



Minutes – Policing Strategy and Performance Committee Meeting

Date: 14 June 2021

Venue: Remote Video-Conference

Committee Meeting

Attendance

Authority: Deborah Donnelly (Committee Chair), Moling Ryan, Shalom Binchy, Stephen Martin

Apologies: Ronan Nolan

Secretary: Mark Nother

Executive: Margaret Tumelty, Cormac Keating, Aoife Clabby, Michal Alfasi-Hanley, Sophia Carey, Judy Higgins

1. Closed session – Committee members

Committee members did not exercise the standing option to conduct a closed session.

2. Minutes of the previous meeting and matters arising

The minutes of the previous meetings were approved. There were no matters arising and no conflicts of interest identified.

The Committee Chair provided an overview of recent developments on matters discussed at the previous Authority meeting, and an overview of communication between the Committee Chair and Deputy Commissioner Policing and Security, concerning the agenda for this meeting.

3. Policing Performance Assessment

An overview of fieldwork activity since the April meeting was provided by the Executive, including remote interactions with the Garda Síochána and with external stakeholders. A number of emerging issues were identified for follow-up with the Garda Síochána under various agenda items.

Following a discussion on performance against the Policing Plan, key themes of focus for the upcoming Authority Assessment of Policing Performance, July 2021, were discussed.

A discussion on public order policing during COVID-19 restrictions revealed some areas for discussion with the Garda Síochána in Part B of the meeting.

4. Sexual Crime Outcomes and Detections

The Committee considered materials provided by the Executive pertaining to this agenda item and identified key considerations to be engaged upon with the Garda Síochána in Part B of the meeting.

5. Quarterly Update on Organised and Serious Crime

The Committee discussed matters pertaining to drug and drug related crime and economic crime. A number of areas were agreed for follow-up with the Garda Síochána in Part B of the meeting.

Part B – Meeting with Garda Síochána representatives

Attendance

Authority: As previous

Executive: As previous, Karen Shelly

Garda Síochána: Deputy Commissioner Anne Marie McMahon (Policing and Security), Assistant Commissioner Anne-Marie Cagney (Dublin Metropolitan Region), Assistant Commissioner Paula Hilman (Roads Policing and Community Engagement), Detective Chief Superintendent Angela Willis (Garda National Drugs and Organised Crime Bureau), Detective Chief Superintendent Pat Lordan (Garda National Economic Crime Bureau), Andrew O’Sullivan (Chief Information Officer), Gráinne Shortall (Policing Authority Liaison Office).

6. Closed session

The standing option to conduct a closed session was not exercised. The minutes of the previous meeting were approved.

7. Policing Performance

The Deputy Commissioner Policing and Strategy, provided a high-level update on performance against the Policing Plan, specifically in relation to ongoing work in number of areas including anti-corruption, human resources, diversity, COVID-19 policing, the Public Attitudes Survey, and recent crime trends.

In response to queries from the Committee on the impact of additional resources recently allocated to the Garda National Cyber Crime Bureau (GNCCB), the Garda Síochána representatives outlined that:

- the capacity of the organisation to undertake examinations of electronic devices – the backlog of devices currently awaiting examination – is on the Garda Síochána’s Corporate Risk Register;
- the backlog had grown rather than reduced in the first half of the year due to the delayed allocation of members to GNCCB, necessitated by the response to COVID-19;
- the shortage of Sergeants for supervisory roles across the organisation – including within GNCCB – is being addressed through an upcoming competition however this has been delayed and will now not take place until Q4;
- positive impacts arising from the establishment of four regional cyber-crime hubs and additional resources allocated to the GNCCB should be seen in the coming months; and,
- in this context, the target of reducing the examination backlog to under 12 months remains, although there is awareness that it will be difficult to achieve by year-end.

The Committee reiterated its concerns about the impact of these delays on the target and, perhaps more significantly, on investigation timelines.

The Committee welcomed the maintaining of the number of call backs made to victims of domestic abuse within the first seven days of reporting – at approximately 80% - following its significant improvement in recent years. In response to queries, the Committee heard that the quality and consistency of call backs was an area of focus for the Garda Síochána and that calls are randomly checked for quality and that the most vulnerable victims are prioritised. The Garda Síochána

representatives also outlined factors that affect the remaining 20% of call backs, including shift patterns, annual leave and difficulties in contacting certain victims. They assured the Committee that every Division has high rates of call backs and there is consistency across the country. The Committee suggested that a systematic quality control mechanism could be included, as the programme has such a potential for high impact in terms of the service and support offered to victims.

Policing of COVID-19

The Committee engaged on the Garda Síochána response to recent public order incidents in Dublin, in the context of COVID-19 policing, including on planning and risk assessment procedures relating to public order events. The Garda Síochána representatives assured the Committee that policing plans, including an assessment of risk, are prepared locally in advance of each weekend, incorporating information on planned protests and available intelligence.

Regarding the specific incidents that occurred in Dublin City Centre in early June the Committee heard that the Garda Síochána, in line with organisational policy, first engaged with crowds and individuals through regular and community policing units using the graduated policing response of the 4 E's. It was reported that following the lack of dispersal of the crowds, and a number of public order offences being committed by same, the response graduated to the deployment of the public order unit. It was noted by the Garda Síochána representatives that: this was a planned and managed escalation of response in line with Garda policy and procedure; as with all iterations, the relevant weekends' policing plans were being reviewed by management to identify any issues that may have occurred and to identify learnings; as a result of learning from recent disorder, Silver Commanders are now deployed on the street to support better management of the situation, before any escalation can occur; and, that since changes in the restrictions following the Bank Holiday weekend – allowing the reopening of public facilities and hospitality – there has been a more mature, compliant crowd and a more relaxed atmosphere in the discussed areas.

The Garda Síochána representatives noted the cooperation of businesses in the area who engaged with Gardaí and closed where necessary. It was reported to the Committee that both individually and through representative groups the feedback from the business community had been positive. In response to Committee queries on public concerns about going into Dublin city centre, both because of the public disorder and the Garda response to it, which was seen as heavy handed by some, the Garda Síochána representatives reiterated the isolated nature of these events and the changed operating environment arising from the easing of restrictions. The Committee Chair indicated that the Committee and/or Authority would be returning to this issue and wider matters pertaining to public order policing.

Roads Policing:

The Committee sought an update from the Garda Síochána on the practice of driving under Chief's Permission in response to a reported increase in the practice whereby Garda members – with driving licenses but without specialised Garda driving course certification – are permitted to drive Garda vehicles. The Committee sought assurances in respect of: exposure to organisational risk and corporate reassurance; how dispatchers deal with situations that might arise where an emergency response is required but members responding may be driving under Chief's Permission; and, any plans in place to reduce the numbers. The Committee were informed that pre-COVID-19 a large reduction in the number of members driving under Chief's Permission had been achieved, however the temporary cessation of

training due to COVID-19 restrictions meant that any demand to meet the shortfall in trained drivers required the use Chief's Permission. Reassurances were provided that these members were strictly only engaged in community engagement or administrative type journeys and were not being used in emergency response. The Committee heard that responsibility in this area lies solely with the Chief Superintendents, and that if a member responded to an emergency situation in a way that was not authorised under Chief's permission, they would be held accountable by the Chief Superintendent.

The Garda Síochána representatives also outlined to the Committee that a monthly governance review is undertaken by national management, who consider the numbers and ranks concerned and the reported needs basis for the Permission being used. The Committee noted that such a system faces significant challenges where numbers increase and that this may be an issue at current levels.

It was reported that a disproportionate number of Chief's Permissions are being used in the DMR, likely due to large numbers of newly-attested members in DMR and the long passage of time since driver training was available to members.

It was reported to the Committee that dispatchers do not have access to information on levels of driver training of members who they contact, however they would ask the member for that information in the case of a pursuit or emergency response. It would be the responsibility of the driver to provide honest account.

The Garda Síochána representatives acknowledged that this is a significant operational and organisational risk and that it was not one they have been able to sufficiently address for reasons already outlined. It was reported that although it is not on the corporate risk register, the risk is included on the Roads Policing and Community Engagement Regional Risk Register and managed at a sub-national level. It was outlined that Chief's permission is revoked in the case of any type of collision or similar event. The Committee requested a report be compiled by the Garda Síochána on the current status of this issue and on the plan to reduce numbers using Chief's Permission.

8. Update on Review of Sexual Crime Outcomes and Detections

The Garda Síochána representatives provided a verbal update on the ongoing review of sexual crime incidents – recording and measuring outcomes of cases to provide further detail to the organisation beyond simple detection rates – being carried out jointly by the Garda Síochána Analysis Service (GSAS) and the Garda National Protective Services Bureau (GNPSB). It was noted that projected timelines were being continually managed and reframed due to demands on both GSAS and the GNPSB. It was outlined that the full review will involve cases of rape between 2018 and 2020, with a focus on 2019, to assess the outcomes of these cases and also the views/feedback of victims.

Noting that the results were preliminary as the review is ongoing a brief overview was given to emerging issues. In respect of recording and data management it was reported: changes may occur to improve the reasons for non-detection which are multifaceted in each case, and as such there may need to be a change to allowing more than one reason be recorded in future; and, terminology used on the system may be updated, for example the phrase 'victim not cooperating', to more accurately capture that this is often not a refusal to cooperate but rather is nuanced and may arise from the needs and welfare of victims. It was outlined that the initial pilot stage is ongoing, and is anticipated to be completed in July. The Committee also heard that early findings from around 700 cases reviewed so far,

suggest that there are high rates of victim attrition, a frequent lack of corroborating evidence, and, knock-on effects to the decisions of the DPP on progression. Concerning victims, it is envisaged that suggested improvements from victims for improvements will arise during the planned engagement process. It was noted that the Garda Síochána are satisfied that the learnings coming from the review should result in a strong methodology for reporting and provide a robust evidence base on which to seek to improve policy and practice.

In response to a query about a parallel process to allow implementation of the findings of the review, the Garda Síochána representatives clarified that although no parallel process has been commenced, rather GNPSB will consider the findings once the review has been completed to identify next steps. However, it was reiterated that through normal operations including Operation Faoiseamh, that the support of victims continues. The Garda Síochána indicated that future plans will include using the victim feedback to improve victim experience, including providing feedback to other bodies in the criminal justice system given their role in the victims experience – with the aim of addressing victim attrition rates, insofar as is possible. A particular challenge was also outlined in occurrences where the parent(s) of a child victim refuse to allow cooperation and withdraw the complaint before a perpetrator is named, which means the case cannot be further progressed or marked detected. Addressing this was noted as a priority in 2021. It was reiterated that it is intended to use the results of the review to inform all crime types in the future and a move towards outcome based reporting.

9. Quarterly Update on Organised and Serious Crime

The Committee asked about the organisational response in implementing the recommendations of the Hamilton Review Group (HRG), including submission to the Authority and Department of Justice of a long-term resourcing plan for the Garda National Economic Crime Bureau (GNECB). The Garda Síochána representatives outlined that, as per previous engagements and the findings of the HRG, significant staffing issues persist and continue to affect operational capacity. Accommodation was also flagged with the Committee as an identified issue.

The Garda Síochána representatives outlined that following recruitment processes held in 2020 an initial allocation of members, following delays due to COVID-19 demands, had been made in respect of GNECB and that further allocations of members and staff would occur throughout 2021 to address necessary backfill of vacancies. This, it was reported, would be followed by an increase in resources in the coming years – however, this was tempered by an acknowledgement that there are significant demands for resources throughout the organisation and that further workforce planning activities would need to be undertaken. In relation to the immediate need for a long-term resource plan, the Garda Síochána representatives told the Committee that an initial, internal plan had been drafted but that responses were awaited from partner agencies – to whom members are seconded – that are necessary to present a comprehensive articulation of resource needs. The Committee accepted the need for external input but encouraged the Garda Síochána to proceed in the interim with the internal needs analysis undertaken in order to ensure that progress was made to address the current deficits. These were reported to include an urgent need to recruit highly qualified forensic accountants and analysts – barriers were outlined in respect of these positions insofar as the market for suitably qualified individuals is competitive and the Garda Síochána is constrained by public sector limits on pay and conditions.

Concerning a strategic planning and coordination, the Garda Síochána representatives explained that pending cross-governmental work undertaken arising from the HRG recommendations there is currently no national, coordinated approach to tackling economic crime. Rather the current approach relies on internal Garda Síochána strategy and arrangements made with partner agencies – within the confines of the legislation, as addressed by the HRG. It was noted that using legislation aimed at organised crime works well in respect of economic crime, and coordinated operations are being undertaken between GNECB, the Garda National Drugs and Organised Crime Bureau (GNDOCB) and partner agencies to increasingly tackle the assets and proceeds relating to criminal activity.

Drug and Drug Related Crime

The Committee noted that resourcing issues were also reported with regard to, and impacting the operational performance of, GNDOCB and that of the Divisional Drug Units throughout the country. The Committee Chair flagged that this wider issue of workforce planning would be communicated to the Organisation Development Committee and the Authority, in line with their terms of reference. However, the Garda Síochána representatives, whilst acknowledging that resourcing issues were present across the organisation, maintained that these issues were not deemed to be pertinent to GNDOCB or the Divisional Drug Units. Rather, it was outlined to the Committee, these units have been in receipt of significant resources.

An update was provided on the Garda Síochána performance against the Department of Health led National Drug Strategy. It was outlined that:

- Work had been undertaken in relation to the possible introduction of Community Impact Statements, with engagement with the Department of Justice and other partners, however legislative change will be required to complete this action.
- Significant work had taken place in recent years in respect of drug related intimidation throughout the country with Inspectors appointed in each Division with direct responsibility for such. A challenge was noted in the recent cessation of activity of the National Family Support Network – a third sector organisation that supported and advised victims of drug crime and their families.
- There continued to be an upward trend in seizures of drugs and currency in Q1 2021, maintaining the success achieved by the Garda Síochána and its national and international partners.
- The Garda Síochána representatives described slow changes in the profile of drugs being seized, away from heroin towards cannabis herb and cocaine, noting that illicit use of prescription drugs is at a low level.

The Garda Síochána's strategic approach to drug and drug related crime was discussed; it was outlined to the Committee that GNDOCB provide national leadership and undertake large-scale investigations and targeting of organised crime gangs (OCGs), this is supported at a Regional level where the organisation tackles mid-level OCG and drug activity, with Divisional Drug Units tackling street-level crime (primarily possession for personal use and possession for sale/supply) and disrupting local OCG networks. GNDOCB supports the street and mid-level operations through coordination, guidance and additional intelligence and resourcing where necessary. It was reported that, as the Committee was informed in 2020, Operation Tara was planned to launch on 1 April 2020 but that was not possible due

to the demands of COVID-19. However, the launch is now planned for 1 July 2021. This, it was outlined to the Committee, will lead to a more formal co-ordination of assigned resources across national and sub-national approaches and operations.

The Committee heard that GNDOCB are in regular contact with Divisional Drug Units through the project office, in addition to direct contact with the Inspectors responsible for the DRI reporting initiative in each Division, who engage in quarterly seminars. The link to the Divisional Units is through the Divisional management, and there are challenges around having physical meetings, so they hope to return to monthly meetings, under Operation Tara. Arising from engagements with Divisional Drug Units, the Committee enquired about access to social media and challenges being experienced in tackling the increasing volume of drug related crime occurring online. In response, it was outlined that an organisational social media access policy is in place, that there are good reasons for that and access should not be granted on an informal basis but rather should continue to be granted in line with organisational policy.

The Committee also engaged on reported issues concerning the admissibility of presumptive drug testing (PDT) as evidence in court. PDT testing allows for small quantities of suspected drugs – in possession for personal use cases – to be analysed by trained Garda members for confirmation as cannabis or cocaine. The Garda Síochána representatives outlined that such testing is only admissible in cases where guilt of possession for personal use has been admitted, and in such cases if the defendant changes their plea that Gardaí have to return to Forensic Science Ireland to get a certificate of analysis. It was confirmed that there are significant delays in respect of such analysis due to the level of demand on, and capacity issues within, FSI; the latter arising from COVID-19. The Committee heard that such testing undergoes quality assurance through the dip sampling of exhibits. The Committee were informed that Crime Legal is working with the DPP in relation to expanding the use of PDT to larger cannabis seizures. It was acknowledged by the Garda Síochána representatives, in response to Committee enquiries, that there is a variance between District Courts and their acceptance of the use of PDT, with some requiring a FSI certificate of analysis.

The Committee heard that the process of controlled deliveries – the practice by which the Revenue Commissioners and the Garda Síochána undertake operations to monitor delivery of drugs seized in transit to gather intelligence or make arrests. The process was described to the Committee as working well and being based on strong inter-agency relationships. The current limits and processes in place were described as robust and suitable for current needs. Devolution of similar activities to Divisional level was outlined to the Committee has potentially unfeasible given the resourcing required to undertake such.

The Committee Chair made aware the Garda Síochána representatives that these issues would be further considered and returned to by the Committee and/or the Authority at a later date.

10. AOB

No matters were raised under this item.
