



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**

4 June 2020

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Chairperson's Foreword

The rhythm of these reports to the Minister has followed the pattern of his initial request to the Authority. That is to say that they have considered the use of the emergency powers, the use of force represented by the temporary deployment of anti-spit guards and the impact on individuals, particularly those who are vulnerable - in that order, followed by observations on each issue

In the forewords to the earlier reports, close attention was given to the question of recording of the use of each of the emergency powers. Our concerns in that regard remain. But I wish to focus first in these words on the depth of insight, and the related significance, in the engagements by the Authority's staff with organisations around the country who work with those who are vulnerable or, in some cases, with those whose experience of and relationships with the Garda Síochána may not always have been as good as would have been wished.

The initial response of the Garda Commissioner and his senior colleagues, which predated the coming into force of any Regulations, was one of an immediate focus on community engagement and of service, going well beyond the usual domain of policing. That was very important and has been deeply appreciated. As important as the increased visibility of a garda presence, was the quality and character of that presence.

The detail in Section 3 of this report conveys a vivid sense of this, of the perception of a new tone in the approach of Gardaí to people. They, in turn, perceive a new level of respect, of acceptance, see it as a conscious change and respond with generosity. That sense of a new type of relationship must also be perceived by Garda members themselves who work directly with the people concerned.

It is a really important development that this is happening but even more important for the potential that it has for the future. It will not always be possible for the Garda Síochána to deploy Gardaí in such numbers and in precisely the same way as now. But it will be possible for the same attitudes, tone and mutual respect to continue into the future. There is enormous potential for sustained development of relationships to be built on the foundations of the current experiences. The Authority will wish to consider these possibilities with the Commissioner in the coming weeks and months.

There is much material for reflection also for those who are charged with consideration of such legislative change as may be decided on in the context of a new emphasis on community safety. The Authority also sees, from its engagements with the Chairs of Joint Policing Committees, the enduring importance of genuine and substantive local community involvement.

The prospect of the policing task for the Garda Síochána becoming more difficult as the restrictions are eased was touched upon in the third Report and it continues to be a source of concern. As the people look forward to entering the next phase of reduced limitations in coming days, everybody will be able to travel farther and many more places of business will reopen. All very welcome but an expectation that Gardaí will be able to bring about observance of guidance where no statute or regulations apply, such as in social distancing, may be a challenge.

It has been a mercy that relatively few Garda personnel have been afflicted by COVID-19. At the beginning of the health emergency it was not clear that this would be the case. The Commissioner brought forward the attestation of all students in the Garda College so that they could assist and support in stations throughout the country. The Commissioner has outlined to the Authority the plans for the completion of the training programme for the two intake groups involved. He has also

provided details of the training programme for those students who form the next intake and whose training will have to take account of the health policy and guidelines and the consequent limitation on numbers in the College and on the structure of the training programme. The Authority will maintain close contact with the progress of these programmes both because the training of Gardaí represents a key foundation for the careers of the individuals concerned but also because it is such a crucial contribution to the future quality of the policing service to the people.

The legislative framework within which the emergency powers are situated and the on-the-ground community and policing approach adopted by the Garda Síochána have combined to present a quite different experience from that which has obtained in many other European countries. Different and better. That is important in the context of helping communities and individuals to get through difficult times. And it is also important as a basis for strengthening the relationship between policing and people. It merits attention here. It is also a reason why the fullest understanding of the use of garda emergency powers is necessary, not least because it is likely that many may perceive guidance from a Garda member as a direction when what was offered was advice or guidance.

As circumstances change with the hoped for entry to Phase Two – freedom to travel within a radius of 20 kilometres is freedom for everybody to travel within an area of more than 1200 square kilometres – the Authority will consider whether the frequency of these reports to the Minister may need to be revised. That will be kept under continuing review.

Bob Collins

Chairperson

1 Introduction

This is the fourth in a series of reports to the Minister for Justice and Equality in response to his request to the Policing Authority on 16 April 2020 to provide reports on its oversight activities and its assessment of the application of the COVID-19 Regulations by the Garda Síochána since the regulations came into force the 8 April 2020.

The main purpose of this reporting has been to consider whether the exceptional powers conferred on the Garda Síochána during this public health emergency have been used proportionately and only when necessary. In an effort to better understand how these powers have been used to date, information was requested from the Garda Síochána as to how many times each of the five powers afforded to Gardaí under the emergency legislation¹, were used, including 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.

It remains the case that while the Garda Síochána reports information as to the number of times that formal enforcement under the emergency legislation has proved necessary, there is no record maintained of the use of the powers otherwise, for example formally directing a person to comply with the Regulations. This is further discussed in Section 4 of this report.

The Authority continues in its outreach work to provide additional information as to the work done by the Garda Síochána among various segments of the population. Rich, qualitative information from stakeholders which is overwhelmingly positive about the Garda Síochána's policing is presented in Section three.

The final section reflects on key oversight issues and is based on the Authority's engagement with the Commissioner and members of his Senior Leadership Team.

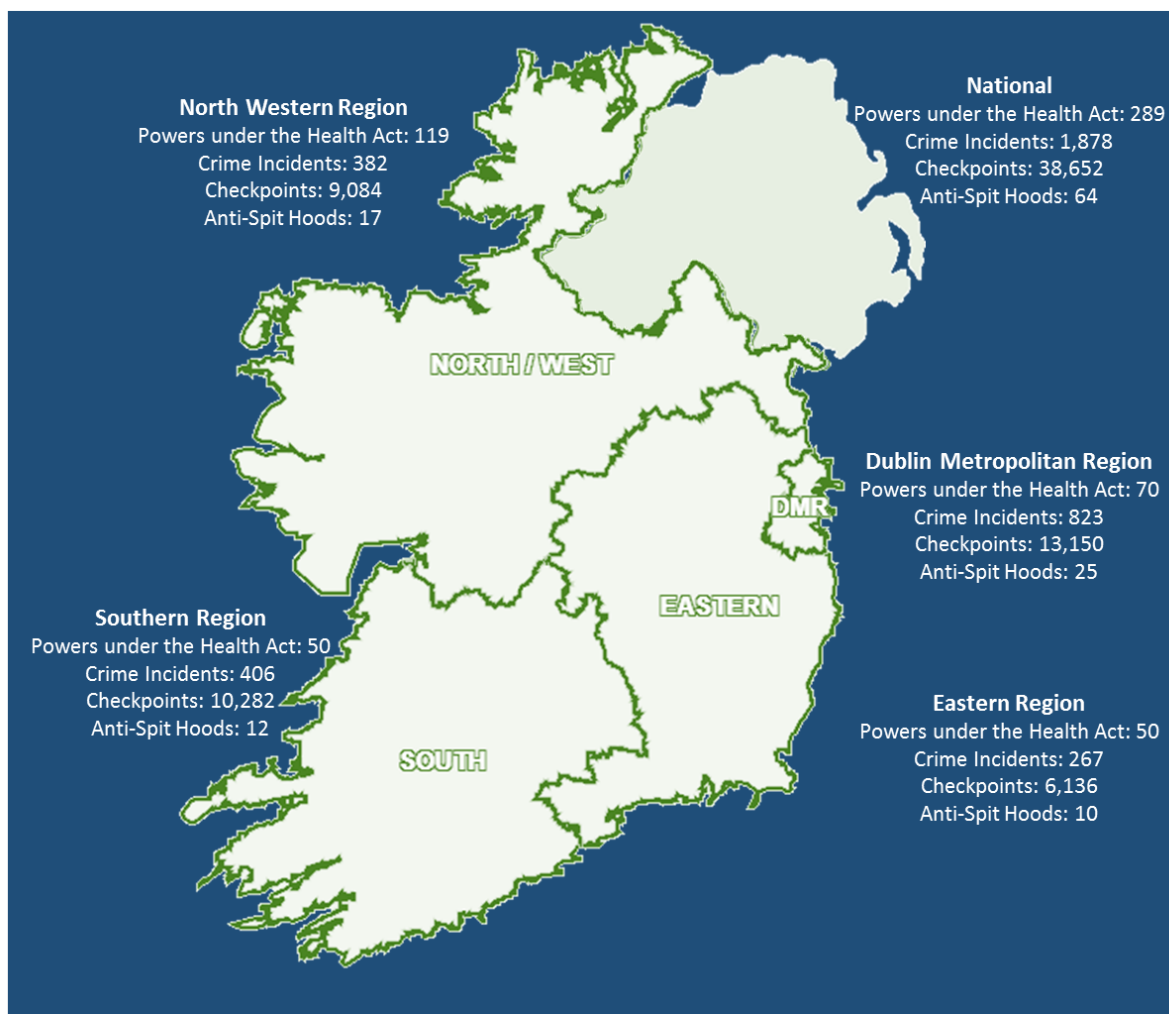
¹ Section 31 (A) of the Amended Health Act, 1947 and the associated regulations.

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 2 June 2020 for the cumulative period from 8 April 2020 to midnight on 30 May 2020 and is summarised in the mapped summary by region below.

Figure 1: Policing COVID-19 in numbers - summary by region²



As noted in the previous reports, 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 question³. This data is also only reflective of use of powers and, crime incidents refer only to those incidents associated with COVID-19 Policing activities. It does not refer to all crime in the state.

² With exception of checkpoints, all data refers to 8 April to 30 May. Checkpoints refer to period 4 May to 31 May only. Data is indicative only

³ The data is therefore not suitable for statistical analysis such as linking with other sources, comparisons or the construction of time series or trends.

It is noted that the vast majority of garda interactions with the public for COVID-19 policing involve engagement, explanation and encouragement; directions or taking of names and addresses which don't result in a formal enforcement action are typically not recorded and therefore not included in the reported figures. This issue, which has been discussed and reported on in detail in previous reports and as mentioned in Section 4.1 below, remains the case.

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

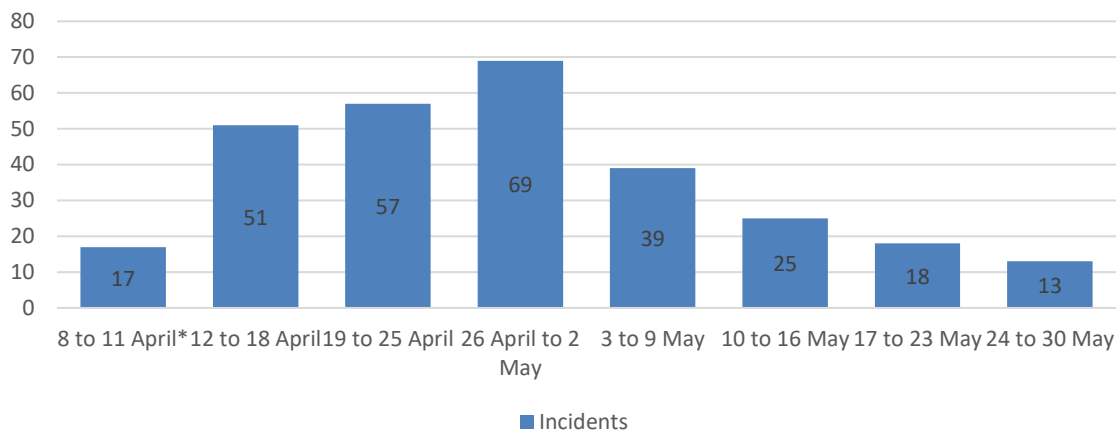
The total number of times the powers under the Health Act, 1947 were reported as exercised from their introduction until midnight on 30 May 2020 is 289 and their use is spread across the country as illustrated in Figure 2 below.

Figure 2 - Reported use of COVID Policing Powers by Garda Division



For the week ending 30 May 2020, there were 13 incidents where the powers were reported as exercised, and this represents an ongoing decline in the number of these incidents since the start of May.

Figure 3: Number of times powers under the Health Act, 1947 have been used per week



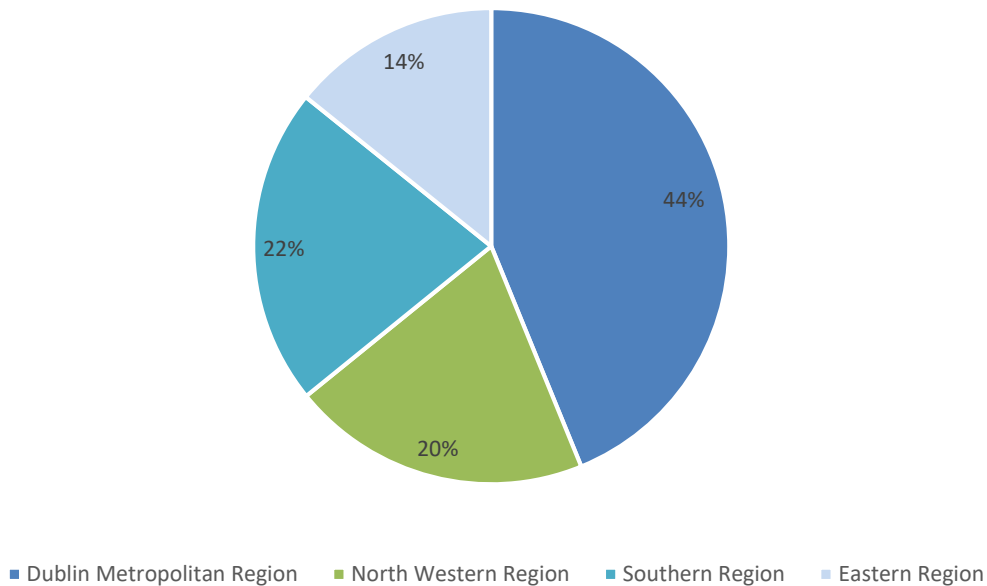
*As figures are reported since 8 April, this period only represents four days

- The Garda Síochána has stated that two of these incidents were at the direction of a health professional, which represents no further increases from previous weeks.
- The North Western Region⁴ accounted for 119 (41%) of incidents since 8 April and remains the region with the highest number of such incidents. Cavan/Monaghan and Galway are the two divisions with the highest number of incidents. At station level, one in Dublin Metropolitan Region had ten incidents associated with it, while one North Western Region had nine incidents associated with it.
- However, as per previous reports, the examination of geographic distribution of the use of powers in detail does not identify any issues of the use of powers being centralised in one locality.
- A further 10 incidents are being reviewed to determine their exact nature and may result in an increase to the overall number, or may be deemed not to be a use of these powers and therefore excluded from future analysis. Incidents, which had been noted as requiring clarification in the last report, have resulted in some increases to previous weeks' figures.
- The Authority had requested that the Garda Síochána provide a disaggregation of which of the five powers were used in the 289 incidents and this has not yet been provided.

⁴ The North Western Region comprises Counties Galway, Mayo, Roscommon, Longford, Louth, Donegal, Sligo, Leitrim, Cavan and Monaghan.

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 30 May

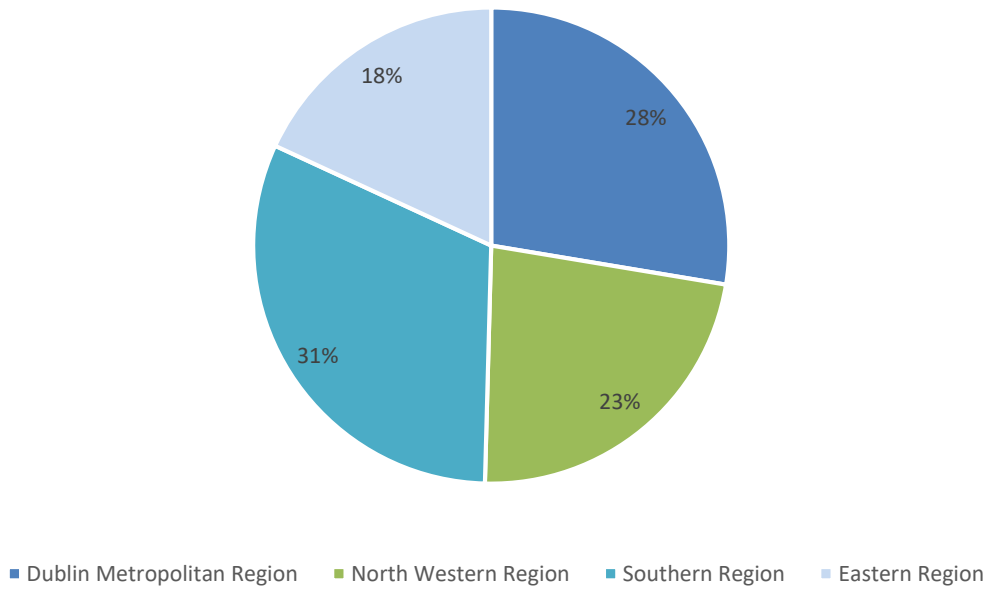


- From 8 April to 30 May 2020, there were 1,878 crime incidents, which represented suspected offences disclosed or uncovered because of COVID-19 policing.
- In the previous report to the Minister, for the period 8 April to 16 May, there were 1,621 such incidents. This means an additional 257 incidents have been recorded or confirmed in the past fortnight (a 16% increase). It is noted that some of these “new” incidents may have occurred prior to the 16 May but were not included in previous totals due to not being validated at that time.
- Approximately 19% of these offences relate to public order, while a further 15% relate to simple drug possession. General road offences was the third most frequent offence classification accounting for approximately 12%. However, when all types of road offences are combined, they account for approximately 36%. The proportion of all incidents accounted for by all of these incident types has not changed significantly since the last report.

2.4 Road Checkpoints

Indicative data has been provided for the number of checkpoints carried out across the country for the period 25 to 31 May. While the number of checkpoints carried out has fallen relative to those reported in previous weeks, more than 6,500 checkpoints were conducted which represents a significant presence. Of the checkpoints carried out for the week 25 to 31 May, 31% occurred in Southern Region, 28% in Dublin Metropolitan Region, 23% in the North Western Region and 18% in Eastern Region.

Figure 3: Checkpoints carried out by region, 25 to 31 May



3 Outreach

The palpable sense of appreciation for the volume and quality of the work being done by the Garda Síochána continues. Since the submission of the previous report, 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. Outreach during this period has included engagement with organisations that support older people, safeguard vulnerable adults, provide domestic abuse services, support Travellers and combat racism.

3.1 Environment

Engagement with stakeholders continues to highlight the vulnerabilities of people during the COVID-19 crisis, and how these are exacerbated by the restrictions. There is an increased risk of violence and abuse behind closed doors precisely at a time when there are fewer people entering the home to provide care and safeguarding to vulnerable adults and children. The normal routines which may have allowed some respite for victims from these situations or which might have facilitated their accessing support have been eliminated with a resulting ‘pressure cooker’ environment. In the absence of both formal safeguarding due to the redeployment of HSE social workers, and informal contact and care from neighbours and friends due to the COVID-19 restrictions, groups stressed that the role of the Garda Síochána in identifying these vulnerabilities becomes even more important.

These vulnerabilities relate not only to physical and emotional abuse. It was reported that approximately 50,000 people have authorised temporary agents — family members or friends — to collect their social welfare payments on their behalf while they are cocooning. There is a concern that this may leave vulnerable or older people at greater risk of coercive control and financial abuse. The importance of robust Garda vetting in relation to voluntary organisations was emphasised to ensure that vulnerable adults are protected and the role of community policing was highlighted as an important means by which vulnerabilities can be identified.

JPC Chairpersons reported what while crime remains vastly reduced throughout the country there are concerns about levels of public disorder and incidents of anti-social behaviour involving young people. It was reported that the closure of schools and the cancellation of the Leaving Certificate examinations, combined with the continued closure of all retail outlets and local amenities is resulting in a lack of outlets and activities for young people.

Some JPC Chairpersons raised a concern that certain functions of public sector bodies have been reduced or halted at present. Chairpersons voiced concerns that this may be limiting the effectiveness of policing that requires a multi-agency aspect. The rise in dumping and the associated withdrawal of certain local authority functions such as litter wardens and street cleaning was again raised.

In many of these areas it was acknowledged that these are issues that require the involvement and integrated response of a range of statutory agencies and organisations, not just the Garda Síochána.

3.2 Easing of restrictions

The policing of community areas/beauty spots such as parks and beaches are a shared cause for concern for JPC Chairpersons. This centres on the ability of the Garda Síochána to effectively manage the large crowds in these areas and ensure social distancing takes place; in particular as the country moves through the phases of the Roadmap for Reopening Business and Society. While the policing to date in these areas has been reported as good with strong community engagement, it remains a concern due to increasing crowds and footfall, making this a potential problem area as restrictions are lifted. It has been reported that local authorities are assisting, with monitoring taking place by local authority staff in some counties/areas.

Other issues raised included people congregating in other locations such as small parks, sports pitches, etc. There are concerns that these areas may receive less policing attention due to smaller groups than the aforementioned areas and that a lack of social distancing or anti-social behaviour could also occur here.

3.3 Consistency of Response

JPC Chairpersons continue to provide positive feedback concerning local policing including the increased focus and resourcing of community policing and the reasoned, proportionate response of the Garda Síochána when dealing with the public. The feedback from JPCs concerning minority and vulnerable communities maintains a positive tone overall with praise for the continued and proactive engagement. Organisations representing minority and vulnerable communities equally report positive experiences from around the country with regard to the approach, efforts and responsiveness of the Garda Síochána. Fears that may have existed regarding how policing might be approached during this period are reported as having been allayed. Reference has been made to respectful interactions, with policing being assertive but not intrusive.

Domestic abuse organisations are continuing to report a maintained focus on the issue with many examples provided of what are described as excellent examples of policing in this area. As reported previously, organisations report that work remains to be done in terms of the consistency of approach and improving understanding across the service of domestic abuse and coercive control.

3.4 Integration

As discussed in the previous report, groups emphasised that the experience of COVID-19 is not homogenous nor static. The demands on policing change and can become more complex as the restrictions lift. A number of groups highlighted that entering a new phase, rather than allowing the Garda Síochána to pull back, may instead see increased demand as the Gardaí find themselves filling the gap left by those returning to work while cocooning continues. A number of organisations spoke to the rapidity with which the Garda Síochána had mobilised to respond to COVID-19 with one organisation describing it as a *'good problem'*. The Garda Síochána *'got out early'* and its work has *'given confidence to members in the community'* with groups reporting an anticipated increase in community trust in the Garda Síochána arising from this work.

The problem referenced is what is described as the lost opportunity for integrated planning between the Garda Síochána and statutory and non-statutory organisations at that initial stage given *'how quickly they were out the gate'*.

Stakeholders pointed to the complexity and diversity of the needs presenting to Gardaí. Reference was made to the *'hard to reach groups within the community having been found or through necessity having come forward'*. The needs of many of these individuals will endure beyond the COVID-19 period.

Gardaí need an infrastructure in place that allows them to refer people to the appropriate support services. That infrastructure includes systemic working relationships with support agencies and knowledge of the supports available. In the absence of integrated planning, organisations warned that the Garda Síochána risks attempting to address these needs alone or not addressing them through a lack of awareness.

The thrust of these conversations was a recognition of the huge effort being made by Gardaí within the community but also that the issues presenting to Gardaí are not wholly within its competence or remit to resolve. As first responders and given the tacit knowledge and opportunities for contact with vulnerable members of the community that it has, the Garda Síochána is a critical link between people and the services they require. That link can be leveraged when there is an infrastructure in place at community level. Organisations expressed the view that this type of planning for a *'new normal'* can and should still be undertaken. Examples were given of local integrated planning which had resulted in significantly better options for Gardaí in responding to crime, outcomes for victims and overall community safety.

Domestic abuse groups made particular reference to the manner in which the Garda Síochána has usefully worked with their organisations to source information for themselves and victims, and to refer victims on to their services.

3.5 Tone of Policing

One of the most striking elements of feedback received from stakeholders has related to the tone with which the Garda Síochána has discharged its duties during this time. There is a sense that it is doing old jobs better and this has had a significant impact on the community's experience of policing. Previous reports have referenced the impact of the increased visibility of and engagement with Gardaí within communities. The feedback regarding tone is about the quality of that engagement.

Policing during COVID-19 has been described as being more empathetic, respectful, focused, caring and engaged. Groups that hitherto would have reported low confidence in the Gardaí are now expressing cautious optimism that the tone of interaction might be preserved beyond the COVID-19 emergency. As one Traveller remarked, *'it is like nothing we've experienced before — it is as if they have been instructed to treat us as members of the community'*. A number of domestic abuse organisations described an increased alertness, empathy and appreciation of the situation in which the interaction with victims is taking place. In some cases groups stressed that it may not be that the policing actions being taken were different than before, but the manner in which they were discharged was of a different character.

While visibility of Gardaí is a function of resources and decisions regarding resource allocation, tone is less so. Groups have described it as relating to the orientation at the level of the individual Garda, supported by the organisational culture. The ‘tone of policing’ being experienced now within particular communities and towards particular types of crime is reported as building confidence and trust. These positives are not being equated simply with increased resourcing levels. While groups and organisations have expressed concerns that police resources will contract post the COVID-19 period, the retention of the current ‘*tone of policing*’ is not seen as being resource dependent and there is cautious optimism that it can be preserved.

3.6 Operation Faoiseamh

Operation Faoiseamh continues to be regarded as a key policing response. Levels of domestic abuse are reported by support organisations and the Garda Síochána as having significantly increased. There is huge positivity for the work being undertaken and the resourcing and focus this area of crime is being given.

Previous reports have made reference to the fears that resourcing will contract post crisis. However, consistency is also something that needs further work with one organisation characterising the policing response to domestic abuse and coercive control as ‘*culturally not there yet*’. This relates to instances where there is a framing of domestic abuse as a relationship issue rather than a crime with a reported reluctance to remove the perpetrator from the home or make an arrest in the absence of a complaint.

The particular difficulties experienced in small towns where the police, perpetrators and victims are known to each other or indeed where the victim or perpetrator may be a member of the Garda Síochána were also raised. Particular issues arise in terms of Travellers and a perceived reluctance to respond to calls in relation to domestic abuse or when they are responded to, the call out being taken as an opportunity to conduct searches or check for tax and insurance compliance. The impact of this is that it may dis-incentivise victims from seeking police assistance. Organisations are keen to stress the many examples of positive work and outcomes that are happening and the real impact at an individual level of the increased focus and resourcing.

It is precisely these examples that serve to expose those areas where the response is not as informed or consistent, or where there is a lack of clarity on the part of individual Gardaí as to the breadth and scope of the domestic violence legislation and the Garda Síochána’s powers under that legislation.

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

Reporting on use of emergency powers

Up to midnight on Saturday 30 May, the Garda Síochána has reported 289 uses of the powers conferred on it under the emergency legislation. In the fifty-three days since the Regulations were made, the reported use of these powers is on average less than six times each day.

While the Garda Síochána has expended considerable effort over the past two months to record and report comprehensively on the use of powers, it remains the fact that these reported use of powers only reflect formal enforcement or non-compliance with the Regulations and not where the powers have been used by way of a direction which resulted in compliance by an individual. This may become either increasingly important or redundant in the coming weeks and months depending on how the phased return to normality progresses.

The Authority will continue to encourage the Commissioner to make a greater level of detail available in future so that these reports to the Minister and the public can become more complete.

The easing of the restrictions on 18 May is welcomed as indicative of the positive progress being made in combating COVID-19. The Authority is concerned that this period will present significant challenges for the policing of the regulations. Different rules or advice may pertain to increasing numbers or categories of people – each of whom can be appropriately and legitimately out and about. There is also the distinction between what is a behaviour or action required by regulation and what is public health advice and what are matters that can be dealt with as per usual, with existing legislation.

Use of anti-spit hoods

For the week ending 30 May 2020, anti-spit hoods were used in four incidents, bringing the total uses to date to 64, which include two involving persons under the age of 18.

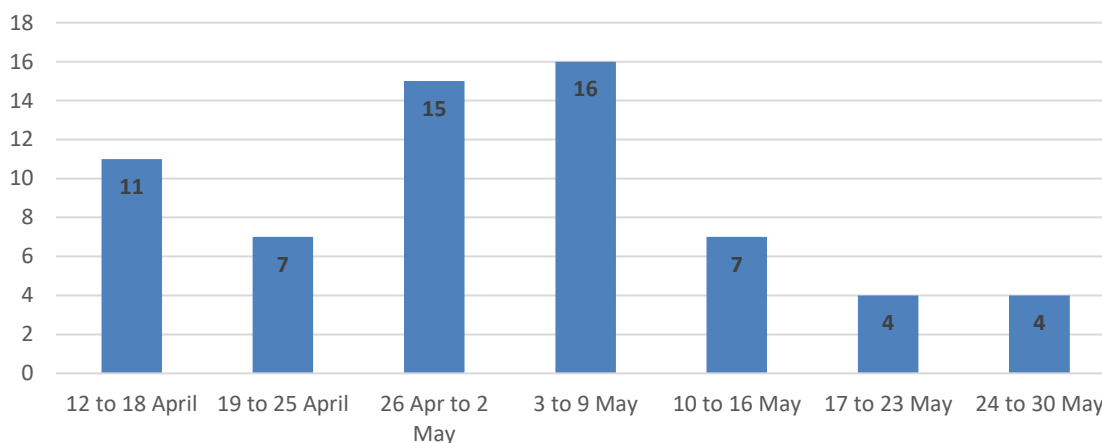
As previously reported, the Garda Síochána has provided instructions for Members on when it is permissible to use an Anti-Spit Hood and identifies the context within which these can be used. Some relevant provisions in these instructions include that:

- The primary objective of their use is to stop the transmission of infectious disease(s) such as Covid 19 and **not** as a restraint (emphasis in the original);

- The only circumstances which may justify the use of such a device are where there is clear evidence of spitting **now** or where a Garda member believes there is a clear and tangible threat of spitting being posed by the subject;
- Previous instances of the above behaviour will not provide justification for their use in isolation; and
- Spitting on the ground to clear the mouth, especially if the subject is bleeding or distressed, is not a catalyst to use the device.

It is clear that anti-spit hoods are only to be used where it is necessary and proportionate and in particular where there is clear evidence of ongoing spitting or where a member believes there is a clear and tangible threat of spitting. Members are also required to provide a warning before the application of a hood on a person.

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



- Since their introduction, they have most frequently been used in the Dublin Metropolitan Region, which accounted for 25 of the incidents.
- Public Order offences accounted for 30 of the incidents while assault accounted for a further 14.
- While the fall in the use of anti-spit hoods is regarded as a positive sign, it is accepted that the number of incidents for the week may be currently underreported due to lags in reporting and created by data quality assurance processes.
- For more recent incidents, a more detailed reporting template has been used by the Garda Síochána for reporting to the Authority. Based on a sample of 27 incidents where this new template has been used, it was reported that 21 involved people who demonstrated obvious signs of intoxication, with a much smaller number demonstrating obvious signs of mental health issues.
- Additional use of force is not routinely reported with the use of spit hoods. However, it is evident from the detailed reports and supplementary information that in at least 14 of the 64 incidents either incapacitant spray, a baton or both were used in conjunction with the anti-spit hood.

The Authority continues to receive a detailed report for each use of an anti-spit hood and from reviewing same, the Garda Síochána has reported that in each case, one or more of the following has happened:

- A Garda Member has been spat/coughed on by a suspect; and / or
- A suspect has spat/coughed in the direction or vicinity of the member; and / or
- A suspect has spat while in a garda vehicle or cell; and / or
- A suspect has made a threat to spit.

The use of anti-spit hoods remains a key concern for the Authority and uses of these are being examined and will continue to be keenly monitored until the anticipated withdrawal of these hoods when this public health emergency comes to an end.

Armed Checkpoints

There was further engagement with the Commissioner and his senior team regarding the presence of armed Garda Members at checkpoints and we will continue to monitor this issue.

Incidence of potential complaints

The Authority continues to interact with GSOC to identify any changes to the characteristics of potential complaints being notified to it. There have been a few allegations of assault and these are being considered by GSOC - we understand that the majority of calls continue to relate to use of PPE, discourtesy and social distancing by garda members.

4.2 Community Engagement and Service to Vulnerable Groups

The Authority's outreach work continues to find that groups and organisations remain positive in their assessment of the Garda Síochána's policing response. In addition to the commentary provided in previous reports, which endures, the conversations are increasingly focused on the legacy of this period and the character of policing service that might emerge from this experience.

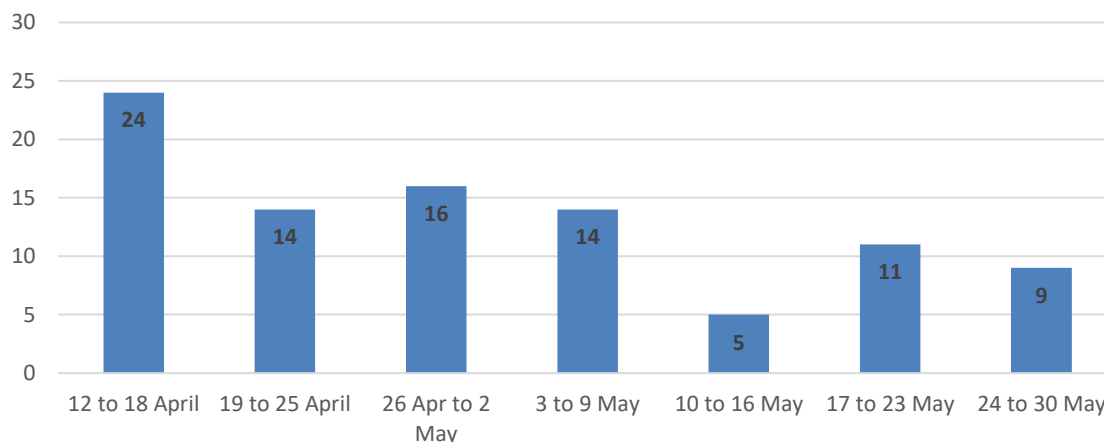
Two key areas that have been raised concern the Garda Síochána's ability to plan and integrate its efforts with other organisations and the opportunity to capture and preserve the 'tone of policing' that has emerged during this period. Integration with other services is described as having benefits in terms of better leveraging of Garda resources and the Garda Síochána's access to people within the community. It also recognises what are described as the complexity of the needs of those that call on the Garda Síochána for assistance and the limits in terms of competence and remit of the Garda Síochána to respond to these needs in isolation.

In terms of the tone of policing, this is a finding in which the Gard Síochána should take a keen interest. There is value in understanding what has emerged or been rediscovered in the nature of the interaction of Garda members with the community during this time and in the implications of the perception of that change. The outreach work points to the increased trust and public confidence to be gleaned in retaining that tone. This appears all the more pertinent at a time when police/community relations are so troubled elsewhere.

4.3 Wellbeing of Garda Members and Staff

The safety and wellbeing of garda members remains at the forefront of the Authority’s considerations, and it is abhorrent that verbal and physical attacks on members continue from a small minority of the public, as outlined in figure 4 below.

Figure 4: Number of assault incidents where garda members have been coughed or spat on



Since the last report, no other matters came to the Authority’s attention, which cause unusual concern about wellbeing and safety.

Training, support, supervision and performance of new recruits

At its meeting on 27 May, the Authority was provided with further detail about the proposed completion of training for the two classes of newly attested recruits, who have been serving as “assisting” Garda members during the COVID-19 crisis. Information was also provided on the initial training to be provided for the next trainee class, which are starting their training in two phased groups. The first group began a combination of virtual and onsite training in Templemore from 25 May and the second will commence later in June. The Authority will continue to oversee the arrangements for these three classes throughout 2020.

4.4 Policing to Protect and Respect Human Rights

Fairness and consistency

Incidents relating to pickets and protests continue to occur and there has been further engagement with the Garda Síochána on the approach to policing such incidents. As previously reported, the policy is to try to avoid escalation, arrests and physical contact, and instead to encourage compliance by individuals with the COVID-19 Regulations. In the case of some recent incidents, there has been frequent contact with the Commissioner and Deputy Commissioner regarding the details of events which occurred and the planning for future events to receive assurance that there is consistency and fairness in the approach.

The Garda Síochána has reported that for individuals, who have not complied with the Regulations, the powers under the Act have been used and files are being prepared for consideration by the Director of Public Prosecution ('DPP'). They have further reported that this has proved challenging for a number of larger protests and we have been assured that significant planning is ongoing in cooperation with local authorities and organisers for future planned protests.

The Authority continues to emphasise the importance of both being, and being seen to be, fair and consistent and will continue to keep this matter under review.

Recording Ethnicity

There is no evidence yet of progress with regard to considering the recording of ethnicity. While the Authority recognises that doing this in a consistent and coherent manner across the criminal justice system will take time, it would be good to see evidence of the beginning of interaction by the Garda Síochána with the Irish Human Rights and Equality Commission (IHREC) on this matter, as suggested by the Authority at the meeting in public with the Commissioner on 29 April 2020. Apart from it being an imperative, it is also in the Garda Síochána's interest to be able to demonstrate that its policing is proportionate and fair to all individuals within our society and is in compliance with human rights obligations. The Authority will continue to encourage the Garda Commissioner to progress this matter.