



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 31 March 2022

Venue: Richmond Education and Event Centre &
by Video Conference

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 (items 7-17)

Secretary: Aoife Clabby.

Staff of the Authority: Helen Hall (Chief Executive), Cormac Keating, Margaret Tumelty, Mark Nother, Clare Kelly (item 6), Sophia Carey (item 8).

1. Meeting of Members in Private

The Authority exercised its option to have a meeting in private and the Chairperson provided a confidential minute to the Secretary.

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.

3. Consent Agenda Items

3.1. Minutes of Meeting and Matters Arising

The minutes of the meeting held on 23 and 24 February were approved and cleared for publication.

3.2. Garda Síochána Appointments

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

Members approved a number of requests received for appointment at the grade of Principal Officer in the Garda Síochána, as follows:

- Head of Estate Management
- Head of Corporate Information Systems
- Human Resources and People Development (Garda College)
- Finance Directorate (Procurement)

Members considered a request from the Garda Síochána for the extension of a temporary acting up position of Executive Director HRPD for a period of three months. Members discussed the time period proposed and it was agreed that this element of the request would be discussed with the Commissioner. Following discussion, the Authority was satisfied to approve the request, as submitted.

3.3. Review of Effectiveness: Report on Self-Assessment by the Authority and Committees

Members considered the summary report on the Authority and Committee Self-Assessment Evaluation for 2021. Members discussed the survey results, in particular in relation to appropriate induction and training for Committee members and interaction between the Committees and Garda Síochána representatives. Members noted a number of specific measures highlighted in the summary report to address points raised as part of the Effectiveness Review. The Audit and Risk Committee Chair highlighted the broadly positive survey results and suggested ways in which some residual matters might be addressed. It was agreed that the survey results would again be considered by the Audit and Risk Committee and that any additional recommendations to address the survey findings, if appropriate, would be tabled for consideration at future meeting of the Authority.

3.4. Annual Report of the Audit and Risk Committee

Members noted the Annual Report of the Audit and Risk Committee.

3.5. Policing Authority and Garda Síochána Action Logs

The Log of Actions was noted and proposals to close specified actions were approved.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_104_01	Notify the Commissioner of the appointment of a candidate to the rank of Superintendent and notify the candidate of their appointment.	Immediate	Chief Executive
A_104_02	Notify the Commissioner of approval of temporary acting ED, HR&PD and discuss the time period requested.	Immediate	Chief Executive
A_104_03	Notify the Commissioner of the appointment of four Principal Officers and notify candidates of their appointment.	Immediate	Chief Executive
A_104_04	Audit and Risk Committee to give further consideration to the effectiveness review self-assessment survey results and to table additional recommendations, if appropriate, at a future meeting of the Authority.	June	ARC Chair

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:

- Business Plan 2022 and the impact of COVID-19: The Chief Executive advised that a significant proportion of staff were absent on sick leave due to COVID-19 and outlined the potential impact on the organisation's capacity to deliver the envisaged work plan over the period of April and May. Following

discussion, the Authority agreed a number of proposed changes to the business plan, in addition to the deferral of the PSP Committee meeting to May and to defer the meeting of the Authority in public to 26 May.

- **CAD 999:** Members noted that dates had been agreed with Mr. Derek Penman and the Garda Síochána to undertake the next phase of work on the CAD 999 review and that draft Terms of Reference had been developed in this regard. The Chief Executive advised that the final legal advice from Counsel on access to 999 calls, sought jointly by the Authority and the Garda Síochána, had been delayed. Members considered the likely impact arising from the delay to the next phase of the review.

Members considered a briefing note detailing Executive engagement with tutor Gardaí on their experience of mentoring probationers and of engaging with student Gardaí in their respective stations over the course of the COVID-19 pandemic. Members discussed a number of themes arising from the engagements that had taken place and considered potential avenues for the provision of feedback to the Commissioner and his senior colleagues, in particular in the context of the Authority’s statutory function to keep under review the arrangements for recruitment, training and development in the Garda Síochána. Members also considered the extent to which the tutors’ observations might feed constructively into the future approach to student training and probationer mentoring. Following discussion, it was agreed that it would be helpful to engage with the Commissioner on the themes raised and to ascertain how they might be progressed by the Garda Síochána.

Members considered correspondence received from the Garda Síochána on 28 February in relation to cross-border immigration checks, together with a report detailing the nature and extent of engagements with Garda representatives on the matter since November 2021. Members discussed the key considerations outlined that underpin the conduct of immigration checks. Following discussion, it was agreed that correspondence would issue to the Irish Human Rights and Equality Commission (IHREC), responding to concerns raised by that agency regarding cross-border immigration checks.

No.	Action point	By Date	By Whom
A_104_05	Engage with the Commissioner and senior colleagues in relation to themes arising from engagements with tutor Gardaí on student training and probationer mentoring.	Immediate	Chief Executive
A_104_06	Issue correspondence to IHREC, responding to concerns raised in relation to the conduct of cross-border immigration checks by the Garda Síochána	ASAP	Chief Executive

5. Committee updates

5.1. Garda Appointments Quality Assurance and Selection Governance Committee

The report of the Committee Chair was considered under item 6, Garda Síochána Appointments.

5.2. Garda Organisation Development Committee

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

5.3. Policing Performance and Strategy Committee

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

5.4 Audit and Risk Committee

The Committee Chair provided Members with an update in relation to the meeting of the Committee that had been held on 29 March. Members were apprised of the findings of the internal audit on Value for Money that had been conducted. Members noted that the Internal Auditor's 2021 Annual Report to the Audit and Risk Committee had been given consideration and that further work was being undertaken by the Internal Auditor in order to finalise the report. The Committee Chair advised that the main focus of the meeting was the Authority's Risk Register which was the subject of comprehensive review in the context of the new Strategy Statement and the business plan for the year. Members noted that the revised register would be considered by the ARC at its June meeting and submitted to the Authority for approval thereafter.

6. Garda Síochána Appointments

Members considered a range of documents in support of a request to undertake a selection competition for appointment to the rank of Superintendent in the Garda Síochána. Members also had regard to the report of the Committee Chair and the Committee's recommendations in respect of the conduct of the competition. Following discussion, the Authority was satisfied to approve the draft competition materials and the proposed approach to undertaking the selection competition, as recommended.

Members considered a request for approval of the Promotion Exam Syllabi for Sergeants and Inspectors, further to the requirements of Regulation 13(5) of the Garda Síochána (Promotion) Regulations 2006 (as amended). In considering the material received, Members had regard to concerns previously expressed by the Authority in relation to the syllabi and the extent to which they had been addressed by the Garda Síochána. Members discussed the extent of underrepresentation of women at the ranks of Sergeant and Inspector. It was agreed that some analysis of applications received in current and future competitions would be beneficial in assessing the extent to which any impediments to promotion might exist and how they might be addressed in the context of the Garda Síochána's Equality, Diversity and Inclusion Strategy, as well as through the organisation's public sector duty obligations under section 42 of the Irish Human Rights and Equality Commission Act 2014. Following discussion, the Promotion Exam Syllabi for Sergeants and Inspectors were approved, as submitted.

No.	Action point	By Date	By Whom
A_104_07	Undertake a selection competition for appointment to the rank of Superintendent.	ASAP	Chief Executive
A_104_08	Advise the Commissioner of the approval of the Promotion Exam Syllabi for Sergeants and Inspectors and request an analysis of applications to identify impediments to applications by women and how they might be addressed by the GS	ASAP	Chief Executive

7. Policing, Security and Community Safety Bill

At the outset of the agenda item, the Chairperson advised Members of comments made by a senior Department of Justice official at a recent conference, in which he indicated that the expected enactment date for the Policing, Security and Community Safety Bill was mid-2023, with its introduction to the Dáil anticipated before the summer recess. Members considered the matters highlighted by the Chairperson

and discussed the proposed approach to, and mechanisms for, engagement with the next phase of the process to finalise the Bill. In this context, Members had regard to correspondence received from the Department of Justice regarding the establishment of a programme board and steering group for the Policing, Security and Community Safety Bill programme and requesting nominations to represent the Authority. Members noted a number of proposed work streams within the programme where Authority input would be highly desirable. The Chief Executive advised that weekly meetings with the Garda Inspectorate’s Chief Inspector continued to be held, in the context of the merger of the two agencies and that opportunities for further engagement at Executive level were being explored. It was agreed by Members that it would be important to give consideration to the scale of the budget required for the new entity and that engagement with the Department on the matter at an early date would be required. Members noted that GSOC had recently gone to tender for consultancy support as part of its envisaged transition to the Office of the Garda Síochána Ombudsman. It was agreed there may be merit in the Authority availing of external support and that the matter would be given consideration.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_104_09	Give consideration to the requirement for external consultancy support for the transition to the Policing and Community Safety Authority.	Immediate	Chief Executive

8. Custody, Offender Management and Youth Diversion

Members gave detailed consideration to the Garda Inspectorate Report, ‘Delivering Custody Services’. It was agreed that engagement with the Commissioner in part b of the meeting would be the commencement of an ongoing dialogue in relation to the report’s findings and that a range of themes would be addressed.

Members expressed a number of concerns in respect of the report’s findings, in particular in relation to a human rights based approach to the treatment of persons in custody, in particular vulnerable individuals; the absence of the availability of accurate data in relation to those held in custody; and the critical importance of senior management responsibility at divisional and regional level for the provision of custody services. Members noted that the Garda Síochána had been in possession of the report for a considerable period of time and in that context, it was agreed that it would be helpful to understand the extent to which the recommendations in the Inspectorate report had been addressed. While acknowledging that a number of the report’s recommendations related to the custody estate and the requirement for infrastructural change, it was also noted that other recommendations could be addressed through changes to policy, practice, procedures and behaviours. In considering the totality of recommendations, Members agreed that it would be helpful to ascertain the manner in which the implementation of the recommendations would be tracked. The Chief Executive advised that a meeting with the Deputy Commissioner, Strategy, Governance and Performance had been scheduled for the end of April and that this matter would be raised, among other things.

9. Preparation for meeting with the Garda Commissioner

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

10. Other Business

Arising from discussions that had taken place at the February meeting in relation to media coverage of past policing activities, Members had regard to legal advice previously obtained on the legislative provisions for special inquiries relating to the Garda Síochána and the respective roles of the Authority, GSOC and the Minister. In considering again the media coverage of past policing activities, Members agreed that there were a number of themes emerging which were already the subject of oversight by the Authority. However, it was also agreed that there were a range of matters about which it would be useful to engage again with the Commissioner in public.

While acknowledging the improvement generally in the provision of information to the Authority by the Garda Síochána, Members noted that residual issues remained in relation to the timely receipt of information. It was agreed that the matter would be raised with the Commissioner's office.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_104_10	Engage with the Commissioner in public on a range of matters in relation to media coverage of past policing activities.	ASAP	Secretary
A_104_11	Engage with the Commissioner's office in relation to the timeliness of responses to requests for information.	ASAP	Chief Executive

Documents for Noting by the Authority – March 2022

The following documents were noted by the Authority:

	<i>Document</i>	<i>Action Required</i>
D_104_01	ICCL Roundtable Event 24/25 February: Summary of Discussions	For noting
D_103_02	Garda Síochána Newsbeat-International Women's Day Edition	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), Joseph Nugent (Chief Administrative Officer), Shawna Coxon (Deputy Commissioner), Andrew O’Sullivan (Chief Information Officer), Kate Mulkerrins (Executive Director), David Sheahan (Assistant Commissioner), Anne-Marie Cagney (Assistant Commissioner) John O’Driscoll (Assistant Commissioner), Paula Hilman (Assistant Commissioner), Gráinne Shortall (Assistant Principal).

At the outset of the meeting, Members received an update from the Commissioner in relation to a HR matter.

11. Commissioner’s Monthly Report

Members engaged with the Commissioner on a number of matters arising from consideration of the monthly report to the Authority including:

- Information and Technology: Members sought further information on the plans for cross-organisational prioritisation of ICT demands for 2022 and work to refresh the Garda Síochána Information and Technology Vision in light of progress to date and having regard to technology advancements. The Chief Information Officer provided an overview of the status of a number of key projects, in addition to highlighting the key factors influencing the timeframe for the delivery of the organisation’s digital strategy, including the volume of projects, the available budget and a deficit in human resources.
- Sexual Crime: Members asked the Commissioner for his assessment of the factors influencing the increase in reported sexual offences since early 2015 and measures being taken by the organisation to understand the trend data. The Commissioner outlined a number of possible contributing factors including increased confidence in crime reporting by victims and improvements in data quality and recording, but also noting that offences of this nature remained significantly under-reported. The Commissioner highlighted work being undertaken toward the publication of a thematic report in the coming weeks on the victim-offender relationship and the significant insights gained in relation to the organisation’s approach to the prevention and investigation of gender-based violence, arising from quality data analysis.
- Sick absence: The Chief Administrative Officer (CAO) outlined a number of factors, both at the level of central government and within the organisation that had positively impacted levels of sick leave in the Garda Síochána. The CAO further outlined the processes in place for the management of sick leave at local and national level, including the role of the Chief Medical Officer. It was acknowledged that further work was required to ensure alignment and appropriate management of sick leave across the organisation.

12. Delivery of Custody Services by the Garda Síochána

At the outset of the agenda item, the Commissioner was advised that it was intended that this would be the first of a series of engagements, at both Authority and Committee level, on the delivery of custody services by the Garda Síochána.

The Authority highlighted the serious deficits in the delivery of custody services, as outlined in the Garda Inspectorate report and Members had a detailed and wide-ranging discussion with the Commissioner and his senior colleagues in relation to the findings, addressing a number of themes including:

- The status of the Garda Síochána implementation plan to address the report's recommendations. Members were advised that, of the 41 recommendations contained in the report, 27 referred directly to the Garda Síochána, while 14 related to the Department of Justice, but would require Garda Síochána input. The Commissioner advised Members of the extent to which the recommendations had been accepted fully, partially and not accepted. It was agreed that a copy of the correspondence issuing to the Department of Justice and setting out the Garda Síochána's response to each of the recommendations contained in the Garda Inspectorate report, together with an associated implementation plan would be provided to the Authority.
The Commissioner provided a detailed overview of the Garda Síochána response to a number of recommendations made in particular in relation to work to consolidate policies, procedures and practices relating to custody and work to develop a new custody record including the approach to recording risk assessment of vulnerability. The Commissioner also advised that work was also underway to address training requirements, both at the level of students entering the Garda College and on an on-going basis for serving Garda members. The Policing and Human Rights Law programme, being run in conjunction with the University of Limerick was also referenced in this regard.
- The likely timeframe for the delivery of recommendations. Members noted the Commissioner's observations in relation to those recommendations that would require to be achieved over the medium to long-term and the impact of building works and ICT in this regard. Members asked the Commissioner for his assessment of the attendant risks to their achievement over the timeframes outlined and how such risks might be mitigated. Members also engaged with the Commissioner in relation to the accountability framework for the management of custody services at local, regional and national level and the implementation of the recommendations made.
- The status of the Garda Síochána's custody estate, including the capital works required for its improvement. The Commissioner highlighted a number of challenges to custody arrangements, in the context of the application of the law relating to the questioning of persons held in custody.
- The current approach to the treatment of vulnerable individuals in custody. Members engaged with the Commissioner on the extent to which a human rights based approach underpinned the delivery of custody services and noted the Commissioner's observations on the particular challenges of service delivery to extremely vulnerable individuals. Members noted with concern that central data does not currently exist for individuals who were injured, or those who had been resuscitated or died while in custody. Garda representatives explained the various mechanisms for the collation of such data. Members expressed the view that the current mechanisms appeared unsatisfactory and asked that this be given attention in the context of this report.
- The treatment in custody of people experiencing mental illness. Members discussed with the Commissioner and his senior colleagues the Garda powers, further to section 12 of the Mental Health Act 2001, to take individuals believed to be suffering from a mental disorder into custody. It was noted that there had been a year-on-year increase in such cases since 2018. Members were apprised of a

pilot initiative that was shortly to be launched in Limerick to trial a criminal justice/health inter-agency approach to cases of this nature. Members also noted the Commissioner’s concerns in relation to the impact on the Garda Síochána in the absence of a clear, coherent, public policy approach to the treatment of people experiencing mental illness. The achievability of a criminal justice/health inter-agency approach, particularly in rural settings, was also highlighted, in particular having regard to the recommendations contained in ‘A Policing Service for the Future’. The importance of appropriate awareness and training for Garda members in how to engage with vulnerable adults and children was acknowledged by the Commissioner.

In concluding discussion on the agenda item, the Chairperson acknowledged the significant issues that the report’s findings had highlighted from a public policy perspective. It was agreed that a number of matters that had been the subject of discussion with the Commissioner and his senior colleagues and which were contained in the Garda Síochána implementation plan would be engaged on further at Executive level.

No.	Action point	By Date	By Whom
A_104_12	To provide the Authority with a copy of correspondence to the Department of Justice, setting out the GS response to the recommendations contained in the GI report ‘Delivering Custody Services, together with a copy of the GS implementation plan for the recommendations.’	ASAP	GS
A_104_13	To address the mechanisms for collating data on individuals sustaining injury, requiring resuscitation or dying while in custody, in the context of the Inspectorate report..	ASAP	GS

13. Use of Anti Spit Hoods

Members discussed with the Commissioner the current position of the Garda Síochána with regard to the deployment and use of anti-spit hoods, having regard to an evaluation undertaken by the Garda Síochána of their use and recent correspondence from the Authority seeking clarification on a number of matters. While acknowledging that no definitive position in relation to the retention of anti-spit hoods as a use of force had been reached, the Commissioner outlined the evolution of the organisation’s thinking in relation to their use, in the context of the health, safety and well-being of Garda members.

Members discussed with the Commissioner whether consideration was being given to any form of consultation on their retention. He noted that a number of consultations with nominated NGOs had been undertaken; that their use had been kept under review at SHRAC; and that the advice of an independent Human Rights Advisor had been sought. The Authority noted that it would be helpful to have sight of the independent advice received and that this had been previously requested, but not received.

Members also engaged with the Commissioner on a number of other matters pertaining to the use of anti-spit hoods including:

- Considerations relating to their use, if ever, on children;
- Factors influencing the type of anti-spit hoods used by the Garda Síochána; and
- The balancing of risks relating to the health and safety of Garda members and the need to create a safe working environment and concomitant risks pertaining to their use on particularly vulnerable individuals and the potential impact on public confidence in the policing service provided by the organisation overall.

In concluding the discussion, the Authority noted the original rationale for the introduction of anti-spit hoods, in the context of COVID-19 and the clarity provided by Garda senior leadership at that time in respect of their use. The Authority highlighted the pressing need for a clearly defined position in relation to their future use, the desirability for public consultation and clarity about the circumstances in which they might be deployed. In the event that the Commissioner determined that they continue to be used, necessary arrangements to record and report on this use of force would be essential.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_104_14	To provide the Authority with a copy of the independent advice of the Human Rights advisor in relation to the use of anti-spit hoods by the Garda Síochána.	ASAP	GS

14. War on Ukraine-Policing Implications in the State

Members had a wide-ranging discussion with the Commissioner and his senior colleagues in relation to the war on Ukraine including an assessment of the challenges presenting from the perspective of the Garda Síochána. While acknowledging that the full extent of the challenges was not yet apparent, the Commissioner outlined a number of areas of immediate concern including in relation to human trafficking and the exploitation of individuals; responding appropriately to the traumas experienced by refugees who have escaped the war and arrived in Ireland; concerns relating to organised crime and war crimes; work in relation to vetting; and the provision of a policing service in the community to people who have newly arrived.

The Commissioner outlined the coordinated strands of response by the Garda Síochána at European, national, regional and local level, highlighting the importance of the community policing effort and providing an overview of the types of information being made available to enhance understanding of, and confidence in, the policing service provided by the Garda Síochána.

Members discussed with the Commissioner the role and responsibility of the Garda Síochána at a European level in relation to the investigation of war crimes and the complexities relating to such cases. Members also discussed with the Commissioner the role of the Garda protective services units in supporting women who may have experienced sexual crime as a consequence of the war. Members asked the Commissioner for his assessment of the extent to which the policing implications in the State arising from the war on Ukraine might impact on the capacity to deliver on the Policing Plan 2022. Members noted the potential draw on Garda resources and that the matter had been placed on the Garda Corporate Risk Register.

15. Other Business

Members requested an update from the Commissioner in relation to aviation vetting, following the introduction of new requirements in relation to the Garda Síochána's role in the matter. The Commissioner highlighted ongoing challenges in relation to the hiring of personnel and the expected turnaround time for the completion of vetting.

Members discussed the operation of the Garda National Diversity Forum with the Commissioner and his senior colleagues, arising from correspondence issued by civil society representatives of the forum to the Garda Síochána and copied to the Policing Authority. Members were provided with an overview of the operation of the Forum and noted the extent of the Garda Síochána's commitment to the Forum and its

continued operation, in particular in relation to the role of civil society organisations as ‘critical friends’ to the Garda Síochána. Members were advised that it was intended to update the Terms of Reference of the Forum, having regard to the new Garda Síochána Equality, Diversity and Inclusion Strategy. Members noted that the Assistant Commissioner, Roads Policing and Community Engagement would be responding to the correspondence received and would be offering to meet with the civil society representatives to discuss the issues raised. It was agreed that a copy of the correspondence to the civil society organisations would be provided to the Authority.

It was agreed with the Commissioner that matters relating to offender management and youth diversion would be deferred for consideration to the 28 April meeting of the Authority.

No.	Action point	By Date	By Whom
A_104_15	To provide the Authority with a copy of correspondence to civil society representatives, responding to concerns raised in relation to the National Diversity Forum.	ASAP	GS