

Investigations into the policing of water protests

A Garda Ombudsman report
(under section 103 of the Garda Síochána Act 2005)

Introduction

From September 2014 to August 2015, GSOC received some 40 complaints related to the policing of protests about water charges and the installation of water meters.

A number of these were not deemed admissible for investigation, mostly because they were anonymous, or from people who had not witnessed the incident which was the subject of their complaint, but had heard about it from others or through the media.¹

Investigations

The 29 admissible complaints were investigated. One senior investigations officer was appointed to manage all of these cases, so that any recurring or potentially systemic issues would be more easily noticed. All were investigated directly, or supervised, by a GSOC officer.

Most of the complaints concerned allegations of assault or excessive force. Others concerned allegations of a disciplinary nature, such as neglect of duty or abuse of authority.

The majority of the complaints were related to incidents in North Dublin, during the installation of water meters by Irish Water and their contractors. All originated from Leinster, except two (one in Co. Cork and one in Co. Waterford).

The Garda Síochána Dublin Metropolitan Region North Division had an ‘operational order’ in place to manage such protests. This document, which set out a planned Garda response to protests, was examined as part of the investigations. The operational order made reference to legislation, risk assessments, safety, welfare and human rights. It detailed the numbers and ranks of garda members to be deployed to police the protests.

As part of the order, body cameras were issued to gardaí to wear during the

¹ Complaints received by the Garda Ombudsman must be assessed against the criteria listed in [section 87 of the Garda Síochána Act 2005](#), to decide whether they can be “admitted” for investigation or not.

protests and gardaí were instructed to inform protestors that they were being recorded. GSOC obtained the body camera video evidence recorded on the dates subject of complaints to GSOC. This, and video evidence uploaded to social media websites by others, was the principal source of evidence for the investigations.

Outcomes

Over a third of complainants did not cooperate with the GSOC investigations, or withdrew their complaints, making investigation difficult. In the remainder of

cases, there was no clear evidence of garda misconduct and, in some of them, it could be established that the actions of the gardaí concerned were proportionate.

GSOC sent one investigation file, related to a complaint of assault, to the Director of Public Prosecutions. No prosecution was directed. A disciplinary investigation was subsequently conducted concerning the conduct of three gardaí in relation to this case. A report (in line with section 97 of the Garda Síochána Act 2005), including recommendations in relation to disciplinary proceedings under the Garda Síochána Discipline Regulations 2007, was submitted to the Garda Commissioner.²

² Decisions on breaches of the Garda Síochána Discipline Regulations 2007, and any related sanctions, are the responsibility of the Garda Commissioner.