



# An Garda Síochána

## Policy Document

### Treatment of persons in custody regulations – Temperature screening and related risk assessment

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<b>Effective Date</b>	<i>9<sup>th</sup> April 2020</i>
<b>Version No.</b>	<b>1.0</b>
<b>Approved by</b>	<b>Garda Executive</b>
<b>Introduced by</b>	<b>HQ Directive 018/2020</b>
<b>Policy Owner</b>	<b>Assistant Commissioner, Eastern Region</b>

## Purpose

The purpose of this policy is to outline the process for members of An Garda Síochána to take the temperature of persons in Garda custody, using digital thermometers. Digital thermometers are to be introduced to Garda station custody suites/cells for prisoner assessments. This is an emergency measure for the duration of the Covid-19 pandemic only, and will be reviewed on the 9<sup>th</sup> November 2020, in line with the Government's sunset clause for reviewing the powers granted in the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020.

## Scope

This Policy and all associated documentation apply to members of An Garda Síochána and Garda Staff. It also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with Section 53, Garda Síochána Act 2005.

## Policy Statement

Digital thermometers may be utilised in order to risk assess whether a person being brought into Garda custody may be infected with Covid-19. Measuring the temperature of a detained person on their arrival at a Garda station will be an additional component of the existing risk assessment completed by the Member-in-Charge, as required under article 7(d) of the Treatment of Persons in Custody Regulations, and recorded in Section B1 of the Garda Síochána Custody Record – Risk Assessment form C.84(A).

The benefit of taking the temperature of a detainee is that it would assist in identifying persons suspected of having the Covid-19 virus at the earliest possible stage, thus containing the potential spread of the virus if the prisoner subsequently tests positive. It will also allow for appropriate medical attention to be sought for a detained person, as necessary, and will help guide Members-in-Charge when deciding whether precautionary measures need to be taken in the cell/custody area of the station.

Currently An Garda Síochána does not have a specific legal power or authorised requirement to take the temperature of a detained person. As a result, this policy is grounded on the principle of consent being provided by the detained individual. This policy also provides for the Member-in-Charge to ask additional questions of an arrested person on their arrival at the station, in order to assess their risk of exposure to/infection with Covid-19.

## Process

Digital thermometers will be stored securely in the designated custody area of the Garda Station, or another secure location within the station on the consent of the Divisional Officer who is accountable for same but may make a specific member responsible for their safe and secure storage. Only Digital thermometers supplied by An Garda Síochána are permitted to be used.

When the Member-in-Charge has completed their standard assessment of a detained person on that detainees/prisoners arrival at a Garda Station, a further additional assessment may now be performed to determine their potential exposure to/infection with Covid-19. This assessment will take place only in circumstances where the Member-in-Charge considers this necessary, for example if the detainee displays suspected symptoms of Covid-19, and/or any other contributory factors, such as the place of arrest or any knowledge of contact with known or suspected cases.

If the Member-in-Charge determines that a Covid-19 assessment is required, s/he will ask the detainee the following five questions, the answers to each of which should be recorded in the Garda Síochána



Custody Record – Risk Assessment Form C.84(A) at Section B1 under the sub-heading ‘Garda Observations’, or at section B1 (F) ‘Other’:

1. Have you been in contact with anyone who has received a positive test for Covid-19 in the past 14 days?
2. Have you developed a cough in the past 14 days?
3. Are you or have you been short of breath in the past 14 days?
4. Have you had chills in the past 14 days, or do you feel unwell?
5. Do I have your consent to take your temperature, and to record it with general information on your physical condition in the custody record?

If consent is given, the Member-in-Charge should use the digital thermometer provided in order to measure the detainee’s temperature, in line with the manufacturer’s guidelines. The temperature reading and the time it was taken are to be recorded in the custody record. If consent is not given this assessment will be based on the preceding four questions.

If the detainee answers ‘yes’ to any of questions 1-4, and/or exhibits a temperature of 38 degrees Celsius or higher, consideration should be given to safely isolate the detainee/prisoner in a secure cell in line with Covid-19 containment protocols. Appropriate medical attention should then be sought by the Member-in-Charge, with the explicit warning to the GP/paramedic of a potential Covid-19 case. If the Member-in-charge is not the Duty Sergeant/Sergeant-in-Charge then he/she should be immediately informed by the Member-in-Charge that the detainee may be infected with Covid-19. All protocols for isolation and containment of a prisoner suspected of carrying Covid-19, as approved by the Garda Commissioner should be adhered to as should Article 21 of the Treatment of Persons in Custody Regulations.

The appended Prisoner Risk Assessment for contagious/communicable diseases (including Covid-19) should also be completed, signed, and attached to the custody record, along with the Form C.84 (A).

## Compliance

Compliance with this Policy and accompanying associated document(s) is mandatory for all members of An Garda Síochána and Garda Staff.

## Related Documents

- 1) **Criminal Justice Act, 1984 (Treatment of Persons in Custody) Regulations 1987**
- 2) **Garda Síochána Custody Record – Risk Assessment Form C.84(A)**
- 3) **Prisoner Risk Assessment for contagious/communicable diseases (including Covid-19)**

## Legal & Human Rights Screening

This Policy has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

## Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the Code of Ethics for An Garda Síochána and uphold and promote this Code throughout the organisation.

**Policy & Procedure Review**

This Policy and associated documents will be reviewed on 9<sup>th</sup> November 2020, to coincide with the Government's sunset clause for reviewing the powers granted in the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020.

**Disclaimer**

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

**General Data Protection Regulations / Directive 2016/680/EU - Police and Criminal Justice Authorities Directive (if relevant/appropriate)**

Personal data shall only be processed for the purposes specified in this policy, and within a clearly defined lawful basis under the (EU) General Data Protection Regulation (GDPR) ((EU) 2016/679) and the Data Protection Acts 1988/2018. All necessary measures will be put in place to ensure personal data is kept safe and secure. Only authorised personnel shall have access to personal data. Only relevant personal data will be processed, and will not be retained for longer than is necessary.