



GARDA  
INSPECTORATE  
PROMOTING EXCELLENCE & ACCOUNTABILITY

Report of the Garda  
Síochána Inspectorate

# Public Order Policing

A Review of Practices in the Garda Síochána  
Executive Summary

April 2019



# Executive Summary

## Introduction

This inspection, requested by the Policing Authority, is a forward-looking examination of the effectiveness of public order policing by the Garda Síochána. It explores a number of themes, including: strategy, governance and accountability; capability and capacity; operational delivery; and post-incident management. An important objective of the inspection was to assess the relevant evidence of strategic planning by the Garda Síochána and its response to incidents that have the potential to undermine wider confidence in policing as a result of serious breakdown in public order.

The backdrop to the inspection was the consideration by the Policing Authority during 2018 of two particular Garda Síochána reviews of public order-related incidents. Both reviews identified a series of recommendations on a range of issues, including: garda policy, training, operational planning, tactical advice, communications and the management and conduct of post-incident investigations.

An important distinction between the Garda Síochána and other comparable police services, which can have mutual aid arrangements, is the requirement for the Garda Síochána to be self-sufficient as regards its policing response to public disorder.

## A Human Rights-Based Approach

Ireland is a common law jurisdiction with a written constitution providing a comprehensive human rights-based framework. In 2003, the European

Convention on Human Rights Act became law and allowed legal rights under the European Convention on Human Rights (ECHR) to be directly enforceable in the Irish courts. The ECHR sets down specific rights related to assembly or public protest, which may be restricted only in accordance with the law. In addition, there are certain positive obligations on states to intervene to guarantee the practical and effective application of these rights, such as, the duty to intervene to protect against violent opposition to a group exercising their right to assembly. The actions of the state are balanced by certain additional rights and protections. In particular, Article 2 (the right to life), Article 3 (the right not to be subjected to torture or other ill treatment) and Article 8 (the right to respect for private and family life). When planning an operation police are always required to exercise proportionality and restraint, minimise damage and injury and ensure medical assistance is available. They should always consider viable alternatives to the use of force reflecting a graduated and flexible response.

## Garda Code of Ethics

In the Garda Síochána, members are individually responsible for deciding to exercise powers and must be prepared to explain and justify their use. In this context, human rights and the Garda Code of Ethics should be central to all decisions relating to the use of force. The Code of Ethics commits members and staff to common ethical standards including to act responsibly and to justify their decisions.

## Strategy, Governance and Accountability

### Strategic Threat and Risk Assessment

The greatest risk as regards public order for the Garda Síochána as an organisation is not from the potential for widespread public disorder, which in an Irish context would be considered relatively low, but rather arises from inconsistent governance and application of garda policy.

An important issue to emerge from the inspection is the absence of a public order Strategic Threat and Risk Assessment (STRA). A STRA would examine the wider issues around organisational readiness, contingency planning and emerging protester tactics and would provide a robust evidence base for determining the most appropriate operating model for public order policing in terms of: capacity, capability and training. A STRA would also provide a clearer strategic link with public procurement of equipment, welfare and legal support. The absence of a STRA is a significant organisational risk and the Garda Síochána should urgently develop a formalised public order strategic assessment of threat and risk.

### Governance Structures

The Inspectorate considers that the Garda Síochána structures and responsibilities for the governance of public order are spread across too many functions, resulting in diffused accountability, and need to be streamlined. The inspection found limited strategic co-ordination, and that public order responsibilities overlapped across a number of assistant commissioners, chief superintendents and superintendents, a situation which limits their capability to drive the strategic changes necessary. In the Inspectorate's view, a single assistant commissioner should be responsible for

leading on public order governance, policy and compliance and a chief superintendent within operational support services should be responsible for overseeing public order standards, training, capacity and capability across the whole country.

### Monitoring Use of Force

The Inspectorate found that there was no internal governance group monitoring use of force by garda members, unlike the other police services visited during the inspection. This is a significant gap in governance. External accountability was limited to the reporting of incapacitant spray, Taser and conventional firearm use to the Garda Síochána Ombudsman Commission. Both the Police Service of Northern Ireland (PSNI) and Police Scotland have clearer governance arrangements for monitoring the use of force including in a public order context. The Inspectorate recommends that the external oversight of garda use of force trends should be incorporated into the performance monitoring activities of the Policing Authority and any subsequent oversight body.

### National Public Order Steering Group

The National Public Order Steering Group has an advisory function in relation to public order tactics, training standards, equipment and vehicles. The representation and focus of this group was considered to be too narrow. The group should have senior representation from support functions (such as training, procurement, human rights, intelligence and analysis) and its remit should cover all internal governance matters relating to public order. In addition, a training instructors group meets annually to discuss training standards and to develop new tactics, as necessary. The role of this group should be clearly set out in garda policy and it should be more closely integrated into public order governance arrangements.

### **Public Order Incident Command Model**

The public order incident command policy and procedures documentation lacks a clear definition of what constitutes a public order incident. A critical element of the policy is the Public Order Incident Command Model. The inspection found that the model is not consistently activated when the use of specialist public order tactics or personnel is planned. It can be activated only by a divisional officer (chief superintendent) and must be activated before the full range of principles and guidelines, in terms of strategy, planning and command, become effective. However, National Public Order Unit (NPOU) mobilisation rules also permit the deployment of public order resources without activating the model, which the Inspectorate found happens regularly at divisional level. This creates significant risk.

### **Authorisation**

It is crucial that the advice of a public order tactical advisor or a public order operational commander be obtained in advance of any pre-planned event where the deployment of the NPOU is being considered, and alternatives such as peaceful crowd management or additional high-visibility policing should always be considered before resort to the use of specialist public order resources. To ensure this the Inspectorate recommends that all planned deployment of the NPOU have the approval of the assistant commissioner with lead responsibility for public order. For spontaneous public order incidents, the Garda Síochána should develop an effective authorisation process for deploying NPOU.

### **Transparency of Garda Policy**

The Inspectorate found that a greater focus should be put on human rights and the Code of Ethics in the public order incident command policy, procedures and guidance. The Inspectorate also recommends that

public order policy could be made more transparent by publishing the policy documents on the external garda website, excluding only operationally sensitive material.

## **Capacity and Capability**

### **Public Order Capacity**

There are no garda members dedicated full-time to public order duties in the NPOU. Due to the part-time nature of the unit the Garda Síochána has determined the ongoing training requirement at 48 public order units or 1,200 public order members. This determination was based on historical considerations and professional judgement. While there are significant variations in regional distribution and rank ratios as between the identified requirement and actual numbers, the Inspectorate was satisfied that there was sufficient capacity to meet the demand for regular pre-planned public order events. It is considered that public order preparedness had taken significant strides forward over the past two years, including in relation to standardisation of training across divisions, increased training capacity and advanced planning for increasing command capacity during 2019.

### **Contingency Planning**

Spontaneous events of a serious nature are rare and local garda management indicated that the increased availability of public order trained members, spread across multiple units, had improved local readiness and contingency planning. Contingency and on-call arrangements in the divisions inspected were informal. While there was a requirement for communication rooms to hold lists for on-call public order commanders and public order tactical advisors (POTACs), the Inspectorate found that they relied more on personal contacts to mobilise the

NPOU in such circumstances. While NPOU members were available outside of normal duty times, it was accepted that there could be considerable delays in assembling public order units when necessary. Communication rooms were not equipped to take initial command of spontaneous public order incidents in the way they presently do in critical firearms incidents in the DMR. The Inspectorate was informed that the Garda College is examining a suitable IT solution, already used by other police services, which would improve the ability of the Garda Síochána to identify and mobilise public order members for deployment to a spontaneous public order incident.

### **Selection and Training**

Selection and training for the NPOU are closely linked. Members who are selected and who pass the initial fitness assessment and complete basic public order training are automatically appointed to the NPOU. The responsibility for selecting candidates for the fitness test lies with district officers, who are encouraged to consult with their local NPOU instructors when making the selection. The Inspectorate found that there were no processes to quality-assure selection and that inconsistent approaches were used across divisions. The Inspectorate recommends that standardised and transparent selection procedures, overseen by the Human Resources and People Development Department, be developed for the NPOU.

Due to low numbers, the Inspectorate recommends the adoption of a specific strategy to develop female representation in public order policing. In addition, selection should be contingent on up-to-date refresher training in use of force having been completed and selected members having signed the Code of Ethics. There have been delays in delivering refresher training beyond the timeframe specified in the policy

and any such decisions should be approved by the Public Order Steering Group

### **Leadership and Command**

The Inspectorate was impressed by the professional competence, knowledge and commitment of the public order command ranks (chief superintendents and superintendents) interviewed. An example of good practice identified during the inspection concerned briefing days for senior managers in February and March 2018. Updates were provided on new policy and key court decisions involving the European Convention on Human Rights as they relate to public order. There were also practical demonstrations, and overall the briefings were good evidence of continuous professional development for public order leaders. However, the Inspectorate was concerned that the breadth and depth of command capacity was insufficient. Furthermore, the Inspectorate recommends a mandatory recertification process for all public order commanders that ensures that they maintain operational competence, professional knowledge and a current understanding of relevant human rights issues. In addition, to enhance diversity the NPOSG should consider increasing the visibility of role models when determining the numbers and distribution of Public Order Commands.

### **Operational Delivery**

#### **Community Engagement**

The strategic plan for an event sets the policing tone in terms of the centrality of human rights and community engagement. Event organisers, garda planners and event commanders all provided good examples of engagement with stakeholders during all stages of events. However, public order planning in the Garda Síochána could



benefit from a more structured approach to engagement, in particular, greater use of community impact assessments to identify community concerns and tensions, and crisis negotiators to engage with harder-to-reach groups. The production of the *Guidelines for Event Organisers* by Dublin City Council in consultation with the Garda Síochána and the Health Service Executive is another example of good community engagement practices and it was suggested during the inspection that additional guidelines from the Garda Síochána on issues such as route planning would be particularly useful for event organisers. The Inspectorate recommends that event sergeants and public order commanders have ready access to human rights legal advice when planning events.

### Media

While the Garda Síochána has improved its approach to communications over recent years, the advent of 24-hour news cycles means that policing more often now takes place in the full glare of publicity. Social media presents additional problems for the effective policing of operations. Dealing with evolving events is a critical role of the Garda Press Office and earlier engagement by commanders with the Press Office is promoted, particularly as part of promotion and commander training.

### Garda Decision-Making Model

Garda members are individually accountable for their own decisions and actions and effective decision-making is a critical skill which should be developed in any police officer. While the Garda Decision-Making Model (GDMM) reflects accepted international practice in this regard and provides a good framework for effective decision-making by members, the Inspectorate found that knowledge and use of the GDMM was limited. At the initial student training stage in the Garda College, the

GDMM is integrated into practical scenarios such as use of force to reinforce learning of the model. However, the Inspectorate understands that divisional-level refresher training in use of force does not integrate the GDMM into scenario-type exercises to develop and cement the process in policing practice for members or supervisors.

### Graduated Response

As a rule, the policing response to any public order situation should be graduated before specialist public order tactics are deployed. Interviews with sergeants and inspectors responsible for planning major events showed a good understanding of the graduated approach and the principle is well embedded in POTAC and public order commander training. However, the inspection did find that NPOU serials or units have been formed by district and divisional officers without the appropriate advice from a POTAC or operationally competent public order commander, creating the risk that a disproportionate policing response or inappropriate tactics could be utilised.

## Post-Incident Management

### Organisational Learning

There is growing awareness of the importance of learning and development to the garda organisation over recent years. In the public order context, however, organisational learning could best be described as an *ad hoc* process. The inspection found that there has been limited progress in implementing the recommendations from the reviews of the An Cosán and North Fredrick Street incidents. The findings from these reviews were not shared with key departments or with members of public order teams. The Inspectorate was told that many events are

not debriefed in line with the POICM and learning is dependent on the local instructors or trainers present identifying the relevant issues and communicating them to the training instructors group.

### **Multi Agency Debriefs**

The Garda Síochána has led multi-agency debriefs involving the National Ambulance Service and Dublin Fire Brigade after major events to draw on shared experiences of inter-agency co-operation and to identify strengths and weaknesses. This is good practice and should be formalised and more broadly utilised with other external stakeholders, including event organisers and affected communities. The process should also be linked to the NPOSG in order for it to better influence strategy, selection, training and the development of tactics.

### **Welfare and Wellbeing Supports**

There are extensive welfare supports available to garda members and staff. These include the peer-to-peer support network, the Employee Assistance Service (EAS), a wellbeing phone line and the Chief Medical Officer. The Garda Síochána also has a clear vision for the future development of welfare and employee services within the organisation. The Inspectorate recommends that the Garda Síochána enhance welfare arrangements by considering the Employee Assistance Services as part of public order event planning and debriefing; promoting the availability of Employee Assistance Services on all command and operational public order courses; and reviewing the current welfare support provided to members at superintendent rank and above.

During the inspection the Inspectorate found many examples at divisional level of supervisors and leaders within the Garda Síochána working closely with the EAS after an event to address welfare concerns. In

Limerick the Inspectorate was briefed about a particularly good example of best practice where the EAS and local management brought staff together for a welfare briefing in advance of a potentially disturbing operation. This prepared the garda members and staff concerned for what they might encounter and is an obvious model for future pre-planned public order operations.

This report contains a number of recommendations, set out in Appendix 3, which are intended to contribute to greater transparency, clearer governance and leadership and more effective public order policing.



# Report Recommendations

## Recommendation 1

### Strategic Threat and Risk Assessment

The Inspectorate recommends that the Garda Síochána develop a wider strategic assessment of threat and risk which should be formalised in a Strategic Threat and Risk Assessment document.

- The Group should have broader membership including senior representation from the training, public procurement and human rights departments and from the Garda Síochána Analysis Service and staff associations.

## Recommendation 2

### Governance

The Inspectorate recommends that the Assistant Commissioner Roads Policing and Major Event Management should have lead responsibility for public order governance, policy and compliance and chair the National Public Order Steering Group.

- The Group should meet regularly to commission and review the Strategic Threat and Risk Assessment, and to oversee all aspects of public order policy, practice, training and standards, including human rights and the Garda Síochána Code of Ethics. It should also produce an implementation plan for all recommendations relating to public order policing and garda use of force.

## Recommendation 3

### Public Order Incident Command Model

The Inspectorate recommends that the Garda Síochána Public Order Incident Command Model must be activated whenever specialist resources or tactics are being considered.

## Recommendation 4A

### Use of Force

The Inspectorate recommends that the remit of the Garda Síochána Public Order Steering Group be expanded to include the internal monitoring of use of force. In addition to use of force reports the group should consider wider information including Garda Síochána Ombudsman Commission findings, civil claims and injury on duty reports. The Garda Síochána should publish use of force data on its external website as well as all procedures and guidelines relating to public order and use of force, with only operationally sensitive material being excluded.

**Recommendation 4B****Use of Force**

The Inspectorate recommends that the external oversight of garda use of force trends should be incorporated into the performance monitoring activities of the Policing Authority and any subsequent oversight body.

**Recommendation 7****Selection and Training**

The Inspectorate recommends the adoption of a specific strategy to develop greater female representation in public order policing.

**Recommendation 5****Capacity and Capability**

The Inspectorate recommends that the Garda Síochána use the evidence base of a current Strategic Threat and Risk Assessment to determine its public order operating model, capacity, capability and contingency.

**Recommendation 8****Leadership and Command**

The Inspectorate recommends that the National Public Order Steering Group should determine the number and distribution of Garda Síochána public order strategic/operational commanders on the basis of the Strategic Threat and Risk Assessment. The need to enhance the diversity of public order policing through more visible female role models should also be a strategic objective of the group.

**Recommendation 6****Selection and Training**

The Inspectorate recommends that the Garda Síochána develop a standardised, transparent selection process for the National Public Order Unit. This process should be overseen by the Human Resource and People Development Department to ensure consistency, fairness and equality of opportunity. Selection should be contingent on the member having up-to-date refresher training in use of force and having signed the Code of Ethics. Unsuccessful candidates should receive appropriate feedback.

**Recommendation 9****Leadership and Command**

The Inspectorate recommends a mandatory recertification process for all public order commanders that ensures that they maintain operational competence, professional knowledge and a current understanding of relevant human rights issues.

**Recommendation 10****Leadership and Command**

The Inspectorate recommends that staff in the new regional control rooms and the DMR Command and Control Centre have the capacity and capability to manage all spontaneous incidents, such as critical firearms and public order incidents.

**Recommendation 13****Planning and Community Engagement**

The Inspectorate recommends that as part of the planning process the Garda Síochána adopt a more structured approach to engagement, including the use of community impact assessments and crisis negotiators.

**Recommendation 11****Equipment and Technology**

The Inspectorate recommends that the Department of Justice and Equality planned legislation for the recording of images in public, fully supports the use of photographic and video equipment by the Garda Síochána at public events for evidence-gathering purposes.

**Recommendation 14****Authorisation**

The Inspectorate recommends that all planned deployment of the National Public Order Unit have the prior approval of the assistant commissioner with lead responsibility for public order policing. However, planning and operational delivery should remain the responsibility of local commanders. For spontaneous public order incidents the Garda Síochána should develop an effective authorisation process for deploying National Public Order Units.

**Recommendation 12****Planning and Community Engagement**

The Inspectorate recommends that event planners and public order commanders have ready access to human rights advice.

**Recommendation 15****Decision Making**

The Inspectorate recommends that the Garda Síochána embed the Garda Decision-Making Model into operational practice through the provision of scenario-based exercises in all use of force and public order training.

**Recommendation 16**  
**Decision Making**

The Inspectorate recommends that the Garda Síochána adopt a wider definition of ‘critical incident’ that recognises the risk to confidence in policing and take steps to ensure that this wider definition is embedded in operational practice.

**Recommendation 18**  
**Criminal Justice**

The Inspectorate recommends that the Garda Síochána formalise the process for establishing the criminal justice and intelligence aspects of the planning and policing of events.

**Recommendation 17**  
**Organisational Learning**

The Inspectorate recommends that the Garda Síochána formalise its debriefing process by involving external stakeholders including organisers, protesters and wider representation from internal organisational units. Lessons learned should be reviewed by the Public Order Steering Group and should influence subsequent selection, training and development of tactics and strategy.

**Recommendation 19**  
**Welfare**

The Inspectorate recommends that the Garda Síochána enhance welfare arrangements by considering the Employee Assistance Services as part of public order event planning and debriefing; promoting the availability of Employee Assistance Services on all command and operational public order courses; and reviewing the current welfare support provided to members at superintendent rank and above.