



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 25 January 2024

**Venue:** 90 North King Street, Dublin 7

### Part A – Authority Meeting

#### Attendance

**Authority:** Elaine Byrne (Chairperson), Deborah Donnelly, Anthony Harbinson, Paul Mageean, Donal de Buitléir, Jane Mulcahy.

**Secretary:** Aoife Clabby.

**Staff of the Authority:** Helen Hall (Chief Executive), Margaret Tumelty, Sophia Carey (item 10) Karen Shelly (item 11).

**Garda Inspectorate:** Mark Toland (Chief Inspector items 2-10).

#### 1. Meeting of Members in Private

The Authority exercised its option to have a meeting in private, with the Chief Executive in attendance and a confidential minute was provided to the Secretary.

#### 2. Chairperson's Opening Remarks

The meeting agenda was approved, as drafted. No conflicts of interest were declared by the Members in relation to any of the items for consideration.

Members noted a number of pieces of correspondence, including a response received from the Garda Síochána providing a list of the key groups consulted with as part of the development of the Garda Síochána's Equality, Diversity and Inclusion (EDI) Strategy 2024-2026. Members expressed their concern in relation to the apparent gaps in respect of consultees, both internally and externally. Members highlighted the extent that the community pillar in the Policing Plan 2024 was underpinned by the EDI Strategy. Members noted that the Commissioner's monthly report appeared to indicate that the strategy had received approval from the Senior Leadership Team and that engagement with representative bodies had commenced. It was agreed that the clarification would be sought from the Commissioner in relation to the extent of consultation and the status of the EDI Strategy in part B of the meeting.

Members noted correspondence that had issued to the Minister for Justice regarding the selection for Deputy Garda Commissioner advising that the competition conducted by the Public Appointments Service had concluded and that the selection board considered that no candidate was deemed suitable for further consideration or recommendation to the Authority. Members briefly

discussed the competition outcome, in the context of the commencement of the Policing, Security and Community Safety Bill and the future legislative provisions relating to appointments to the senior ranks in the Garda Síochána.

Members noted correspondence that had issued to the Minister for Justice on 29 September in response to her request for advice on Garda Síochána public order policing performance outlining matters that will be the subject of immediate engagement with the Commissioner, together with the proposed approach to the work, as agreed by the Authority at its meeting on 19 December.

### **3. Consent Agenda Items**

#### **3.1. Minutes of Meeting and Matters Arising**

Members considered a request received from the Garda Síochána seeking two amendments to part B of the minutes of 19 December. Following consideration of the request for amendment, the Authority was satisfied that the minutes, as drafted, were an accurate reflection of the discussions that had taken place with the Commissioner in respect of both matters. The minutes for the meeting held on 19 December were then approved and cleared for publication.

#### **3.2. Policing Authority and Garda Síochána Actions Logs**

The Log of Actions was noted and proposals to close specified actions were approved.

### **4. Chief Executive's Report**

The Chief Executive's report was taken as read and further updates were provided to Members on a number of matters in the context of the report, including in relation to:

- The review of public order policing. Members were provided with an update in relation to a series of meetings that had taken place to date in support of the review. Members were also provided with an overview of a series of concurrent activities associated with the review, noting the key strands. The Chief Executive noted that the Chairperson's response to the Minister indicated that the Authority may revert to her in February to provide a timeline for completion of the review.
- The Authority Business Plan 2024. The Chief Executive outlined a number of further proposals for revision of the Business Plan 2024 to Members, having regard to the need to balance oversight delivery and business as usual activity with the capacity to ensure organisational readiness for the establishment of the new Policing and Community Safety Authority. Members noted a number of proposals in relation to key areas of oversight focus, arrangements in respect of public meetings and a plan to engage in a piece of work in conjunction with the Garda Inspectorate, in the area of property and exhibit management. Members discussed arrangements for meetings of the Authority Committees and considered the desirability of receiving briefing sessions from Garda representatives on particular items of oversight interest. It was agreed that the matters discussed would be given further consideration by the Executive.
- Meeting with Garda Síochána Executive Director (ED), Legal. Members were apprised of a meeting that had taken place with ED, Legal on 12 January, seeking to resolve issues relating to the provision to the Authority of a copy of the independent advice of the Human Rights Advisor on the use of anti-spit hoods by the Garda Síochána. The Chief Executive provided

Members with an overview of the Garda Síochána’s concerns, from a legal perspective, regarding the provision of the advice, together with proposals made by ED Legal, to address the impasse. In considering the proposals, Members noted that the original request, arising from the Authority meeting on 31 March 2022, had been made in the context of seeking assurance from the Commissioner that the decision to retain the use of spit-hoods, following their introduction in the context of COVID-19, had been informed by the human rights advice sought and with due regard to the Garda Síochána’s obligations under section 42 of the Human Rights Act and Equality Commission Act 2014. Such assurance was seen as critical in the public interest and having regard to the delivery of a human rights based policing service.

Members expressed concern that the mechanism proposed by the Garda Síochána to facilitate access to the advice was not appropriate, having regard to the Authority’s statutory role and functions. Members also remained unclear as to the precise difficulty cited by ED Legal in the matter. Following detailed discussion, it was agreed that correspondence would issue to the Garda Síochána seeking detailed assurance in respect of the matters discussed, in addition to how the decision to retain the use of anti-spit hoods accorded with the European Convention on Human Rights and Irish Constitutional Rights.

Members considered an update on the Garda Síochána’s current position in relation to the retention of personal data of individuals, a matter which has been discussed with the Garda Commissioner on a number of occasions, most recently at 19 December meeting of the Authority, in addition to having been discussed with the Chief Information Officer at the PSP Committee meeting on 12 December. Members noted the concerns highlighted by the Chief Executive, in particular in relation to governance surrounding data retained and compliance with data protection legislation. While noting the complexity surrounding the matter, Members also noted the clarity of the position in respect of personal data that is subject to GDPR. Following discussion, it was agreed that the Chairperson would write to the Commissioner, seeking further information on how matters relating to personal data that have been the subject of a number of previous engagements with the Authority are to be addressed and asking for the envisaged timeframe for filling the role of Chief Records Officer.

<b><i>Action Number</i></b>	<b><i>Action point</i></b>	<b><i>By Date</i></b>	<b><i>By Whom</i></b>
<b>A_133_01</b>	Write to the Commissioner regarding the introduction of anti-spit hoods, seeking assurance in relation to a range of matters.	ASAP	Chief Executive
<b>A_133_02</b>	Write to the Commissioner in relation to the Garda Síochána’s data retention policy, the envisaged timeframes for filling the CRO position and ensuring compliance with GDPR.	ASAP	Chairperson

## 5. Penman report on implementation of CAD/ 999 call recommendations

At the outset of the agenda item, Members considered a report pursuant to section 41 of the Garda Síochána Act 2005, as amended, submitted to the Minister for Justice and provided to the Authority for information. Members noted that the matter reported had been referred to GSOC. Members agreed that further information would be required in order to determine whether the matter reported was likely to impact on the status of the implementation of recommendations contained in the Penman report. It was agreed that the matter would be discussed with the Commissioner in part B of the meeting.

Members noted that following the meeting of 19 December 2023, clarification had been sought from Mr Penman and Assistant Commissioner, Eastern Region in relation to the number of cases where physical harm occurred and demonstrated a missed opportunity for the Garda Síochána to deliver its commitment to 'keep people safe'. Members noted that at its meeting in public on 29 September 2022, the Garda Síochána had detailed a total of 37 such cases, in the context of its proposed definition of 'adverse impact' and that the report had been updated to provide clarity in relation to this point. It was agreed that the definition of 'adverse impact', as proposed to the Authority at its meeting on 19 December would also be discussed with the Commissioner in part B of the meeting.

## 6. Committee Updates

### 6.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last meeting of the Authority.

### 6.2. Garda Organisation Development Committee

The Committee had not met since the last meeting of the Authority.

### 6.3. Policing Performance and Strategy Committee

The Committee had not met since the last meeting of the Authority.

### 6.4. Audit and Risk Committee

The Committee had not met since the last meeting of the Authority.

## 7. Risk Management

Members considered the Risk Report, provided in accordance with the Authority's Risk Management Policy. It was proposed and agreed that the Risk Management agenda item would be moved to item 3, consent agenda items, for future Authority meetings.

<i>Action Number</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_133_03	Table risk management for consideration under item 3, Consent agenda items, for future Authority meetings.	February 2024	Secretary.

## 8. Policing, Security & Community Safety Bill-Implementation Update

Members had regard to an update provided in relation to the implementation of the Policing, Security and Community Safety Bill. The Chairperson advised that she had engaged with the Secretary General in the Department of Justice on a number of matters relating to the Bill's enactment and implementation.

## 9. Appointments

Members were provided with the outcomes of the clearance process in respect of the appointment of two candidates to the rank of Chief Superintendent in the Garda Síochána. The Authority was satisfied to appoint the candidates to the rank of Chief Superintendent, with effect from the date on which the candidates take up the position they are assigned by the Garda Commissioner.

Members were provided with the outcomes of the clearance process in respect of the appointment of three candidates to the rank of Superintendent in the Garda Síochána. The Authority was satisfied to appoint the candidates to the rank of Superintendent, with effect from the date on which the candidates take up the position they are assigned by the Garda Commissioner.

<b>Action Number</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_133_04</b>	Notify the Commissioner of the appointment of two candidate to the rank of Chief Superintendent in the Garda Síochána and notify the candidates of their appointment.	Immediate	Chief Executive
<b>A_133_05</b>	Notify the Commissioner of the appointment of three candidates to the rank of Superintendent in the Garda Síochána and notify the candidates of their appointment.	Immediate	Chief Executive

## 10. Implementation of the Report on Child Sexual Abuse

Members considered an update provided on the oversight of the implementation of the recommendations contained in the Garda Inspectorate report '*Responding to Child Sexual Abuse*' with a view to providing an update to the Minister for Justice, in continuing fulfilment of the ministerial request on the matter. Members noted a number of areas where progress has been made in addition to areas where challenges to the implementation of recommendations remain. Members discussed a number of themes arising from the update provided, including resources, technology to support detection and improved governance, the well-being of Garda members, the concept of child trafficking and the fundamental importance of inter-agency working in the area of child protection. Following discussion, it was agreed that the substance of the paper would form the basis of a short report that would be submitted to the Minister and published thereafter. It was further agreed that the draft report would be provided for consideration at the March Authority meeting and tabled for discussion with the Commissioner at the meeting in public in April.

<b>Action Number</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_133_06</b>	Provide a draft report on the implementation of recommendations on responding to child sexual abuse for consideration at March Authority meeting.	March	Chief Executive
<b>A_133_07</b>	Table the implementation of the report on 'Responding to Child Sexual Abuse' for engagement with the Commissioner in public at April meeting.	April	Secretary

### **11. Preparation for meeting with the Commissioner**

Members discussed the agenda for the meeting and agreed the matters to be discussed with the Commissioner and his team.

#### **Documents for Noting by the Authority –**

There were no documents for noting by the Authority.

### **12. Human Rights Framework- presentation by Ms Jane Gordon**

Members were given a presentation by Ms Jane Gordon in relation to her work to develop a human rights framework for the Policing Authority. Members were provided with an overview of the proposed methodology and timeframe for the project, in addition to the key principles informing the development of the framework. Members were also provided with a brief overview of the extent of engagement with the Garda Síochána in addition to Ms Gordon's work in the area of human rights framework development in other jurisdictions.

Members discussed with Ms Gordon the mechanisms by which policing oversight bodies such as the Authority can assure themselves of the extent to which the introduction of, or changes to, policing procedures, policies and practices have been human rights assessed by police services and how that assessment might be interrogated, in the interests of providing assurance to the public. Members agreed that the principles for accountability, consultation and communication were important in the context of delivering a human rights based police service.

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

### Attendance

**Authority and Executive:** Elaine Byrne (Chairperson), Deborah Donnelly, Anthony Harbinson, Paul Mageean, Jane Mulcahy, Donal de Buitleir  
Aoife Clabby (Secretary), Helen Hall (Chief Executive), Margaret Tumelty.

**Garda Síochána:** Drew Harris (Commissioner), Shawna Coxon (Deputy Commissioner), Paul Cleary (Assistant Commissioner), Justin Kelly (Assistant Commissioner), Kathryn Clifford (Executive Director), Eimear Bourke, (Executive Director), Yvonne Cooke (Acting Executive Director), Anthony O'Donnell (Chief Superintendent), Niamh O'Hara (Assistant Principal).

### 13. PSCS Bill Implementation Update

Members engaged with the Commissioner in relation to his assessment of the organisation's state of readiness to give operational effect to various aspects of the PSCS Bill. The Commissioner outlined a number of areas of primary concern. Having regard to the envisaged commencement date, the Commissioner outlined a number of challenges foreseen and the impacts and consequences across various functions within the organisation, in addition to the potential impacts on members and staff. Members also discussed with the Commissioner and his senior colleagues the extent to which the legislative provisions in respect of the Garda organisation addressed the intent and recommendations of the Commission on the Future of Policing's report, 'The Future of Policing in Ireland'.

### 14. Penman report on implementation of CAD/ 999 call recommendations

Members engaged with the Commissioner and his senior colleagues in relation to the report provided by Mr Derek Penman on the status of the implementation of CAD/999 call recommendations. The significant progress made by the organisation in implementing the review recommendations was commended. It was noted that there were two recommendations arising from the Penman report that were still in progress and discussion focussed on the recommendation relating to agreeing a definition of 'adverse impact' with the Authority.

Members discussed the proposed definition, as provided to the Authority in December, with senior Garda representatives and expressed concern in relation to a number of matters in this regard. In particular, Members challenged the extent to which the proposed definition had the capacity to capture a range of different types of adverse impacts to victims that could arise from the Garda Síochána not responding to calls for service. Members proposed that that there was potential to broaden the definition, in the context of the future management of calls for service by the Garda Síochána. Following detailed engagement, it was agreed that the matter would be discussed further at Executive level.

There was discussion about the 37 incidents of unrecorded crimes where harm was indicated during the initial 999 call. Assistant Commissioner, Eastern Region provided an overview of the outcomes

of the review of the 37 incidents concerned and re-iterated the Garda Síochána’s regret that opportunities to investigate these crimes had been missed.

Members thanked the Commissioner for keeping the Authority informed about a failure to respond to a call for service and noted that the matter reported had been referred to GSOC. Members asked the Commissioner whether at this initial stage the matter reported was likely to impact on the status of the implementation of recommendations contained in the Penman report. The Commissioner confirmed that at this juncture it seemed that the 999 call system operated as intended, and that therefore it didn’t impact on the report. However, once the GSOC investigation is concluded it was agreed that the matter could be discussed again.

Members discussed with the Commissioner the operation of GardaSAFE, since its introduction in the Dublin Metropolitan Region (DMR). Members were advised that while the system will take time to bed in, the capacity to assess the life cycle of calls, call volumes and impacts on resources was already evident. Members were advised that the demand management group was assessing call volumes in DMR and introducing measures to alleviate pressures and to ensure a timely response to 999 calls.

<i><b>Action Number</b></i>	<i><b>Action point</b></i>	<i><b>By Date</b></i>	<i><b>By Whom</b></i>
<b>A_133_08</b>	Executive to engage further with Assistant Commissioner, Eastern Region, in relation to the proposed definition of ‘adverse impact’, having regard to the outcomes of the Penman review on CAD/999 calls.	ASAP	Chief Executive
<b>A_133_09</b>	Once GSOC has completed its consideration of the matter, provide the Authority with an update in relation to the failure to respond for a call to service in December 2023.	ASAP	Garda Síochána

#### **15. Matters related to the collapse of a court case in Northern Ireland**

Members engaged with senior Garda representatives in relation to a preliminary report provided on the investigation into matters related to the collapse of a course case in Northern Ireland. Noting that a series of recommendations had been identified by Assistant Commissioner, Organised and Serious Crime as part of an examination in 2023, Members sought and were provided with an update in relation to the status of the ten recommendations identified as part of that process. Members were also provided with an overview of the current processes and governance oversight in respect of suspect interviews; the standard of training delivered; the extent of interviewer experience across each division and the nature of the assessment of interviewers. Members were advised that a National Interview Advisor has been in place since 2023 and confirmed that a human rights assessment was undertaken in relation to the Garda Síochána Interview Model. Members were also advised that the policy in relation to the interviewing of suspects was being redrafted and it was agreed that a copy would be provided to the Authority, once finalised.



<b>Action Number</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_133_10</b>	To provide the Authority with a copy of the updated policy in relation to the interview of suspects.	ASAP	Garda Síochána

## **16. Plans for training in the Garda Síochána 2024**

Members engaged with the Commissioner and senior Garda colleagues on the approach to training new recruits, following the introduction of a revised approach in the wake of COVID-19. Members were provided with an overview of the training structure and were advised that the current approach is now more aligned with other jurisdictions and further, that feedback in relation to the approach has been quite positive from within the Garda organisation.

Members were further advised that the current programme was being reviewed from a number of perspectives, including by the University of Limerick and the Director of the College. The Commissioner highlighted the importance of the practical, applied skills gained through training and the opportunity to put that training into practice during placement in Garda stations. The Commissioner and senior colleagues also expressed confidence in relation to the learning methodology for the recruit programme and the quality of probationers progressing to attestation.

Members provided feedback to the Commissioner and his senior colleagues in relation to the delivery of training in the area of coercive control and asked whether consideration was being given to the reinstatement of in-person training in this area, given the Garda Síochána's strategic focus on domestic, sexual and gender based violence. Members were advised that the matter would be given consideration. Members were provided with an overview of current strategic priorities in respect of training in the current year and noted the impact of the commencement of the PSCS Bill, once enacted, on training prioritisation and capacity across a range of areas.

## **17. Governance and management of Travel and Subsistence**

Members discussed a range of matters with the Commissioner and his senior colleagues in relation to the governance and management of travel and subsistence and associated allowances in the Garda Síochána, including tax implications. Members noted that the matter was under review by the Revenue Commissioners and that the Garda Audit Committee was apprised of the matters discussed and would continue to be formally briefed.

## **18. Public order policing**

Members discussed a number of matters with the Commissioner regarding public order policing including guidance for Garda members on the policing of protests. The Commissioner noted that while the Operation Domhain guidance on policing protests had remained unchanged since being updated early in 2023, there had been an evolution and a change of emphasis in the policing response, arising from recent events, using a combination of the guidance issues and the application of the Garda Síochána Decision Making Model.

Arising from engagement at the December meeting on the notification process to the Garda Síochána in relation to plans to place migrants in various settings in the community, the Authority sought the Commissioner's assessment of the extent to which there had been any improvement in the various processes involved. The Commissioner outlined a number of changes to the communications processes that had assisted with the Garda Síochána's operational involvement, where it had been required.

Members engaged with the Commissioner in relation to a number of arson attacks on premises at various locations throughout the country, including the role of agitators on social media and sought the Commissioner's assessment of this spate of attacks. The outlined the investigative response to the arson attacks and expressed confidence that individuals would be arrested and prosecuted for these criminal offences.

Members sought and were provided with an update in relation to the series of investigations arising from the violent disorder that had occurred in Dublin on 23 November. Members discussed with the Commissioner the status of the operational debrief report, being coordinated by Assistant Commissioner, Eastern Region, noting that a final report was expected at an early date, after which review work, being led by Assistant Commissioner, Community and Roads Policing, would commence.

## **19. Policing Performance**

### **a) Reflection on Policing Performance in 2023**

Members sought the Commissioner's assessment of notable achievements in 2023, with reference to the Policing Plan for that year and the wider policing environment. The Commissioner highlighted the recruitment of Garda members, in particular in the face of a buoyant and tight jobs market. He also noted successes in the area of drug seizures and working in international partnership on human trafficking; successes in the reduction of numbers of murders and threats to life; initiatives delivered in the area of ICT; and initiatives in mental health and well-being for Garda personnel. While noting progress in the enabling functions of finance and HR, the Commissioner highlighted ongoing challenges in respect of systems to access information and the availability of personnel to deliver business as usual and desired reform.

The Commissioner highlighted a number of areas of challenge from the perspective of providing a policing response including migration due to war and persecution, the increase in the appearance of synthetic opioids and the number of deaths on Irish roads.

### **b) Policing Plan 2024-challenges**

In considering the Policing Plan 2024, the Commissioner noted that a number of significant events and increases in crime types that had occurred toward the end of 2023 had impacted on resources and enabling functions. While these matters had not been in contemplation when the Policing Plan 2024 was under development, the Commissioner advised Members that consideration would need

to be given to them in the context of the 2024 plan and its deliverability. In concluding, while noting the huge demands on the organisation that had been outlined to Members, the Commissioner also highlighted the extent of change to be delivered in the context of the PSCS Bill, once enacted and commenced.

### **Other Business**

- Members engaged with the Commissioner and his senior colleagues in relation to recent launch of an investigation into the disappearance of a quantity of seized drugs from a Garda station in Co Carlow. The Commissioner apprised Members of the circumstances surrounding the event and the steps being taken to investigate the matter.
- Members discussed with the Commissioner the current levels of expenditure in 2024 and the extent to which the available budget can facilitate the delivery of the policing plan and the operation of the organisation in the current year. The Commissioner highlighted a number of budgetary pressures, linked to the requirement to respond to additional policing demand and consequential overtime costs, training and extraction and courts work, among other things. Members were also advised that while additional budget had been provided specific to the provisions of the PSCS Bill, it would not address the totality of costs involved.
- Members sought clarification in relation to the external of consultation, both internal and external, that had been taken as part of the development of the Garda Síochána Equality and Diversity Strategy. It was noted that the matter might require further engagement at a future meeting.
- Members sought and were provided with an update in relation to the investigation of two murders that had occurred in Blanchardstown in late December.