



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 27 July 2020

Venue: By Video Conference

Part A – Authority Meeting

Attendance

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

Secretary: Aoife Clabby

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

1. Meeting of Members in private

The Authority availed of the opportunity to have a meeting in private.

2. Appointment of Secretary to the Authority

The Authority formally ratified the appointment of Aoife Clabby as Secretary.

3. Chairperson's Opening Remarks

The meeting agenda was approved, as drafted. No conflicts of interest were declared in relation to any of the items for discussion. A number of items of correspondence were noted and discussed, in particular correspondence received in respect of the adequacy of Garda Síochána resources and correspondence advising that the roll-out of the Operating Model had re-commenced.

The Chairperson briefed the members on a particular item of correspondence and the Authority expressed its support for the approach adopted.

4. Minutes and Matters Arising

The minutes of the meetings on 24th June, 3rd July 2020 and 17th July were approved and cleared for publication.

The log of actions was noted and there was agreement to close the items proposed. The Authority noted the number of commitments outstanding from the Garda Síochána and that the process of obtaining information was leading to significant delays in the receipt of material. The Chief Executive advised that work was ongoing in this area and that the matter would be the subject of engagement with the CAO and D/C Policing and Security.

The Authority noted and welcomed the recent appointment of the Chief Commissioner of the Human Rights and Equality Commissioner, Ms Sinéad Gibney.

The Chairperson addressed a number of matters arising in respect Garda Síochána human resources for engagement with the Commissioner and the Chief Administrative Officer.

5. 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, as follows:

- A productive meeting had taken place with the Public Appointments Service to progress the commencement of a competition for Deputy Garda Commissioner.
- The provision of the job description booklet for the Garda Síochána Executive Director for Finance and Services for observations. Members agreed that a proposed wording change should be suggested in relation to references in the booklet to the implementation of shared services.
- The status of the corporate priorities to the end of quarter 2 was highlighted. The Authority was advised that there are a number of changes to the work programme in the context that due to the COVID-19 pandemic, there was an extension of certain aspects of work, which required reprioritisation of other work, possibly into 2021.
- Members were asked to consider a proposal to publish the interim report on the experiences of victims of crime with the Garda Síochána, conducted by Trilateral Research Limited on behalf of the Authority. Following discussion, the Authority was satisfied to approve the proposal to publish the interim report, subject to minor amendment and clarification.
- The launch of a public consultation on the development of a Strategy for the Criminal Justice System by the Department of Justice and Equality. While participation by the Policing Authority in the process of the strategy's development was noted, the importance of the Authority submitting its independent views as part of the consultation process was emphasised. Members welcomed the cross-cutting nature of the strategy and made a number of observations in the areas of human rights, equality and public sector duty, further to section 42 of the Irish Human Rights and Equality Commission Act 2014.
- The inclusion of a number of questions in an omnibus survey on policing during COVID-19 and work ongoing to finalise this process. Members were asked to consider a proposal to broaden the range of questions asked beyond experiences of policing during the COVID-19 pandemic and were satisfied to approve the request.
- The provision of the results of a survey conducted to ascertain practice by policing oversight bodies in other jurisdictions in sourcing policing expertise. While a number of questions arose and reservations were expressed, it was agreed that some of the information obtained may provide context for the consideration of any future legislative change.

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

No.	Action point	By Date	By Whom
A_075_01	Proposed amendment to the job description booklet to be provided to the Garda Síochána	ASAP	Chief Executive
A_075_02	Publish the interim report on the experiences of victims of crime, subject to minor amendment and clarification.	September	Chief Executive
A_075_03	Respond to the consultation on a Strategy for the Criminal Justice System, incorporating Authority observations.	12 August	Chief Executive
A_075_04	Provide input on possible questions for the omnibus survey.	Mid-August	Authority

6. Committee Updates

6.1. Garda Appointments Quality Assurance and Selection Governance Committee

Members noted the report of the Committee Chair and the preparation undertaken for the 2020 selection competition for appointment to the rank of Chief Superintendent. This matter was further considered under the Appointments agenda item.

6.2. Organisational Development Committee (ODC)

The Committee Chair provided Members with an overview of two meetings of the Committee that had taken place, including a single item meeting to consider the report on the Garda Síochána finance function and to engage with the Garda Síochána Chief Administrative Officer (CAO) on the adequacy of resources to enable the Garda Síochána to undertake its functions. The Committee's disappointment with the nature of the engagement on the matter of resources, particularly in the context of the Authority's statutory function in this area, was conveyed to the Members.

The Committee Chair outlined engagement that had taken place in relation to the Code of Ethics and progressing the findings of the 2018 cultural audit. The Committee Chair further advised that documents detailing the Garda ICT Vision were still awaited and that discussion of this item had been deferred.

The work being undertaken in conjunction with the Executive to review any outstanding actions arising from meetings of the Committee from 2019 to date, was outlined.

6.3. Policing Strategy and Performance Committee (PSP)

The Committee Chair provided a brief summary of discussions that had taken place at the 20th July meeting of the PSP committee and of the issues arising. In particular, the Committee Chair referenced engagement with Garda representatives on the policing plan, the quality of reporting and the centrality of the plan to Garda activity, decision-making and the assessment of performance and associated metrics. Members were also advised that discussions had taken place at the meeting about the requirement to review the approach to the development of the plan, in the context of 2021. The Committee Chair highlighted the requirement for the Garda Síochána to provide further information in respect of the Homicide Review and Management of DNA Samples Reports. It was noted that a comprehensive verbal update was provided to

the PSP Committee in respect of the DNA samples and that a written report would be required in advance of the Authority meeting in public on 30th September.

6.4. Policing Reform Working Group

The Group had not met since the last Authority meeting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_075_05	Written report on the management of DNA Samples required for consideration Authority meeting in public on 30 th September.	1 September	GS

7. Audit, Governance and Risk

Members noted the risk management report, provided in accordance with the Authority's Risk Management Policy. The Committee Chairperson briefed Members on work being undertaken to fundamentally review and revise the organisation's risk register, to ensure that the Authority maintains a dynamic, agile approach to the assessment and management of risk. The Authority was advised that a first draft was anticipated for consideration by the Committee in September.

8. Garda Síochána Appointments

The Authority considered and agreed a number of matters under this item.

Members reviewed a proposal to undertake a selection competition for appointment to the rank of Chief Superintendent in the Garda Síochána, having regard to the proposed approach and process for the conduct of the competition and the associated competition documentation. Following discussion, the Authority was satisfied to approve the proposal, subject to the inclusion of a word limit in the section of the application form addressing 'description of duties'.

Members considered a proposal to establish a panel for appointment to the rank of Superintendent in the Garda Síochána, having regard to the report of the selection board for the competition and the candidate order of merit, the principles attaching to the communication of the competition results and the statistical information in respect of the competition. Members also had regard to the position in respect of possible vacancies arising at the rank of Superintendent to July 2021. It was agreed that clarification in respect of a definitive figure was required, taking into account the suppression of positions where officers have availed of the severance package. Following discussion, the Authority was satisfied to approve the establishment of a panel of candidates for appointment to the rank of Superintendent, as recommended.

Members considered a number of documents pertaining to the competition for Deputy Commissioner. Clarification was sought in respect of a small number of matters and a number of minor amendments were proposed. The Chief Executive briefed Members that subject to funding, it was hoped to do an external review in 2021 of the competency framework for those selection competitions for which the Policing

Authority has responsibility. It was agreed that this topic should be considered in due course at a future meeting of the Authority.

Members considered the revised competition booklet for an appointment to the position of ‘Executive Director, Finance and Services, An Garda Síochána’, noting the proposed changes that had been incorporated.

The Authority considered a request received from the Garda Síochána, seeking approval to appoint an Acting Principal Officer (Accountant) to the finance directorate. Following discussion, the Authority was satisfied to support the proposal, as submitted.

The Chief Executive advised Members of an issue raised by the CAO in respect of the sanction provided by the Policing Authority for a number of HEO positions and the conditions attaching. Members noted that correspondence on the matter had been received and the Authority expressed its support for the approach proposed, by the Chief Executive.

No.	Action point	By Date	By Whom
A_075_06	Chief Superintendent application form to be amended to include a word limit in the section of the application form addressing ‘description of duties’ prior to competition launch.	Immediate	Chief Executive
A_075_07	Establishment of a panel of candidates for appointment to the rank of Superintendent.	Immediate	Chief Executive
A_075_08	Seek clarification from the Commissioner on the number of superintendent positions required to be filled during 2020 and 2021, having regard to the suppression of positions.	Immediate	Chief Executive
A_075_09	Authority approval for the appointment of an Acting Principal Officer (Accountant) to the finance directorate to be communicated to the Garda Síochána	Immediate	Chief Executive

9. Garda Síochána Resources - Advice under S.62H(2)(b) of the Garda Síochána Act 2005

Members had a detailed and wide-ranging discussion in relation to the range of materials provided by the Garda Síochána and the nature of the engagements that had taken place to date in an effort to facilitate the Authority in discharging its statutory function. It was agreed that it would be helpful for Garda representatives to outline the assumptions underpinning the organisation’s submission to the government budgetary process and how these assumptions link to the policing plan and the various strategic plans in place across the organisation.

The Authority expressed its disappointment that the requisite, detailed information had not been provided to date and agreed that it would be necessary to set out the minimum information requirements necessary to facilitate to Authority in advising the Minister. It was further agreed that the Authority's letter to the Garda Síochána, responding to the Mazars report on the Garda Síochána Finance function, was a useful starting point in this regard.

10. Policing Performance – Half Year Report

Members considered the draft report on the Policing Authority Half Year Assessment of 2020 Policing Performance. A number of observations were made and it was agreed that any additional comments should be forwarded to the Executive and that the final document would be approved for publication by the Chairperson, in consultation with the Committee Chairs.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_075_10	Half Year Assessment of 2020 Policing Performance to be finalised for publication.	6 th August	Chief Executive

11. Oversight of Policing of COVID-19

The Chief Executive advised the Members of the proposed approach to reporting on the policing of the COVID-19 pandemic and the on-going requirements for regular receipt of data from the Garda Síochána in respect of the use of anti-spit hoods and in relation to Operation Navigation. Members were also advised that engagements with stakeholders were continuing. It was noted that two further reports on policing COVID-19 would be published by the end of September and it was agreed that it would be helpful to review the frequency of reporting at that juncture, having regard to the evolving situation in respect of pandemic and the required policing response. The Authority commended the level of oversight and quality of reporting provided to date.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_075_11	Review the frequency of reporting on the oversight of policing of COVID-19.	30 th September	Authority

12. Adult Caution

Members considered a revised draft final report on the Adult Caution Scheme, prepared by Crowe and discussed the steps required for the report's finalisation and publication. A number of observations were made in relation to the report's methodology, findings and their underpinning assumptions and it was noted that questions remained in respect of governance arrangements around adult cautions that would require further interrogation. Following discussion, the Authority agreed to publish the report with an accompanying commentary to incorporate the Authority's observations. It was further agreed that the draft accompanying commentary would be considered at the 30 September meeting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_075_12	Develop 'wrap-around' commentary for adult caution report for consideration and approval	30 September	Chief Executive

13. 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.

14. Documents for Noting by the Authority – July 2020

The following document was noted by the Authority:

<i>Document</i>		<i>Action Required</i>
D_075_01	Garda Inspectorate Work Plan	For noting

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Executive: As for Part A

Garda Síochána: Drew Harris (Garda Commissioner), John Twomey (Deputy Commissioner), Joe Nugent (Chief Administrative Officer), Paula Hilman (Assistant Commissioner), John O’Driscoll (Assistant Commissioner), Brian Sutton (Detective Chief Superintendent), Alan McGovern (Chief Superintendent), Gráinne Shortall (Assistant Principal).

At the outset of Part B of the meeting, the Authority discussed a number of matters in respect of the Garda Síochána Human Resource function with the Commissioner, Deputy Commissioner and Chief Administrative Officer. The Authority also discussed a range of other matters including the competitions process for detectives and progress on the recommendations of the 2015 Commission on Public Service Appointments (CPSA) Audit. The Commissioner also advised that observations in relation to the competition booklet for the position of Deputy Commissioner, Strategy and Governance would be provided to the Policing Authority at an early date.

15. Commissioner’s Monthly Report to the Authority

Members discussed the Monthly Report with the Commissioner including the following matters:

- The Garda Estate and whether there is a clear outline of the organisation’s priorities, bearing in mind the envisaged future Garda presence.
- Garda Fleet, in particular the lightly branded vehicles deployed for policing during the pandemic.
- The position in relation to those Garda members who had been attested early, in terms of their learning experience and further training.
- The use of force statistics provided and the rationale for changes in some categories.
- The protocols in place to handle hostage/barricade situations and work on appropriate inter-agency responses.

16. Garda Síochána Risks, Opportunities and Resources

Members discussed Garda Síochána resources with the Commissioner, in the context of the Authority’s statutory duty to advise the Minister, further to section 62H(2)(b) of the Garda Síochána Act. While noting the material already received, the current budgetary estimates processes being undertaken by the Garda Síochána and the challenges arising, the Authority expressed its enduring disappointment and frustration at the inadequacy of the information available and at the apparent lack of a coherent approach to determining requisite resource levels, linking to the policing plan and the Garda Síochána Strategy 2019-2021.

The Commissioner advised that further information could be made available in the context of the 2020 process and that an additional submission to partially address the Authority’s requirements would be made in early September.

No.	Action point	By Date	By Whom
A_075_13	The GS to provide the Policing Authority with additional information in support of the 2020 process of advising the Minister on the adequacy of resources.	7 September	GS

17. HR Related matters, including performance, culture and standards

Members discussed a number of matters with the Commissioner under this heading including:

- The Policing Plan, the process for cascading it down the organisation and for linking it to individual performance.
- The Commissioner acknowledged that usage of the Performance Accountability and Learning Framework (PALF) to link to the plan and drive performance was not as widespread as it should be and emphasised the role of the Senior Leadership Team in championing effective performance management.
- The positive impact on Garda morale and sense of purpose, arising from the experience of policing the pandemic to date and the publication, by the Policing Authority, of its oversight reports. However, the Commissioner expressed some concern in respect of future regulations and the likely role of the Garda Síochána.
- Information Technology and the status of the Garda Síochána Vision for a Data Ecosystem. The Commissioner advised that the Vision had been approved. However, the scale of the challenge of its implementation and of the integration of requisite systems was strongly emphasised. Members acknowledged the considerable work being done and again expressed the need for the Garda Síochána to sustain this work and ensure that Garda HR and finance systems to have the capacity to interact with each other in real time.
- The approach to the development and delivery of training, in the context of the restrictions brought about by the COVID-19 pandemic. In particular Members discussed the potential impacts on the probationer programme and the important of thoroughly evaluating those probationers who have been attested early, especially in the context of their experiential learning.

18. Diversity, Equality and Compliance with the Public Sector Duty under S.42 of the IHREC Act

The Chairperson highlighted the two separate diversity strategies; the Diversity and Integration Strategy and the Equality, Diversity and Inclusion Strategy, being pursued by the Garda Síochána, both in terms of its engagement with the general public and within the Garda organisation. Having regard to the public sector duty under s42 of the IHREC Act, the Commissioner was asked to outline the extent to which the organisation can meet its obligations under this statutory provision.

The Commissioner highlighted the challenges in relation to data collection, in the context of GDPR and the decision of the Information Commissioner. The Commissioner advised that further advice on the capacity to gather data, in order to meet its public sector duty obligations was being sought, that correspondence would issue to the Department of Justice in this regard and that a copy could be provided to the Authority. The Commissioner advised that, based on available data, approximately 10% of Garda members are from diverse backgrounds, but that it is currently not possible to provide a more detailed breakdown of this information.

Members asked the Commissioner for his assessment of equal opportunities within the Garda organisation and of potential barriers to entry and progression within the organisation. The Chairperson advised that the diversity, equality and compliance with the public sector duty would be item for discussion at the meeting in public on 30th September.

Members discussed the use and recording of police powers with the Commissioner, particularly in the context of vulnerable individuals. The Commissioner highlighted challenges in not having centralised custody records and considerations currently being given to the design of custody suites.

No.	Action point	By Date	By Whom
A_075_14	The GS to provide a copy of the correspondence issued to the Department of Justice in relation to data collection.	ASAP	GS

19. Progress on Implementation of Firearms Policies and Procedures

Members discussed the status of the firearms policies and procedures. The Authority was advised that all policies were agreed in principle and were being reviewed from a ‘lessons learned’ perspective, with a view to their finalisation in quarter 4.

Members were apprised of the number of firearms cards that had been issued between 2018 and 2020, noting a substantial reduction in the figure, in line with policy intent.

The Authority noted progress being made in establishing armed support units in Cavan and Enniscorthy and Critical Firearm Incident and Command training rolled out in DMR, Cork and Waterford.

20. Management of DNA Samples

The Chairperson informed the Commissioner that the review of the management of DNA samples was scheduled for consideration at the meeting of the Authority in public on 30th September. Members were advised that a detailed report had been developed and was nearing completion. A high level overview of the findings was presented, including the number of remaining samples deemed to be problematic. The Chairperson stressed the importance of the timely receipt of the report in order to consider the findings and draw the matter to a conclusion.

21. Other Business

The Chairperson informed the Commissioner that due to the late receipt of the report on diversity, it was not possible for the Members to consider the item. He advised however, that the Authority would wish to gain from the Commissioner a sense of his expectation of what the organisation might look like in the future, in the context of the changing face of society in Ireland.

The Chairperson noted that the practice of late provision of papers to the Authority and the Committees was re-emerging and asked the Commissioner to address the issue promptly.

Members expressed their appreciation of the exceptional work being done by the Garda Síochána in respect of detections and the disruption of criminal activity in recent months.

The Chairperson acknowledged the last meeting of Ms. Aileen Healy and noted her role in the establishment of the organisation and the solid foundation put in place by her for the appointments process. The Members recognised her remarkable level of public service, expressed their deep appreciation of her work and wished her well in her new position.