



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 28 October 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, Moling Ryan.

Secretary: Aoife Clabby

Staff of the Authority: Helen Hall (Chief Executive), Margaret Tumelty, David Pasley, Sharon O'Brien, Michal Hanley, Karen Shelly, Sophia Carey.

1. Meeting of Members in private

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

2. 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.

The Chairperson briefed the members on a productive, wide-ranging meeting that had taken place with the Secretary General of the Department of Justice and Equality. He conveyed the Department's appreciation of the work of the Authority and its staff on a number of recent items of engagement. He also conveyed points raised on the upcoming interview process for the Deputy Commissioner positions. Members welcomed this feedback and agreed that the matter would be the subject of further engagement with the Public Appointments Service.

Members noted correspondence received, in particular correspondence from the Commissioner in relation to consultation on Policing Priorities for 2021. Noting the response, the Authority was satisfied to formally approve the determined priorities and it was agreed that they would be provided to the Minister for her consent in accordance with the statutory provisions.

Members also discussed a copy of correspondence between the Central Statistics Office (CSO) and the Garda Commissioner, and were advised that a meeting with the Director of the CSO was scheduled for 30th October.

No.	Action point	By Date	By Whom
A_080_01	To engage further to the Public Appointments Service in relation to the interview process for the positions of Deputy Commissioner.	Immediate	Chief Executive
A_080_02	To submit the determined policing priorities for 2021 to the Minister for Justice and the Commissioner for her consent. .	Immediate	Chairperson

3. Minutes and Matters Arising

The minutes of the meeting on 29th/30th September were approved and cleared for publication.

The log of actions was noted and there was agreement to close the items proposed. The Chief Executive advised that progress on a small number of actions had not been updated since the September meeting and a correction on those items was provided in the Chief Executive's Report. Members were provided with a verbal update on action taken by the Commissioner regarding the monthly provision of relevant correspondence by the Authority and on that basis, were satisfied to close the associated action.

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, as follows:

- The Policing Authority additional budget allocation for 2021: Members were advised that an increase was granted to support investment in updating the recruitment process for the senior Garda ranks and that engagement would commence with Garda Síochána HR on the matter. Members sought clarification in relation to the reference to an amended ambit of the organisation's voted expenditure for 2021 and welcomed confirmation that the Authority is now enabled to co-operate on research with other bodies.
- The status of the corporate priorities to 30th September: Members were asked to consider further steps required in respect of oversight of the Garda Síochána's review of its policies and procedures for dealing with protected disclosures. Members noted the receipt of the Protected Disclosures Policy and the associated Addendum, discussed the engagement of Transparency Ireland by the Garda Síochána; and considered the extent to which the policy linked to matters of ethics and culture in the Garda Síochána. Following discussion, it was agreed that a meeting should be requested with the Executive Director, Legal to ascertain the extent of progress in the area of protected disclosures generally.
- Contact received from the Irish Prison Service to learn more about the Authority's experience of developing the Garda Síochána Code of Ethics.
- The circulation of correspondence from a member of the public to all Authority members was noted; further interaction was not anticipated.

Members considered the report of the Department of Public Expenditure and Reform (DPER) entitled 'Designing Performance Indicators in Policing-an International Perspective' and the proposed draft response. In discussing any additional observations, Members expressed disappointment at the lack of substantive engagement with the Policing Authority in the report's development. In considering the

draft response, it was agreed that it would be useful to supplement the document with key principles and approaches to oversight, arising from the quarterly reports of the Authority on the Modernisation and Renewal Programme and the half-yearly assessments of policing performance. It was further agreed that the supplemented response should be provided to DPER at an early date.

Members discussed the processes undertaken to procure a Human Rights Advisor for the Article 2 element of the Homicide Review and the review of the human rights elements of the Code of Ethics. The Authority welcomed the appointment of an advisor to undertake the review of the Code of Ethics and discussed the approach proposed by the Executive to advance work on the Article 2 element of the Homicide Review. Following discussion, it was agreed that, as an interim measure, the advice of counsel would be sought on the Article 2 elements discussed.

Members considered the response received from the Commissioner on the Crowe Adult Caution Review report and agreed that the proposal for a meeting between the report authors and the Executive Director, Legal, was helpful. Following discussion, it was agreed that the Garda Síochána observations would be provided to Crowe and that a meeting between Crowe representatives and the Executive Director, Legal should be facilitated, with Policing Authority representatives in attendance.

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_080_03	Request a meeting with Executive Director, Legal to discuss the GS Protected Disclosures Policy and associated matters.	ASAP	Chief Executive
A_080_04	Supplement the draft Executive response to DPER report on Designing Performance Indicators, drawing on MRP and previous assessments of policing performance and forward to DPER.	ASAP	Chief Executive
A_080_05	Seek the advice of counsel on the Article 2 elements of the Homicide Review.	ASAP	Chief Executive
A_080_06	Provide a copy of the GS observations on the Adult Caution Review to Crowe and request that a meeting with GS ED Legal take place, with PA representatives in attendance.	ASAP	Chief Executive

5. Garda Actions Register/Authority Log of Actions

Members considered the Garda Actions Register and considered the review undertaken and proposals for the closure of a number of items. Members highlighted the importance of renewed focus on and prioritisation of information requested to enable the Authority's work and oversight.

6. Committee Updates

6.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last Authority meeting.

6.2. Garda Organisational Development Committee (ODC)

The Committee Chair provided Members with an overview of the meeting that had taken place on 15th October which was primarily focussed on the Garda Síochána Information and Technology Vision. Members noted that a comprehensive set of documents had been received for the Committee's consideration and that there had been positive engagement with Garda representatives on the 'future state' vision for the organisation and the mechanisms by which that might be achieved. Members considered the discussions that had taken place in respect of implementation planning and budgeting and welcomed the proposal from Garda representatives that there should be engagement on planning and budgeting early in the New Year. It was agreed that such engagement would be important in furtherance of the Authority's statutory role regarding the adequacy of Garda Síochána resources.

The Committee Chair apprised members of a number of other matters discussed at the meeting including the achievability of Policing Plan targets to year end, particularly in the areas of training and learning and development.

6.3. Policing Strategy and Performance Committee (PSP)

The Committee Chair provided a summary of discussions that had taken place at the 19th October meeting of the PSP committee and of the issues arising, noting again that the Committee's work was challenged by the late provision of papers and the consequential requirement to defer the consideration of some agenda items. The Committee Chair referenced a number of points of discussion that had taken place with Garda representatives including:

- A verbal update on roads policing. In particular the Committee Chair highlighted the increase in drug driving detections, progress against recommendations in the Crowe Horwath report on MIT/FCN, and driving on 'Chief's Authorisation'. The Committee's concern regarding the scope of the authorisations given was conveyed to Members.
- Performance against policing plan targets and the degree of confidence expressed by Garda representatives in the plan's achievement by year end.
- Analytical capability within the Garda Síochána and the links to, and driving of, operational performance.
- Further engagement on sexual offence detections, arising from the Authority meeting in public on 30th September.
- The Divisional Protective Services Units and matters related to training and the health and well-being supports available to those Garda members and staff working in the DPSUs.
- Work being undertaken on capturing 'lessons learned' from policing the COVID-19 pandemic.

The Committee Chair advised Members that she had had informal engagement with Deputy Commissioner, Governance and Accountability with regard to the approach to, and development of, the Policing Plan 2021. In that regard, Members considered template documents provided by the Garda Síochána, indicating the proposed approach to the development of the Plan. The Committee Chair further advised that an additional meeting of the Committee would take place in November with a view to progressing work on the

Policing Plan 2021, with the aim of its presentation to the Authority for its consideration and approval at the 25th November meeting.

6.4. Policing Reform Working Group

The Group had not met since the last Authority meeting.

7. Audit, Governance and Risk

The Committee Chair apprised Members of a constructive engagement with counterparts in Scotland and Northern Ireland that had also been attended by the Chairperson of the Garda Síochána Internal Audit Committee and the Chief Executive.

Members considered the revised draft Risk Register, having particular regard to significant changes in the register, together with two additional emerging risks for inclusion, highlighted by the Committee Chair. Members agreed that the revised Risk Register was a useful and readily understood document. A number of suggestions were made for consideration by the Audit and Risk Committee, to ensure the register's embedment into the work of the organisation and having regard to the challenges brought about by remote working and the induction of new staff and Authority members. The articulation of, and mitigating factors for each risk were also considered and a small number of wording changes were suggested.

Following discussion, the Authority was satisfied to accept the revised Risk Register, as submitted, subject to the amendments proposed. The Committee Chair recorded his appreciation to Authority colleagues and members of the Audit and Risk Committee for their input into the development of the revised register.

8. Garda Síochána Appointments

At the outset of the agenda item, the Chairperson outlined the process by which a number of late papers had been accepted for consideration, on an exceptional basis, for the Authority's consideration.

Members considered and approved a request received to appoint a candidate to the position of Principal Officer, in the Garda Síochána ICT Directorate, in accordance with the sanctions in place.

The Secretary briefed members on the outcome of the clearance process in respect of candidates on the Superintendent panel. Members considered the outcomes of the clearance process and were satisfied to appoint the candidates to the rank of Superintendent in the Garda Síochána, with effect from the date of taking up their position, as assigned by the Garda Commissioner.

Members considered a range of papers and correspondence received, seeking approval of four business cases for senior ICT positions. In considering the cases submitted, the Authority noted and welcomed the increase in internal skills necessary to drive performance in the organisation that the new positions were intended to bring about. Members also considered the implications of any approval given in the context of the Government approved expansion of the Garda workforce and the 2016 sanction limit of 500 new Garda staff positions. Members had regard to the organigram provided as part of the submission and requested that clarification be sought regarding the position of Learning and Development Director, in the context of the sanction provided for the role.

While noting the Commissioner's assessment of priority requirements for 2021, the Authority expressed its serious concern with regard to the process pertaining where approvals were continuing to be sought in the

absence of a workforce plan for the organisation. Following detailed discussion, the Authority agreed to approve the business cases for the senior ICT positions, as submitted. The Authority also agreed that the Commissioner should be notified that any future business cases could only be considered once a workforce plan for the organisation, at least to the end of 2021, had been received.

Members considered and approved a request received to extend the term of the Acting Executive Director, HRPD to 31st March 2021.

Members reviewed the Draft Garda Síochána (Appointment to the ranks of Inspector and Sergeant) Regulations 2020, and the request for views and input received from the Department of Justice and Equality. The Chief Executive explained that while the formal process of consultation would take place in the coming weeks any early observations would be welcomed by the Department. In this context, Members made a number of observations in relation to the eligibility criteria, the respective roles of the Commissioner and the Public Appointments Service, the provisions in respect of canvassing and the absence of reference to a probation period following appointment. In considering the draft Regulations, the Authority observed that promotion from Garda member to Sergeant or Inspector was significant, in transitioning to a role requiring supervisory and leadership capacity. The importance of having Regulations and competition processes to test and ensure such capacity was emphasised.

No.	Action point	By Date	By Whom
A_080_07	Notify the Commissioner that consideration of any future business cases for approval will be contingent on receipt of a workforce plan.	Immediate	Chief Executive
A_080_08	Notify the Commissioner of the approval of an extension to the term of the Acting Executive Director, HRPD.	Immediate	Chief Executive
A_080_09	Provide feedback to the Department of Justice & Equality on the Draft Inspector and Sergeant Regulations	ASAP	Chief Executive

9. Draft General Scheme of the Policing and Community Safety Bill

Members considered a draft letter to the Department of Justice and Equality in response to the revised Part 6 of the Draft General Scheme of the Policing and Community Safety Bill. In considering the proposed response, Members had regard to part 6 of the revised draft General Scheme, together with the submission provided to the Department on the other parts of the draft General Scheme. Members made a number of observations and proposed some additions to the proposed response including:

- An increased emphasis on the principle of independence attaching to the Office of the Garda Ombudsman (OGO).
- Further consideration of the mechanisms for processing of ‘service level’ complaints as between the Garda Síochána and the OGO.

- The merit of placing an active duty on all members of the Garda workforce to provide the OGO with the necessary information to support its inquiries.
- The requirement to actively communicate with complainants on progress in relation to their complaints, including in circumstances where the detail associated with the complaint is confidential.
- The requirement to strengthen the provisions in relation to information sharing with the future Policing and Community Safety Authority (PCSA), in order to support the PCSA in the discharge of its functions.
- The concern that an over-sensitive process of referral of possible ‘incidents of concern’ might serve to impede the momentum of the performance management approach that the Authority was eager to see developed in the Garda Síochána and the associated need to have a clearly defined timeline within which such referrals would be determined.

Following discussion, it was agreed that the Authority’s recommendations would be incorporated into the draft document and that a revised draft should be circulated for Members’ consideration either by email protocol or at an additional meeting of the Authority.

No.	Action point	By Date	By Whom
A_80_10	Circulate a revised draft of the letter to the Department on Part 6 of the General Scheme, for Members’ consideration.	Immediate	Chief Executive.

10. Omnibus Survey Results

Members considered the findings of the omnibus survey conducted by Coyne research, to gauge the public’s perceptions and experiences of policing during COVID-19. Members had particular regard to the findings relating to the nature of interactions with Gardaí, perceptions of Garda policing of the public health restrictions and attitudes toward the management and regulation of the Garda Síochána. Members agreed that commissioning the survey had been a useful undertaking and that it would be helpful to consider the insights provided in more detail, in the context of any future surveys to be undertaken. It was also agreed that it would be useful to share the survey findings with the Commissioner.

No.	Action point	By Date	By Whom
A_080_11	Provide the Commissioner with a copy of the Omnibus Survey results on experiences of policing during COVID-19	ASAP	Chief Executive

11. Oversight of Policing of COVID-19

Members considered the 8th report to the Minister on Policing Performance by the Garda Síochána in relation to COVID-19 regulations. In addition, Members had regard to an information note, providing an overview of engagement with stakeholder organisations and groups, in furtherance of Authority discussions with the Commissioner in part B of the meeting.

12. Management of DNA Samples

Members considered the draft final report of the Garda Síochána review of the management of DNA samples, together with a number of supporting policy and procedure documents and the related HQ Directive. Members agreed a number of matters arising from the report, for engagement with the Commissioner.

13. Body Worn Cameras-Draft Response

Members considered the draft Garda Síochána (Digital Recording) Scheme and a proposed response to the draft Scheme, for submission to the Department of Justice and Equality. The Authority made a number of observations and suggestions for change in relation to the specific provisions of the draft Scheme. In addition, the Authority considered and agreed the inclusion of a number of principles to underpin the legislation, in order to ensure consistency of the legislation's application. In particular, the Authority agreed the inclusion of an additional principle regarding device neutrality. Following discussion, it was agreed that a revised response to the draft Scheme would be circulated for Members' consideration either by email protocol or at an additional meeting of the Authority.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_080_12	A revised draft response to the Garda Síochána (Digital Recording) Scheme to be circulated for Members' consideration.	Immediate	Chief Executive

14. Preparation for Meeting with the Commissioner

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

15. Documents for Noting by the Authority – October 2020

The following documents were noted by the Authority:

	<i>Document</i>	<i>Action Required</i>
D_080_01	Garda Síochána Public Attitudes Survey Report 2019	For noting
D_080_02	Garda Síochána Public Attitudes Survey 2019 Press Release	For noting
D_080_03	Garda Ombudsman External Quarterly Statistics Bulletin	For noting
D_080_04	Garda Síochána Newsbeat 27 th October	For noting

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Executive: Bob Collins (Chairperson), Vicky Conway, Pat Costello, Judith Gillespie, Valerie Judge, Paul Mageean, Moling Ryan, Helen Hall (Chief Executive), Margaret Tumelty, Cormac Keating, Aoife Clabby (Secretary).

Garda Síochána: Drew Harris (Garda Commissioner), Joe Nugent (Chief Administrative Officer), Paula Hilman (Assistant Commissioner), John O’Driscoll (Assistant Commissioner), David Gilbride (Executive Director), Pat Clavin (Assistant Commissioner), Dr Oghenovo Oghuvbu (Chief Medical Officer), Gráinne Shortall (Assistant Principal).

At the outset of the meeting, the Chairperson acknowledged the tragic deaths that had occurred in recent days in Cork and Dublin. The Commissioner addressed the complex decision-making processes engaged in by Garda members in responding to emergency situations.

16. Garda Síochána Risks and Resources

Members discussed a number of matters under this agenda item, with a particular focus on the Garda Síochána budget allocation for 2021. The Commissioner provided Members with an assessment of the extent to which the budget increase for 2021 would provide the capacity to address the priority needs identified in the submission made to the Authority on the adequacy of resources. The Commissioner also outlined remaining concerns in respect of accommodation and air support and the capacity to address these matters in the context of other capital expenditure initiatives.

Members discussed with the Commissioner the capacity to progress information and technology initiatives and noted measures being pursued to leverage further information from existing HR and finance systems.

Members welcomed the suggestion of the Chief Administrative Officer (CAO) to engage with the Authority early in the New Year on the adequacy of Garda Síochána resources.

17. HR Related Matters

At the outset of the item, the Chairperson advised that a number of matters pertaining to requests for approval of positions would require further engagement with the Commissioner and the CAO at an early date. The Chairperson also advised that a request for approval in relation to a position in GS Estate Management had not been considered due to the late arrival of material and would be considered by the Authority at its next meeting. Members sought clarification on the status of a HR related matter raised by the Commissioner in recent correspondence.

The Chairperson advised that the Learning and Development Director position would require further engagement with the Commissioner, the CAO and the Acting Executive Director, HR&PD.

18. Policing Performance

The Authority acknowledged progress made to date in achieving the targets set in the Policing Plan 2020 and sought the Commissioner’s assessment of achievability of the targets set to year end.

The Commissioner outlined the impact of a return to level 5 restrictions on the deployment of Garda members and consequently on a number of initiatives in the Policing Plan, in particular those initiatives requiring organisation-wide training delivery. While alternative solutions are under active consideration, the Commissioner cautioned that a delay in training delivery in a number of areas would be inevitable.

The Commissioner provided an overview of plans to accelerate other initiatives in the Policing Plan and outlined a number of positive developments, particularly in the areas of cybercrime, anti-corruption, protective services, information and technology and organised crime. The Commissioner expressed his satisfaction in relation to the agility and capacity demonstrated across the organisation, in response to a challenging and evolving operational environment.

Members discussed the approach to the development of the Policing Plan 2021 and welcomed the materials provided and the discussions that had taken place at the PSP Committee. The Executive Director, Strategic Transformation, outlined the approach to developing a plan for next year in the context of a number of issues, in particular:

- Achievements to be made in the context of the final year of the Garda Síochána Strategy Statement;
- The requirement to transition to an outcomes-based approach to the achievement of policing priorities;
- The need to develop a plan that is more operationally focussed, with a smaller number of more meaningful targets with associated, credible measures.
- The role of the Garda Síochána Executive in directing the delivery of the plan.
- The requirement to give further consideration to the nature and frequency of reporting on organisational development matters. In this regard, Members highlighted the significance of functions such as HR, finance, information and technology in the delivery of policing and expressed a note of caution in separating organisation-development initiatives from the Policing Plan.

19. Policing During COVID-19

Members discussed a number of matters relating to policing during COVID-19 including the proposed introduction of fixed charge penalty notices, the application of regulations by Garda members, the approach to the policing of protests and the nature of interactions with members of the public more generally.

In the context of the introduction of additional regulations arising from a move to level 5 restrictions, the Chairperson again advised the Commissioner of the Authority's wish to report as much up to date, relevant data as possible on the extent to which enforcement measures are being deployed by Garda members. The Commissioner advised that relevant data would be provided to the Authority at an early date.

Members discussed the health and well-being of Garda personnel in the context of policing the COVID-19 pandemic. The Chief Medical Officer provided an overview of the work undertaken by the COVID Office, and engagement with internal communications to ensure the provision of accurate, timely information and consistent messaging to all staff. Members were advised that, to date, Garda members and staff were demonstrating strong resilience in respect of availability for duty.

20. Anti-Corruption

Members were advised of plans to achieve the revised go-live date for the establishment of the Garda Síochána Anti-Corruption Unit, including progress in the areas of recruitment, accommodation and ICT.

Members discussed areas of immediate priority for the unit and sought the Commissioner's assessment of the impact of the introduction of policies in this area on the Garda personnel behaviour. Members also discussed the issue of notifiable secondary occupations and the structures to be put in place to ensure clarity in respect of notification requirements.

In concluding discussions on the item, the Chairperson recognised the significance of the unit's establishment and the Commissioner's commitment in this regard, in seeking to protect the professionalism of the organisation and the primacy given to policing as a profession. The Chairperson advised that the Authority will be engaging with matters in respect of anti-corruption on a continuing basis.

21. Management of DNA Samples

Members discussed a number of matters in relation to the handling of DNA samples by the Garda Síochána including:

- The complex nature of the information surrounding DNA provided in the HQ Directive and the Policy and Procedures documents and the manner in which such important information is communicated to Garda members. Members were advised that an information video had been created and was available on the Garda portal.
- Garda representatives apprised Members of recent engagements with Forensic Science Ireland (FSI) and process improvements implemented for the receipt of DNA samples. Members noted that the changes implemented had resulted in the clearance of backlogs.
- Members sought to ascertain whether, of the samples for which FSI had not recorded receipt, there had been any impact on cases or prosecutions. Garda representatives advised that this matter was currently under consideration with a view to reaching a conclusive determination.
- Members expressed continuing concern in relation to the number of samples still unaccounted for and discussed the potential for any disciplinary action arising.
- Members discussed the statutory obligations in relation to the handling of DNA samples and the required care of such material. It was noted that the introduction of the Investigation Management System was designed to address management capacity to conduct investigation and thereby address a number of the issues raised in the report.

At the conclusion of the discussion, the Chairperson advised that the matters raised and the areas requiring further clarification would be considered at the Authority meeting in public on 25th November.

22. Homicide Review

The Chairperson advised the Commissioner that the material received in relation to the Homicide Review was insufficient to merit consideration or assessment by the Authority and advised that the item would be tabled for consideration again at the 25th November meeting.

23. Commissioner's Monthly Report to the Authority

Members noted the Monthly Report provided by the Commissioner and commended the Commissioner on the very significant achievement of Garda colleagues in interrupting and detecting criminal activity.

24. Other Business

Members were advised that publication of use of force statistics was on target for January 2021.