

Minutes of Meeting of the Policing Authority

Date: 27 July 2023

Venue: 90 North King Street, Dublin 7

Part A – Authority Meeting

Attendance

Authority: Bob Collins (Chairperson), Elaine Byrne (items 12-16), Deborah Donnelly, Anthony Harbinson, Valerie Judge, Paul Mageean, Moling Ryan, Donal de Buitléir, Jane Mulcahy.

Secretary: Aoife Clabby.

Staff of the Authority: Mark Nother.

Apologies: Helen Hall (Chief Executive), Mark Toland (Chief Inspector), Cormac Keating, Margaret Tumelty.

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, the Chairperson welcomed Dr Jane Mulcahy whose appointment as a Member of the Authority had recently been made by Government. The Chairperson noted apologies from members of the Senior Management Team due to a number of circumstances.

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 Ministerial consent for the 2023 Policing Plan for the Garda Síochána.

3. Consent Agenda Items

3.1. Minutes of Meeting and Matters Arising

The Minutes for the meeting held on 28/29 June were 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. Members again expressed disappointment and frustration at the volume of outstanding Garda actions, in particular a significant number of aged actions that had yet to be responded to, some dating back a number of years. In some cases, Members questioned the value of the receipt of information requested, given the passage of time. Following discussion, it was agreed that the matter would be addressed again with

the Policing Authority Liaison Office and that any proposals arising would be brought to a subsequent Authority meeting.

No.	Action point	By Date	By Whom
A_124_01	Address outstanding actions on GS log with PALO and bring proposals to a subsequent Authority meeting.	ASAP	Chief Executive

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, including in relation to:

- Arrangements being made for a competition for appointment to the position of Deputy Commissioner in the Garda Síochána. Members were advised that Government approval had been provided to the Authority on 25 July to invite the Public Appointments Service to undertake a competition.
- A competition for appointment to the position of Chief Corporate Officer in the Garda Síochána, being run by the Public Appointments Service.
- The proposed timeline for engagement on, and consideration of, the Policing Priorities and Policing Plan 2024, to enable submission for Ministerial consent to the Policing Plan by 31 December, having regard to the proposed establishment date of the Policing and Community Safety Authority. Members were advised that there had been engagement with relevant Garda representatives on both the Policing Priorities and the Plan.
- Executive attendance, in an observer capacity, at recent meetings of the Strategic Human Rights Advisory Committee (SHRAC). Members noted concerns expressed by non-Garda members of the Committee in relation to the role and operation of SHRAC, its work and value and the extent to which the Committee's remit is being fulfilled. Members discussed the need for the Authority to give further consideration to reporting on human rights compliance by the Garda Síochána in the annual assessment of policing performance. It was agreed that further consideration would be given to the matter by the Executive.
- A visit by representatives of the Scottish Policing Authority. The Authority was advised that there had been a valuable exchange of information over the course of the two-day visit, focussing on aspects of each organisation's approach to policing oversight and including inputs from the Garda Síochána on the mental health de-escalation pilot project, CAST, and the Greentown initiative to reduce the influence of criminal networks on children.
- The regional Joint Policing Committee (JPC) event that had taken place in Carrick on Shannon on 13 July. Members were advised that feedback had broadly been positive and was being reviewed with a view to planning for a third and final regional JPC event taking place in Tipperary in September.
- Meetings held with Chief Superintendents in DMR South Central and Ballymun. The Chairperson provided Members with an overview of engagements by himself and the Chief Executive with divisional Chief Superintendents to date, advising that the meetings had been extremely useful and insightful. The Chairperson advised that visits to the remaining divisional Chief Superintendents, as well as to specialist units would be progressed in the autumn.

Members considered a review undertaken by the Executive of the resource requirements for ensuring an effective transition to the PCSA, the consequent impact on actions contained in the Business Plan 2023 and associated proposals for retention and change in the plan. Members noted that a primary consideration had been the maintenance of an appropriate focus on oversight activity. Members were satisfied broadly to approve the proposals made, subject to further consideration by the Executive of the approach to the review of the impact of the Policing Authority, since its establishment, on policing oversight. The Authority also requested that ongoing consideration would be given by the Chief Executive to the capacity to deliver the business plan, in light of changing circumstances, both within the organisation and having regard to external factors.

Members considered an assessment undertaken by the Executive of the updated 'Operation Domhain' guidance issued by the Garda Síochána on the policing of protests, with reference in particular to the provisions of the European Convention on Human Rights as they relate to hate-motivated violence, the potential limitations to the rights to expression and the rights of those who are subject to protest. Following discussion, it was agreed that there were a number of matters arising from the Executive review undertaken that merited further engagement with the Commissioner.

No.	Action point	By Date	By Whom
A_124_02	Give consideration to a mechanism for reporting on human rights compliance by the Garda Síochána, as part of the Authority's assessment of policing performance.	ASAP	Chief Executive
A_124_03	Revert to the Authority with further proposals in relation to the approach to a review of the impact of the Policing Authority on policing oversight.	ASAP	Chief Executive
A_124_04	Engage further with the Commissioner on 'Operation Domhain' guidance, in the context of the ECHR provisions and the policing of protests.	ASAP	Chief Executive

5. Half year assessment against Policing Plan 2023

Members considered a draft Assessment of Policing Performance 2023, providing a mid-year reflection on progress to date against the Policing Priorities 2022-2024. Members made a number of observations in relation to the draft report, in particular in relation to the delivery of community policing and engagement in the community by the Garda Síochána, resources in enabling functions, the approach to Garda training and the roll-out of the Garda Operating Model. Following discussion, the Authority was satisfied to approve the finalisation of the half-year assessment by the Chief Executive, in consultation with the Chairperson, and its publication at an appropriate date.

No.	Action point	By Date	By Whom
A_124_05	Finalise the half-year Assessment of Policing Performance 2023, in consultation with the Chairperson, and arrange for its publication.	ASAP	Chief Executive

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 Chair provided Members with an update in relation to the meeting of the Committee that had taken place on 20 July, in particular in relation to:

- Policing Performance: The Committee Chair advised that there had been engagement on the status of the divisional policing plans and a consideration of policing performance against the national plan, in particular in the context of the impact of current staff resources and the enabling functions required to deliver it. Members noted that the role of the Assistant Commissioners in critically evaluating the impact of delivering the policing plan had also been considered. The Committee Chair advised Members that the challenges to the delivery of the new Operating Model had been discussed, including the extent to which the range and volume of change projects was affecting Garda personnel overall.
- Community Policing: The Committee Chair highlighted a number of matters that had been engaged upon including community safety as it pertains to children and young people and a consideration of the value of the Garda Síochána having a dedicated strategy for this cohort. In considering the nature of discussions that had taken place at the Committee, Members agreed that there would be value in raising the issue with the Acting Commissioner in part B of the meeting. Members were apprised of a review that was being undertaken of the role of Juvenile Liaison Officers including how the function might be embedded further across the organisation. Members noted the nature of discussions that had taken place on vulnerable children and the responses provided by Garda representatives in relation to a range of matters including their work with TUSLA, interviewing children and specialist interview training. The Committee Chair advised that it was intended to engage on these matters further at Committee. The Committee Chair also advised that the approach to policing protests and protest legitimacy and disruption had been engaged upon with Garda representatives at the meeting.

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 management report, provided in accordance with the Authority's Risk Management Policy, noting a number of proposed wording changes to some risks, in addition to proposed new mitigations. Members noted that further consideration would need to be given to certain risks, as articulated, in the context of staff changes and the status of the implementation of the PSCS Bill.

8. Meeting with Chairperson of Garda Síochána Audit Committee

At the outset of the agenda item, the Chairperson welcomed the Chairperson of the Garda Audit Committee (AC), Professor Niamh Brennan and invited her 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 including in relation to:

- Engagement by the Commissioner on matters of Audit and Risk, which was characterised by Professor Brennan as being very constructive.
- Developments in the area of internal audit, including the approach to the classification by the Head of Internal Audit and tracking of audit recommendations.
- The proposed approach to the Garda AC, as set out in the Policing, Security and Community Safety (PSCS) Bill and concerns in respect of the governance architecture for the Committee.
- The Garda AC Chair's assessment of the Garda Síochána's compliance with the Code of Practice for the Governance of State Bodies.
- A number of finance related matters including the implementation of the recommendations contained in the Mazars report on the Garda finance function; the status of recommendations contained in the Deloitte report on travel and subsistence claims related to the Garda College; adherence to public procurement rules by the Garda Síochána and a consideration of the extent of dependency on the provision of day-to-day services by external consultants.
- The extent to which the Garda AC is facilitated in executing its role through the adequate and timely provision of information by the Garda Síochána.
- The extent to which the Garda AC is sighted on potential issues in relation to the governance of entities relation to the Garda Síochána, for which funding is provided by the organisation.

In concluding the engagement, the Chairperson recorded the Authority's thanks for the work undertaken by the Chairperson and Members of the Garda Audit Committee. The Committee Chair expressed her appreciation for the engagement with the Authority and noted that a number of action points had arisen from the discussion that would be progressed by the Committee.

9. Policing, Security & Community Safety Bill-Implementation Update

Members were provided with an overview of work to progress the implementation of the Policing, Security and Community Safety (PSCS) Bill, through the Department of Justice, coordinated through the PSCS Transition Programme. Members were provided with a copy of the Bill that had completed Report and Final Stages in the Dáil on 12 July, noting a number of amendments as they pertained to the Policing and Community Safety Authority (PCSA). Members considered and next stages in the process to enact the legislation and the implications for the PCSA's establishment and the continued functioning of the Policing Authority.

10. Appointments

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

Members considered and approved a request received from the Garda Síochána for the renewal of the temporary appointment, on secondment, of a Principal Officer, Occupational Psychology, subject to the consent of the Ministers for Justice and for Public Expenditure, NDP Delivery and Reform.

Members considered and approved a request received from the Garda Síochána to appoint a candidate to the position of Head of International Policing Systems, at the grade of Principal Officer.

Members considered and approved, in principle, a request received from the Garda Síochána to undertake a competition to appoint, on a temporary basis, a Head of Portfolio Management – subject to further clarifications and to the consent of the Ministers for Justice and for Public Expenditure, NDP Delivery and Reform (DPENDR).

No.	Action point	By Date	By Whom
A_124_06	Notify the Commissioner of the appointment of the candidate to the rank of Superintendent in the Garda Síochána and notify the candidate of their appointment.	Immediate	Chief Executive
A_124_07	Seek consent of DoJ and DPENDR to extend the PO Occupational Psychology secondment and notify GS of approval.	ASAP	Chief Executive
A_124_08	Notify the Garda Síochána and the candidate of the appointment to the role of Head of International Policing Systems.	Immediate	Chief Executive
A_124_09	Notify the Garda Síochána of the approval in principle regarding the PO Head of Portfolio Management position, engage on the finalisation of the details of the position, and thereafter seek the consent of DoJ and DPENDR.	ASAP	Chief Executive

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 – July 2023

Document		Action Required
D_124_01	Human Rights Review of Privacy and Policing – Northern Ireland Policing Board	For Noting

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Executive: Bob Collins (Chairperson), Elaine Byrne, Deborah Donnelly, Anthony Harbinson, Valerie Judge, Paul Mageean, Moling Ryan, Jane Mulcahy, Donal de Buitléir Aoife Clabby (Secretary), Mark Nother.

Garda Síochána: Anne-Marie McMahon (Acting Commissioner), Shawna Coxon (Deputy Commissioner), Paula Hilman (Assistant Commissioner), Justin Kelly (Assistant Commissioner), Yvonne Cooke (Acting Executive Director), Eimear Bourke, (Executive Director), Deirdre Morris (Principal Officer), David Butler (Superintendent).

At the outset of the meeting, the Chairperson introduced the new Authority Member, Dr Jane Mulcahy to the Garda representatives.

12. PSCS Bill Implementation Update

Members engaged with the Acting Commissioner and senior colleagues on their assessment of the progress of the PSCS Bill Implementation Programme, from the perspective of the Garda Síochána, including the current and projected state of readiness of the organisation. The Authority was advised that the Garda Síochána continues to plan for the introduction of the Bill in line with their dedicated implementation plan but that the planned introduction of the Bill on 01 January 2024 would prove very challenging for the organisation.

Members were advised that a key challenge related to the continuing uncertainty regarding the terms and conditions for Garda staff under the new Bill and that this was continuing to impact in a range of ways including in relation to the recruitment and retention of staff at all grades, and the consequential impact on the redeployment of Garda members and Garda visibility. The impact on the ability of the Garda organisation to deliver against its strategies and planned initiatives and to meet service demand was also emphasised. While noting and welcoming the Minister for Justice's statements in the Dáil regarding engagement with staff unions and associations, senior Garda colleagues highlighted the critical need for Garda staff to have certainty and the provision of formal, written confirmation of their future terms and conditions. The Authority was advised that the Commissioner had sought formal clarifications from the Department of Justice in this regard and that while a communications and engagement framework for staff was established, its implementation was contingent on a response in relation to the matters discussed.

13. Policing Performance

a) Half year assessment against Policing Plan 2023

Members acknowledged the quality of the reporting provided in respect of progress against the annual Policing Plan. Members sought the Acting Commissioner's assessment of areas where she believed the Garda Síochána had made notable progress. Areas highlighted included drugs and organised crime; the continued prioritisation and improvement of services relating to domestic, sexual and gender-based violence; and significant progress in respect of a number of large-scale reform and modernisation projects to support improved service delivery and organisational efficiency. It was acknowledged that there had been a short-term reduction in reporting rates for domestic, sexual and gender-based violence, in the

context of medium-long term increases in reporting. Members were advised that this reduction was being reviewed and that an update would be provided to the Authority on the matter.

Members discussed with the Acting Commissioner the capacity to achieve the targets set in the plan in the context of the current resourcing challenges. While acknowledging progress made to date, the Acting Commissioner advised that there was now a greater degree of uncertainty in respect of the extent to which the plan would be delivered in the current year. However, Members were advised that current targets had been set with a keen awareness of the resourcing context and as such there was confidence that considerable progress would continue to be made. It was agreed to return to this matter once the end of quarter three position was known.

Regarding the rollout of the Operating Model, the Members welcomed the continued flexible and agile approach demonstrated in the rollout, including an ongoing review of implementation to date and the consideration of Divisional boundaries. The Acting Commissioner outlined the impact of resourcing challenges, namely staffing, affecting the rollout and the resultant impact on implementation timelines. Members were advised that the completion of the ongoing review would offer greater clarity on these timelines and will be discussed in full with the Authority in October.

b) Assessment of performance against the Garda Síochána Strategy Statement 2022-2024

Members were informed that a desk-based, mid-term review of the implementation of the Strategy Statement had been undertaken and was due to be presented to the Garda Executive in early August. Members noted that the review would, in turn, inform the production of the annual Policing Plan for 2024. It was agreed that a copy of the review would be provided to the Authority for its consideration and discussion at the September meeting.

Members discussed a number of other matters relating to policing performance with the Acting Commissioner and her senior colleagues including:

- Recent crime trends in Dublin City Centre, in particular the extent of analysis undertaken by the Garda Síochána regarding underlying causes and the deployment of newly attested members to the Dublin Metropolitan Region (DMR). The Acting Commissioner provided Members with an overview of the planned allocation of newly attested Garda members across the six divisions of the DMR, with the aim of enhancing the high visibility policing response provided under Operation Citizen. Members noted that decisions regarding resource allocation were demand driven and reflective of a variety of complex factors, including population density, levels of deprivation, presence of vulnerability, and associated demands. The Acting Commissioner advised that there was a continued complexity in terms of operational demand. Coupled with a recognition of fear of crime among members of the public, particularly in Dublin City Centre, the Acting Commissioner further noted that a whole of Government response was required in order to tackle the underlying causal factors.
- Updated guidance on public order policing. Members asked the Acting Commissioner for her assessment of how the updated guidance document, 'Operation Domhain', had been received by frontline members and noted that the staff associations expressed appreciation that it had been updated. While advising that all Garda policies were in compliance with the European Convention on Human Rights, the Acting Commissioner agreed to revert to the Authority on the extent to which the updated guidance had been human rights proofed. Members discussed the recent trend of protest activity that targeted the LGBTQ+ community with the Acting Commissioner and sought

clarity as to the manner in which the operational policing response balanced the right to protest with limits on that right, and the rights of others. Members discussed how the policing response to anti-immigration protests compared with these most recent protests, in addition to how the challenges experienced in responding to spontaneous public order events were addressed by the Garda Síochána. Factors influencing the most appropriate policing response were outlined, including the requirement to assess protests on a case by case basis; have regard to what is permissible by law and considerations outline in the guidance document, with the ultimate aim of facilitating peaceful protest where possible, while ensuring the safety of those who may be targeted by the protest, including Garda members. Members sought to establish the extent to which learning derived from the management of protests is shared within the organisation and noted that a meeting had taken place with all Assistant Commissioners on the matter.

In concluding discussions on the agenda item, the Chairperson noted that there were a number of significant challenges arising for the Garda Síochána from a communications strategy perspective, in particular in commentaries in the public domain, not confined to social media, regarding resources available to deliver the policing plan and public order policing. The Chairperson conveyed the Authority's concern that matters that were the subject of public discourse and had the potential to impact negatively on people's sense of their own safety, were perhaps not addressed as well as they might by the Garda organisation. The importance of challenging false narratives in the public domain, through strategic communications at national and local level was highlighted as meriting further reflection by the Garda Executive.

No.	Action point	By Date	By Whom
A_124_10	Garda Síochána to provide an update in respect of review of decrease of reporting of sexual offences	ASAP	Garda Síochána
A_124_11	Engage on Operating Model on completion of the Op Model implementation review.	October 2023	Secretary
A_124_12	Garda Síochána to provide clarity on the extent to which the Public Order Policing guidance was human rights proofed.	ASAP	Garda Síochána
A_124_13	Garda Síochána to provide mid-term review of Strategy implementation once completed.	September 2023	Garda Síochána

14. Policing service in relation to vulnerable children and adults in care settings

Members discussed Garda engagement with young people with the Acting Commissioner and her senior team, with a particular focus on how the organisation approaches engagement where children present as victims, are of heightened vulnerability, or are present in a wider setting of criminality.

Members were advised that there is no centralised approach adopted by the organisation, but instead it is dictated by the manner in which the engagement takes place, be it as offenders/suspects, victims of crime, witnesses, or as members of the community. Members noted that, in the main, contact with children occurs through the community policing activities of schools visits and associated community engagement activity. However, in the context of children being potential victims of crime, the response is predominantly managed by the Garda Protective Services Bureau working with partner agencies, Tusla and the HSE, in

particular in respect of children in care. Members were apprised of the attendant risks to the existing inter-agency structures and the on-going efforts to improve the communication and information sharing processes between the Garda Síochána and these partners. Garda representatives advised that work in this regard continues to be a priority. While inter-agency relationships were characterised as strong, there was a recognition of the resourcing pressures on the existing systems and of necessary improvements required. In this regard, Members were advised that careful consideration had been given by the Garda Síochána to the letter issued by Judge Dermot Simms, expressing his concerns regarding the welfare of children who are in the care of the state.

Assistant Commissioner, Organised and Serious Crime, outlined the organisation's approach to dealing with vulnerable children in a variety of settings including children in care, who go missing and who are at risk of exploitation. Members were provided with an overview of efforts being undertaken to heighten understanding, both among Garda members and with inter-agency partners, of the warning signs of potential child exploitation and to encourage reporting. Members noted that the Divisional Protective Services Units are a point of contact and expertise in dealing with cases of child exploitation and offer a path of escalation where there is high risk or instances of potential repeat victimisation.

Members were provided with a detailed overview of the Garda Síochána's approach to the interviewing of children who are victims and the range of influencing factors in this regard, noting that the availability of specialist interviewers and interview suites posed a challenge in scheduling on a case by case basis, appropriate to an individual child's needs. The pilot of the Barnahus model – an inter-agency, multi-disciplinary, trauma-informed response to child sexual abuse – was considered hugely successful and the Assistant Commissioner advised that the Garda Síochána was fully committed to supporting its continued rollout.

Members were also provided with the approach to planning policing activity in circumstances where children are known to be present in wider policing interventions (searches, arrests of adults in the same home, etc.), in order to minimise exposure and the potential for trauma to be caused.

In concluding discussion on the agenda item, the Authority again highlighted to the Acting Commissioner its belief in the value of the Garda Síochána having a dedicated strategy for children, in circumstances where children represent approximately 23% of the population; are in effect vulnerable by virtue of their age, and can be at heightened risk from criminality, deprivation, and disadvantage. While acknowledging the Authority's position, the Acting Commissioner noted that the Youth Justice Strategy is the whole of government guiding document for engagement with children. Garda representatives also was also noted that the organisation's youth plan may merit reiteration, in the context of discussions with the Authority. However, any such reiteration need to be considered in the context of connected and related strategies.

15. Quarterly update on Workforce Planning

Members acknowledged receipt of the quarterly progress report on workforce planning and noted the inclusion of valuable, additional information in this update of the report. A number of matters were the subject of engagement with the Acting Commissioner and her senior colleagues, including in relation to:

- Garda Reserve: The potential of the role of the Garda Reserve in addressing challenges regarding resourcing and the potential for increased visibility was acknowledged and Members were advised

that revised regulations to enable changes to the role profile of the Reserves were still awaited from the Department of Justice;

- Current and future recruitment strategies: Members discussed efforts ongoing to maximise the intake of new trainees to the Garda College and noted that in the context of the recruitment strategy and strategic HR planning, a suite of options to increase and advance recruitment were being pursued. Members were also advised that recruitment partners would soon begin work in recruiting for specialist ICT roles. Members noted that work continues on the development of the strategic workforce plan with external support being procured to assist in its production. Members were advised that the organisation is on course to begin procurement for Human Resources Information System;
- Rosters: The Acting Commissioner advised that three months' notice had been provided by the Commissioner to the organisation that the emergency COVID-19 roster would end and members would therefore revert to the previously agreed Westmanstown Roster, in the absence of agreement on a new roster. Members discussed the impact of a return to the agreed roster on the delivery of a policing service to the public with the Acting Commissioner.

16. Governance Matters Templemore College

Members were provided with updates in respect of a number of matters, including:

- The continued adherence to recommendations regarding governance in the Garda Training College, contained in the Garda College Final Review Audit Report, conducted by the Garda Internal Audit Service;
- The status of the GSOC investigation into the alleged misuse of funds at the Garda Training College, following referral of the matter by the Commissioner. Members were advised that the Garda Síochána had not been notified of any developments to date;
- The status of an external review being undertaken into the governance of associated entities. It was agreed that this matters would be the subject of further engagement at the September Authority meeting; and,
- Engagement with external consultants and Revenue regarding travel and subsistence claims associated with the Garda Training College. Members were apprised of next steps and it was agreed that a further update would be provided on the matter by year end.

No.	Action point	By Date	By Whom
A_124_14	Provide the Authority with an update in relation to measures to monitor and assess travel and subsistence claims associated with the Garda Training College.	ASAP	Garda Síochána

Other Business

The Chairperson wished Ms Deirdre Morris, Head of Portfolio Management, well on the occasion of her final meeting as a staff member of the Garda Síochána, and expressed his appreciation of her engagement with the work of the Authority.