



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Policing Performance by the Garda Síochána in Relation to COVID-19 Regulations

**Report on the exercising of powers under the Health Act 1947
(Section 31 – Temporary Restrictions) (Covid-19) Regulations 2020**

6 May 2020

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Chairperson's Foreword

This is the second report to the Minister for Justice and Equality, arising from his request on 16 April that the Authority report to him on the Garda Síochána's exercise of the powers conferred on it under the emergency legislation and associated regulations. It follows upon the first, interim, report submitted to the Minister on 20 April.

It may be worth recalling the basis for and the particular importance of public oversight of policing at these times. The new statutory measures confer powers on the Gardaí that could scarcely have been contemplated a matter of weeks ago. They authorise Ministers to impose restrictions on the lives of residents of this state and empower members of the Garda Síochána to enforce compliance with these restrictions.

It is entirely right that such a departure from the norms of this society's approach to public behaviour and to policing should be the subject of careful oversight and monitoring and that, in its turn, the subject of public reporting. The Authority welcomed and supports the Commissioner's view that the approach of the Garda Síochána should be to encourage as much as possible and to turn to enforcement as a last resort. This report and those that will follow will attempt to look not only at the instances where the emergency powers have been invoked and used but at the broader role of the Garda Síochána in securing the statutory objectives, as set out in the 2005 Act, of protecting life, preserving the peace, preventing crime, protecting the security of the state while vindicating the human rights of each individual.

Central to the exercise of the Authority's public, statutory oversight is the availability of the necessary information from the Garda Síochána. Much effort has been devoted in the past few weeks by the Authority and the Garda Síochána to identifying precisely what information is required and how it can be made available. It was never the intention of the Authority that this should be a burdensome task but it is a necessary task to ensure that the full extent to which Gardaí have been obliged to use a new power can be understood.

Reports on arrests made under the new powers are complete and up to date. Reports on the exercise of the power to direct, failure to comply with which can lead to arrest, have been less so but the Authority welcomed the Commissioner's report at the public meeting last week on the number of directions issued at a checkpoint on the previous day. Further data have been provided from the recent weekend and, as was to be expected, the number of instances represented a tiny percentage of the overall movements through the checkpoints. We look forward to more comprehensive information flows on this point in the coming days and weeks.

Public reporting of such information will enable a fuller understanding of the level and quality of public compliance and of the discharge by the Garda Síochána of the emergency powers. That full understanding can only be to the benefit of the organisation and all its personnel, of those with a role in shaping public policy and, not least, of the public.

The use of checkpoints, fixed and mobile, represents those instances and locations where more precise data can emerge in relation to Garda use of the new powers and to public response to the new restrictions. But they tell but part of the story. The more complete story will lie in the countless engagements between Gardaí and the public when on patrol, on the beat, in streets, in shopping centres, in queues, in cities and towns and villages throughout the country. These encounters, where a Garda will explain the new restrictions, will outline the allowable reasons for acting outside them

and will encourage compliance with the new laws, are not amenable to being recorded or counted but they have the capacity to encourage the fullest compliance and are the foundation on which public confidence in the Garda Síochána can be strengthened.

This is a health emergency. It is not a policing emergency or a crime emergency. The public understand that and they understand the role that Gardaí have to play. The most complete reporting will serve to enhance that understanding.

Garda personnel, like others in frontline roles, are vulnerable in present circumstances. They are vulnerable because of the nature of the COVID-19 threat and because of the attitudes and actions of some people. It is a depressing reality that some, a minority, deem it acceptable to abuse or even to assault Garda personnel.

It was the apprehension of this deplorable behaviour that prompted the Garda Síochána decision to deploy anti-spit hoods. The Authority continues to be appalled by the number of threats to spit at Garda members and by the occasions when such threats have been carried out. It recognises the obligation on the Commissioner to protect Garda personnel. But it reiterates its strong view that there should be an unambiguous commitment to use these devices only for the duration of the current emergency. That commitment should be wholly independent of whatever review is undertaken in September.

In this context of the wellbeing of Garda personnel, the Authority will seek further information on the position of testing for COVID-19, on which an indication of imminent progress was reported in our first report, and on the availability and use of personal protection equipment.

Others in society are also vulnerable and, for some, the restrictions that have been introduced in the interests of public safety have had the unintended consequence of exposing them to greater risk. This report details the extent of the Authority's engagements thus far with a range of statutory and community organisations. The responses of those with detailed and intimate knowledge of the lives of vulnerable people are a very important contribution to a fuller appreciation of the reality of that lived experience. They are also a very encouraging insight into the positive initiatives taken by the Garda Síochána whose support will be an essential element in the safety of so many.

The Authority welcomed the Commissioner's emphasis on the importance of the Garda Decision-Making Model which has at its centre Human Rights and the Code of Ethics. As well as being a crucial aid to good policing decisions, it will be a source of assurance to the public.

A further source of assurance to the public is clear evidence of consistent application of the law and of policy throughout the country and in all circumstances. The Authority will seek to have a deeper understanding of the policing approach to a number of public events that have been the subject of discussion with the Commissioner and his senior colleagues. They have also been the subject of media coverage and some the subject of Garda investigation. The indivisible nature of rights and their universal application are of high importance. This general matter will be the subject of further attention in the Authority's next report.

There is much to appreciate in the events of the past two weeks. There is also material for reflection and for further evaluation to ensure the greatest possible level of information, understanding and public support.

Bob Collins

1 Introduction

There are five powers afforded to Gardaí under the emergency legislation¹, namely to:

- Direct a person to comply with the Regulations;
- Arrest for failure to comply with such a direction;
- Demand a person's name and address;
- Arrest for failure to comply with the demand for name and address, and
- Arrest for failure to comply with the Regulations.

The Authority notes the exceptional nature of these powers and six months ago, it would have been quite unimaginable that a garda could direct a citizen to go home simply because he or she were going for a walk six kilometres from home. These powers quite significantly infringe on our rights to liberty, assembly and association and for many, the right to a family life. However, it is of great national importance, and indeed a matter of life and death, that the spread of the virus is limited to the greatest extent possible.

Part of the Policing Authority's oversight role is to consider whether the exceptional powers for the COVID-19 crisis recently conferred on the Garda Síochána are being used as appropriately and sparingly as possible. Therefore, our ongoing oversight focus is ensuring that these powers are being used by the Gardaí fairly, respectfully and in ways which are reasonable, necessary and proportionate.

2 Policing COVID-19 in Numbers

2.1 Introduction

The information presented in this section represents a summary of operational information provided by the Garda Síochána to the Policing Authority on 5 May 2020 for the cumulative period from 8 April 2020 to midnight on 2 May 2020.

It is important to understand that the data consists of near real time extracts from PULSE, CAD and other supplementary sources including manual returns and is therefore subject to change, through either ongoing clarifications or new reports for the period in question².

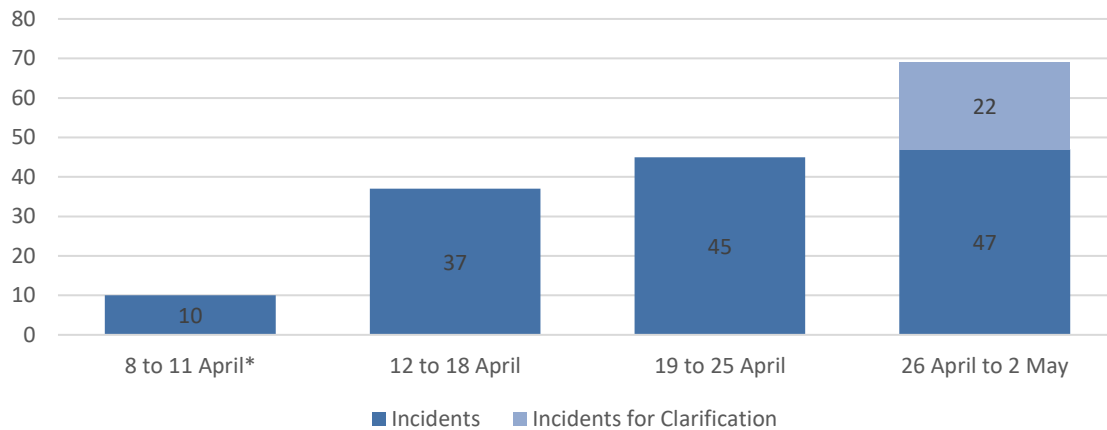
The preponderance of Garda Síochána activity and interaction with the public takes place on the street, or while on patrol, and in the vast majority of cases does not involve or invoke the use of powers. The quantitative information provided in this report, although significant, reflects just one dimension of the policing activity being undertaken.

¹ Section 31 (A) of the Amended Health Act, 1947 and the associated regulations.

² The data is therefore not suitable for statistical analysis such as linking with other sources, comparisons or the construction of time series or trends.

2.2 Use of Powers under the Health Act, 1947 as Amended

Figure 1: Number of times powers under the Health Act, 1947 have been used per week

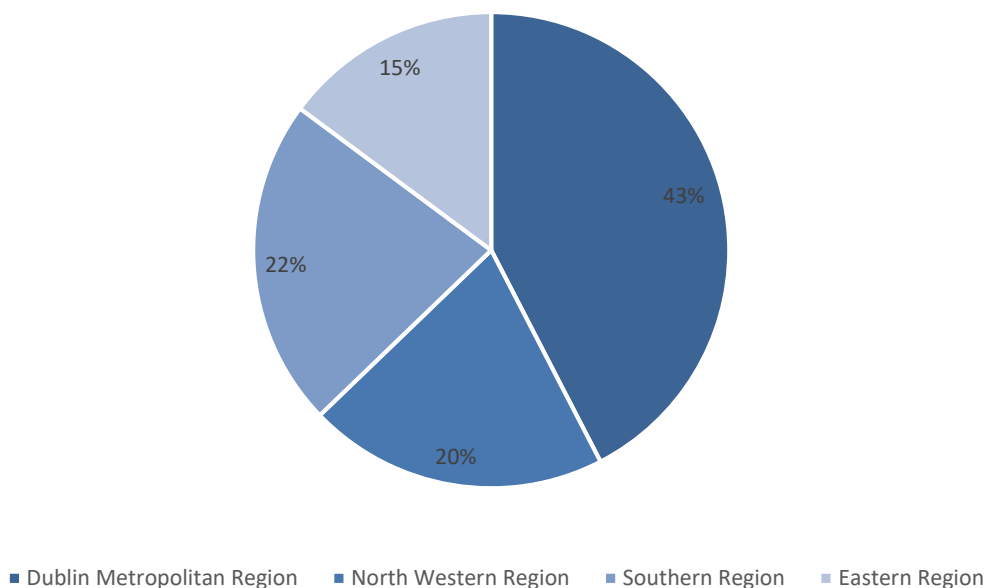


*As figures are reported since 8 April, this period only represents four days

- For the week ending 2 May 2020, there were 47 incidents where powers under the Health Act, 1947 were exercised.
- This represents a small increase of approximately 4% on the previous week and brings to the total number of times these powers were exercised since their introduction to 139.
- The Garda Síochána has advised that two of these incidents were at the direction of a health professional.
- The North Western Region accounted for 57 (41%) of incidents since 8 April, with the other four regions demonstrating lower numbers of incidents. One station in the North Western Region had seven incidents associated with it, while two stations (one in the North Western Region and one in Dublin Metropolitan Region) had five incidents associated with each. There are no discernible hot-spots at this time.
- A further 22 incidents are being reviewed to determine their exact nature and may result in an increase to this number, or may be deemed not to be a use of these powers and therefore excluded from future analysis.

2.3 Incidents Associated with COVID-19 Policing Activities

Figure 2: Number of incidents associated with COVID-19 policing activities by region, 8 Apr to 2 Mar



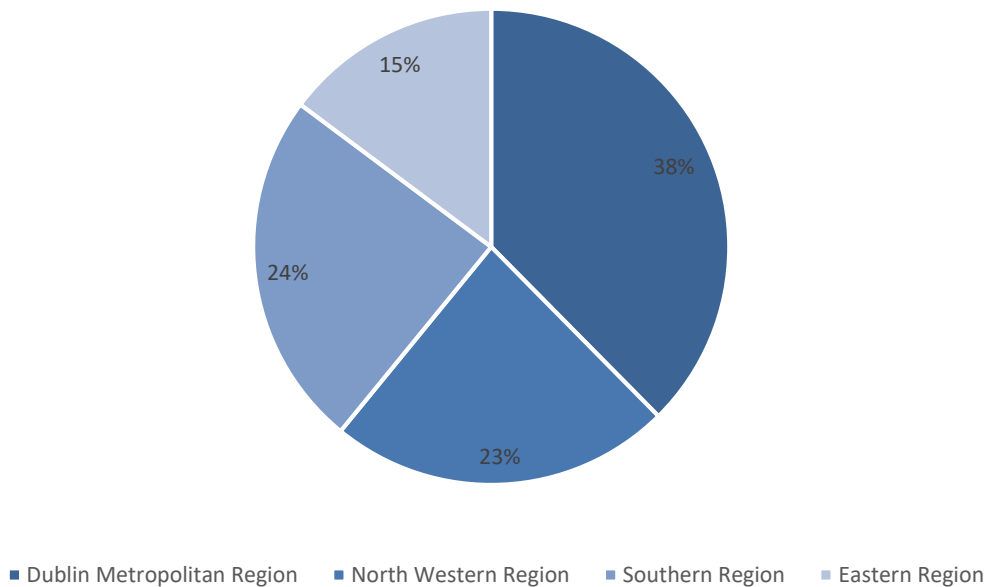
- From 8 April to 2 May 2020, there were 1,172 crime incidents which represented suspected offences disclosed or uncovered as a result of COVID-19 policing.
- In the previous set of figures released by the Garda Síochána, for the period 8 to 25 April, there were 760 such incidents. This means an additional 412 incidents have been recorded or confirmed in the past week (a 54% increase). It is noted that some of these incidents may have occurred prior to the 26th April but were not included in previous totals due to not being validated at that time.
- Approximately 22% of these offences relate to public order, while a further 16% relate to simple drug possession. General road offences was the third most frequent offence classification accounting for approximately 10%. However, when all types of road offences are combined, they account for almost 32%.

2.4 Road Checkpoints

Road Checkpoints represent a significant part of the Garda Síochána’s operational response to COVID-19. While it is not yet clear if the Garda Síochána themselves have a precise log of all checkpoints occurring, they have reported that in excess of 10,000 checkpoints are typically taking place per week. Increased information is being sourced and developed by the Garda Síochána and the Authority looks forward to receiving that in due course.

Since the last report to the Minister, some indicative data has been provided for the period 20 to 26 April, and some additional data relating to counts of vehicles has been provided for four sample checkpoints which took place on 1 May. In addition to this, Authority staff attended six checkpoints over of the May Bank Holiday weekend in Dublin, Cork and Carlow to observe patterns and behaviours and discuss key issues with frontline garda members. A review of data and findings are included below.

Figure 3: Checkpoints carried out by region, 20 to 26 April



- The Garda Síochána carried out 13,302 checkpoints from Monday 20 April to Saturday 26 April, of which 38% were carried out in Dublin Metropolitan Region (DMR).
- Within DMR, the highest number of checkpoints were carried out in DMR North with 1,269 checkpoints, or approximately 25% of all DMR checkpoints. The next largest number were carried out in DMR South accounting for 839 (17%) of all DMR checkpoints. Outside of DMR, the largest numbers of checkpoints were carried out in Galway (854), Sligo-Leitrim (727) and Cork North (581). We will engage further with the Commissioner to understand whether there are any underlying reasons for the different patterns.
- In addition to the above figures, on 1 May the Garda Síochána established counts at four sample checkpoints, one in each region. In total, 13,324 vehicles were counted passing through these checkpoints of which only 21 (0.16%) were turned back.

Observations at Road Checkpoints

On 1 and 2 May, Authority Staff attended and observed checkpoints at the M1 and M11 in Dublin, the M8 and N71 in Cork, the M9 in Co Carlow and in Carlow Town. The establishment of the checkpoints on the motorways by the Garda Síochána is a significant operation, taking up to six hours to set up in conjunction with Transport Infrastructure Ireland, in order to divert traffic into single lanes and making use of off and on ramps. The checkpoints in other locations were less complex.

It was reported by members that traffic had been increasing at some locations since restrictions began, but it was believed that the vast majority of this was travel for legitimate reasons. For example, at the checkpoint on the M8 on 1 May, only two vehicles out of over 3,300 were turned back when it was established that the journey was non-essential. According to TII data, traffic volumes at this location were approximately one third of what they were for the same date last year.

Members of the public were observed to generally be familiar with the process of checkpoints and many had letters from their places of work ready to show to garda members. Garda members were observed to be taking a very reasonable approach and interactions were polite and efficient for both garda members and members of the public. Garda members noted that incidents of conflict, aggression or rude behaviour were rare, and that they generally enjoyed good cooperation from the public.

It was noted that only the specific use of powers under the Amended Health Act were recorded on PULSE. This reflects the final “enforce” stage of the four ‘E’s which the Garda Síochána have been using. In terms of requests and encouragement to turn back, as opposed to a formal direction, these are appropriately not recorded on PULSE.

It is worth noting that five of the six checkpoints attended by Policing Authority staff took place at main roads, away from residential areas and areas with social amenities. There is anecdotal evidence to suggest that there were higher levels of members of the public being turned back at checkpoints close to greenways and similar public amenities, on the basis that people were either exceeding the 2KM limit from their home at that point, or that using the amenity would cause them to exceed that limit.

The Authority has been made aware of concerns regarding social distancing at Garda checkpoints. The approach taken by members varied, with members approaching the passenger side of vehicles at some checkpoints, while positioning themselves at a distance from the driver’s side at others. While the practicalities of maintaining distance was challenging, it was observed that members were making efforts to maintain safe distances. Members were not using PPE other than gloves. However, a member commented that the provision of PPE was sufficient for their needs.

It was noted that the numbers of those being found driving under the influence of alcohol or drugs at checkpoints had increased, as had seizures of drugs and weapons related to organised crime. At one checkpoint, it was noted that roadside intoxicant testing had ceased. Instead, where there was a suspicion of drink/drug driving, the suspect was brought to a garda station for testing. Detections of other roads offences at checkpoints and on the country’s roads were also reported as being high. At a number of checkpoints, ANPR cameras were in operation and roads policing members were equipped with mobility devices. With respect to these and the new speed cameras, members were very positive about their introduction and the benefits of their use.

3 Outreach

The Authority has sought to ensure that its assessment and monitoring of policing performance is robust and that the substance of any reports and assessments provided to it by the Garda Síochána are tested with reference to other sources of information. In line with its organisational value of ‘listening’, the Authority has continued to engage with a range of statutory, voluntary and civil society organisations to gain an experiential perspective on policing performance during this time.

The Authority has reached out and engaged with a wide range of organisations over the past number of weeks, including family resource centres, government agencies, joint policing committee chairpersons civil society groups and NGO’s who provide services and support to victims of domestic abuse and members of ethnic groups. The purpose of this outreach is to understand and assess, where relevant, the experience of day-to-day policing during the COVID-19 emergency, and how the policing service has engaged and responded to any concerns arising.

The outcomes of these discussions are set out briefly below under common thematic areas.

3.1 Garda Engagement and Communications

The early, proactive engagement undertaken by the Garda Síochána on its proposed policing response was highlighted and welcomed by a number of organisations. Organisations working in the area of domestic abuse valued the opportunity to discuss and understand Operation Faoiseamh which they believe then allowed for a consistent message to victims from the Garda Síochána and their organisations. Similarly, Pavee Point valued the Garda Síochána’s early engagement and sensitivity as to the most appropriate approach and policing response to be taken to large events. This two-way engagement has continued and particular reference was made to the leadership shown by both the Garda Protective Services Bureau and the Garda Racial, Intercultural and Diversity Office (GRIDO) in this regard. Relations with both were described as supportive, accessible and systemic and not dependent on key individuals.

Generally the level of engagement is reported as broadly consistent throughout the country with smaller organisations reporting good levels of interaction with local garda members as evidenced in some areas by increases in referrals.

In terms of the response at community policing level, the emergency has exposed resourcing issues in some areas where there may have been an overdependence on key personnel or where newly appointed personnel are only yet in the early stages of building relationships and trust within the community and acquiring valuable ‘tacit knowledge’ about the community. Where these relations are more established, it was reported that engagement with community representatives was positive and sustained with increased levels of Garda referrals to community organisations. Joint Policing Committees are not meeting currently and there are reported variances in the degree of interaction happening between Garda leadership and the Chairpersons of the JPCs. There was a suggestion that the inclusion of a representative from the JPC on the existing COVID 19 coordination structures at local authority level would facilitate a better awareness of the policing response.

3.2 Policing Response

Organisations were positive about the policing interventions and policing response thus far and all are monitoring the situation, which they view as dynamic. The policing response was described by various organisations as sensitive, proactive, appropriate, proportionate and even handed. Where there have been individual issues arising, in the main organisations reported that they have been able to communicate concerns to the Garda Síochána and have received an appropriate response. Where the health related restrictions have demanded changes to working practices, these are described as working well and the increased resources at garda level are proving beneficial in terms of the additional support that can be provided for victims. An example is the necessary changes to procedures within the Sexual Assault Treatment Units (SATU). The availability of additional Garda resources has enabled the provision of valued practical support to the units in dealing with victims. This is in addition to what was described as the very positive impact of the Garda Divisional Protective Services Units with generally positive feedback from patients.

For the most part, organisations believe the Garda Síochána is getting the balance right and that interactions are supportive and respectful. The dynamism of the situation was emphasised and organisations are keeping it under review.

3.3 Consistency of Approach

From our engagement so far, the majority of organisations have reported a consistency in the policing approach and response throughout the country. Where there have been instances of policing that have fallen short, these have been isolated and not particular to a geographic area. Organisations report having an accessible channel of communication by which these can be raised with Garda Management.

Consistency in the reach and impact of the policing response across various groups within the community was discussed. The need for more data was raised. The potential for the gathering of information regarding ethnicity to better inform an assessment of the reach and impact of policing, generally and during a period such as the COVID-19 emergency, was highlighted.

3.4 Changes in the Crime Environment

Feedback from a broad range of organisations pointed to a number of changes wrought by COVID-19. These included changes in the locations of drug dealing, greater levels of domestic abuse and reports of drugs related intimidation increasingly being visited on the home. Reporting of sexual violence to organisations working in this area has decreased. There was a strong sense that the full extent of the impact of COVID-19, especially in terms of crime occurring behind closed doors will not become evident for some time. Many organisations at national and local level reported a belief that there will be a significant increase in the level of reporting and referrals to organisations once the restrictions are lifted. This is something that they are now planning for and which they believe will equally be an issue for the Garda Síochána

3.5 Operation Faoiseamh

The operation which sees the Garda Síochána proactively make contact and check in with victims of domestic abuse who have previously contacted them, has been universally welcomed by the organisations with which the Authority has engaged. One organisation characterised its value and importance as follows - *'at a time when victims are unable to reach out, it is critical that the Garda Síochána reaches in'*. The national campaign and the Garda response has, some organisations believe, mitigated to some degree the potentially chilling effect of the COVID-19 restrictions on victim's inclination to report or make contact. Victims are telling the various organisations that the Garda Síochána are calling and checking on them and there is a sense that domestic abuse is a priority for the Garda Síochána. Overall, it was reported that there is more contact between the Garda Síochána and the various organisations working in the area of domestic abuse, including refuges, and generally there is *'a marked improvement'* in the policing response.

Reference had been made by one organisation to a potential lack of consistency in the service provided by the Garda Síochána in urban versus rural areas. The Authority liaised with a number of organisations geographically spread across the country and the sense was that any disparity, where it exists, is more likely an issue of leadership, training and an understanding of coercive control rather than geography. It is important to note that the majority of experiences discussed were positive. Reference was made to the impact of the inspectors at divisional level in various parts of the country who have responsibility for the policing of domestic abuse, and examples cited of where they have successfully built and encouraged relationships between sergeants and domestic abuse organisations that allow for effective referrals and prompt and appropriate response. Reference was also made to the role of effective community policing, whereby solid community relationships meant that Gardaí often had tacit knowledge that could inform the policing of domestic abuse.

In terms of impact, organisations believe it is too early to evaluate Operation Faoiseamh and the quality of interactions, rather than just the fact of having the conversations with domestic abuse victims, will be a key determinant of that impact. Organisations are aware that a traffic light system is in use in order to risk assess contacts with victims and would welcome a greater understanding of how this is done. Significant work has been undertaken on the development of a risk assessment tool that has begun to be rolled out in the DMR East region. Concern was expressed that any attempt to accelerate the roll out may not allow for what was regarded as a necessary evaluation of the experience within the region. Other issues raised included the need for the implementation of a pro arrest policy in relation to perpetrators and the question as to whether the calls are reaching victims who are members of minority groups. In the absence of any ethnic identifiers within PULSE, organisations believe it is difficult to answer this question categorically and the importance of the ability to disaggregate data on domestic abuse by ethnicity, age and relationship between the offender and victim was again reiterated as important tools in the policing response.

The impact of the Operation will continue to be assessed over time and the Authority will continue its engagement with organisations working in this area. At this point however, the process of *'reaching in'* by the Garda Síochána is regarded as critical in sending an important message to victims and perpetrators that domestic violence is and will be policed.

4 Commentary on Some Key Oversight Themes

There are four key themes informing the Authority’s ongoing oversight in relation to the policing performance by the Garda Síochána during COVID-19, namely:

- Use of powers and use of force;
- Community engagement and service to vulnerable groups;
- Well-being of Garda Members and Staff; and
- Policing to protect and respect Human Rights

4.1 Use of Powers and Use of Force

Required enhancement of future reporting

The Garda Síochána approach to its use of the powers conferred on it under the Emergency Legislation, which the Authority supports, has been to follow, in order of preference, “the four E’s”, which are Engage, Educate, Encourage and Enforce. In practice, this means that at ongoing interactions with the community including at road checkpoints, members of the public may be prompted to disperse, return to their homes or cease their journeys under the first three E’s.

The bulk of the engagement by the Garda Síochána during COVID-19 derives from the Health emergency, and from our own oversight work and outreach, it seems that engagement is good and positive and in most cases, advice and encouragement is responded to in a compliant way.

Engagement, Education and Encouragement are not a formal invocation of powers and appropriately, are not recorded. While the Garda Síochána have been reporting weekly to the Authority on their use of the powers, the limitation to this reporting, which endures, is clear disaggregation as to what use there has been of *each* of the five new powers conferred on the Garda Síochána as referred to in Section 1 above. We have been in ongoing discussions with the Garda Síochána as to how such reporting can be efficiently provided to the Authority and we will provide further information in our next report.

Introduction of anti-spit hoods

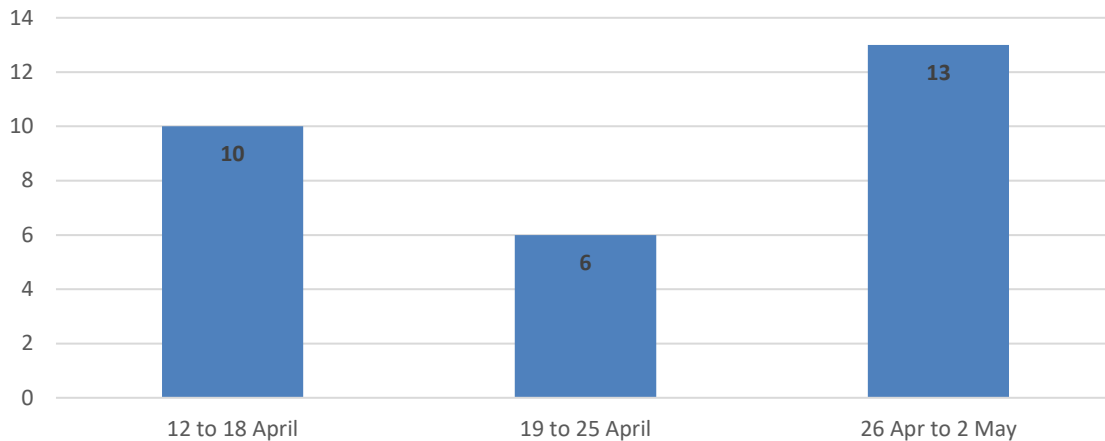
In its previous report, the Authority stated its concerns regarding the introduction of anti-spit hoods, but also stated it welcomed reassurance from the Commissioner that the availability and use of these hoods would be strictly limited to the current crisis. The Authority has made a commitment to continue to oversee whether these devices are used only in circumstances where it is necessary, proportionate and constitutes the minimum use of force required.

Detailed reporting to the Policing Authority on each case of anti-spit hood used is continuing. To enhance and facilitate this reporting, the Authority has, in cooperation with the Garda Síochána, developed a reporting template for Members to complete after each use, which will be finalised by the Garda Síochána and circulated through the organisation in the coming days.

While the template is being fully developed, some provisional information is being provided by the Garda Síochána to facilitate the Authority’s oversight of this matter. There were 29 incidents where

anti-spit hoods were used in the three weeks from 12 April to 2 May. In context, for the full month of March 2020 there were 96 uses of force, combining all uses of tasers, incapacitant spray and batons. It is important to note in this context, that from 8 April to 2 May, the Garda Síochána have reported 52 incidents where garda members or members of the public have been spat at.

Figure 4: Number of incidents where anti-spit hoods have been used per week



- For the week ending 2 May 2020, anti-spit hoods were used in 13 incidents, bringing the total uses to date to 29³.
- In the previous report, the Authority had expressed concern that there was potential for anti-spit hoods to be used on children between the ages of 12 and 18. It is welcomed that none of the incidents reported to date have involved anyone in this age group.
- Since their introduction, they have most frequently been used in Dublin Metropolitan Region, which accounted for 12 of the incidents.
- Public Order offences accounted for 12 of the incidents while assault accounted for a further seven.
- Use of additional force is not routinely reported. However, it was noted the incapacitant spray and batons have been used in addition to the hoods in some incidents and this may add to both the risk of the use of the hoods and the discomfort for the suspected offender.

Armed Checkpoints

During the Authority’s meeting in public on 20 April, concern was expressed regarding reports of armed support at checkpoints. It was proposed that this approach may be perceived as being incompatible with the key messages being articulated by the Garda Síochána in respect of engaging and encouraging members of the public to comply with regulations, rather than enforcing. The Commissioner has responded by stating the presence of armed members is to continue policing of serious and organised crime. In addition to this, armed detectives have been redeployed to increase

³ Yesterday’s Garda press release reported 28 uses of anti-spit hoods, but a further instance of use was converted from “under” review to “confirmed” by close of business yesterday when the Garda Síochána provided its weekly report to the Authority, thus the report of 29 is a timing difference.

visibility and have identified criminals at checkpoints. While this was acknowledged by the Authority, concern remains that this type of activity would become routine, rather than exceptional.

Incidence of potential complaints

In a statement on 30 April, GSOC reported that over 70 complaints had been received from members of the public where Garda Síochána enforcement of COVID-19 regulations had been a factor. It is worth noting that these 70 communications from the public were subject to assessment and admissibility tests by GSOC after they had been received.

From the Authority's ongoing cooperation with GSOC, since the last Authority report, there has not been a significant change in the character of potential complaints being notified to GSOC. The majority of calls seem to relate to use of PPE, discourtesy and social distancing by garda members. It is reassuring that concerns about the inappropriate use of powers or force in relation to Policing during COVID-19 are not currently featuring. We continue to interact with GSOC to identify any changes in this regard.

We also plan to further interact with the Garda Síochána to ascertain what level of complaints, if any is being received internally.

4.2 Community Engagement and Service to Vulnerable Groups

From our outreach work as outlined in Section 3 above, the Authority has received significant positivity and praise for the Garda Síochána's community engagement and service to vulnerable groups and has not been made aware of any significant problems or issues in this regard. It will continue to keep this area under review as part of its ongoing oversight.

4.3 Wellbeing of Garda Members and Staff

Gardaí are not just the doers - they are also having things done to them. By the nature of their work, Garda Members and Staff are more vulnerable to contracting COVID-19 and being subject to physical and verbal assault from a minority of members of the public. That does raise challenges for the Garda Síochána on how to appropriately protect and ensure to ensure the wellbeing of all who work in the organisation.

In relation to any Garda Members and Staff being physically or verbally assaulted in the course of their work, the Authority condemns any such behaviour and will continue to engage with the Garda Commissioner as to how his colleagues can be further protected.

Assurances that were provided at the time of the Authority's report on 20 April, that the matter of priority COVID-19 testing for Garda personnel would be soon resolved has not materialised. In recognition of the particular vulnerability of Garda personnel, the Authority will be taking up the matter with the Garda Commissioner so that appropriate arrangements are made to accord an appropriate level of priority to the Garda Síochána for virus testing.

One of the matters being considered by the Government is advice on the use of protective masks and this is an issue on which we will be engaging further with the Garda Commissioner to ensure that staff and members are appropriately protected where social distancing is challenging or impossible.

Attestation of new recruits

The new recruits continue to be deployed as “assisting members”. Since the last report, the Authority has not been made aware of any new issues regarding the early attestation of new recruits, but intends to continue to keep this area under review.

4.4 Policing to Protect and Respect Human Rights

Protecting the right to protest

There have been a few instances where the Garda Síochána’s policing during COVID-19 has been the subject of media attention. There is an inescapable risk that GS engagement in particular instances will be perceived as uneven, inconsistent or even unfair, particularly where circumstances that may be different can appear to the public to be the same. While we have observed a level of coordination, internal review and reflection, in some of these matters, garda investigations are ongoing and once further information is received, we will consider and report as appropriate.

Recording Ethnicity

The Authority has been discussing with the Garda Síochána the approach to gathering data on ethnicity in the context of recording the use of anti-spit hoods. In the context of a changing Ireland, a complete understanding of how legislation or policy can affect various sectors within the population requires more nuanced reporting. Additionally, the collection of ethnic data is one of Ireland’s international commitments under human rights conventions, and would also seem part of the Garda Síochána’s responsibilities under Section 42 of the IHREC 2014 Act.

The Authority understands that the Garda Síochána needs to identify an appropriate legal basis to do this and ensure that they are compliant with General Data Protection Regulations (GDPR), which afford additional protections to such sensitive personal data. We have encouraged the Garda Síochána to engage with and seek the advice of the Irish Human Rights and Equality Commission as to the best approach in this regard. We will continue to engage with the Garda Síochána on this theme.