



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 17 January 2019

**Venue:** Dublin Castle

### Part A – Authority Meeting

#### Attendance:

**Authority:** Josephine Feehily (Chairperson), Noel Brett, Bob Collins, Pat Costello, Judith Gillespie, Valerie Judge, Moling Ryan.

**Secretary:** Aileen Healy

**Staff of the Authority:** Helen Hall (Chief Executive), Margaret Tumelty, Síle Larkin

**Apologies** Maureen Lynott

#### 1. Chairperson's Opening Remarks

Noting that this was an additional meeting of the Authority outside of the normal schedule, the draft agenda was discussed, amended and approved. No conflicts of interest were declared in relation to any of the matters for discussion.

Correspondence from the Department of Justice and Equality communicating the Government decision and the Implementation Plan for the programme of policing reform was noted and will be discussed at the next scheduled meeting.

Members noted that the Authority's Statement of Strategy 2019-21 had been formally submitted to the Minister. It was agreed that the Authority's Corporate Priorities 2019 would be published on the Authority's website.

The revised dates for Authority meetings in 2019 were agreed.

The Chairperson noted that this was Mr. Brett's last Authority meeting and expressed deep appreciation for the enormous contribution made by Mr. Brett over his three year membership of the Authority, noting the valuable experience of public and private sector management and governance which he brought to the Authority.

The following decisions taken by written procedure since the last meeting were noted:

Date	Decision
15 January 2019	The following documents were approved: <ul style="list-style-type: none"><li>• Policing Authority Statement of Strategy 2019-21</li><li>• Policing Authority Corporate Priorities 2019</li></ul>

## 2. Garda Síochána Appointments

The Secretary briefed members on the outcome of the clearance process in respect of a number of candidates on the Chief Superintendent and Superintendent panels. Members considered the outcome and appointed the candidates.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_048_01</b>	Further to appointments to the ranks of Chief Superintendent and Superintendent in the Garda Síochána, the Chief Executive to notify the persons of their appointment.	ASAP	Chief Executive
<b>A_048_02</b>	The Commissioner to be notified of the appointments made by the Authority.	ASAP	Chief Executive

## 3. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and agreed the matters to be discussed with the Garda Commissioner and his team. A late letter from the Commissioner detailing a new issue regarding referrals under the Juvenile Diversion Programme was noted and deferred for consideration at the next Authority meeting. The Executive was asked to examine it and provide necessary clarifications.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_048_03</b>	The Chief Executive to examine correspondence from the Commissioner and seek any clarification required regarding a new issue regarding referrals under the Juvenile Diversion Programme with a view to informing Authority consideration at its next meeting.	24 January	Chief Executive

## 4. Documents for Noting by the Authority – December 2018

The following documents were noted by the Authority:

<b>Document</b>		<b>Action Required</b>
<b>D_048_1</b>	Government Decision on the Implementation of the recommendations of the Commission on the Future of Policing	For noting and subsequent discussion
<b>D_048_2</b>	'A Policing Service for the Future – Implementing the Report of the Commission on the Future of Policing'	For noting

## Part B – Authority Meeting with the Garda Commissioner in private

### Attendance:

**Authority Members and staff:** As above

**Garda Síochána:** Drew Harris (Garda Commissioner), John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), Pat Leahy (Assistant Commissioner), Andrew McLindon (Director of Communications), Dermot Mann (Chief Superintendent), Grainne Shortall (Assistant Principal).

### 5. Garda Youth Diversion Programme

The Chairperson noted the serious and grave nature of Garda performance issues arising in the context of the Garda Juvenile Diversion Scheme relating to children who were deemed unsuitable for the programme and for whom there was no follow up and no consequences. The significance of these failures for the lives of both the victims of the crimes concerned who did not receive justice, and for the vulnerable young people who did not receive the intervention and support that might have led them away from future offending and resulted in different outcomes for them, was emphasised by Members.

The Garda Commissioner briefed Members and responded to questions in relation to a number of aspects of the Garda Síochána ('GS') review of the Programme, some of which were not appropriate for discussion in public, including:

- The nature of the crimes concerned in these cases;
- A number of anonymised cases to demonstrate the nature and complexity of the incidents concerned;
- Measures that were brought put in place to deal with victims of the failures;
- The subsequent histories of individuals who had been deemed unsuitable and not followed up;
- The approach to the accountability of individual Garda members and supervisors for performance failures;
- Governance failures including for the significance of the issue to be recognised and the length of time to address this issue after it was discovered;
- Any trends or patterns in the incidence of these cases emerging from the review;
- The contribution of behaviour and culture to the issue and how it was dealt with; and
- The systems that have been put in place to address the issues, noting the Commissioner's confidence that processes are now in place, including fixes to the PULSE system, and monitored to ensure that the issue cannot reoccur.

## Part C – Authority Meeting with the Garda Commissioner in public

### Attendance

**Authority and Staff:** As for Part B above

**Garda Síochána:** As for Part B above

This meeting with the Garda Commissioner and his team was held in public. In accordance with the Authority's Standing Orders, the official record of the meeting is the recording which is available to view at:

<http://www.policingauthority.ie/website/PA/PolicingAuthorityWeb.nsf/page/Meetings-en>

The following matters were discussed during the meeting:

Agenda Item	Principal matters discussed
<b>Youth Diversion Programme ('YDP')</b>	<ul style="list-style-type: none"> <li>• How the Youth Diversion Programme operates including:               <ul style="list-style-type: none"> <li>- Eligibility for the programme;</li> <li>- Conditions of participating in it;</li> <li>- Parental involvement;</li> <li>- Involvement of other agencies;</li> <li>- The offender's experience of the process; and</li> <li>- Victim's awareness of the process;</li> </ul> </li> <li>• Why an offender might not be suitable for the programme and trends in this regard including whether there is a risk of profiling of certain groups;</li> <li>• Whether the programme is regarded as successful and why; and</li> <li>• Outcomes for children accepted into the programme.</li> </ul>
<b>Failures with regard to the YDP</b>	<ul style="list-style-type: none"> <li>• What happened to result in the failures to progress cases through the justice system which were not suitable for the programme, how and why they occurred;</li> <li>• Concerns regarding the pace of the examination of failures;</li> <li>• Whether referrals not progressed due to lack of evidence arose due to failure of investigating Gardaí to gather evidence?</li> <li>• Reasons for delay in referrals which was not due to GS issues and whether this was reasonable or is a matter for concern;</li> <li>• Cases not prosecuted despite DPP direction to this effect;</li> <li>• Extent to which the issue arose as a consequence of failure by individual Gardaí to carry out their duty;</li> <li>• Whether inaction of the scale reported is a systemic issue and why there was no analysis or process of monitoring which would have identified the issue;</li> <li>• Patterns of failure in certain areas; and</li> <li>• Concern that similar issues have arisen in adult lapsed cases and whether an audit has been undertaken of this as recommended by the Garda Inspectorate in 2014;</li> </ul>
<b>Governance of the YDP</b>	<ul style="list-style-type: none"> <li>• Governance and supervision failures and how these systems did not detect these failures;</li> <li>• Culture of lack of urgency in dealing with issues in the organisation ;</li> <li>• Role and level of scrutiny by the statutory Monitoring Committee having been alerted to the issue; and</li> <li>• Whether the issue was reported to the Audit Committee.</li> </ul>

Agenda Item	Principal matters discussed
<b>Consequences of the failures</b>	<ul style="list-style-type: none"> <li>• What a victim should do if they think they've been impacted by this issue;</li> <li>• Whether there is a quality assurance process to provide assurance of the suitability of the programme to deal with the complex needs of vulnerable children that are considered for it;</li> <li>• Whether a substantial proportion of young people could have been accepted into the programme without sufficient evidence;</li> <li>• Cases which didn't progress due to victims not co-operating;</li> <li>• Outcomes for offenders who were not followed up in terms of going on to reoffend or to progress to more serious offences;</li> <li>• Consequences for potential future victims e.g. due to lack of a criminal record which might have affected the reliability of subsequent vetting processes perhaps when applying for jobs dealing with vulnerable people;</li> <li>• Cases where: <ul style="list-style-type: none"> <li>- the outcomes for individuals have been significantly worse due to the failures;</li> <li>- the same child has been failed more than once;</li> <li>- the young people concerned are now deceased; and</li> <li>- there is still time for action to be taken and if these are being followed up.</li> </ul> </li> </ul>
<b>PULSE and Data Quality</b>	<ul style="list-style-type: none"> <li>• Concerns regarding data quality, particularly regarding detection statistics and whether there has been engagement with the CSO regarding data issues arising;</li> <li>• Confidence that the PULSE fixes deal with the issues going forward; and</li> <li>• Whether there are further emerging issues;</li> </ul>
<b>Performance Management</b>	<ul style="list-style-type: none"> <li>• Progress with implementing individual performance management for Garda members and staff and use for promotions;</li> <li>• Approach to dealing with a pattern of senior officers not responding to requests for information or late/incomplete provision of such information;</li> <li>• Whether there is evidence of any integrity issues with regard to Garda performance failures in regard to these issues; and</li> <li>• If the new Investigation management system will be linked to performance management systems to develop a future integrated performance oversight system.</li> </ul>
<b>Culture</b>	<ul style="list-style-type: none"> <li>• Role of culture in ensuring that issues do not reoccur;</li> <li>• The Garda Commissioner's plans to change culture and if he is confident that this can be achieved in 5 years;</li> <li>• Roll-out of Code of Ethics at centre of decision making model;</li> <li>• Inclusion of the role of the Code of Ethics and culture in future reports in relation to addressing the issues relating to the YDP; and</li> <li>• Training being provided on the YDS and the whether this system will be used to meet future training needs.</li> </ul>

**Actions arising from the meeting held in public:**

No.	Action point	By Date	By Whom
A_048_04	The GS to keep the Authority informed with regular and detailed briefings as examination of issues continues.	ASAP	GS

No.	Action point	By Date	By Whom
A_048_05	The GS to report to the Authority the outcome of cases which were not prosecuted despite DPP direction	ASAP	GS
A_048_06	The GS to monitor the examination of individual cases to determine if discipline is a consideration and brief the Authority as to the outcome.	ASAP	GS
A_048_07	The GS to provide a timeline of events from 2014 onwards to give a full understanding of how the matter was addressed once identified.	ASAP	GS
A_048_08	The GS to revert to the Authority regarding the use of PULSE for vetting in the context of offenders who were not prosecuted following not being admitted to the YDP.	ASAP	GS
A_048_09	The GS to update the Authority with regard to ongoing discussion regarding a single performance management system for Garda members and staff	24 January	GS
A_048_10	The GS to provide details on how the investigation and performance management system will be linked	ASAP	GS
A_048_11	The GS to provide its report on the Youth Diversion Programme issues to the Authority when complete	ASAP	GS