



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 25 November 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, Cormac Keating, Clare Kelly, Sharon O’Brien, David Pasley, Karen Shelly.

1. Private Authority meeting

The Authority exercised the option to meet in private.

2. 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 noted the range of correspondence received and highlighted a number of matters for Members’ consideration and decision.

Members noted the response received to the request for a copy of the Garda Síochána Internal Audit report on Garda payroll. It was agreed that the status of the report would be discussed at the meeting in private with the Commissioner.

The Chairperson updated Members in relation the process for the appointment of new Members to the Policing Authority and the envisaged timeframe for its completion.

3. Minutes and Matters Arising

The minutes of the meeting held on 28th October were approved and cleared for publication. Noting the receipt of the 13th November minutes as a late paper, it was agreed to defer their consideration for approval to the 16th December meeting of the Authority.

Members considered the proposed meeting dates for 2021 and 2022, including a proposal to meet on the afternoon prior to a meeting in public, if required, to facilitate the Authority’s consideration of agenda items. Members agreed to the proposal, in principle, and had a wide-ranging discussion in relation to the number and nature of documents provided for consideration at Authority meetings. A number of proposals for change were made with the aim of creating more time to focus on strategic and policy matters. It was agreed that further consideration would be given to the matter by the Members and the Executive.

The Log of Actions was noted and there was agreement to close the items proposed. Members expressed concern in relation to a number of requested items outstanding on the Garda Síochána actions register. The Chief Executive advised that correspondence on the matter had been drafted and would issue to the Commissioner in the coming days. It was agreed that if a satisfactory response had not been received by the December meeting, the matter would be raised with the Commissioner by the Members.

The Chief Executive reminded Members of the deadline for completion of the Internal Audit survey on Board Effectiveness. Mindful of ensuring as comprehensive approach to the review as possible, it was agreed that the audit should also encompass a survey of Committee members and interviews with the Chairperson, Committee Chairs and the 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 in the context of the report, including:

- The submission of the draft Policing Priorities 2021 to the Minister for Justice. Members were advised that approval of the Policing Plan 2020 was still awaited.
- Quotes for counsel had issued for the provision of advice on the Article 2 element of the Homicide Review project.
- A planned meeting with Ms. Caroline Biggs, S.C., Chairperson of the Inter-Agency Implementation Group tasked with addressing the recommendations of the Garda Inspectorate Report 'Responding to Child Sexual Abuse: A Follow-Up Review'.
- A meeting held with Garda representatives and Crowe on the Review of the Adult Cautioning Scheme. Members were advised that the meeting had centred on a small number of requests for change, in support of factual accuracy, in addition to requests for other amendments to reflect changes that had taken place in the administration of the Scheme, since the completion of fieldwork by Crowe. It was noted that Garda representatives had been asked to revert with specific feedback on the issues discussed and any impact on the report's recommendations. Members requested that the Garda Síochána would be advised of the intention to print the report and the accompanying commentary as soon as practicable after the December meeting of the Authority.
- The meeting of the Joint Working Group on Garda Síochána Resources that had taken place on 23rd November. The Chief Executive advised that a draft Workforce Plan had been presented to the Garda Executive and the Commissioner on 24th November.
- Meetings held with TUSLA, the Central Statistics Office, the Irish Human Rights and Equality Commission and the Data Protection Commissioner. Members considered the positions of the different agencies on gathering data in relation to ethnicity, in the context of GDPR. The varying approach to the gathering of such data across agencies in the criminal justice sector was also discussed. It was agreed that in order to advance the Authority's consideration of the matter, a legal opinion should be obtained, to consider GDPR and potential barriers to the gathering of ethnic data.

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

Members considered and approved proposed responses to calls for submissions from the Department of Justice, regarding the development of its Strategy Statement 2021-2023; from the Probation Service regarding the development of its Statement of Strategy 2021-2023; and from the Road Safety Authority, regarding the development of a National Road Safety Strategy 2021-2030.

Members noted that a procurement process had been undertaken for the selection of an internal audit provider, under the OGP Accounting, Audit and Financial Advisory Services Framework. The Authority was satisfied to approve the award of contract to Crowley's DFK.

Members considered and approved the publication on the Authority's website of the draft conference report from the online Academic Networking Event.

A082_01	Notify internal auditors that scope of review of Board Effectiveness be expanded to include survey of committee members, interviews with Chairperson, CEO and Committee Chairs	Immediate	CEO
A082_02	Consider process of information provision to the Authority, to include document volume and breadth of material	ASAP	CEO
A082_03	Advise Garda Síochána of intention to publish Crowe report on Adult Cautioning in December/early January	Immediate	CEO
A082_04	Seek legal advice on the barriers to the collection of data relating to ethnic identity, in the context of GDPR	ASAP	CEO
A082-05	Issue Authority submissions to consultations on Department of Justice Statement of Strategy; Probation Service Statement of Strategy; Road Safety Strategy 2021-2030	Immediate	CEO
A082_06	Publish the report of the Academic Engagement Event on the Authority web-site	Immediate	CEO
A082_07	Issue correspondence to Commissioner on Garda Síochána information requests outstanding	Immediate	CEO

5. Committee Updates

5.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last Authority meeting.

5.2. Organisational Development Committee (ODC)

The Committee had not met since the last Authority meeting.

5.3. Policing Strategy and Performance Committee (PSP)

The Committee Chair updated Members in relation to the recent meeting of the Committee, in particular in relation to work being done to review the approach to future meetings of the Committee. The Committee Chair also apprised Members of an engagement that had taken place in relation to the development of a draft Policing Plan 2021 involving the Chairperson, Committee Chairs, Chief Executive, the Acting Deputy Commissioner, Governance and Accountability and Executive Director, STO. While noting the positive engagement by the Garda Senior Leadership Team with the draft Plan, the Committee Chair cautioned that

much work remained to be done, particularly in relation to the development of measures against which to assess the plan's implementation. The Chief Executive advised that a further meeting was contemplated for 2nd December to progress the plan's development further. Members expressed concern in relation to the timeframe for the plan's finalisation and consideration by the Authority.

5.4. Policing Reform Working Group

The Group had not met since the last Authority meeting.

6. Audit, Governance and Risk

Members noted the monthly risk management report, provided in accordance with the Authority's Risk Management Policy. The Committee Chair advised Members that the proposed revisions to the Risk Register, as suggested at the October meeting of the Authority meeting, had been incorporated. Members noted the management letter in respect of the audit of the Comptroller and Auditor General 2019 and commended the work undertaken to achieve the audit outcomes.

7. Garda Síochána Appointments

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 appointed the candidates with effect from the date of taking up their position, as assigned by the Garda Commissioner.

Members considered and approved a request from the Garda Síochána to appoint a candidate, to a temporary acting Principal Officer position as Head of Estate Management. The Chief Executive clarified that, further to the proposal by the Garda Síochána to seek to fill the permanent PO position through the civil service mobility scheme, this scheme did not extend to the wider public service. Following discussion, Members expressed the view that it would be preferable for the position to go to open competition, having regard to the demands and complexity of the role. Members requested that this view would be communicated to the Garda Síochána.

Members considered and approved the Expressions of Interest Booklet for the temporary acting up position of Head of Garda Information Services Centre (GISC) in the Garda Síochána and the Expression of Interest Booklet for the permanent position of Head of GISC.

Members considered and approved a request from the Garda Síochána to appoint a candidate to the position of Principal Officer in the Garda Síochána Analysis Service, in accordance with the sanctions in place.

Members went on to consider a late request received to fill, on an internal basis, the continuing vacancy for the position of Head of Internal Audit in the Garda Síochána. Having regard to the Authority's previously stated views in respect of the importance of the role for such a complex, multi-faceted organisation, with a significant budget, the Authority was not satisfied to approve the appointment request, as submitted. Members had a wide-ranging discussion in relation to a number of issues in relation to the appointment of non-sworn members in the Garda Síochána, having regard to recent submissions received and the vacancy notification process in place for Garda members. The Chairperson advised that this matter had been raised with the Commissioner. Following discussion, it was agreed that an assessment of the effectiveness and

appropriateness of the process of recruitment of Garda staff would be beneficial. The ODC Committee Chair was requested to reflect on whether the matter would merit further discussion at Committee in 2021.

No.	Action point	By Date	By Whom
A_082_08	Notify Superintendents of their Appointment.	Immediate	Chief Executive
A_082_09	Notify Garda Síochána of approval of Acting PO Estate Management & advise of the Authority's view regarding an open competition for the permanent post	Immediate	Chief Executive
A_082_10	Notify Garda Síochána HR&PD of the approval of the candidate booklet for the PO position in GISC.	Immediate	Chief Executive
A_082_11	Notify Garda Síochána CAO of approval to appoint a PO, GSAS	Immediate	Chief Executive
A_082_12	Notify Garda Síochána HRPD that the request to appoint Head of Internal Audit Service is not approved	Immediate	Chief Executive
A_082_13	ODC Chair to give consideration to an agenda item on effectiveness and appropriateness of Garda Síochána staff recruitment	ASAP	ODC Chair

8. General Scheme Policing and Community Safety Bill

The Chairperson provided members with an overview of a recent meeting that had taken place with Department officials to discuss specific aspects of the General Scheme. Members noted the launch, by the Minister for Justice, of new Local Community Safety Partnerships in three locations on a pilot basis. Noting the intention for the Partnership structure to replace the existing Joint Policing Committee (JPC) structures and the Authority's statutory role in respect of JPCs, Members viewed as necessary the need for the Authority to remain engaged with the pilot initiative.

9. Oversight of Policing during COVID-19

Members had regard to a number documents provided for reference, in particular a media release issued by the Garda Síochána in relation to its support of Level 5 of the Framework for Living with COVID-19. Members noted that the revised regulations had been published and considered the proposed approach to alleged breaches, in the context of the introduction of fixed charge penalty notices. It was agreed that this would be discussed further with the Commissioner in Part B of the meeting.

The Chief Executive advised Members on the approach to the 10th oversight report on policing during COVID-19 and on the intended timeframe for its publication. Members were advised that a copy of the Garda Síochána review of the use of anti-spit guards was still awaited.

10. Five Year Review of Authority Functions

At the outset of the item, the Chairperson set out the statutory basis for the five-year review of the general performance of its functions, by the Authority. Members considered the draft Five-Year Report, setting out the key accomplishments under each Authority function. Noting the achievements documented, Members agreed that further consideration of the challenges arising from implementing the statutory provisions was merited. A number of other additional themes were suggested for inclusion in particular the evolving nature of engagement with the Garda Síochána and the importance of information sharing to facilitate effective oversight; the changing oversight landscape, in the context of the General Scheme of the Policing and Community Safety Bill; the value of public engagement with the Commissioner; the responsive approach to reporting by the Authority, in particular the oversight response to the policing of COVID-19; and the value of collaborative engagement in the setting of performance objectives.

Members noted the progress report on stakeholder engagement, undertaken to support the five-year report and agreed that further consideration would be given to its incorporation into the final report, on receipt of the consultation outcomes.

It was agreed that a further draft of the report would be provided for Members' consideration at the December meeting of the Authority.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_82_15	Incorporate Authority feedback into the five-year review report and re-circulate for December meeting	Immediate	Chief Executive

11. 2021 Policing Plan

Members had regard to the documents considered by the PSP Committee at its meeting on 19th November and correspondence received from the Garda Síochána Strategic Transformation Office, indicating the approach to the development of the Policing Plan 2021 and the desired target areas. Members also noted the briefing provided by the PSP Committee Chair under item 5.3.

12. Non-Security Covert Policing

The Authority discussed the development of an approach to the oversight of non-security covert policing. Members had a wide-ranging discussion encompassing a number of themes including resources, human rights, training, culture, and a consideration of the impact of the new operating model on existing structures and governance arrangements. The Chief Executive apprised Members of a meeting that had taken place earlier in the year with the Assistant Commissioner, Crime and Security Intelligence Service and advised that a meeting request had been submitted to meet with the Assistant Commissioner before the end of the year. Members discussed the Covert Human Intelligence Sources Bill currently before Parliament in the UK and the likely impacts on police co-operation between jurisdictions. It was agreed that this matter would be raised for discussion and clarification with the Assistant Commissioner and with Department officials. Members also discussed the post-Brexit environment and the potential impact on joint covert activity. It was agreed that Brexit would be tabled as an item for discussion with the Commissioner at the December meeting of the Authority.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_82_16	Discuss UK CHIS Bill with A/C National Crime & Security Intelligence Service and with Department of Justice Officials	ASAP	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 – November 2020

The following documents were noted by the Authority:

	<i>Document</i>	<i>Action Required</i>
D_82_01	Garda Síochána response to request for information on youth diversion and discipline statistics.	For noting
D_082_02	Garda National Vetting Bureau Annual Report.	For noting
D_082_03	Copies of Newsbeat November 3, November 17.	For noting
D_082_04	Northern Ireland Policing Board: Policing Matters 2020.	For noting
D_082_05	GS COVID Newsletter 19 November 2020.	For noting
D_082_06	Cross-Border Police Cooperation on the Island of Ireland Post Brexit: Paper presented by Dr. Vicky Conway to the House of Lords Brexit Sub-Committee.	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), Anne Marie McMahon (Acting Deputy Commissioner).

15. HR related matters

The Commissioner provided Members with an update on a HR related matter and gave an overview of the associated process.

Members discussed the process for the notification of senior Garda staff vacancies with the Commissioner and highlighted the disparity with the parallel process for the notification of Garda member vacancies to the Authority. Members expressed their concern that areas of critical relevance to the functioning of the Garda organisation were being negatively affected by senior personnel vacancies and a concomitant absence of timely planning for their replacement. The Commissioner was advised that the Authority would require the introduction of a similar notification system for vacancies as that pertaining to Garda members.

Members advised the Commissioner that the Authority was not satisfied to approve the request to appoint a Principal Officer for Internal Audit, having regard to the submission received and a detailed consideration of the envisaged role. It was agreed the matter would be the subject of further engagement with the Commissioner.

Members discussed the Garda Síochána's commitments to national agreements in place for the promotion of staff, career progression opportunities in the Garda organisation and the mix of skills required at a senior level for an organisation of its size and complexity.

The Commissioner updated Members on the suspension of a number Garda members, with reference to the media release that had been issued by the organisation.

16. Garda Síochána Risk and Resources

Members discussed progress on the development of a workforce plan for the Garda organisation. The Commissioner advised that the Garda Executive had provided feedback on the first iteration of the plan and it was scheduled for further consideration in early December. The process for the plan's development and the underpinning assumptions were briefly outlined. The importance of strategic principles to support the delivery of the workforce plan was highlighted. It was agreed that a copy of the plan would be provided to the Authority for its consideration, in advance of the December meeting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_82_17	Garda Síochána to provide Policing Authority with a copy of the workforce plan in advance of December meeting	Immediate	GS

Members discussed the Garda Síochána budget allocation for 2021. The Chief Administrative Officer (CAO) highlighted the challenges in securing funding commitments beyond 2021, given the uncertain economic situation. The requirement for on-going investment in information technology, fleet and accommodation was highlighted and the CAO re-iterated the intention to engage with Authority staff on matters of finance early in 2021. Members welcomed the proposed engagement and discussed the future capacity to develop a costed policing plan, linking to workforce planning and a range of Garda Síochána strategies.

Members requested additional information in relation to the annual budgetary process and the nature of the submissions made by the Garda Síochána to the Department of Public Expenditure and Reform (DPER). Members requested a copy of the submission made by the Garda Síochána to DPER for the 2021 budgetary process.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_82_18	Garda Síochána to provide Policing Authority with a copy of the submission made to DPER, as part of the budgetary process 2021.	ASAP	GS

17. 2021 Policing Plan

Members discussed the process for the development of the Policing Plan 2021 with the Commissioner and sought his views in relation to its conclusion and submission to the Authority for approval. It was agreed that there would be further engagements between Garda senior leadership and Policing Authority representatives on the next iteration of the plan, with a view to having a final draft for Authority consideration at the 16th December meeting.

18. Other Business

A number of other matters were discussed with the Commissioner, in advance of the meeting in public, including:

- The recent issue of intimate images that had been publicly shared from a pay per view site. The Commissioner apprised members of the investigation of the matter by the Garda Síochána National Protective Services Bureau and advised that, at that juncture, there did not appear to be evidence of criminality and neither had criminality been disclosed or reported.
- The status of the Garda Síochána Internal Audit report on Garda payroll, which had been previously requested by the Authority. The Commissioner advised that the report had been signed off at the most recent Internal Audit meeting and would be provided at an early date.
- The recent introduction of new emergency health regulations, arising from a move to Level 5 restrictions on movement. Members noted the scope of available fixed charge penalty notices for a breach of the regulations.

Part C – Authority Meeting with the Garda Commissioner in public

Attendance

Authority and Executive: As for Part B

Garda Síochána: Drew Harris (Garda Commissioner), John Twomey (Deputy Commissioner), Joe Nugent (Chief Administrative Officer), Anne Marie McMahon (Acting Deputy Commissioner), John O’Driscoll (Assistant Commissioner), Kate Mulkerrins, (Executive Director), Paula Hilman (Assistant Commissioner), Andrew O’Sullivan (Chief Information Officer), Patrick Clavin (Acting Assistant Commissioner), Alan Mulligan (Executive Director), Andrew McLindon (Director of Communications), Alan McGovern (Chief Superintendent), Gráinne Shortall (Assistant Principal Officer)

This meeting with the Garda Commissioner and his team was held remotely and live streamed to the public as it was not possible to meet in public due to COVID-19 restrictions. In accordance with the Authority’s Standing Orders, the official record of the meeting is the recording which is available to view at:

<https://www.policingauthority.ie/en/authority-meetings/previous/>

At the outset of the meeting, the Chairperson noted the performance of the Garda Síochána during the COVID health emergency, including the significant levels of engagement with the public. The Chairperson re-iterated the Authority’s appreciation for the ongoing efforts of the Garda Síochána in preventing and detecting criminality and in protecting people.

The following matters were discussed during the meeting:

Agenda Item	Principal matters discussed
Management of DNA samples	<ul style="list-style-type: none">• The degree of understanding as to how 4,500 DNA samples had been unaccounted for and associated governance and accountability concerns.• The ongoing investigation into the remaining unaccounted-for samples, numbering 469.• The introduction of systems and processes to enhance the accountability regime and reduce risks associated with the paper-based system; the potential impact of any delay on the introduction of supporting IT systems.• A consideration of any potential negative impact on court cases, arising from the governance and accountability deficit.• Improvements to the process of providing DNA samples to Forensic Science Ireland.
Diversity, Equality, Compliance with Public Sector Duty	<ul style="list-style-type: none">• The extent of the links between the Garda Síochána’s Diversity and Integration Strategy and its Equality, Diversity and Inclusion Strategy and plans for the amalgamation of the two strategies beyond 2021.• An overview of the planned approach to Diversity and Equality in the period 2021-2025.• The identification and recording of hate crime and hate incidents and plans for the provision of training to frontline members.

Agenda Item	Principal matters discussed
	<ul style="list-style-type: none"> • Garda Síochána progress in fulfilling its obligations under section 42 of the Irish Human Rights and Equality Commission Act. • Available data on diversity in the Garda Síochána workforce and engagement with the Public Appointments Service on the collection of data. • Pathways to entry to the Garda Síochána and the development of a recruitment roadmap for minority groups. • Engagement with other policing organisations and networks on matters of diversity.
Policing during COVID-19	<ul style="list-style-type: none"> • Introduction of fines and the intended Garda Síochána approach to their application, in the context of the four E's-engage, educate, encourage with enforcement as a last resort. • Approach to tackling organised crime and domestic violence. • Status of the internal review of use of anti-spit hoods. • Impact of the COVID-19 pandemic on crime patterns.
Commissioner's Report	<ul style="list-style-type: none"> • Expenditure in the area of information and technology and an assessment of need over the coming years. • Status of the Military Road build. • E-Learning and the approach to training prioritisation. • Work to progress a culture audit in 2021 and communicating culture change. • Overseas service by Garda Síochána personnel.
Homicide Review: Progress Report	<ul style="list-style-type: none"> • Status of the 21 recommendations made by the Homicide Implementation Review Team. • Expansion of the scope of cases subject to peer-to-peer reviews • Systems and training to support the implementation of recommendations • Status of duplicate records on PULSE and process to address them.
Anti-Corruption Initiatives: Update	<ul style="list-style-type: none"> • Progress made in the establishment of the Garda Síochána Anti-Corruption Unit, its remit and the supporting resources required for its effective roll-out. • Media reports regarding the suspension of Garda members.
Other Business	<ul style="list-style-type: none"> • The recent media coverage of the hacking of a pay-per-view web-site and the public sharing of intimate images. • The Chairperson acknowledged the significant contributions of three outgoing Authority members, Dr. Vicky Conway, Ms. Judith Gillespie and Mr. Pat Costello, whose term of office was scheduled to conclude on 31st December. The Chairperson recorded his gratitude for their foundational work and for their open and frank engagement as Authority members with Garda Síochána colleagues. The Commissioner echoed the appreciation of the Garda Síochána for the contributions of the outgoing Members.

Actions arising from the meeting held in public:

No.	Action point	By Date	By Whom
A_082_19	Garda Síochána to provide a copy of the internal review of the use of anti-spit hoods	ASAP	GS