



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 29 February 2024

Venue: The Richmond Venue, Dublin 7

Part A – Authority Meeting

Attendance

Authority: Elaine Byrne (Chairperson), Deborah Donnelly, Paul Mageean, Donal de Buitléir, Anthony Harbinson, Jane Mulcahy (items 7-18).

Secretary: Aoife Clabby

Staff of the Authority: Helen Hall (Chief Executive), Margaret Tumelty, John Gallagher, Mark Nother (item 10), Karen Shelly (item 10)

Mark Toland, Chief Inspector, Garda Síochána Inspectorate (items 7-10)

1. Meeting of Members in Private

The Authority did not exercise its option to have a meeting in private.

2. Chairperson's Opening Remarks.

At the outset of the meeting, Members welcomed John Gallagher, who had recently commenced working as a Principal Officer with the Policing Authority.

The Chairperson expressed her thanks to Authority Members in relation to the support provided on her commencement as Chairperson on 1 January. She encouraged the provision of ongoing feedback to ensure the continued, effective functioning of the Authority in discharging its statutory functions and strategic remit.

The Chairperson advised Members that she requested the provision of external support to Authority Members to review how meetings in public with the Commissioner are conducted and consider ways in which engagement to date can be built upon and harnessed, in order to enhance accountability for the provision of a policing service to the public while also promoting confidence in its delivery. The Chairperson noted that a similar process had been conducted shortly after the Authority's establishment. She suggested that it would be beneficial to undertake this work again, having regard to the recent change in Chairperson and noting that the reduced number of Authority Members would have a consequential impact on the degree of preparation required by Members for each public meeting. She noted that the external support being provided would be of benefit to the organisation, in the context of the transition to the Policing and Community Safety Authority and the work of the Executive in supporting new members to prepare for meetings in public.

Members were provided with an overview of the proposed approach and timeframes associated with this work. Members provided detailed feedback in relation to the desired outcomes from the Authority's perspective, noting its unique role in balancing the statutory responsibilities of accountability for service delivery by the Garda Síochána while promoting public confidence in policing.

The Chairperson apprised Members of her initial engagements with the Commissioner, including an overview of a constructive meeting that had taken place in early February.

The Chairperson advised Members that, for a number of reasons she decided to cease her weekly media column. Members noted that the matter had been considered by the Authority at its meeting on 19 December in the context of any potential risk arising for the Authority. It was further noted that the decision of the Chairperson would be communicated to the Audit and Risk Committee.

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 received, including a response from the Department of Justice to concerns expressed by the Authority about inaccuracies contained in the GREVIO Baseline Evaluation Report for Ireland. The Authority welcomed the apology received from the Department of Justice in not providing a copy of the draft report for comment. Members further noted that a request had issued to the GREVIO Secretariat seeking an opportunity to update the response provided by the Irish state. The Chief Executive advised that no response had been received from GREVIO to her letter of 26 January on the same matter.

Members noted correspondence received from the Department of Justice, advising of the forthcoming visit to Ireland of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

3. Consent Agenda Items

3.1. Minutes of Meeting and Matters Arising

The minutes of the meeting held on 25 January were approved and cleared for publication. Members enquired whether there was any update on plans to receive briefing sessions from Garda representatives on particular items of oversight interest. Members were advised that a briefing on roads policing was being provided as part of the March PSP Committee meeting and that other topics were under active consideration. A number of additional items were proposed, and it was agreed that these would also be given consideration. However, it was noted that the capacity to facilitate additional briefings in the time remaining before the commencement of the PSCS Act would be a constraining factor.

3.2. Policing Authority and Garda Síochána Actions Logs

The Log of Actions was noted and proposals to close a number of actions were approved. The Chief Executive advised that the report arising from the review and operational debrief on the events of 23 November has been received that morning.

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:

- Meetings with the Scottish Policing Authority and the Chief Inspector of His Majesty's Inspectorate of Constabulary in Scotland. The Chief Executive advised that the meetings had been valuable in providing insights into the approach to oversight and inspection in Scotland. The Chief Executive noted that engagement with the Chief Inspector had been particularly instructive, having regard to the frameworks for assessment and quality assurance utilised by the Inspectorate. Members also noted that the approach to community safety in Scotland, in terms of legislation and supporting structures, had been in place for some time and that there was capacity to learn from the experience of its implementation.
- The resignation of the Executive Director, Finance, in the Garda Síochána. The Chief Executive apprised Members of her engagement with the Acting Executive Director, HR&PD on the matter. Members also sought and were provided with information on the current levels of resourcing in the Garda Síochána's Strategic Transformation Office and noted that a business case for additional resources was under consideration.

Members considered the status of the corporate priorities at year end, noting the extent of progress made in the context of the organisation's three-year strategy statement, in addition to a number of areas in the Business Plan 2023 where there had been challenges to the delivery of proposed actions.

Members considered the draft Annual Report 2023 and approved a proposal to delegate to the Chairperson and Chief Executive its finalisation and submission to the Minister in advance of the March Authority meeting and in accordance with the statutory deadline of 31 March. It was further agreed that any additional observations on the draft Report would be provided to the Secretary by 13 March.

Members considered a summary provided of work undertaken to date on the review of public order and associated matters. Members noted that the Authority's correspondence to the Minister, setting out the Terms of Reference for the Review had been published on the Policing Authority website. Following discussion, it was agreed that further correspondence would issue to the Minister, setting out the envisaged timeline for the provision of a response to the Ministerial request.

Members were advised that the Irish Human Rights and Equality Commission (IHREC) had launched its public consultation on its next Strategy Statement to run from 2025-2027. Members considered and approved the proposed elements to respond to the consultation process, drawing on the Authority's work and strategy and highlighting a number of areas of focus, including opportunities for increased engagement between the two organisations. It was agreed that the Chief Executive would finalise the response in that regard.

| Action Number | Action point | By Date | By Whom |
|----------------------|---|----------------|-----------------|
| A_134_01 | Provide any additional observations on the draft Annual Report 2023 by 13 March. | 13 March | Members |
| A_134_02 | Finalise the Policing Authority Annual Report 2023, in consultation with the Chairperson and submit to the Minister for Justice. | 31 March | Chief Executive |
| A_134_03 | Write to the Minister for Justice, outlining the envisaged timeline for the provision of a response to the Ministerial request regarding public order and associated matters. | ASAP | Chief Executive |
| A_134_04 | Respond to the IHREC public consultation on its Strategy Statement 2025-2027. | ASAP | Chief Executive |

5. Committee Updates

5.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee met on 13 February and the report of the Committee Chairperson was noted.

5.2. Garda Organisation Development Committee

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

5.3. Policing Strategy and Performance Committee

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

5.4. Audit and Risk Committee

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

6. Appointments

6.1 Competency Frameworks for the Senior Ranks

Members noted the provision, for approval, of competency frameworks for the ranks of Superintendent, Chief Superintendent and Assistant Commissioner in the Garda Síochána, together with an accompanying Job Analysis and Competency Modelling Study Report. Members were provided with an overview of the work that had been undertaken as part of the project, including the extent of engagement, consultation and research undertaken in the development of the competency frameworks. Members agreed that this was a seminal piece of work with the capacity to have a significant, beneficial impact on the selection processes for promotion to the senior ranks in the Garda Síochána, in particular in the context of the transfer of the appointments function to the Garda Síochána. The Chief Executive also highlighted the importance of working with and supporting the Garda Síochána to embed the competencies in the organisation. In this regard, proposals for the formal launch of the competency frameworks were outlined for Members' consideration.

Members commended the cross-agency approach to the project and the extent of the effort by all involved in bringing the project to its conclusion.

Following discussion, the Authority was satisfied to approve the competency framework for the ranks of Superintendent, Chief Superintendent and Assistant Commissioner in the Garda Síochána. The Authority was further satisfied to approve a proposal for the formal launch of the Competency Frameworks, at an event to be hosted by the Garda Síochána and supported by the Authority.

6.2 Proposals for Senior Appointments in the Garda Síochána

Members considered and approved a request received from the Garda Síochána to appoint a candidate to the position of Principal Officer (Finance) in the Garda Síochána.

| <i>Action Number</i> | <i>Action point</i> | <i>By Date</i> | <i>By Whom</i> |
|----------------------|---|----------------|-----------------|
| A_134_05 | Notify the Acting Executive Director HR&PD of the appointment of a Principal Officer (Finance) and notify the candidate of their appointment. | Immediate | Chief executive |

7. Policing, Security & Community Safety Act-Implementation Update

Members were provided with an update in relation to the implementation of the Policing, Security and Community Safety Act, noting that it had been signed into law on 7 February. The Chief Executive also advised Members that a meeting had taken place with the Chief Executive and the Head of Service Delivery in TUSLA, having regard to the future Authority's functions in the area of community safety, and that a meeting with the Chief Executive of the HSE was scheduled in the coming weeks. Members noted that TUSLA representatives had not been directly engaged with regarding the legislative provisions relating to the establishment of a steering group on community safety. However, the Chief Executive reported that they were very positive and enthusiastic about the impact that effective cross-agency working, in line with the new Act, could bring for enhancing the safety of the community and in particular those most vulnerable.

8. Garda Síochána Annual Report

Members considered the form of direction to be provided to the Commissioner in respect of the Garda Síochána's Annual Report 2023, further to section 46(1) of the Garda Síochána Act 2005, as amended. Members discussed and agreed a number of matter for inclusion in the direction. Members had a detailed and wide-ranging discussion in relation to financial information contained in the Annual Report. Members expressed dissatisfaction that no further improvements had been made to financial reporting, despite previous direction given and having regard to the Garda Síochána's annual budget. Members considered the absence of any commentary in relation to financial expenditure in an annual report of an agency with a budget of €2.25 billion to be unacceptable. Members further discussed the critical importance of commentary in providing

context for expenditure in the financial year and the risks attending to its non-provision. It was agreed that the matter would be raised with the Commissioner in part b of the meeting and that direction would issue, further to section 46(1), reflecting the Authority’s observations.

| Action Number | Action point | By Date | By Whom |
|----------------------|--|----------------|-----------------|
| A_134_06 | Provide direction to the Commissioner regarding the form of the Garda Síochána Annual Report 2023. | ASAP | Chief Executive |

9. Oversight of the use of technology in policing

Members considered an information note and supporting documents in relation to the Garda Síochána (Recording Devices) Act 2023 and the General Scheme of the Garda Síochána (Recording Devices) (Amendment) Bill 2023. Members noted the extent of the Authority’s previous deliberations and engagement to date regarding the use of technology for policing purposes by the Garda Síochána. Members discussed the Authority’s previous articulation of a range of key guiding principles to underpin legislation in relation to the use of technology in policing generally. Members noted that the adoption of a principles-based approach to the introduction of a range of technologies in support of policing would enable a critical analysis of their introduction and use, from a range of perspectives. It was observed that it could also reduce the need to produce a proliferation of policies, associated with particular types of technology. In support of their discussions, Members also had regard to the Scottish Policing Authority’s framework for overseeing the adoption of technology for a policing purpose.

It was agreed that while the introduction of technologies including body-worn cameras and facial recognition in support of policing had undoubted advantages, their introduction was not without risk, having regard to ethical, human rights, and transparency considerations. It was also agreed, in the context of the piloting of body-worn cameras by the Garda Síochána, that there was a valuable opportunity to draw on lessons learned from other jurisdictions and consider their applicability in this pilot phase. Following detailed discussion, Members then considered and agreed the approach to engagement on the matter with the Commissioner and his senior colleagues in part C of the meeting.

10. Preparation for the meeting with the Garda 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 – February 2024

The following documents were noted by the Authority:

| <i>Document</i> | | <i>Action Required</i> |
|-----------------|---|------------------------|
| D_134_01 | Strategic Human Rights Advisory Committee Annual Report 2022 | For noting |
| D_134_02 | Report of the High Level Review Group on the role of An Garda Síochána in the Public Prosecution System | For noting |
| D_134_03 | Everybody's business: Early intervention crime reduction. Public Health Institute, Liverpool John Moores University | For noting |

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

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

Garda Síochána: Drew Harris (Commissioner), Shawna Coxon (Deputy Commissioner), Eimear Bourke (Executive Director), Jonathan Roberts (Assistant Commissioner), Niamh O’Hara (Assistant Principal).

11. PSCS Act Implementation Update

Members engaged with senior Garda leadership in relation to the key actions that need to be taken by the Garda Síochána, having regard to the anticipated commencement date for the Policing, Security and Community Safety Act. The Commissioner and senior colleagues outlined two areas of primary concern, having regard to the organisation’s readiness for commencement and highlighted that the associated risks had been outlined in detail at the Department of Justice’s PSCS Programme Board meeting on 31 January. Senior Garda colleagues also noted the impact that uncertainty in relation to certain aspects of the transition was having on staff morale.

12. Conduct and Discipline

Members engaged with the Commissioner and his senior colleagues in relation to mechanisms by which transparency surrounding the nature of conduct and discipline matters being handled by the organisation can be enhanced, while respecting both the confidentiality of individuals and due process in relation to any live discipline cases. It was agreed that it would be feasible to provide additional information in the Commissioner’s monthly report regarding the general nature of suspensions and that this would be provided in future reports.

Senior Garda representatives provided Members with an overview of the process to develop a new suspension policy for the organisation. Members noted that the suspension numbers had declined and that there had been none to date in 2024. Members discussed recent media coverage of the suspension process relating to a Garda member and sought the Commissioner’s views in relation to communications relating to the matter.

Members sought the Commissioner’s assessment of the extent to which senior leadership in the Garda Síochána responds in a consistent, coherent and cohesive manner to address poor and unacceptable behaviours across the organisation. The Commissioner outlined a number of challenges to consistency of approach and highlighted concerns in relation to the impact of tolerating unacceptable behaviour on both the culture of the organisation and public confidence in service delivery. Members discussed with the Commissioner the current discipline regulations in the context of dismissal from the organisation and in circumstances where a criminal case might be in train. Members also discussed with the Commissioner the extent of progress to introduce policies in the area of drug testing and in-career vetting, noting the importance of such measures for the organisation.

| Action Number | Action point | By Date | By Whom |
|----------------------|--|----------------|----------------|
| A_134_07 | Provide additional information in relation to the general nature of suspensions in the Commissioner's monthly report to the Authority. | ASAP | Garda Síochána |

Other Business

Members were advised that there had been further engagement with Revenue in relation to a voluntary disclosure made by the Garda Síochána. It was agreed that a written update on the matter would be provided to the Authority. Members were also advised that the Commissioner would be appearing before the Public Accounts Committee on 21 March.

The Commissioner was requested to provide further commentary on Garda Síochána financial expenditure in the Annual Report 2023 and that a direction, further to the statutory provisions, would issue from the Authority.

The Commissioner was advised that the competency frameworks for the ranks of Superintendent, Chief Superintendent and Assistant Commissioner in the Garda Síochána had been approved and that proposals for their formal launch were being worked on with Garda colleagues.

| Action Number | Action point | By Date | By Whom |
|----------------------|---|----------------|----------------|
| A_134_08 | Provide the Authority with a written update in relation to engagement with Revenue on a voluntary disclosure by the Garda Síochána. | ASAP | Garda Síochána |

Part C– Meeting with the Garda Commissioner (in public) 15.00 to 17:00

Attendance

Authority and Executive: Elaine Byrne (Chairperson), Helen Hall (Chief Executive), Donal de Buitléir, Anthony Harbinson, Debbie Donnelly, Jane Mulcahy.

Garda Síochána: Drew Harris (Commissioner), Shawna Coxon (Deputy Commissioner), Eimear Bourke (Executive Director), Yvonne Cooke (Acting Executive Director), Andrew O’Sullivan (Chief Information Officer) Jonathan Roberts (Assistant Commissioner), Paul Cleary (Assistant Commissioner), Angela Willis (Assistant Commissioner), Justin Kelly (Assistant Commissioner).

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 <https://www.policingauthority.ie/en/authority-meetings>

At the outset of the meeting, the Chairperson noted that it was a historic month for policing, following the signing into law of the Policing, Security and Community Safety Act on 7 February, which would signal significant changes for policing oversight in Ireland.

The Chairperson noted recent successes with respect to drug seizures by the Garda Síochána. The Commissioner highlighted efforts both nationally and internationally in contributing to the seizures, noting that a significant new development was that Ireland was being seen as a transit country for large quantities of drugs. The Commissioner further noted the range and variation in strength of illegal drugs available; their impact on individuals’ behaviours and health. Work with the HSE on developing early warnings and with Forensic Science Ireland on testing was highlighted.

The Chairperson noted the forthcoming retirement of Deputy Commissioner, Policing and Security, Anne Marie McMahon and recorded the Authority’s appreciation for her dedication and service to policing and the Irish public, for the integrity that she brought to the role of Deputy Commissioner and for her commitment and engagement with the Authority on matters of oversight. The Chairperson conveyed the Authority’s good wishes to Deputy Commissioner McMahon for her retirement.

The following matters were then discussed during the meeting:

| Item Number | Agenda Item | Principal matters discussed |
|-------------|------------------------|--|
| 13 | Conduct and Discipline | <ul style="list-style-type: none">• Engagement on the categories of behaviours for which members are currently suspended.• Overview of the suspension process and the provision of statistics in relation to suspension, with an overall, improving pattern in relation to suspensions noted.• Update on action taken by the organisation since the circulation of inappropriate What’s App messages in November 2023. |

| Item Number | Agenda Item | Principal matters discussed |
|-------------|---|---|
| | | <ul style="list-style-type: none"> • Consideration of the impact of the Anti-Corruption Unit in supporting appropriate behaviours and discussion in relation to mechanisms to assess the impact of any measures introduced. • Discussion regarding the timeframe for the introduction of drug testing and in-career vetting. • Engagement with regional Assistant Commissioners on the steps they take as senior leaders to support and improve behaviours in day to day operations and their assessment of, and confidence in, the degree to which organisational strategy in this area is understood and operationalised by local management. • Discussion regarding recent convictions of garda members. • Reference to meeting in North East Inner City, Dublin in April 2023 and engagement on the extent of any action taken in response to feedback from the community. |
| 14 | Penman report on implementation of CAD / 999 call recommendations | <ul style="list-style-type: none"> • Acknowledgement of significant process made on the implementation of recommendations arising from the examination carried out by Derek Penman. • Engagement on the extent to which the Garda Síochána is satisfied that the GardaSAFE system is working safely and properly, including discussion on system roll-out, policies, procedures, training and resources. • Notification that there would be further engagement on the definition of ‘adverse impact’ and access to the live call environment for oversight and verification purposes. |
| 16 | Policing Performance | <p>a) Reflection on policing performance in 2023</p> <ul style="list-style-type: none"> • Discussion on policing performance in 2023 and enumeration, by the Commissioner, of areas of notable achievement • Acknowledgement of the importance of the roll out of mental health first aid training across the organisation and a stated desire to reduce stigma regarding mental health concerns. • Engagement on public order policing and learning from events of 23 November in Dublin and the policing of public order events elsewhere. |
| | | <p>b) Policing Plan 2024-challenges</p> <ul style="list-style-type: none"> • Engagement on changes in the policing environment since the development of the Policing Plan 2024, including a consideration of the additional demands placed on the organisation and impacts on the capacity to deliver the plan. • Discussion on the status of the roster negotiations and the potential, positive impact of a revised roster on available resources. |

| Item Number | Agenda Item | Principal matters discussed |
|-------------|--|--|
| | | <ul style="list-style-type: none"> • Engagement on the current recruitment campaign, including the approach taken to the campaign and the number of applications received. • Overview of the themes emerging from the published 'What We Heard Report' and engagement with Garda personnel and a consideration of the Garda Síochána response to the themes highlighted. • Impact of a proliferation of change management programmes on Garda personnel and communications and other measures being adopted to embed change and to highlight the benefits for frontline members and operational policing. • Consideration of the impact of the implementation of the PSCS Act on Garda staff. • Discussion regarding uncertainty surrounding access to civil service Mobility for staff into the future and its consequential impact on retention. • Overview provided of engagement with staff associations and unions on the organisation's approach to retention and recruitment. |
| | | <p>c) Arson attacks</p> <ul style="list-style-type: none"> • Discussion regarding recent arson attacks including the serious nature of the crime of arson and concern expressed regarding the extent of misinformation online. |
| 17 | Garda Síochána Reserve Members | <ul style="list-style-type: none"> • Discussion in relation to Garda Reserve Strategy; the role and skills required to be a Reserve Member; the capacity for their deployment across the organisation; and the next steps in relation to recruitment and training, building on lessons learned. |
| 18 | Human Resources in the Garda Síochána | <p>a) Body worn camera pilot</p> <ul style="list-style-type: none"> • Engagement on the potential benefits and improvements to policing service provision of introducing body-worn cameras (BWCs). • Overview provided of the BWC pilot project and work undertaken to develop an accompanying draft Code of Practice, including the approach to consultation. <p>b) Facial recognition technology</p> <ul style="list-style-type: none"> • Engagement on concerns regarding privacy and civil rights through the introduction of facial recognition technology in support of policing and discussion in relation to how the Garda Síochána might respond to the concerns raised. |

| Item Number | Agenda Item | Principal matters discussed |
|--------------------|--------------------|---|
| | | <ul style="list-style-type: none"> • Overview provided of matters relating to false matching and degrees of accuracy of facial recognition technology. |

| Action Number | Action point | By Date | By Whom |
|----------------------|---|----------------|----------------|
| A_134_09 | The provide the Authority with a further update in relation to the key facets of training for Garda Síochána Reserve members. | ASAP | Garda Síochána |