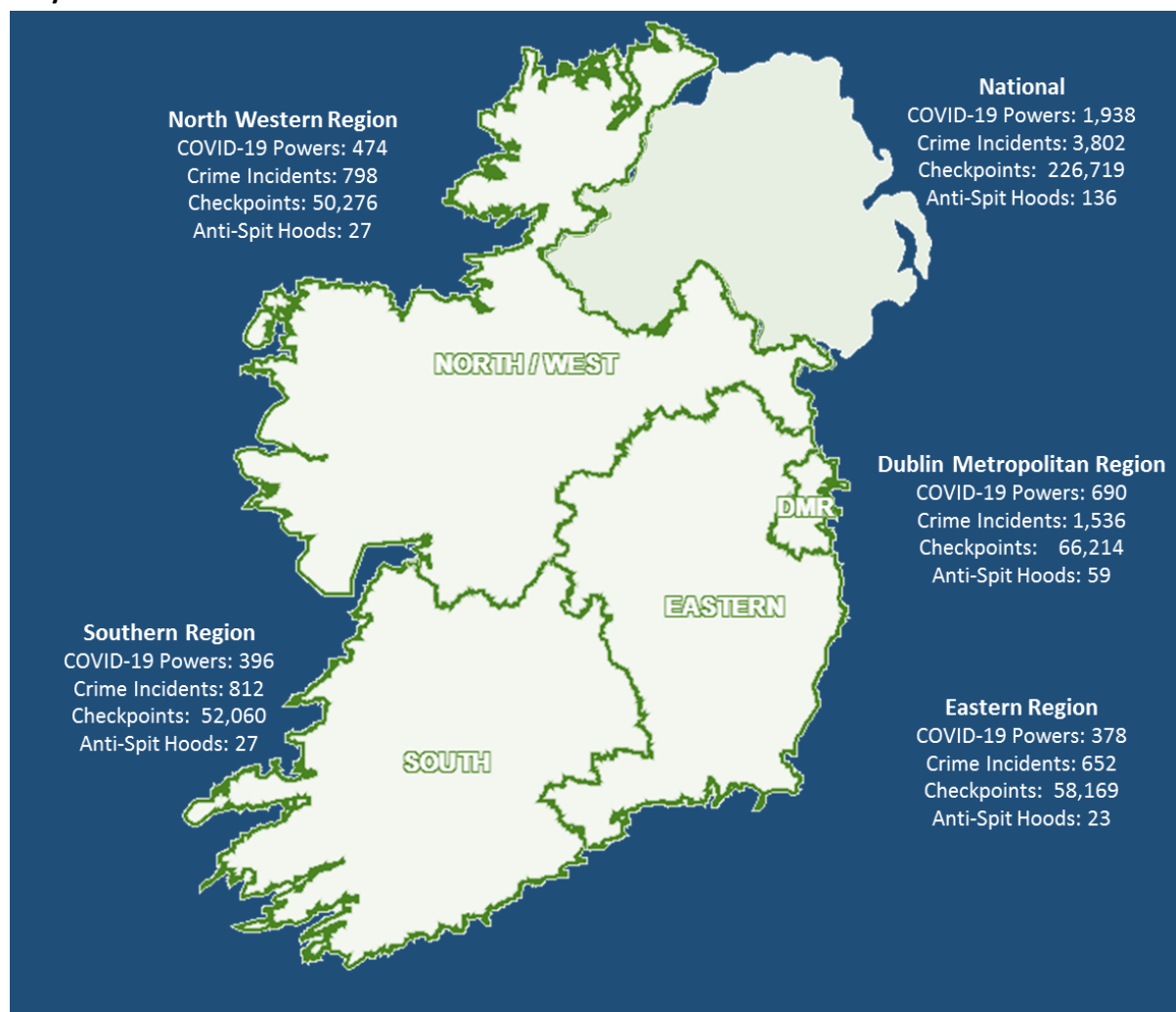
The number of FCNs issued per week has continued to decline following the Easter bank holiday weekend and the initial easing of restrictions on 10 April. The further easing of restrictions by S.I. 217 of 2021 (published 11 May) will have a further impact on reducing these numbers over the coming weeks, given that the primary source of FCNs (people leaving their home without reasonable excuse) is no longer restricted.

In terms of the age and gender breakdown, there has been little change since the last report. Those aged 18 to 25 received the highest number of fines, accounting for 53% of all fines issued, while 74% of the total fines were issued to males.

3.2 Non Fine Related COVID Policing Activity and Enforcement

In addition to issuing FCNs, members of the Garda Síochána have reported using their powers 1,938 times since 8 April 2020. This is an increase of 236 on the figure provided in the Authority's last report to the Minister.

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



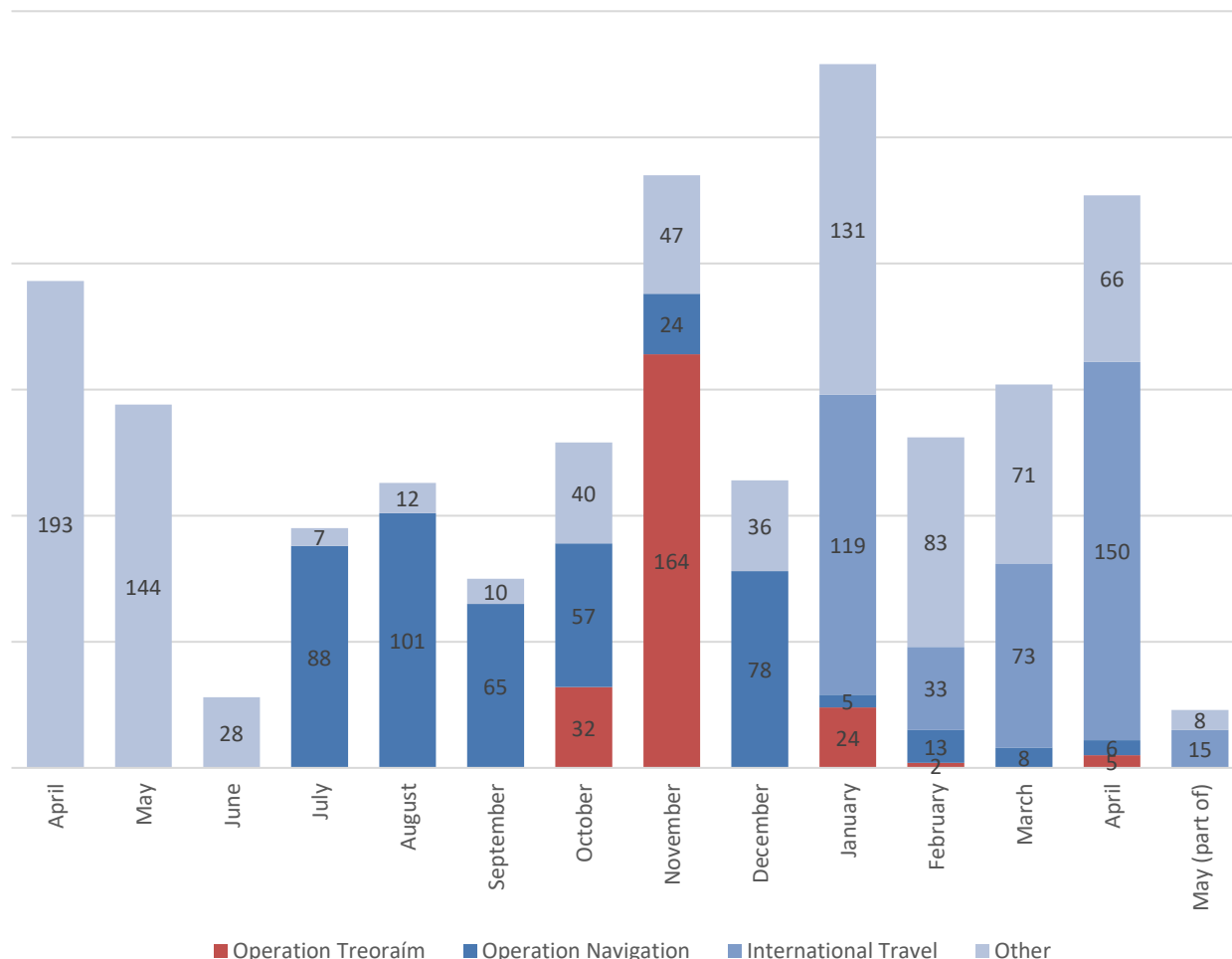
Since the beginning of January this year, there have been 812 incidents where members have used powers under the COVID-19 regulations. Incidents related to international travel accounted for 390 of these. This included, 265 incidents relating to a failure to produce a negative PCR test on arrival into the country, 101 concerning breaches in mandatory hotel quarantine, and 24 related to breaches on mandatory quarantine outside of designated facilities.

Operation Navigation, which polices licensed premises, resulted in 32 breaches since January, while Operation Treoraím, which polices retailers, resulted in 31 breaches discovered. The remaining 359

¹ Use of COVID powers, crime data and anti-spit hoods refers to 8 April to 8 May 2021. Checkpoints refer to periods 11 May to 2 August 2020 and 10 August 2020 to 9 May 2021. Data is indicative only.

incidents from this year relate to other breaches by individuals including 35 incidents which relate to face coverings and which are in addition to the FCN figures.

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



In terms of the geographic distribution of incidents, the largest increase has occurred in the Dublin Metropolitan Region which has reported 690 incidents since 8 April 2020. The divisions with the highest number of incidents for this period are DMR North with 315 incidents and DMR North Central with 142 incidents. The vast majority of new incidents in DMR North in particular have been related to international travel through Dublin airport. Outside of Dublin the divisions with the highest number of incidents are Galway, Cork City and Donegal with 127, 117 and 91 incidents respectively.

From 8 April 2020 to 8 May 2021 there have been 3,803 crime incidents which were disclosed as a result of COVID-19 policing activities, representing an increase of 79 incidents since the last report. There has been no significant change to the crime types associated with these incidents with offences relating to roads, public order and drugs offences being the most frequently occurring.

Checkpoint activity decreased steadily as restrictions began to ease. However, more than 3,000 checkpoints were still carried out in the week ending 9 May. Overall more than 226,000 checkpoints have been carried out since 11 May 2020, with over 93,000 of those being carried out in the first four months of 2021.

4 Stakeholder Engagement

4.1 Outreach

The Authority's outreach work has continued. The experience of policing during the pandemic has been a key focus of this engagement but the conversations have revealed much about people's perspectives and thoughts on the experience of policing generally - and what might be different post COVID-19. The Authority remains indebted to all those who have engaged with it to date for the candour and thoughtfulness with which they have approached these conversations. The nuance and insights offered inform both this series of reports and, increasingly, the Authority's general oversight of policing.

In conducting its outreach work the Authority has sought to ensure that it listens to organisations that are operating at a national or regional level but then also smaller, less resourced groups working at grassroots or community level. That diversity of insight has been useful. It has revealed that there can be no assumption that the experience of policing is always even or consistent or remains constant. It has also highlighted examples of creative approaches developed by the Garda Síochána in partnership with community groups to respond to local challenges that exist.

The engagement in the period since the last report has included organisations working in the area of domestic abuse, those representing the LGBTI+ community and the views of solicitors around their experience of the challenges faced when working with clients in a Garda station setting during the pandemic. The outcomes of these discussions are set out briefly below.

4.2 Domestic Abuse and Operation Faoiseamh

Engagement with organisations working in the area of domestic abuse has consistently highlighted the benefits and positive outcomes of the increased attention and focus placed on the policing of domestic abuse by the Garda Síochána during the pandemic. In the last report the Authority highlighted the perception that there is a closer relationship between the support organisations working with those suffering domestic abuse and the Garda Síochána. The outreach during this recent period sought to talk to local based organisations to understand the nature and impact of that closer relationship. Conversations with one local organisation provided tangible examples of this type of proactive collaboration and the very real impact that it can have.

In contextualising the work undertaken, reference was made to the now well publicised increase in domestic abuse that occurred during the pandemic. As has been reported previously by other organisations the initial increase in the number of calls to helplines at the beginning of the pandemic decreased during the initial lockdown and it is speculated that this may have been due to potential callers not having access to a safe environment in which to contact the service, or due to fears about the transmission of COVID-19 in services like refuges. Reference was made to the efforts made by Gardaí to reassure women during this time. An example was given of excellent service provision by Gardaí from another region who assisted a woman in leaving a high risk situation during COVID-19 by 'handling the situation supportively' and driving the woman to accommodation a number of counties away for safety.

The positive impact of Gardaí providing assurance and confidence to those suffering domestic abuse was emphasised. As an example of this a project developed between the Gardaí and the local organisation was described. Proactively initiated by the Gardaí, it has seen a number of Gardaí receive training about domestic abuse and trauma and then working directly with the support organisation on high risk cases a number of days a week. Garda members visit the refuge, supporting the women there to report crimes at their own pace while also making themselves available to support workers at the service. The visibility and access to these Gardaí was credited with significantly building victims' trust and confidence in the Gardaí's ability to respond to keep them safe.

The importance of Gardaí understanding the trauma that accompanies domestic abuse and how that impacts on an individual's response and capability to report or make a complaint was emphasised. It was felt that a good understanding of the effects of trauma on victims is important for frontline Garda members, not just Gardaí working in this area of crime. The organisation expressed the view that an understanding of the impact of trauma might go some way to alleviate what it perceives as the frustration that can arise amongst Gardaí when victims of domestic abuse refuse to make a complaint or withdraw a complaint following significant repeated call outs to a home. Echoing the Authority's previous reports the importance of a victim's first contact with Gardaí and its influence on the course of action subsequently taken by the victim was reiterated. Examples were given of reported comments by Gardaí that deterred victims from proceeding to make a complaint, but then also examples of Gardaí moving at a pace and with an approach that showed sensitivity and an appreciation of the trauma experienced by the victim.

It was reported that the local project is well-supported by local Garda management linking in well with the local Protected Services unit and the Victim Liaison officer. The working relationship between the organisation and the Gardaí was described as one sufficiently mature to allow for any issues that arise to be raised and discussed candidly. There have been some issues around the policing of breaches of orders – these were described as reflecting a sometimes inadequate understanding of issues around court orders in some stations in the area.

The issue of coercive control was discussed and the view expressed that an understanding of coercive control was evident amongst Gardaí, particularly at management level with a number of such cases being progressed locally. It was remarked that the experience of making and following through on a complaint of coercive control can be onerous for the victim given the threshold of evidence and material that must be gathered. Again, an understanding of trauma was cited as important for Gardaí working on these cases. In thinking about the policing of domestic abuse post COVID, it was remarked that the structures, understanding and relationships in place within and with the Garda Síochána locally were robust and well established. There was some concern however that as other types of crime return to pre COVID-19 levels, pressure will come on Garda Síochána resources and this might impact on this focus.

4.3 LGBTI+

Hate crime was described as the biggest issue for LGBTI+ people by one organisation working in this area. The prevalence of online hate speech was reported as having worsened during the pandemic.

Speaking generally about hate crime, the view was expressed that there has been a ‘massively positive shift’ within the Garda Síochána organisation in relation to its understanding of hate crime and a sense that a lot of work is progressing in this area. Specific reference was made to the Garda Síochána Diversity and Integration Forum, as a positive form of engagement by the Garda Síochána with a range of organisations.

While positive reference was made to the understanding and responsiveness of the Garda national unit dealing with hate crime, there was some concern around the degree of responsiveness that exists at a local policing level. The importance of visible policing in the community was emphasised, in particular the importance of people being able to establish relationships with community Gardaí. Where this exists it was stated that there is a better chance that hate crimes will be reported but there remains a sense that there isn’t yet trust within the LGBTI+ community that ‘everyday Gardaí have our backs’. Diversity Officers and Community Gardaí have been an important support during the pandemic, especially for victims who fear that reporting a crime will risk them ‘being outed’. There needs to be confidence that Gardaí will be sensitive to these issues. There was some discussion as to the numbers of Diversity Officers available within the Garda Síochána and some uncertainty as to whether there is sufficient clarity within the organisation as to how the role operates and how it intersects with community policing. There were also questions as to what value the role is perceived to have and whether it needs to have more ‘kudos’ to be effective. Turnover in terms of community Gardaí was also cited as negatively impacting on the opportunity for sustained relationships between the LGBTI+ community and Gardaí.

The response from the Garda national unit dealing with hate crime was described as supportive and proactive but it was felt that there isn’t yet a sufficient level or ‘critical mass’ of understanding of hate crime within the Garda Síochána at the frontline. Examples were given of interactions with Gardaí that reflected a lack of understanding of the importance of the perception of the victim in the determination of whether a crime was motivated by hate or experienced as a hate crime. Comments encouraging those reporting to ‘just ignore them’ were described as an insufficient response that showed a lack of understanding of the nature of hate crime while trivialising the impact on an individual. Intersectionality, (i.e. multiple factors of disadvantage) was also described as compounding difficulties for individuals to engage with Gardaí. Reference was made to the particular difficulties for those in direct provision and Travellers – again the importance of effective community policing in engaging with these groups was highlighted as an important precursor to there being confidence to report as was the potential positive impact of a more diverse Garda workforce.

4.4 Working in Garda Stations during COVID-19

The challenges presenting to solicitors when engaging with clients and attempting to observe public health guidelines in Garda stations during COVID 19 have been discussed by the Authority. The concerns raised included the size and layout of interview rooms that made social distancing difficult, the inability to consult with clients remotely and the inadequacy of some of the measures taken in terms of the size and placement of screens during the interview process.

In speaking more recently to those representing practising solicitors, it appears that many of the issues endure. Their engagement with the Garda Síochána on these issues was described as increasingly positive with commitments made to review the Garda estate to identify stations that might better facilitate adherence to public health guidelines.

While acknowledging that some of the changes that would be required are long term in terms of structural work within stations, the view was expressed that progress could be made on facilitating technology to enable remote access for solicitors, but that this needs to be worked through in order to address concerns that may exist around confidentiality.

The virtual attendance of solicitors was reported as having been agreed in principle but that the provision of facilities is inconsistent. A number of Dublin stations are reported to have telecommunications facilities, but remote conferencing facilities are expected to be installed in more locations in both Garda stations and courts to facilitate attendance of people with suspected COVID-19. This may improve the situation in the medium term

5 Engagement with the Garda Workforce

The Authority has continued its outreach to garda members and staff who have been at the frontline of the public health emergency. This has included engagement with representative bodies, focus groups with divisional officers, attending checkpoints with members of regular and roads policing units and reaching out to probationers. The perceptions and experiences were not uniform across all members spoken to, however the following summary provides a broad flavour of the issues raised and observations by Authority staff.

5.1 Resilience

Much as the pandemic has caused disruption and illness and changed the day-to-day activities of the wider public, the Garda Síochána has been no more immune. At the outset of COVID-19, those garda members and staff that could work from home, did so. Additional measures were introduced over time which resulted in separation of units, virtual meetings and other initiatives to help isolate any outbreaks and prevent against the spread of COVID-19 within the organisation. While not a universally held view, some of those engaged with spoke of the impact that this had on supervision. The physical presence and visibility of a district officer in the station and among the units was thought by some senior officers to be essential in encouraging the behaviour and discipline that management wanted from its workforce. The value of sidebars and informal conversations was seen as a significant loss in effective management at divisional level.

In the early stages of the pandemic it was reported that sick leave had declined, with some linking this to the introduction of the new roster. However, as a new wave hit in late 2020 and early 2021, garda members and staff were not shielded from its impact. Many of the Divisional Officers spoken to reported that up to 20% of members under their command were absent due to sickness or requirement to isolate. This proved a significant challenge in maintaining the delivery of policing services.

Another key challenge has been to manage the welfare of members. Initial teething problems in the delivery of PPE and the implementation of protocols for keeping members and staff safe were overcome. However, there were other, more tacit issues which needed to be managed. Divisional Officers reflected on a sense of anxiety at the outset from personnel under their command, not solely in work but how COVID-19 was affecting personal lives. It was reflected in the majority of engagements at all levels that many members have not had a significant break over the past year, and that annual leave has been accumulating across the organisation. In particular Divisional Officers reflected the difficulties in encouraging District Officers and managers of functional areas to take leave and rest.

From the perspective of Divisional Officers, they stressed that the members, staff and contractors within their divisions went above and beyond during the pandemic. Cleaning staff were cited as a particular example of being highly responsive to the needs of the division and the needs of their colleagues.

5.2 Managing the Emergency

In previous reports, the move from a five to a four unit roster was generally found to be positively received. Among more recent engagement with Divisional Officers, there was even greater positivity

towards it. The introduction of the new roster was linked to a number of benefits including allowing for greater flexibility, greater cover and greater visibility. However, at a more local supervisory level, it was noted that there was still some embedding required. The new roster meant that members would be off for longer periods of time, meaning issues in progress would stall until they returned. While it was stated that some units had done well in adapting and handing over open matters to the next unit, not all units had adapted so well.

At divisional level, initiatives had been undertaken at the start of the pandemic to ensure the ongoing delivery of service and catering to the needs of personnel. In some divisions, a unit was established to deal with the “human piece” and COVID related matters for personnel, such as sick leave, pay and benefits and catering for those with underlying health conditions. Within those divisions which were more advanced in respect of the roll out of the Operating Model, this was more easily achieved through the existing, centralised administration hub. COVID was cited as a good test and learning experience for this new structure. Divisional officers also spoke about the activities they undertook for contingency planning should key personnel become ill.

However, planning was not always found to run so smoothly. In relation to the policing plan, it was cited that there were significant challenges in keeping pace. It was found that local policing plans were adapted to meet requirements at local level, but that constant change meant these revised plans were often redundant by the time they went live.

5.3 Delivery of Services

With people working from home and restrictions on movement of people and businesses, there was a drop in many crime types, particularly burglary and incidents associated with the night time economy. While this may be seen as freeing up resources, greater demands were placed on the organisation than ever before. There was a general sense from the various engagements that other services were less accessible during the pandemic and, as a result, there was greater demand put on the Garda Síochána to deliver “non-policing” services. Statements in relation to this were met with a sense of pride and satisfaction with how the organisation had performed and had remained resilient since the outset of the pandemic.

It was stated that there had been an emphasis across the organisation in getting “back to basics” as regards delivery of policing services. The focus on community was particularly emphasised. It was reflected that community engagement in pre-COVID was focused on group events, but that during the pandemic, this changed to one-on-one engagement, particularly with more vulnerable members of society. It was stated that the organisation never had so many out in the community before and had much greater visibility as a result. This allowed for more connections to be established and resulted in encountering people who would not have been previously on the radar of local gardaí. It has also been useful for gathering criminal intelligence and information on events and issues within communities.

Mental health was repeatedly cited as a key issue during engagements. Anecdotally, mental health incidents were thought to have increased significantly during the course of the pandemic and as a result of the lockdown measures. At the most extreme part of this, a significant number of hostage-barricade-suicide incidents during the past year were reflected upon. At the less serious end of the scale, members stated that a significant amount of time was spent on dealing with those with mental health issues, particularly where detention is required. There was a sense that, while there is a policing element in these situations, the Garda Síochána are not best placed to take the lead in

dealing with many of these issues. Response from mental health professionals is critical yet not always immediately available, particularly out of office hours.

5.4 Enforcement

Issues were raised in terms of keeping garda members briefed as restrictions changed. Local garda members were the key point of contact for members of the public to ask questions about what was permissible and what was not, and so had to be prepared. While there was widespread support that information dissemination by the organisation was fine for ensuring divisions were aware of new regulations, some expressed the view that the difficulty lay in interpreting these regulations, particularly in being clear on the exceptions to restrictions. However, as has been reported by the Authority previously, the COVID coordination unit was cited as an excellent asset and source of information for members seeking advice on how to police the rapidly changing regulations and associated restrictions.

In terms of enforcement of the regulations, it was stated that it tested “competence in discretion”. There was a general view that the wider community were supportive of the Garda Síochána role and was based on already having good relationships within communities. However, there were instances cited of members being on the receiving end of people’s anger and frustration at the restrictions. Wider comments were made that the patience of the community was tested, particularly where people were being frequently stopped at checkpoints. For the part of members, they found themselves having to stop people going about normal day-to-day business which is not something they ever thought they would have to do. Some reflected that the requirements from the centre of the organisation with regard to checkpoints were sometimes counterproductive in respect of this. Similar to comments in the previous report, rolling and shorter checkpoints based on local knowledge were found to be more effective than static ones, and less disruptive than asking the same, compliant people where they were travelling to each day. At times, members felt that they were annoying people, rather than protecting them against COVID.

The graduated response and use of the first three E’s was cited as being both useful and effective, with the majority of people generally becoming compliant with minimal direction. An example was given of members showing up to an area where people had congregated but dispersing on sight of garda members without any need for direction or even engagement. In relation to the FCNs, while these were welcomed and seen as an asset, it was stated that these were used sparingly and in “instances where behaviour left no choice” but to issue one. It was also stated a lot more could have been issued, but that discretion was used and restraint demonstrated by members. In terms of the reasons behind issuing them, broader comments were made that the variance in issuance of FCNs was sometimes reflective of wider behavioural problems among the population. In terms of specifics, people visiting amenities outside of their 5km was frequently cited and enforcement was seen as necessary in preventing this type of behaviour. With regard to reviews of FCNs to ensure consistency, these were completed at PAF meetings within districts and numbers were reviewed. However, there was not any indication of a deeper analysis being done as to the reasons for issuing them.

Anti-spit hoods were seen as a useful tool, particularly in a custody setting and seen as a signal from the organisation that it was willing to take steps to protect members and staff. However, it was stated that these were used sparingly and that it was important that their use was minimal.

5.5 Returning to 'Normal'

Members were asked about what elements of policing during the pandemic they would like to hold onto as the country opens up and when the pandemic has finally ceased. In response, it was reflected that the decline in the night time economy and decline in crime allowed time to re-engage with communities. There was a strong desire to hold on to this and continue it, and various initiatives were cited including apps to check on vulnerable and elderly people, and lists within divisions of vulnerable people. However, it was stated that there was also a need to manage expectations among communities as to what the Garda Síochána could resource, as crime will likely return to pre-COVID levels and require attention, and as areas such as courts and training draw further time from members.

The roster was also again cited in this regard. It has allowed the assignment of additional people into areas such as protective services and allowed for more members to be out on the beat. There were further comments on the latter in particular and that the pandemic had allowed the organisation to get back to basics and be a more visible presence in communities and liaise with those people who would not have been in contact with the Garda Síochána previously. It was cited that these activities created stronger relationships within communities but also a greater understanding within the organisation as to what vulnerability meant. A further view was expressed that “what’s measured, gets done” which may influence what is retained and what is not.

6 Key Oversight Issues

6.1 Community Policing

The importance of relationships emerged again in this report. Relationships between the Gardaí and local organisations providing support and services to victims of crime have led to increased opportunities for learning, information exchange and collaboration. There is a recognition that relationships that developed through urgent necessity during the pandemic, are maturing and are yielding mutual dividends, but most importantly are resulting in an improved policing service for victims of crime. Relationships as the foundation of community policing have again been highlighted from the Authority's engagement with community organisations and NGOs as well as engagement with Gardaí. There is an awareness expressed by both community groups and the Gardaí that the time and resources required to nurture and maintain relationships within the community will be impacted with the return of previous levels of crime. There appears to be an expressed desire however to find ways to preserve the community oriented working undertaken during COVID 19 as business as usual and a better understanding that presence and closeness to communities is for some a necessary precursor to community confidence in policing.

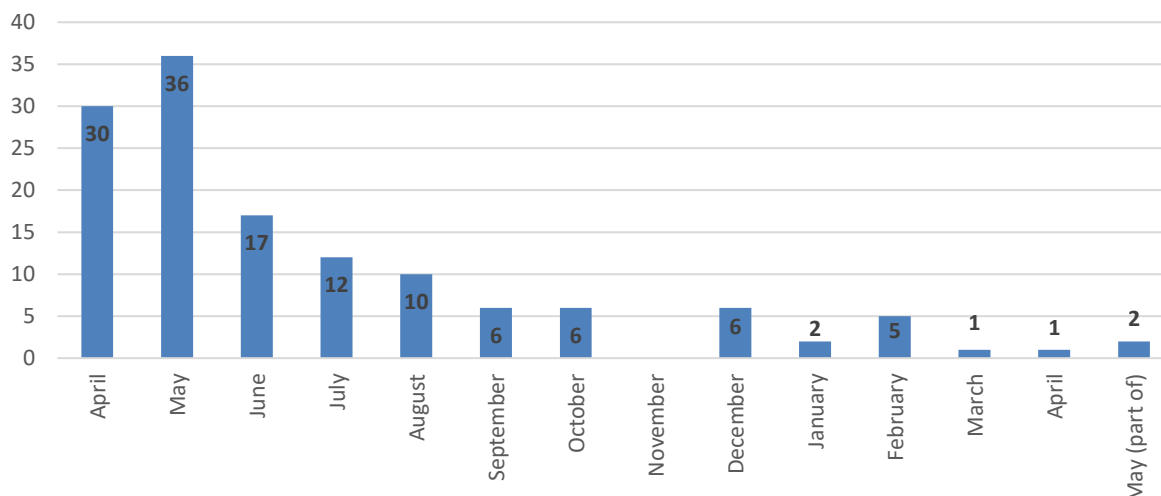
6.2 Anti-Spit Hoods

As mentioned in the previous report, the Garda Síochána completed its evaluation on the use and management of anti-spit hoods and the Authority had opportunity to discuss this with the Commissioner at its meeting on 25 March. The subject was raised again at its meeting in public on 29 April. The Authority asked when these devices might be withdrawn, particularly in light of the transition back to normal policing. The Commissioner stressed that he would be reviewing further and would reach a decision by 30 September 2021. This did not extend to a commitment to withdrawing them, but he spoke of the possibility of a focus on which parts of the organisation would have them available for use. In addition to discussing the issue at its meeting in public, the Authority has also written to the Commissioner outlining some of its concerns with the evaluation and with the ongoing use of anti-spit hoods. Specifically, the Authority has called for a withdrawal of these devices, given the lack of evidence as to their efficacy, one of the principal reasons for their deployment. Furthermore issues were discussed in the evaluation which would suggest a need for improved training and revisions required in policy and procedures in line with human rights advice.

To date there have been 134 incidents involving anti-spit hoods. This includes two additional incidents since the last report. The steady decline in usage is welcomed. In addition to this, following a review of data, two incidents have been removed as they had previously been included in reporting by the Garda Síochána in error. An assessment of the figures provided reveals;

- 67 of the incidents involved public order offences while 34 were associated with some form of assault.
- There were no new incidents of use on children, with seven such incidents recorded since the introduction of these devices.
- 114 incidents involved use of the devices on men while 20 relate to use on women.
- 109 involved persons with Irish nationality and 25 relate to other nationalities. There is no data available on the ethnicity of the persons involved.

Figure 6: The number of applications of anti-spit hoods by the Garda Síochána by month, 12 April 2020 to 8 May 2021



Due to the serious nature of anti-spit hoods, the Authority reviews reports submitted by the Garda Síochána for each use. These contain a narrative of events which is assessed against the policy and procedures established for using these devices. In addition to this, they contain additional data. Since the last report to the Minister, additional reports have been received. Analysis of the 131 incidents for which reports have been received reveal the following;

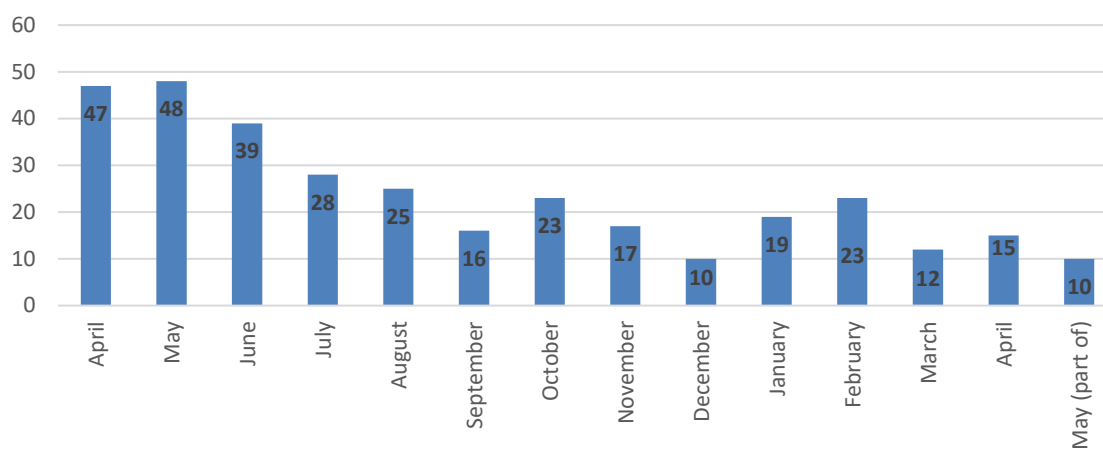
- In 18 incidents, the Garda member perceived the detainee to have obvious signs of a mental health issue. This was not the case in 83 incidents and it was unspecified in a further 30 incidents.
- In 1 incident, the Garda member perceived the detainee to have obvious signs of a learning disability. This was not the case in 99 incidents and it was unspecified in a further 31 incidents.
- In 90 incidents, the Garda member perceived the detainee to demonstrate obvious signs of intoxication. This was not the case in 23 incidents and it was unspecified in a further 18 incidents.

6.3 Wellbeing of Garda Members and Staff

The Authority has been monitoring the Garda Síochána's actions and initiatives which are aimed at protecting the health and wellbeing of garda personnel. This has included engagement with members at all levels of the organisation, as described in Section 5 of this report. During these engagements over the past few months, it has been clear that despite initial concerns at the early stages of the pandemic, the organisation has placed a significant emphasis on providing supports to members and staff. This has included practical measures to minimise close contacts, provide PPE and have in place adequate cleaning procedures, but also personal supports in terms of peer support, counselling and employee assistance. The steps taken by the Garda Síochána in this regard are welcome.

However members still face risks from external sources, and in particular, a small minority of the public engage in spitting assaults on garda personnel. While not at the level of the early stage of the pandemic, there are still new spitting incidents reported each month. Since the last report to the Minister there have been an additional 20 incidents reported, bringing the total up to 332 since reporting began in April last year. The Authority reiterates its condemnation of any assault on a member or staff of the Garda Síochána.

Figure 7: Monthly breakdown of the number of assaults on Garda members who have been coughed on or spat at, 12 April 2020 to 8 May 2021



Appendix 1 – Graphical summary of certain policing activities

Figure 8: Reported use of COVID-19 policing powers (excluding FCNs) by Garda Division, 8 April 2020 to 8 May 2021



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

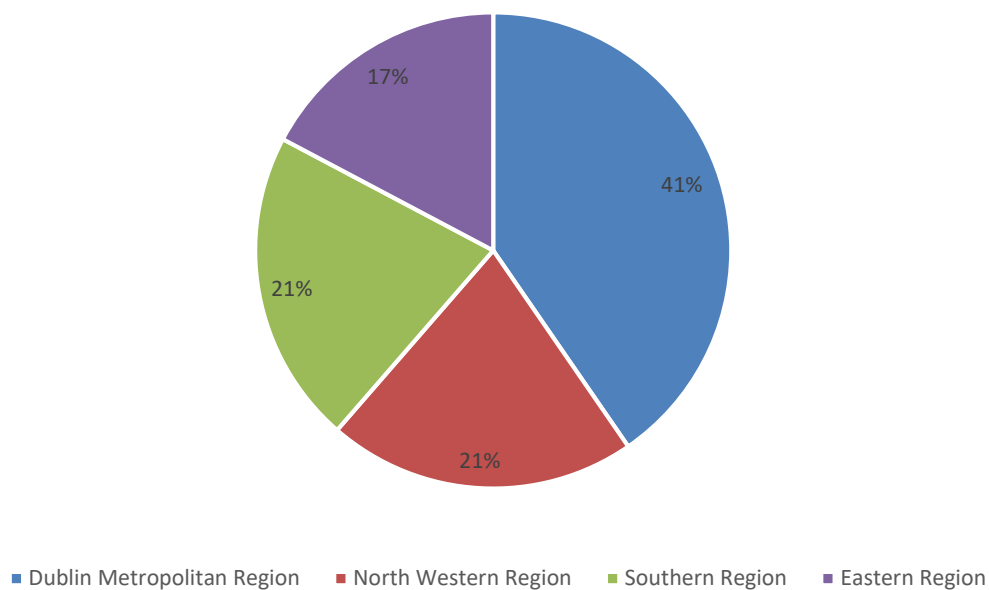


Figure 10: Checkpoints carried out by region, 3 to 9 May, 2021

