



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 23/24 February 2022

Venue: Dublin Castle

Part A – Authority Meeting

Attendance

Authority: Bob Collins (Chairperson), Donal de Buitléir, Deborah Donnelly, Valerie Judge, Paul Mageean, Shalom Binchy, Elaine Byrne, Moling Ryan, Stephen Martin.

Secretary: Aoife Clabby.

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

1. Meeting of Members in Private

The Authority did not exercise its option to have a meeting in private.

2. Chairperson's Opening Remarks

The meeting agenda was approved, as drafted. No conflicts of interest were declared by the Members in relation to any of the items for consideration.

The Chairperson noted the constructive engagement that had taken place with Caroline Counihan BL, Legal Policy Director, Rape Crisis Network Ireland and Legal Advisor to Safe Ireland. Members agreed that the issues raised were very useful in the context of engagement with the Commissioner on the agenda item 'violence against women-policing implications'.

The Chairperson advised that in preparation for the February meeting, the Commissioner had been apprised of the Authority's intention to engage in public on a number of the themes relating to violence against women that had been the subject of detailed discussion at the January meeting.

The Chairperson referred to a visit that had taken place by Members and staff to the Garda Síochána Innovation Centre on 11 February for a series of presentations on a number of Information, Data and Technology challenges facing the Garda Síochána. Members noted that there had been a strong focus in the presentations on the absence of adequate resources. Members discussed this and a range of matters on the theme of information and technology for engagement with the Commissioner, in particular in the context of the Authority's statutory role to provide advice to the Minister on the adequacy of Garda Síochána resources.

Members noted receipt of the Garda Síochána management response to the review undertaken by Mr. Derek Penman regarding the invalid and unwarranted closure of CAD999 incidents. Members agreed that while a number of the recommendations had been identified by the Garda Síochána as complete, more substantive engagement would be required to oversee the extent to which recommendations were implemented and operating effectively.

The Chairperson advised that a constructive meeting had taken place with representatives from the Department of Justice in relation the Garda Síochána (Powers) Bill, following the phase of pre-legislative

scrutiny and presentations by the Policing Authority and other stakeholders on the proposed provisions and subsequent correspondence that had issued to the Department. The Chairperson conveyed his understanding that further changes would be made to the draft legislation in a number of areas identified by the Authority and others, with a view to strengthening the provisions.

3. Consent Agenda Items

3.1. Minutes of Meeting

The minutes of the meeting held on 27 January were approved, subject to a small number of drafting amendments, and cleared for publication.

3.2. Risk Management Report

Members were provided with a risk management report, in accordance with the Authority’s Risk Management Policy and were advised that a comprehensive review and update of the Register was ongoing.

3.3. Policing Authority and Garda Síochána Actions Log

The Policing Authority and Garda Síochána Logs of Actions were provided to the Authority for noting and approval for the closure of specified items.

3.4. Garda Síochána Appointments

Members were provided with the outcomes of the clearance process in respect of the appointment of candidates to the rank of Superintendent in the Garda Síochána. The Authority was satisfied to appoint the candidates to the rank of Superintendent, with effect from the date on which the candidates take up the position to which they are assigned by the Garda Commissioner.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_103_01	Notify Commissioner and candidates of their appointment to the rank of Superintendent.	Immediate	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, as follows:

- The public consultation on the next Government policy framework for children and young people in Ireland. Members were advised that Executive staff were drafting a submission to the consultation drawing on the Authority’s submission to the Youth Justice Strategy 2021-2027, in addition to themes emerging from ongoing oversight work.
- Attendance by Executive staff at the Irish National meeting of the European Day for Victims of Crime. Members were advised that an increase in funding for Garda Divisional Protective Services Units and for the implementation of the Government’s National Strategy to Combat Domestic, Sexual and Gender-based Violence had been announced at the meeting.
- Attendance by Executive staff at an online event ‘the Future of Policing: what are the challenges facing policing today’ at which the Strategic Review of Policing in England and Wales was discussed. Members were provided with an overview of the themes addressed as part of the presentation and noted that the Review was scheduled for publication in early March.

- Work to progress a number of matters pertaining to the CAD999 review. Members noted that the joint legal advice being obtained by the Authority and the Garda Síochána on access to 999 calls was scheduled for finalisation in early March. The Chief Executive advised that Mr. Derek Penman's availability to proceed to the next stage of the review was limited due to other work commitments he had, but that work was progressing in relation to the development of the associated terms of reference for the work. The Chief Executive also advised that work was also being undertaken, in consultation with Mr. Penman and the Garda Síochána, to agree an approach to call sampling that would best ensure the robustness of the process. Members were advised that Executive staff would be providing support to Mr. Penman, as part of the next phase of the review. Members sought clarification in relation to a number of issues including the methodology to be adopted for call sampling across the regional CAD control rooms and the approach to, and responsibility for, call classification. Members also sought clarification in relation to the recommendations contained in Mr. Penman's Interim review, in particular the recommendation to agree an approach to defining 'adverse impact'. It was agreed that it would be important to continue to oversee and evidence the extent to which the recommendations in the interim report were being implemented, in parallel with the next phase of the review.

Members noted the outcomes of a procurement process undertaken by the Office of Government Procurement, on behalf of the Authority, to source a legal services provider for the organisation. The Authority was satisfied to approve the award of contract to Philip Lee.

The Authority was asked to consider a number of issues in relation to a report received from the Garda Síochána, evaluating the management and use of anti-spit hoods and to determine what further steps might be appropriate from an oversight perspective. Members noted that the report, dated in late October 2021 and received in late January 2022, was a summary of developments at the time of writing rather than a statement of policy and related practices and procedures. In considering the report, Members had regard to a number of matters, in particular the context within which anti-spit hoods were introduced for use by the Garda Síochána. While noting that any decision in respect of the continued use of anti-spit hoods was a matter for the Commissioner, Members emphasised the critical importance of a clear rationale in the event that a decision were taken to introduce the devices as a permanent part of available equipment together with a clear set of principles and practices that would govern their use. A set of protections would also be required to mitigate any human rights risks attaching to their use, especially in respect of children and vulnerable individuals. Members also highlighted the importance of a human-rights based approach to the introduction of any new use of force. Following discussion, Members agreed that the Commissioner should be asked to clarify whether a definitive decision has been taken in relation to the continued use of anti-spit hoods and if so, that any documents in support of a decision would be provided to the Authority. It was further agreed that if no decision had been taken, the timeframe for any decision would be sought.

Members were presented with a proposed calendar, setting out key themes and agenda items for the Authority, PSP Committee and OD Committee meetings across 2022, together with a draft Business Plan for the year. The Chief Executive highlighted the requirement to respond with agility to changes in oversight requirements across the year. In that regard it was proposed that the Authority and Committee Chairs would meet briefly on a monthly basis with the Executive to review agendas for upcoming meetings and that any updates to the calendar would be circulated to the Members as part

of the monthly Authority meeting papers. Members were satisfied to approve the calendar and draft Business Plan, as submitted.

Members considered the draft Annual Report 2021, prepared in accordance with statutory and governance requirements. Members also had regard to a request received from the Department of Justice in relation to the structure of the Annual Report, having regard to the Oversight and Performance Delivery Agreements currently in place. In light of the late receipt of the correspondence and the advanced stage of the draft Annual Report, the Authority agreed that it would not be feasible to accommodate the Department’s request in the current year. Members expressed broad satisfaction with the proposed structure and themes of the Annual Report 2021. Members were also satisfied to approve a proposal to finalise the Annual Report via e-mail protocol to enable its submission to the Department of Justice by the statutory deadline of 31 March.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_103_02	Award contract for legal services provider to the Authority to Philip Lee	Immediate	Chief Executive
A_103_03	Establish the current status of the use of anti-spit hoods with the Commissioner from a policy and practice perspective.	ASAP	Chief Executive.
A_103_04	Finalise the Policing Authority Annual Report 2021 via e-mail protocol and submit to the Minister for Justice in accordance with the statutory deadline.	31 March	Chief Executive

5. Media coverage of past policing activities

At the outset of the agenda item, the Chairperson reminded Members that, arising from engagement with the Commissioner on media coverage of the approach to, and handling of, certain historic investigations by the Garda Síochána, it had been agreed that the Authority would reflect further on the matters raised. The Authority had a wide-ranging discussion, addressing a number of themes and having regard to the current and future legislative provisions pertaining to special inquiries relating to the Garda Síochána and the role of the Authority, GSOC and the Minister in this regard. It was agreed that it would be helpful to review any legal advice previously obtained on the matter, in addition to seeking further advice on the proposed, future mechanisms envisaged in the Policing, Security and Community Safety Bill.

6. Committee Updates

6.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last meeting of the Authority.

6.2. Garda Organisation Development Committee

The Committee Chair updated Members in relation to the meeting of the Committee that had taken place on 21 February. The Committee Chair provided an overview of areas of engagement with the Garda Síochána including in particular in relation to training, public order policing and Garda Síochána reflections on performance over the strategy period 2019-2021 against the three strategic pillars addressing ‘a human

rights foundation', 'our people' and transforming our service. Members noted that a useful presentation had been provided in relation to the extent and delivery of training, the challenges of training prioritisation and the extent of engagement with the Garda Executive in order to determine priorities.

The Committee Chair advised that engagement on public order policing had focussed on the handling of protests from a human rights perspective, the factors influencing resource deployment and the lessons learned from the review of the Grafton Street protest in February 2021 and their future application.

The Committee Chair also advised that clarity had been sought from Garda representatives in relation to the vetting process for the recruitment of Garda members, in particular practices at local station level. Members were advised that the Committee was still seeking reassurance in relation to governance arrangements of current practice and would revisit the matter.

6.3. Policing Performance and Strategy Committee

The Committee Chair updated Members in relation to the meeting of the Committee that had taken place on 15 February. Members noted that there had been detailed engagement with Garda representatives in relation to policing performance assessment, the new arrangements for reporting performance against the Policing Plan, links to the Garda Síochána Strategy Statement and the baseline information available to underpin the new reporting structures. Members also noted that the first report under the new arrangements was due to be provided in April.

The Committee Chair advised that there had been detailed engagement with Garda representatives on public order policing, in particular having regard to the Garda Síochána 'Lessons Learned Review' conducted following the 'Rise Up' protest on Grafton Street in February 2021. Members were apprised of a number of themes arising from the discussion, including intelligence and communications, giving practical effect to organisational policy in the area of public order policing, training and the agility of the Garda response to different public order events. The Committee Chair advised Members that the non-provision of the Strategic Tactical Risk Assessment matrix to the Executive had been raised with Garda representatives and a commitment had been given to revert on the matter.

6.4. Audit and Risk Committee

The Committee Chair provided Members with an update in relation to the meeting of the Committee that had taken place on 22 February. Members were provided with an overview of the outcomes of the Authority and Committee self-assessments, as required by Code of Practice for the Governance of State Bodies, highlighting a small number of matters for further development over the course of 2022. The Committee Chair provided Members with an overview of the internal audit findings from the Review of Internal Controls, advising that all were low level in nature and being actively addresses. Members were advised that the draft Appropriation Accounts had been presented to the Committee and were scheduled for finalisation and submission to the Comptroller and Auditor General at an early date. Finally the Committee Chair advised that a comprehensive review of the Risk Register was scheduled for consideration at an additional meeting of the Audit and Risk Committee on 29 March and would be presented for Authority consideration at the 28 April meeting.

7. Policing, Security & Community Safety Bill

There were no matters for discussion under this agenda item.

8. 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.

9. Other Business

There were no matters for discussion under this agenda item.

Part B– Meeting with the Garda Commissioner (in private)

Attendance

Authority and Executive: As for Part A

Garda Síochána: Drew Harris (Garda Commissioner), Joseph Nugent (Chief Administrative Officer), Anne Marie McMahon (Deputy Commissioner), Shawna Coxon (Deputy Commissioner), Andrew O’Sullivan (Chief Information Officer), Gráinne Shortall (Assistant Principal).

Members discussed a range of matters with the Commissioner and his senior leadership team including:

- The circumstances surrounding the inadvertent exclusion of the public from a district court sitting and a subsequent apology issued by the Garda Síochána to a Judge in relation to the matter. Members were apprised of the circumstances that had occurred leading to the error.
- The non-participation by the Garda Síochána in EU funded research regarding the right to silence and related rights in pre-trial suspects’ interrogations in the EU. The Chairperson apprised the Commissioner of correspondence that had been received on the matter from the Irish project team in DCU.
- The extent of any increase in rural crime in recent months. The Commissioner advised of a number of factors contributing to a return to pre-pandemic levels and acknowledged that this was a cause of great concern among the public, but he noted that the burglary operation (Thor) was ongoing.
- Updated information provided to the OD Committee on the number of suspensions of Garda personnel in the last quarter.
- Communication received by the Authority from current and former Garda Reserves. Members asked the Commissioner for his assessment of the extent to which there is a clear strategic view in relation to both the role of Reserve members and the approach to their deployment. The Commissioner advised that Reserve members would form part of the organisation’s community policing response. Members discussed with the Commissioner the capacity for the Reserve role to increase diversity in the organisation and any measures being taken in that regard, in addition to the envisaged extended powers for Garda Reserves.
- The timeframe for the publication of use of force statistics. Members were advised that accuracy and validation checks were nearing completion and that publication was anticipated in March.

10. Garda Síochána Risks and Resources

The Authority sought an update from the Commissioner in relation to recent High Court proceedings on a human resources matter.

Members engaged with the Commissioner and his senior colleagues in relation to the extent of redeployment of Garda members to frontline duties and opportunities for further re-deployment in 2022. Members noted that while there were areas of opportunity in this regard, senior leadership was also assessing what specialisation and skills were required across the totality of the Garda workforce into the future.

The Commissioner was asked for his assessment of any gaps in the corporate risk register, in particular in relation to policing. Members were provided with an overview of work ongoing to review the corporate risk register, in addition to manner in which different types of risks find expression at divisional and regional level and the thresholds for escalation to the corporate register. Members were advised that the

corporate risk pertaining to human resources was being recast to more accurately reflect the risks to the organisation.

11. Documents for Noting by the Authority – February 2022

The following documents were noted by the Authority:

<i>Document</i>		<i>Action Required</i>
D_103_01	Garda Inspectorate report: Delivering Custody Services.	For noting
D_103_02	Garda Síochána briefing document on achievements against strategic pillars 4, 5 & 6 of the Strategy Statement 2019-2021.	For noting
D_103_03	High Court Judgment: Mr. John Barrett vs Garda Síochána and Minister for Justice and Equality.	For noting
D_103_04	Correspondence from Association of Garda Superintendents and Chief Superintendent re Chief Superintendent competition 2020-2021.	For noting
D_103_05	Report: 'Shifting the Burden: an Analysis of the Irish Sex Trade in the context of Prostitution Law Reform'. UCD Sexual Exploitation Research Programme.	For noting

Part C – Meeting with the Garda Commissioner (in public)

Attendance

Authority and Executive: As for Part B

Garda Síochána: Drew Harris (Garda Commissioner), Joseph Nugent (Chief Administrative Officer), Anne Marie McMahon (Deputy Commissioner), Shawna Coxon (Deputy Commissioner), Andrew O’Sullivan (Chief Information Officer), Paula Hilman (Assistant Commissioner), John O’Driscoll (Assistant Commissioner), Colm Noonan (Detective Chief Superintendent), Andrew McLindon (Director), Gráinne Shortall (Assistant Principal), Andrew Brady (Sergeant).

This meeting with the Garda Commissioner and his team was in person and live streamed to the public, due to the gradual lifting of 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>

At the outset of the meeting, the Chairperson acknowledged the recent approval by Cabinet to extend the Commissioner’s term of office to September 2025. The Chairperson conveyed the Authority’s good wishes to the Commissioner for the coming years.

The following matters were discussed during the meeting:

Item Number	Agenda Item	Principal matters discussed
11	Violence against women-policing implications	<ul style="list-style-type: none">• Role of the Garda Síochána in contributing to the safety of women in public and private spheres.• Measures taken by the Garda Síochána to properly equip and train personnel to respond to crimes against women, and to ensure an appropriate response when dealing with victims.• Use of data to enhance understanding of victim offender relationships and a targeted Garda response.• Impact of Operation Faoiseamh on the nature of Garda engagement with victims of domestic violence and domestic abuse.• Approaches within the organisation to addressing inappropriate behaviour towards women and engagement with other police services in this regard.• Court proceedings, rates of strike outs and nature and extent of training provided to Garda members.• Extent of consistency of service delivery to victims of domestic violence and domestic abuse, mechanisms in place to ensure consistency and future plans to ensure quality of supervision.

Item Number	Agenda Item	Principal matters discussed
12	Information and Technology-how it can enhance policing performance	<ul style="list-style-type: none"> • Presentation by the Garda Síochána on how data and technology can enhance policing performance. • Criteria used to determine priorities for investment in technology, in the context of budgetary constraints. • Consideration of the impacts of accelerated investment on existing systems and the benefits accruing to the public in terms of policing outcomes.
13	Review of invalid and unwarranted closure of CAD999 incidents	<ul style="list-style-type: none"> • Opening remarks by the Chairperson outlining the status of the CAD999 review being undertaken by the Authority. • Engagement with Commissioner on the Garda management response to each of the recommendations contained in the interim review report and extent to which each recommendation was being accepted and addressed by the Garda Síochána. • Articulation by the Chairperson of the Authority's strong views regarding participation by Policing Authority staff in the next phase of the review.
14	Other Policing Issues	<p>Public Order Policing</p> <ul style="list-style-type: none"> • Engagement with Commissioner on the 'Lessons Learned Review' arising from policing of 'Rise Up' protest in Dublin in February 2021. • Plans in relation to public order commander training and manner in which commanders are and should be deployed by the organisation. • Circumstances where armed support units might be deployed as part of a public order response and related human rights considerations. <p>DNA Samples Report and Status of Recommendations</p> <ul style="list-style-type: none"> • Engagement on the status of the recommendations contained in the report and extent to which issues of concern highlighted in the report have been addressed. • Overview of the development of a new Code of Practice for the handling of DNA samples and anticipated timeframe for its introduction. • Confirmation that the manner of handling of a number of DNA samples by Garda members will give rise to disciplinary action. <p>Cross Border immigration Checks: Policy and Procedures</p> <ul style="list-style-type: none"> • Engagement on the methodology for the conduct of cross border checks by members of the Garda Síochána and factors influencing who is checked.

At the conclusion of the meeting, the Chairperson recorded the Authority’s sincere appreciation of the contribution of the Garda Síochána to the national effort over the course of the COVID-19 pandemic. The Chairperson conveyed the Authority’s good wishes to Assistant Commissioner Barry O’Brien in relation to his upcoming retirement.

Actions arising from the meeting held in public:

No.	Action point	By Date	By Whom
A_104_05	To clarify the extent of practical training provided to Garda members on court procedures and required proofs.	ASAP	GS
A_104_06	To provide the Policing Authority with a strategic resourcing plan for the Garda National Economic Crime Bureau as required under the recommendations of the Hamilton Review Group.	ASAP	GS
A_104_07	To clarify the circumstances surrounding the deployment of the Garda Síochána Armed Support Unit as part of a public order response.	ASAP	GS