



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 25 June 2024

**Venue:** The Richmond Education Centre

### Part A: Authority Meeting

#### **Attendance**

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

**Secretary:** Aoife Clabby.

**Executive:** Helen Hall (Chief Executive), Margaret Tumelty, John Gallagher, Aisling O'Connor (item 9), James Kiernan (item 9), Karen Shelly (items 9 & 14)

**Garda Inspectorate:** Mark Toland (items 1-13), Alywin Barton (item 12)

#### **1. Meeting of Members in Private**

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

#### **2. Chairperson's Opening Remarks**

The meeting agenda was approved, as drafted. Members sought clarification regarding a date for engagement with the Garda Síochána on security and intelligence matters. It was agreed that a meeting would be organised to coincide with the next meeting of the Policing, Strategy and Performance Committee, subject to the availability of Assistant Commissioner, Security and Intelligence.

No conflicts of interest were declared by the Members in relation to any of the items for consideration.

The Chairperson updated Members in relation to a meeting that had taken place with the Commissioner, providing an overview of matters discussed, including in relation to public order policing.

Members noted the receipt of a document from the Commissioner on emerging drug trends, treatment, prevalence and drug crime in Ireland.

Members noted the decision, by email protocol of 19 June to re-appoint the Chairperson and members of the Garda Síochána Audit Committee, in accordance with the statutory provisions, for a further period of 6 months, or until the commencement of the PSCS Act, whichever is the earlier.

Members were advised that correspondence in that regard had issued to the Chairperson of the Garda Síochána Audit Committee.

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

#### **a) Minutes of Meeting and Matters Arising**

Members noted that minutes of the meeting held on 30 May 2024 would be provided for consideration at the July Authority meeting.

#### **b) Policing Authority and Garda Síochána Actions Logs**

The Policing Authority and Garda Síochána Actions Logs were noted and proposals to close specified actions were agreed.

### **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:

**Garda Síochána Appointments:** The Chief Executive briefed Members on a meeting that had taken place with representatives from the Department of Justice, publicjobs and the Garda Síochána to explore the feasibility of launching a selection competition for a Deputy Garda Commissioner. Members noted that any such competition would be required either to run in full under the existing legislation or alternatively, under the provisions of the PSCS Act, once commenced. The Chief Executive provided Members with an indicative timeline for the Deputy Commissioner competition, should it be undertaken under the 2005 Act. The Chief Executive sought the Authority's approval, in principle, to commence preparations for a selection competition and to adopt the requirements relating to knowledge, ability and suitability for appointment to the rank, as set out in the 2023 competition material.

In light of the continuing uncertainty regarding a commencement date for the PSCS Act, together with the desirability of filling the vacancy at Deputy Commissioner rank, the Authority was satisfied to approve the requests. The Chief Executive advised that a further meeting of all parties to the competition process would be held at an early date to progress the matter.

Having regard to ongoing preparations for the transfer of the appointments function from the Policing Authority to the Garda Síochána, Members expressed concern in relation to the impact of the continuing uncertainty regarding the Act's commencement date on the ability to run selection competitions at the senior ranks. Members considered the impacts of unfilled vacancies at senior level in the Garda Síochána and the Chief Executive advised that the Authority's concerns had been highlighted consistently with the Department of Justice through the implementation programme for the Act. It was agreed that such communication with the Department of Justice would continue.

Members considered and approved a wording change, subject to minor drafting amendment, to one of the competencies at Chief Superintendent rank contained in the new competency framework, which had been approved by the Authority in February 2024.

**Conference attendance:** Members were provided with an overview of topics discussed at the Police Strategy Forum that had taken place in Gloucestershire, noting that the event had again provided a valuable opportunity to hear about advances in technology in supporting police service delivery, from the companies supplying police services and forces across the UK and Ireland. The speed of

technological development and the drive toward efficiency, absent of detailed consideration of the ethical application of the technologies being deployed, was highlighted to Members. Members were also provided with a summary of proceedings of the Society of Evidence-Based Policing Conference, which had taken place in London and had focussed on the themes of police legitimacy and procedural justice in tackling crime.

Action Number	Action point	By Date	By Whom
A_138_01	Proceed with arrangements for a selection competition for the rank of Deputy Commissioner in the Garda Síochána.	ASAP	Chief Executive
A_138_02	Amend the wording for a competency at the rank of Chief Superintendent and circulate the final competency framework to the relevant parties.	ASAP	Chief Executive

## **5. Committee Updates**

### **5.1 Garda Appointments Quality Assurance and Selection Governance Committee**

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

### **5.2 Garda Organisation Development Committee**

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

### **5.3 Policing Performance and Strategy Committee**

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

### **5.4 Audit and Risk Committee**

The Committee Chair provided Members with an update in relation to the meeting that had taken place on 25 June, including discussions that had taken place regarding the Authority's risk register and the Executive's approach to addressing internal audit recommendations. The Chief Executive noted that engagement with the Committee had been very encouraging and reassuring in this regard.

## **6. Risk Management report**

The Authority considered the risk management report, provided in accordance with the risk management policy, noting that no significant new risks had been identified since the last Authority meeting. Members noted that the risk register was under regular review in terms of risk owners, deadlines and mitigations and that an updated risk register would be circulated at the July meeting.

## **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 correspondence received from the Chairperson of the Programme

Board, advising that it would not be possible to commence the legislation on the date previously anticipated. Members were also updated on the status of draft Conduct Regulations and draft Standards of Professional Behaviour Regulations, and noted a response received from the Department of Justice to queries raised by the Authority. Members were advised that a new working group had been established by the Department of Justice to consult on the development of regulations to allow for the sharing of information between relevant bodies under the PSCS Act. Members discussed the likely timeframe for appointments to the new Authority. The Chief Executive highlighted the importance in future of the Department of Justice engaging with the programme partners in relation to the oversight framework for policing and security, as set out in the PSCS Act, in order to ensure its effective and efficient operation.

## 8. Policing Priorities 2025

Having regard to the Authority's statutory function to determine priorities for the Garda Síochána in performing its policing service functions, Members considered and approved a proposal to extend the existing Policing Priorities for a period of one year to the end of 2025. The Authority's decision was informed by the prevailing uncertainty regarding a commencement date for the PCSA; the desirability of providing certainty to the Garda Síochána regarding the status of the priorities as they link to any new Strategy Statement; and the opportunity for the newly established PCSA to develop new priorities for the period 2026-2029.

Members then considered in detail the suitability of the current measures of success under each policing priority and made a number of suggestions for amendment and inclusion. Following discussion, it was agreed that the Executive would develop a revised document with any further proposed amendments. The revised document would be provided to the Commissioner for the purposes of statutory consultation and for Members' consideration at the July meeting. It was further agreed that the approach to the Policing Priorities 2025 would be discussed with the Commissioner in part b of the meeting.

Action Number	Action point	By Date	By Whom
A_138_03	Extend the Policing Priorities 2022-2024 by a period of one year, with some minor changes to measures for success, to the end of 2025. Circulate revised document for Members' consideration and for the purposes of statutory consultation with the Commissioner	July meeting	Chief Executive

## 9. Ministerial request-public order policing

Members considered an early draft report in response to the Ministerial request of 30 November 2024, on public order policing. Members were provided with an overview of various engagements to date with a variety of stakeholders and Garda units, in support of the report's development.

A summary of emerging findings was provided to the Members, together with a number of key factors with the potential to materially impact the report's conclusions.

Members had a detailed and wide-ranging discussion in relation to the draft report to the Minister, including in relation to its structure, content and conclusions. A number of further matters for inclusion and amendment were agreed.

The Chief Executive outlined the expected timeline for the report's completion and its submission to the Minister for Justice. It was agreed that any further proposals for change by the Authority would be provided to the Chief Executive by email. It was further agreed that a final draft report would be considered for approval by the Authority at its July meeting and submitted to the Minister for Justice thereafter. Members also agreed that the final report would be discussed with the Commissioner, in public, at the September meeting.

Action Number	Action point	By Date	By Whom
A_138_04	Provide further suggestions for change, if any, to the report on public order to Chief Executive.	ASAP	Authority Members
A_138_05	Provide final draft public order report for Authority consideration at the July meeting	July	Chief Executive
A_138_06	Public order review report to be tabled for engagement with the Commissioner in public	September	Secretary

## 10. Meeting with Chair of the AGS Audit Committee

At the outset of the agenda item, the Chairperson welcomed Professor Niamh Brennan, Chairperson of the Garda Síochána Audit Committee, and acknowledged receipt of the minutes of Committee meetings held in 2023, in addition to the 2023 Annual Report, prepared in compliance with section 45(1)(c) of the Garda Síochána Act. The Chairperson invited Professor Brennan to provide Members with an overview of the work of the Committee in the preceding twelve months. Members had a detailed and wide-ranging discussion with the Professor Brennan, including in relation to:

- The commencement of the PSCS Act and consideration of the provisions relating to the establishment of the Garda Audit Committee and its functions.
- The establishment of the new Board of the Garda Síochána and likely impacts on organisational structure and operations.
- Assurance mapping and the extent of the application and maturity of lines of defence within the Garda Síochána. Members sought Professor Brennan's insights into any issues arising in relation to each line of defence, in particular at management level.
- The level of engagement with the Audit Committee by senior leadership, which was noted as being significant and constructive.
- The Garda Síochána's approach to risk management.

- The culture of the organisation and how it impacts on leadership, operations, ethical behaviour and feelings of psychological safety.

### **11. Human rights oversight framework**

Members noted the baseline assessment of the Garda Síochána's current approach to human rights. Members also considered two summary documents addressing the human rights against which the performance of the Garda Síochána will be measured and the statutory bodies with responsibility for oversight of the Garda Síochána and/or human rights compliance. Members were advised that the draft Human Rights Framework for Oversight and Inspection of Policing Services in Ireland would be presented to the Authority for its consideration at the July meeting.

### **12. Garda Síochána Property Exhibit Management System Review**

The Chairperson welcomed Deputy Chief Inspector Alywin Barton to the meeting. The Deputy Chief Inspector provided Members with an overview of the preliminary findings arising from a post implementation review (PIR) of recommendation 9.16 in the Inspectorate's *Crime Investigation* report. The PIR focused on the Garda Síochána's policies, procedures and practices for managing property and exhibits, with specific reference to drugs evidence. Members engaged with the Chief Inspector and the Deputy Chief Inspector on their assessment of the primary recommendations arising from the PIR and the underpinning rationale. Members were apprised of the varying procedures and practices witnessed during the course of the review and discussed the potential risks they posed to the Garda Síochána. The pressing need for an overhaul of the procedures document relating to property and exhibit management was emphasized by Inspectorate colleagues. The Authority noted that the PIR report would be finalised and ready for publication by the Garda Síochána Inspectorate in late July.

### **13. Appointments**

Members were provided with the outcomes of the clearance process in respect of the appointment of four 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 positions to which they are assigned by the Garda Commissioner.

Members considered correspondence received from the Garda Síochána seeking approval to run an internal Expressions of Interest process for a temporary Acting Head of Employment Law. The Chief Executive also provided Members with a verbal briefing on the matter including the status of the sanction in place for the position. Following discussion, Members were satisfied to approve the request, in principle, subject to the receipt of clarification on a number of matters.

Action Number	Action point	By Date	By Whom
A_138_07	Notify the Commissioner of the appointment of four candidates to the rank of Superintendent and notify the candidates of their appointment.	ASAP	Chief Executive
A_138_08	Notify A/ED HRPD of approval, in principle, to run an internal EOI for Acting Head of Employment Law, subject to clarification on a number of matters.	ASAP	Chief Executive

#### 14. Preparation for meeting with 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 –June 2024

The following documents were noted by the Authority:

	Document	Action Required
D_138_01	HMICS Strategic review of the Scottish Policing Authority	For noting

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

### ***Attendance:***

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

***Garda Síochána:*** Drew Harris, (Commissioner), Shawna Coxon, Deputy Commissioner, Paula Hilman, (Assistant Commissioner) Justin Kelly (Assistant Commissioner) Michael McElgunn, (Assistant Commissioner) Eimear Bourke (Executive Director) Barry Walsh (Detective Chief Superintendent), Niamh O'Hara, (Assistant Principal).

### **15. Meeting in private with the Commissioner**

The Authority held a private meeting with the Commissioner, with the Chief Executive in attendance, and discussed a number of matters in relating to oversight and policing performance. Following discussion under this item, senior Garda representatives and Authority executive staff joined the meeting.

### **16. Garda Síochána Property Exhibit Management System Review**

Members sought an update from the Commissioner in relation to actions taken to address risks relating to the organisation's existing Property Exhibit Management System (PEMS). Members sought the Commissioner's views in relation to the Garda Inspectorate's preliminary finding report on the policies, procedures and practice for managing property and exhibits, with specific reference to drugs.

The Commissioner and his senior colleagues acknowledged the engagement on the issues and risks pertaining to PEMS which had been discussed at the May Authority meeting. The responsible Assistant Commissioner had since reflected on the Authority's significant concerns as to how the senior leadership team attained assurance that the PEMS system was appropriately managed at divisional level. The Commissioner articulated particular risks relating to high value items stored in PEMS, noting that these risks would now be escalated and addressed through the organisation's corporate risk register, as appropriate.

The Commissioner and senior Garda colleagues noted the preliminary findings of the Inspectorate's report, noting that a number of the matters highlighted were well known to the organisation and had already been actioned, while others would require further consideration as to the feasibility of their delivery.

The Authority was provided with an overview of actions taken regarding policy and procedures for property and exhibit management in the Garda Síochána, in addition to communication that had issued to the divisions. Members noted that the PEMS procedures document was being substantially updated and were provided with detail on the further measures being considered to improve governance of, and assurance in relation to, the handling of property and exhibits. It was acknowledged that while the involvement of the policy business owner would be critical to the success of change implementation, effective day to day management of PEMS was a key responsibility for leadership at divisional level. The importance of communicating and sharing good practice across divisions was highlighted by the Members.

### **17. Report of the Task Force on Safe Participation in Political Life**

Members engaged with the Commissioner and his senior colleagues on the findings of the *Report of the Task Force on Safe Participation in Public Life*, in particular in relation to the structures in place in the Garda Síochána to ensure cohesion and consistency in safeguarding those in political life.

Members were provided with an overview of the status of the implementation of the report's recommendations and actions being taken in this regard. Members noted that the first meeting of a forum, established by the Garda Síochána, to progress the report's findings had been held on 1 May.

Members also noted the establishment of an operation to investigate a number of incidents where politicians had been subject to threat and were advised of the various challenges to pursuing suspected perpetrators.

Members sought the assessment of senior Garda representatives in relation to the security threat posed to members of the Houses of the Oireachtas.

### **18. Policing Priorities**

Members advised the Commissioner that, in the absence of certainty regarding a commencement date for the PSCS Act, the Authority had approved the extension of the Policing Priorities 2022-2024 to 2025. The Commissioner was advised that he would be consulted in relation to the success measures under each priority.

Members discussed with the Commissioner the implications of the extension of the Policing Priorities on the Policing Plan 2025 and on the process for the development of a new strategy statement for the Garda Síochána. Members enquired whether consideration had been by the senior leadership team to an extension of the current plan and strategy. It was noted that such an action would facilitate the new Board of the Garda Síochána, once established, in the development of its strategy statement and annual service plan under the new Act.

Senior Garda representatives outlined the significant work undertaken to date to develop a new strategy statement for the organisation. The pragmatism of the Authority's suggestion was acknowledged, in particular having regard to the likely commencement date and noting the various, relevant transition provisions contained in the PSCS Act. The Commissioner also noted that in light of the prevailing uncertainty regarding a precise date for commencement, the organisation had an obligation to adhere to the existing statutory arrangements as they relate to the development of a policing plan.

Following discussion, it was agreed that the matter would be given further consideration by the Commissioner and would also be discussed at a subsequent meeting of the Authority.

Action Number	Action point	By Date	By Whom
A_138_09	Approach to GS strategy statement and policing plan 2025 to be tabled for consideration at a subsequent Authority meeting	ASAP	Secretary

#### **19. Audit, governance and risk in the Garda Síochána**

Consideration of this agenda item was deferred to a future meeting of the Authority.

#### **20. Other Business**

Members sought an update in relation to the status of the Garda Síochána's policy relating to public order policing. The Commissioner advised that HQ Directive 075/2017 was currently in force and that guidance, as contained in Operation Domhain, had been updated. It was agreed that a copy of the updated guidance would be provided to the Authority, in addition to a small number of other documents required to complete the public order review report. Members noted that a revised public order policy was scheduled for consideration by the Senior Leadership Team in the coming weeks. On the basis of the update provided, the Commissioner was advised that the Authority's public order review report would be finalised with reference to the 2017 policy and would be submitted to the Minister in late July. The Commissioner was further advised that the report's findings would be tabled for discussion in public at the September meeting.

Members sought, and were provided with clarification in relation to the extent of the Garda Síochána's co-operation with the Police Ombudsman for Northern Ireland on its 'Operation Newham', an investigation relating to the Dublin-Monaghan bombings and allegations of collusion between the then RUC and the activities of the so-called Glennane gang. The Commissioner was asked if there was any risk of a perception of conflict of interest that might arise, given the Commissioner's previous role with the PSNI. Members noted that on such matters, responsibility was delegated to Assistant Commissioner, Security and Intelligence.

Members discussed with the Commissioner recent reported incidents involving serious assaults on women by member of the Irish Defence Forces. The Commissioner noted the duty of the Garda Síochána to act upon and investigate those carrying out such acts of violence and to support those who are victims. The Commissioner emphasised the Garda organisation's 'zero tolerance' position in relation to domestic, sexual and gender based violence, outlining the measures in place in the Garda Síochána to deal with Garda personnel who carry out such acts. The Commissioner also confirmed that the organisation does not provide character references for any personnel who are subject to trial for crimes of this nature, noting that a number of Garda members had been convicted and appropriately dealt with through the courts.

Members sought clarification on the status of the data gap in the recording of use of force since December 2023 and were advised that the changed methodology since that time was currently subject to dip sampling and verification checks.

Action Number	Action point	By Date	By Whom
A_138_11	Provide the Authority with a copy of the updated 'Operation Domhain' guidance.	ASAP	Chief Executive