



**An Garda Síochána**  
**Policy Directive No. 075/2017**

<b>Policy title</b>	Public Order Incident Command
<b>Policy owner</b>	Assistant Commissioner DMR
<b>Policy application</b>	This policy applies to all members of An Garda Síochána
<b>Cancellations, amendments and associated documents</b>	The following Policy Directives/ HQ Directives/Code Chapters are amended /cancelled:
<b>Approving authority</b>	Garda Commissioner
<b>Human Rights and Equality Compliance</b>	This policy has been drafted in accordance with the Constitution of Ireland, 1937 and the requirements of the European Convention on Human Rights Act 2003.
<b>Commencement date</b>	This policy will take effect on 15 <sup>th</sup> December 2017.
<b>Previous review dates</b>	This is a new policy.
<b>Future review date</b>	This policy shall be reviewed on an annual basis by Assistant Commissioner DMR.
<b>Key related policies</b>	The following policies shall be read in conjunction with this policy and the Use of Force Guidance Notes on the use of force policy document: <ul style="list-style-type: none"><li>▪ Overarching Use of Force Policy</li><li>▪ Use of Batons Policy</li><li>▪ Restraints and Handcuffs Policy</li><li>▪ Incapacitant Spray Policy</li></ul>

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## **1 POLICY RATIONALE**

An Garda Síochána is the National Police Service of Ireland. An Garda Síochána is given powers under Irish statute and common law to perform the functions as set out in the Garda Síochána Act 2005.

The Public Order Policy sets out An Garda Síochána's framework in relation to the fundamental principles and objectives of public order policing. The policy establishes a consistency of approach in the planning, management and command for the policing of public order incidents/operations, pre-planned events and incidents of spontaneous public disorder.

It is the aim of An Garda Síochána to uphold and protect the human and constitutional rights of everyone by providing a high quality, effective policing service in partnership with the community and in co-operation with other agencies. In carrying out their duties, members of An Garda Síochána shall, as far as practicable and in so far as the circumstances dictate, consider non-physical means before resorting to the use of force in the resolution of public order incidents.

Members of An Garda Síochána will only resort to the use of public order tactics if there is no realistic prospect of achieving the lawful objective without exposing members of An Garda Síochána, or anyone whom it is their duty to protect, to a real risk of harm or injury.

## **2 POLICY AIMS & OBJECTIVES**

This document sets out An Garda Síochána's policy on the planning, management and policing of public order incidents. The policing of these incidents may require a particular response, developed and delivered through strategic planning and deployment of resources that takes cognisance of available intelligence and information to counter emerging risks/threats and respond appropriately when unexpected situations arise. The aim of this policy is to:

- Ensure a consistent approach in the policing of public order incidents,
- Ensure that members of An Garda Síochána respect the human rights of all individuals,
- Ensure that members of An Garda Síochána adhere to all applicable laws and regulations, training, policy and guidelines when policing public order incidents,

- Ensure that members of An Garda Síochána can safely and effectively carry out their statutory and common-law duties and have the appropriate means to effectively deal with persons who or incidents which pose a threat to the public, members of An Garda Síochána or themselves,
- Ensure that the risks associated with arresting violent and otherwise non-compliant subjects are minimised,
- Provide direction to all members of An Garda Síochána with respect to the use of force generally, and with respect to the equipment provided to assist in carrying out their duties,
- Ensure that members of An Garda Síochána accurately record, provide accounts and report their decisions/actions in the course of their duties, and the rationale for such decisions/actions.

### **3 STATEMENT OF POLICY**

The principle of this policy is to guide members of An Garda Síochána responsible for the planning and control of operations where the use of public order tactics is a possibility. Such members shall, in so far as is reasonably practicable, plan and control the operations, to minimise recourse to the use of public order tactics.

Incidents/operations that may require members of An Garda Síochána to utilise public order tactics may be generally categorised as follows:

- Protection of Life and Property
- Disorder associated with spontaneous incidents
- Single issue protests
- Organised notified protests
- Organised non notified protests
- Spontaneous protests
- Long term protests
- Violent protests
- Lawful public events, concerts, organised marches
- Unlawful public events and illegal gatherings
- Removal of persons unlawfully present on premises

- Barricade Incidents

Every effort should be made to resolve an incident without resorting to the use of public order tactics. Members of An Garda Síochána will only resort to the use of public order tactics if there is no realistic prospect of achieving the lawful objective without exposing members of An Garda Síochána, or anyone whom it is their duty to protect, to a real risk of harm or injury.

Members of An Garda Síochána responsible for the planning, command and control of operations where the use of public order tactics is a possibility shall, in so far as is reasonably practicable, plan and control the operations to minimise recourse to the use of force. Consideration shall be given during the planning of such operations to the need for medical assistance to be available.

The nature of policing is so diverse that it is not possible to document guidance to cover every eventuality. What is important is that any action taken is lawful. Any Garda response / action to resolve a public order incident must be lawful, proportionate, necessary and must be “*reasonable in the circumstances*”, as a member of An Garda Síochána believes it to be.

Any use of public order tactics, other than in training, whether intentional or otherwise, must be reported by the member concerned and recorded in the member’s official notebook, journal or other document as may be directed from time to time by the Garda Commissioner.

#### **4 RESOLUTION OF PUBLIC ORDER INCIDENTS**

It is recognised that the effective resolution of a public order incident involves the management of four key elements;

1. the scene of the incident
2. protection of members of the public and normal policing demands
3. communications (internal and external)
4. the subsequent investigation of the events that led to and occurred during the incident

This resolution process may require the activation of An Garda Síochána’s Public Order Incident Command Model which consists of three command roles;

1. Strategic
2. Operational

### 3. Tactical

These three roles provide a structure that facilitates the efficient and effective Garda response to and command of the incident, enhances the flow of information and command decisions, and ensures consistency of approach in that all decisions and actions pertinent to the command of an incident are documented as part of the public order incident's audit trail.

The member of An Garda Síochána who performs a Strategic Command Role is ultimately responsible for determining the strategy that will be utilised by An Garda Síochána in any operation to resolve a public order incident. Members of An Garda Síochána performing a Strategic Command Role retain strategic oversight and overall control of the public order incident or operation.

The member of An Garda Síochána who performs an Operational Command Role makes operational decisions in accordance with the strategy for the incident or operation. He / she commands and controls the Garda response to a public order incident within his / her designated area of responsibility and reports directly to the member of An Garda Síochána performing the Strategic Command Role.

The member(s) of An Garda Síochána who performs a Tactical Command Role have responsibility for implementing the directions of the member of An Garda Síochána performing the Operational Command Role. Due to the nature and / or scale of a public order incident, there may be more than one member of An Síochána managing Tactical Command Roles. Where there is more than one Tactical Commander, each will have a clearly defined role and area of responsibility. All Tactical Commanders will report to the Operational Commanders in charge of their area of responsibility.

Members of An Garda Síochána performing Strategic, Operational and Tactical Command roles should be aware that their role is to make decisions, give clear directions and ensure that those directions are carried out in an efficient and accountable manner. It is essential that members of An Garda Síochána deployed on operations in response to an incident clearly understand their roles and responsibilities.

## **5 ACTIVATION OF THE GARDA PUBLIC ORDER INCIDENT COMMAND MODEL**

The activation of An Garda Síochána's Public Order Incident Command Model will be initiated by a member of An Garda Síochána not below the rank of Chief Superintendent when he / she declares an incident / event is a public order incident. The principles outlined in this policy document will then be applicable to that particular public order incident / event. Pending such activation and its implementation, the current hierarchical rank structure of An Garda Síochána and its specific roles and responsibilities will be utilised in the resolution of the incident/event.

When determining whether to declare a public order incident, the Divisional Officer / Chief Superintendent will consider:

- The validity of the notification
- Whether the incident has a divisional, regional or national impact
- Whether current resources and skill-sets will deliver an effective Garda response or the resolution of the incident requires the additional resources of National or Regional Garda Specialist Units
- The effectiveness of the Public Order Incident Command Model to resolve the incident

Where the nature of the public order incident has a regional or national impact the Divisional Officer will notify the Regional Assistant Commissioner and advise the activation of An Garda Síochána's Public Order Incident Command Model. Where the Regional Assistant Commissioner agrees with the advice of the Divisional Officer, he / she will activate An Garda Síochána's Public Order Incident Command Model and appoint a Strategic Commander. Otherwise the existing Garda rank structure will manage the Garda response to the incident / operation.

## **6 POLICY DEVELOPMENT**

This policy has been developed using a structured approach in conjunction with the seven stages of policy making.

## **7 HUMAN RIGHTS AND EQUALITY REQUIREMENTS**

The fundamental principle underpinning this policy is that *any action taken must comply with the fundamental principles of legality, necessity (absolute necessity in terms of lethal force), proportionality and accountability and is applied in a non-discriminatory manner in accordance with the principles of the European Convention on Human Rights (ECHR).*

Constitutional and human rights are integral to all the Garda functions. This is of particular significance in relation to the planning, command and control of public order incidents. In carrying out their functions in accordance with this policy members of An Garda Síochána shall act with due respect for the personal rights of persons and their dignity as a human being and shall not subject any person to ill-treatment of any kind. This policy has been drafted in accordance with the principles of human rights law.

## **8 LEGAL BASIS**

The legal basis governing the use of force and public order tactics is principally contained in the Constitution of Ireland 1937, the Garda Síochána Act 2005, the ECHR, the Non Fatal Offences Against the Person Act 1997 and the Criminal Justice (Public Order) Act 1994.

## **9 POLICY IMPLICATIONS**

This policy is in compliance with An Garda Síochána's Overarching Use of Force Policy. Current public order training interventions provided by An Garda Síochána are in line with this policy. The current requirement for ongoing training and equipping of personnel is unaffected by this policy. The implementation of this policy will promote a consistency of approach and enhance knowledge of public order policing. All members of An Garda Síochána who do not comply with the provisions set out in this policy document may be subject to disciplinary proceedings.

## **10 SECONDED POLICE OFFICERS TO AN GARDA SÍOCHÁNA**

This policy applies to any police officer seconded to An Garda Síochána from the Police Service of Northern Ireland in accordance with section 53 of the Garda Síochána Act 2005.

## **11 PUBLICATION**

An Garda Síochána's Public Order Incident Command Policy consists of two sections; the organisation's policy statement for the command of public order incidents and the procedures



and guidance for the implementation of the organisation's policy for the command of public order incidents

The policy document is a *public document* and may be distributed externally of An Garda Síochána. It may be published on the Garda Web Site ([www.garda.ie](http://www.garda.ie)).

The procedures and guidance document is an internal *document* for internal Garda use only and *will not be made available to non-Garda personnel*. It will be published on the Garda Portal.

## **10 APPROVING AUTHORITY**

This policy has been approved by the Garda Commissioner.

## **11 DELEGATED AUTHORITY**

Once published and approved by the Commissioner, revisions can be made to the procedures / guidelines or other supporting documents accompanying contained in part two of this document by Assistant Commissioner DMR without recourse to the Commissioner.

## **12 MONITORING AND REVIEW**

This policy shall be reviewed annually by Assistant Commissioner DMR.

## **13 CONSULTATION**

The following have been consulted in preparation of this policy:

- Head of Legal Affairs (which included submissions from the Department of Justice and Equality, the Office of DPP, the Office of Attorney General and the Irish Human Rights Commission)
- An Garda Síochána Public Order Units
- Garda College
- Police Service of Northern Ireland
- London Metropolitan Police
- Strathclyde Police

### **Public order policies in other jurisdictions**

The authors have ensured that this policy has taken account of learning points from the G8 Summits, Her Majesty's Inspectorate of Constabulary (HMIC) review of Public Order Policing

in the UK (2011), the revised UK Public Order Command Index (Policing College 2014), South Africa's policy and guidelines on the Policing of Public Protests, Gatherings and Major Events (2011), the review of the Vancouver Stanley Cup Riot (2011) and the review of the G20 Summit Toronto (2011). This material covers the primary reviews of major public order policing incidents in more recent times and has influenced thinking on how future public order events are to be policed.

### **International Best Practice**

The authors have ensured that this policy is aligned with both Policing Command Structures and Public Order Tactical Deployment to ensure best practice is employed by An Garda Síochána and a consistency of approach adapted to enable members of An Garda Síochána to be deployed on operations with other policing / peace keeping organisations with an international remit. This approach has resulted in the introduction of the three tier command structure and the introduction of a new role of Public Order Tactical Advisors within An Garda Síochána.

## **14 DISCLAIMER**

This document is not intended to be, and does not represent, legal advice on the subject matter contained herein. This publication should not be used as a substitute for professional legal advice.