



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 25 March 2020

Venue: 90 North King Street and by Video Conference (VC)

Part A – Authority Meeting

Attendance

Authority: Bob Collins (Chairperson), Vicky Conway (VC), Pat Costello (VC), Deborah Donnelly (VC), Judith Gillespie (VC), Valerie Judge (VC), Paul Mageean (VC), Moling Ryan (VC).

Secretary: Aileen Healy

Staff of the Authority: Helen Hall (Chief Executive), Margaret Tumelty (VC), Cormac Keating VC).

1. Chairperson's Opening Remarks

The draft agenda was discussed and approved. No conflicts of interest were declared in relation to any of the matters for discussion.

The Chairperson updated Members with regard to his attendance at the attestation in Templemore on 20 March, noting the attestation of new probationers who were being deployed to duties in light of the Covid 19 crisis without having completed their full training. He briefed members on a number of discussions with the Commissioner in relation to this matter. Members reiterated concerns regarding the risks associated with the deployment of inexperienced officers, particularly given additional powers to deal with the Covid 19 situation and agreed that these and the other Garda Síochána arrangements for responding to the crisis would be discussed with the Commissioner. It was also agreed that the Chairperson would seek to arrange regular briefings from the Commissioner to keep up to date with regard to the policing response to the changing situation.

A number of items of correspondence were noted including from the Garda Inspectorate with regard to arrangements for business continuity during the Covid 19 crisis.

No.	Action point	By Date	By Whom
A_066_01	The Chairperson to seek to arrange regular briefings from the Commissioner with regard to the ongoing arrangements for policing in response to the Covid 19 situation.	Immediate	Chairperson

2. Minutes and Matters Arising

The minutes of the meeting on 26 February and 9 March 2020 were agreed and cleared for publication. The log of actions was noted and discussed and there was agreement to close the items proposed.

3. 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:

- Procurement of a Human rights Advisor, for which sanction has been received allowing the procurement process to commence in the coming weeks;
- Ongoing preparations for the visit of the GRECO delegation;
- Correspondence with the Disclosures Tribunal;
- Engagement with the Garda Inspectorate with regard to Report 10 Crime investigation;

The Chief Executive outlined the business continuity arrangements in place to undertake key statutory and oversight functions during the Covid 19 crisis. It was noted that the majority of staff have access to work remotely and that meetings can take place by video and call conferencing.

Members emphasised the importance of the Authority's oversight work continuing, particularly in light of new emergency powers for the GS and the potential for emerging crime areas and discussed how key engagements with the GS and other key stakeholders could be undertaken effectively while restrictions continue. The importance of continuing with Authority and Committee meetings was emphasised and Members discussed the possibility that a different approach to the Authority's work would be necessary over the coming months. It was agreed that the PSP and ODC Committees would meet in the coming days to reprioritise their work in the context of changing circumstances with a view to a further discussion by the Authority. Members also discussed the potential to temporarily reassign staff who are not essential to the Authority's Business Continuity Plan to other Departments dealing with the national Covid 19 response and it was agreed that such staff could be offered for release for this purpose.

Members also discussed arrangements for holding their scheduled meeting in public on 29 April and asked the Chief Executive to explore how the public element of this meeting could proceed in light of the possibility of continuing restrictions.

Members discussed the draft Oversight and Performance Delivery agreements proposed by the Department of Justice and Equality (the Department). Members noted that a number of matters addressed in the previous agreement were not evident in the draft and, while acknowledging the Department's desire for a standardised agreement for all agencies, were concerned that these be reflected. Furthermore it was felt that the draft agreement does not appropriately reflect the Authority's statutory position as an independent agency. Members agreed that the Chief Executive should engage with the Department regarding the matters discussed.

Members noted items in the monthly correspondence report and approved proposals to refer specific items on an anonymised basis to the Commissioner on the basis discussed.

No.	Action point	By Date	By Whom
A_066_02	PSP and ODC Committee to discuss their work agenda and reprioritise work in the context of the Covid 19 crisis.	6 April	Chairs of PSP and ODC Committees
A_066_03	The Chief Executive to explore how the public element of the Authority's scheduled April meeting could proceed in light of the possibility of continuing restrictions.	April 2020	Chief Executive

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_066_04	The Chief Executive to engage with the Department regarding the matters discussed in relation to the draft Oversight and Performance Delivery agreements	April 2020	Chief Executive

4. Briefing on ongoing Garda Inspectorate Inspection on Anti-Corruption

The Chief Executive briefed Members in relation to an update received from the Garda Inspectorate with regard to their inspection on anti-corruption. It was noted that the draft report is expected to be submitted to the Minister for Justice and Equality in May.

5. Strategic Priorities

Members agreed to defer this discussion to a later date in view of time constraints and the Chairperson invited Members to provide any further input over the coming days with a view to finalising the draft document. Members had a brief discussion with regard to the Authority's observations on the draft general scheme of the Policing and Community Safety Bill relating to the establishment of an Office of the Ombudsman for Police Conduct and agreed the principles for inclusion in a response to the Department.

6. Committee Updates

None of the committees had met since the last Authority meeting.

7. Audit, Governance and Risk

Members reviewed the Risk Management Report and discussed emerging risks and mitigations which are to be reflected in the Risk Register. Particular regard was given to risks associated with business continuity, staff wellbeing and ICT security in the context of the Covid 19 situation.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_066_05	The Risk Register to be updated in light of the Authority's review and discussion.	26 March	Chief Risk Officer

8. Garda Síochána Appointments

The Secretary briefed members on the outcome of the clearance process in respect of a candidate on the Chief Superintendent panel. Members considered the outcomes of the clearance process and appointed the candidate with effect from the date of taking up their position as assigned by the Garda Commissioner.

The Secretary briefed members on the outcome of the clearance process in respect of a number of candidates on the Superintendent panel. Members considered the outcomes of the clearance process and appointed the candidates with effect from the date of taking up their position as assigned by the Garda Commissioner. Members also noted that the clearance process for a candidate who is a member of the

PSNI is underway and, subject to a satisfactory outcome of that process, requested that the approval of Government for the Authority appointing that candidate under s52 of the Garda Síochána Act 2005 (as amended) ('the Act') be sought in advance of the Authority's further consideration of the appointment.

Members discussed the establishment of a panel of candidates for appointment to the rank of Assistant Commissioner in the Garda Síochána. The Chairperson briefed Members on the selection process and the order of merit for the Chief Superintendent selection competition was considered by Members. A panel of three candidates for appointment to the rank of Assistant Commissioner was established in accordance with the regulations in the order of merit determined by the selection board and the Chairperson signed the formal establishment order. The confidentiality of the panel was emphasised and it was agreed that their results will be notified to candidates only. The statistics in relation to the competition were noted. In a discussion prompted by the competition, the Authority decided to revisit the issue of senior leadership development at a future meeting and to consider further how to make progress on its long-held view that more open access to senior Garda positions was an important priority.

Members discussed two requests from the GS to approve new Principal Officer positions for ICT roles in the GS. While Members generally supported the specific roles requested, concern was noted with regard to the absence of an implementation plan for the GS ICT Strategy and the positioning of these roles in context of the resources required to deliver that plan. It was agreed that the matter would be raised with the Commissioner with a view to obtaining a more coherent sense of progress in the coming week and a decision deferred to the next Authority meeting.

Members discussed a request from the GS to extend a temporary acting up appointment at the level of Executive Director. The Authority approved the extension of the position for one month, subject to the consent of the Ministers for Justice and Equality and Public Expenditure and Reform.

Members considered requests from the GS for the appointment of a Principal Officer in the GS and appointed the candidate.

Members considered a request to appoint an interviewer with specialist expertise to the panel of interviewers for GS promotion competitions and made the appointment.

No.	Action point	By Date	By Whom
A_066_06	Further to appointments to the rank of Chief Superintendent, Principal Officer and Superintendent in the GS, the Chief Executive to notify the persons of their appointment.	Immediate	Chief Executive
A_066_07	The Secretary to complete the clearance process for a candidate on the panel for appointment to the rank of Superintendent and, subject to the outcome, proceed to seek the approval of the Government for the appointment under s52 of the Act.	ASAO	Secretary
A_066_08	The Commissioner to be notified of the appointments made by the Authority.	Immediate	Chief Executive
A_066_09	The results of the 2020 Assistant Commissioner selection competition to be notified to candidates.	Immediate	Chief Executive

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_066_10	Further information to be sought from the GS with regard to their ICT implementation Plan in the context of further consideration to be given to the GS request for the Authority's approval for two new Principal Officer positions.	Immediate	Chief Executive
A_066_11	The GS to be notified of the addition of an interviewer with specialist expertise to the panel of interviewers for GS promotion competitions.	Immediate	Chief Executive

9. Policing Authority Annual Report 2019

Members discussed the draft annual report and approved its finalisation, subject to drafting, for submission to the Minister by the statutory deadline of 31 March.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_066_12	The 2019 Annual Report of the Authority to be finalised subject to drafting and submitted to the Minister in compliance with the statutory deadline.	31 March	Chairperson

10. Appointments to the Garda Síochána Audit Committee

Members discussed and approved the proposal to re-appoint three current Members of the GS Audit Committee for a further three year term from 1 May 2020. Appointing one of the reappointed members, Professor Niamh Brennan, as Chair of the Audit Committee, Members noted her expertise and reputation in key skills areas for the Committee and the desirability of continuity in the Committee membership. Members agreed to give further consideration to and address appointment of an additional member(s) of the Committee at its April meeting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_066_13	Notification of appointments to the GS Audit Committee to be provided to the appointees and to the Commissioner.	31 March	Secretary

11. Garda Síochána Resources

Members agreed to defer this discussion to a later date in view of time constraints.

12. General Scheme of a Police Powers Bill to codify police powers of search, arrest and detention.

Members agreed to defer this discussion to a later date in view of time constraints and, in the meantime to provide any observations to the Executive.

13. Adult Caution

Members discussed the draft report on the review of the Adult Caution Scheme being undertaken by Crowe and provided comments for feedback in the context of the final drafting of the report.

14. Preparation for meeting with the Garda Commissioner

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

Part B – Authority Meeting with the Garda Commissioner and Garda Representatives in private

Attendance

Authority:	As for Part A Bob Collins (Chairperson), Pat Costello (VC), Deborah Donnelly (VC), Judith Gillespie (VC), Valerie Judge (VC), Paul Mageean (VC), Moling Ryan (VC).
Executive:	Helen Hall (Chief Executive), Aileen Healy (Secretary), Margaret Tumelty (VC), Cormac Keating VC).
Garda Síochána: (by VC)	Drew Harris (Garda Commissioner), Joe Nugent (Chief Administrative Officer), Gráinne Shortall (Assistant Principal)

15. Covid 19 crisis: Garda Síochána arrangements for policing services and welfare of personnel

The Chairperson expressed the Authority's appreciation of the Commissioner meeting with the Authority in light of current events and noted the necessity for a particular focus on current and recent events arising from the Covid 19 crisis. Members had an in-depth discussion with the Commissioner with regard to the arrangements that were in place and being planned in the GS to deal with the policing demands around the crisis and the welfare of Garda members and staff, including:

- Arrangements for managing the situation were outlined by the Commissioner, including daily meetings to manage issues and resources, a 24/7 office and the recording of data to facilitate explaining responses and uses of powers. The Commissioner emphasised the primary role of the GS to support and provide reassurance and the desire not to move to the use of coercive powers unless absolutely necessary.
- The attestation of recruits who had not yet completed their training and their deployment to assist in the current crisis, with a focus on the level of training undertaken to date and if and when this would be resumed. The Commissioner confirmed that the Garda College in Templemore is now closed in line with Government restrictions and all students and staff redeployed to other duties. The trainees concerned will return to complete their full training and pass out from the college when the situation eases.
- The nature of assignment of these newly attested members, the extent of powers, supervision and the impact and risks associated with deployment of inexperienced officers in the current context. The Commissioner outlined that the trainees, with full Garda powers, have been assigned but would be operating as 'assisting members', as is normal practice for probationers on their first assignment from the college. In general these members have been deployed in roles providing additional visibility, are assigned experienced tutor Gardaí and are always accompanied. They are expected to be tasked as such and, in this context, it is not envisaged that they will use their Garda powers. The Commissioner emphasised the small number of members involved in the overall context and his concern to ensure they are adequately supported and looked after.
- The ethical and human rights framework issues inherent in the new powers being given to the GS under emergency legislation, if protocols for the use of these powers will be in place and the recording of actual use of powers. The Commissioner confirmed that all the newly attested members had received training on and signed the Code of Ethics.

- The new Emergency Legislation and the underlying associated regulations which are awaited from the Department of Health, in the absence of which the role of the Garda Síochána role and powers arising from the new legislation is not yet clear.
- The powers under that legislation and the associated regulations which are anticipated to enable other authorities to require Garda assistance and how, at what level of seniority and under what governance arrangements this will operate in practice. Members were concerned that the use of these new powers be recorded and the Commissioner confirmed that arrangements were being made in this regard including for the recording of data on the Pulse and CAD systems.
- The imperative to maximise numbers, visibility and operational strength, noting the likelihood of the impact on Garda resources if members are unavailable to report for duty due to illness or the need to self-isolate. In this context other arrangements are in train including the reassignment of Gardaí from administrative duties and use of the Garda reserve, noting that the Garda Reserve have been put on notice and will be called on as required.
- The next planned intake of Garda recruits. The Commissioner confirmed that the next intake to the Garda College is due in May and that it is important to keep recruitment on track. A variety of options are being examined with a view to the possible need to put in place alternative arrangements for this training to commence in a more agile fashion.
- Members acknowledged that normal policing work continues alongside the Covid 19 demands and noted the first successful prosecution for coercive control. There was a discussion about plans to deal with anticipated spikes in domestic violence and other types of crime in the context of the Government's instructions for people to stay at home and the consequent increased use of technologies. The Commissioner confirmed that the statistics on domestic violence and other crimes were being kept under close review and that measures were in place to deal with the issues arising, including keeping in communication with victims.

The Chairperson noted the importance of the Authority continuing to discharge its oversight functions and expressed appreciation for the Commissioners engagement with them on the issue and the opportunity to continue with meetings. He confirmed that arrangements are being put in place for the Authority's scheduled meeting in public in April by alternative means and that the Authority will continue to keep the matters discussed, both normal policing and emergency powers as well as ongoing daily developments, under review.

Members acknowledged the speed of the Garda Síochána's response and the extent to which the organisation is engaging at community level and with vulnerable people while continuing to undertake normal policing activities. They expressed their support for the Commissioner and their best wishes to the Garda Síochána members and staff.

16. Commissioner's Monthly Report to the Authority

Members noted that there was no update in relation to the Culture Audit in this month's report and the Commissioner noted that he still hoped to proceed with the audit in the Autumn as planned but that this would need to be kept under review in the context of Covid 19.

17. HR related matters

Members asked the Commissioner about progress with the preparation of an ICT Implementation Plan, noting the GS request for additional Principal Officer roles in the ICT function. Members emphasised the desirability of their considering these roles in the context of the resources required to implement the ICT

Strategy and requested the implementation plan which the Chief Information Officer (CIO) had indicated would be available in February. The CAO undertook to speak to the CIO and to revert to the Authority. Members also noted the importance of wider societal and government implications in the design of the GS data architecture and the importance of reflecting this aspect in the job specification for the proposed data architect role.

18. Risk and Resources

Risk was discussed extensively in the context of the ongoing Covid Crisis and the Commissioners report, but the discussion on resources was deferred to a later date in view of time constraints.

19. Management of DNA Samples

This item was deferred for discussion at a later date in view of time constraints.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_066_14	The CAO to revert to the Authority with regard to the GS ICT Implementation Plan	31 March	GS