



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 23/24 November 2022

**Venue:** Killeshin Hotel, Portlaoise

### Part A – Authority Meeting

#### Attendance

**Authority:** Bob Collins, Donal de Buitléir, Deborah Donnelly, Valerie Judge, Paul Mageean (items 1-7, 9-16), Shalom Binchy, Moling Ryan.

**Apologies:** Elaine Byrne

**Secretary:** Aoife Clabby

**Staff of the Authority:** Helen Hall (Chief Executive), (items 1-5), Margaret Tumelty, Cormac Keating.

#### 1. Meeting of Members in Private

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

#### 2. Chairperson's Opening Remarks

At the outset of the meeting, the Chairperson conveyed his thanks to Dr Moling Ryan for acting as Chairperson for the 3 November Authority meeting.

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 apprised Members of matters discussed at a meeting he had with the Commissioner on 17 November, including in relation to:

- The treatment and management of records pertaining to investigations. Members discussed matters pertaining to the appropriate management, disposal and archiving of records generally, in particular in the context of the recent station visit to Portlaoise. It was agreed that the matter would be raised with the Commissioner in part b of the meeting.
- The non-provision to the Authority of the Garda Síochána Human Rights Advisor's report on the use of anti-spit guards/hoods. Following discussion, it was agreed that correspondence would again issue to the Commissioner, setting out the Authority's understanding of the matter and requesting that the decision not to provide the advice to the Authority would be re-considered.
- Correspondence received in relation to the proposed approach to Authority oversight of non-security covert policing. Members discussed previous engagements that had taken place with the Commissioner on the matter and the acknowledgment of the appropriateness of Authority oversight, having regard to its statutory functions. It was agreed that correspondence would issue

to the Commissioner, setting out the Authority’s position for the record and with a view to making further progress on the matter.

- Engagement with current and future oversight arrangements. The Chairperson advised Members that he had emphasised the importance of continued, constructive engagement by the Garda Síochána as has pertained up to now, while acknowledging the intended changes to the future oversight framework, as set out in the Policing, Security and Community Safety Bill.

The Chairperson advised that he had met in recent days with the Secretary-General and Deputy Secretary-General of the Department of Justice and outlined the broad areas of discussion..

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_114_01</b>	Write to the Commissioner requesting the re-consideration of a decision not to provide the Authority with the GS Human Rights Advisor’s report on the use of anti-spit guards/hoods.	ASAP	Chairperson
<b>A_114_02</b>	Write to the Commissioner setting out the Authority’s position in relation to the oversight of non-security covert policing.	ASAP	Chairperson

### **3. Consent Agenda Items**

#### **3.1. Minutes of Meeting and Matters Arising**

The minutes of the meeting held on 3 November were approved and cleared for publication.

#### **3.2. Policing Authority and Garda Síochána Actions Logs**

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

### **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 in relation to:

- Policing, Security and Community Safety (PSCS) Bill Implementation Programme. Members were apprised of progress in relation to a number of project teams established by the Department of Justice to give effect to PSCS Bill. It was noted that a request for tender to provide external support to the Policing Authority and the Garda Inspectorate in designing developing and ensuring smooth transition to the Policing and Community Safety Authority was being finalised and would issue following receipt of sanction from the Department of Public Expenditure and Reform. The Chief Executive advised that this area of work would require adequate time and resources and it was agreed that this would be reflected in the Business Plan for 2023.
- A meeting of the Programme Board for the PSCS Bill Implementation Project that had taken place on 21 November. The Chief Executive provided an update in relation to project work streams of particular interest to the Authority in the context of transition to the Policing and Community Safety Authority (PCSA). Members were advised that a technical briefing to coincide with the approval of the Bill had taken place on 22 November and noted supporting information provided under item 8.

- Attendance by the Chief Executive at the International Intelligence Oversight Forum in Strasbourg on 13 and 14 November. Members considered the impact of intelligence activities associated with state security on the human rights of individuals.
- Attendance by the Chief Executive at a knowledge exchange event that had taken place on 22 November, on Ireland's ratification of the OPCAT<sup>1</sup>. Members noted that the event, convened by the Irish Penal Reform Trust, included inputs from European and Australian counterparts about practical challenges and learning to develop effective national preventative mechanisms. Members noted that this was of particular relevance in the context of the General Scheme of the Inspection of Places of Detention Bill.
- A meeting that had taken place with the Director General of the Central Statistics Office, attended by the Chairperson and the Chief Executive. Members were provided with an overview of the key points discussed, in particular the opportunities and challenges pertaining to the recording of ethnic data by the Garda Síochána and police services in other jurisdictions. Members discussed the range of settings within which ethnic data is currently gathered across the public sector, noting important contextual factors in each instance. Members noted the critical importance of the availability of ethnic data in ensuring a proportionate policing response by the Garda Síochána and considered whether interim measures could be deployed by the Garda Síochána, in the absence of legislation to underpin data collection. Following discussion, it was agreed that the matter would be tabled for engagement with the Commissioner, both in private and in public, as part of the Authority meeting schedule in 2023.

The CSO reported progress on its Sexual Violence survey, whereby all relevant data has been collected and that publication was anticipated by the end of quarter one, 2023.

- Correspondence received from GSOC in relation to a number of matters arising from the Authority's work.
- Garda Síochána (Recording Devices Bill) 2022. Members were advised that a report for cabinet on Facial Recognition Technology (FRT) had been drafted by the Department of Justice with assistance from the Garda Síochána and that a verbal briefing on the report had been provided to the Executive. The Chief Executive advised that a copy of the report had been requested and once received, it would be tabled for the Authority's consideration in the context of the Bill.

## 5. 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 they are assigned by the Garda Commissioner.

The Secretary advised that government approval for the appointment of a PSNI member to the rank of Chief Superintendent had been granted on 15 November. Accordingly, the Authority was satisfied to appoint the candidate to the rank of Chief Superintendent, with effect from the date on which the candidate takes up the position to which they are assigned by the Garda Commissioner.

Members were provided with the outcomes of the clearance process in respect of the appointment of a candidate to the rank of Chief Superintendent. It was agreed that further information would be sought in order to allow for the consideration and conclusion of the clearance process.

Members considered and approved a request received from the Garda Síochána for the extension of a temporary acting up position of Executive Director, HR&PD for a further period of six months. It was noted

---

<sup>1</sup> Optional Protocol to the Convention Against Torture (OPCAT)

that the appointment of the proposed candidate was subject to the consent of the Ministers for Justice and Public Expenditure and Reform.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_114_03</b>	Notify the Commissioner of the appointment of candidates to the ranks of Chief Superintendent and Superintendent in the Garda Síochána and notify the candidates of their appointment.	Immediate	Chief Executive
<b>A_114_04</b>	Seek further information in relation to the clearance of a candidate.	ASAP	Secretary
<b>A_114_05</b>	Notify the Commissioner of approval to extend a temporary acting position, ED HR&PD and seek consent of the Ministers for Justice and Public Expenditure and Reform.	Immediate	Chief Executive

## **6. Committee updates**

### **6.1. Garda Appointments Quality Assurance and Selection Governance Committee**

Members were provided with a verbal update in relation to a meeting of the Committee that had taken place on 8 November and noted that the Committee had considered the outcomes of the review of selection competitions undertaken in 2022. Members were advised that any recommendations for change to promotion competitions to be held in 2023 would be brought to the 15 December meeting of the Authority for consideration and approval.

### **6.2. Garda Organisation Development Committee**

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

### **6.3. 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 had not met since the last meeting of the Authority. The Committee Chair advised that unfortunately due to a change in personal circumstances, recently appointed member Ms Bernadette Orbinski Burke had resigned from the Committee. The Committee Chair advised that further consideration would be given to the identification and nomination of a new Committee member. The Authority was advised that the Audit and Risk Committee meeting of 8 December would proceed, as planned.

## **7. Risk Management**

Members considered the monthly risk management report, provided in accordance with the Authority's Risk Management Policy, noting that there had been no significant changes to the Risk Register since the last Authority meeting.

## **8. Policing, Security and Community Safety Bill**

Members noted the publication of the Policing, Security and Community Safety Bill and had regard to correspondence received from the Department of Justice, outlining changes to the Bill, arising from the

Authority's submission. Members gave preliminary consideration to a number of the changes made. It was agreed that the Bill would be tabled for more detailed consideration at the meeting on 15 December.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_114_06</b>	Table PSCS Bill for Authority consideration at 15 December meeting	15 December	Secretary

#### **9. Policing Plan 2023**

Members considered the revised Policing Plan 2023 together with an associated target development document. While noting the adjustments that had been made to this iteration of the plan, Members agreed that its late receipt had precluded more detailed appraisal and consequently the Authority was not in a position to approve the plan, as submitted. Members identified a number of areas of feedback. Members also considered the manner in which the progress against the plan would be reported and the implications for the approach to oversight. Following discussion, it was agreed that there would be further engagement with the Garda Síochána at Executive and Committee level, with a view to considering a revised version of the Plan at the Authority's 15 December meeting. It was further agreed that this approach would be conveyed to the Commissioner in part b of the meeting.

#### **10. Preparation for meeting with the Commissioner**

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

#### **Documents for Noting by the Authority – November 2022**

There were no documents for noting.

## Part B – Authority Meeting with the Garda Commissioner in private

### Attendance

**Authority and Executive:** Bob Collins (Chairperson), Moling Ryan, Shalom Binchy, Donal de Buitléir, Valerie Judge, Paul Mageean, Margaret Tumelty, Cormac Keating, Aoife Clabby (Secretary).

**Apologies:** Elaine Byrne, Helen Hall (Chief Executive),

**Garda Síochána:** Drew Harris (Garda Commissioner), Anne Marie McMahon (Deputy Commissioner), Shawna Coxon (Deputy Commissioner), Yvonne Cooke (Acting Executive Director), Gráinne Shortall (Assistant Principal).

At the outset of the meeting, the Chairperson requested that the Authority's condolences would be conveyed to Mr. Joe Nugent, Chief Administrative Officer, on the very recent death of his father.

The Chairperson apprised the Commissioner of a number of appointments that had been made by the Authority.

The Chairperson welcomed revisions that had been made to the Policing Plan 2023 and proposed that further engagement would take place at Executive level to advance the associated targets with a view to the Plan's finalisation at the 15 December meeting.

The Chairperson advised that due to the late receipt of information from the Garda Síochána in relation to agenda item 15 'DNA Samples: progress update on the status of recommendations contained in the GS report, September 2020' this agenda item would not be discussed in public. The Commissioner was advised that the item would be re-scheduled for consideration at an early date both in private and at a meeting in public with the Commissioner.

### 11. HR Matters-Roster Management

The Commissioner provided Members with an update on the present position in relation to Rosters and on possible developments. Members noted that the emergency roster introduced at the outset of the COVID-19 pandemic continues to be utilised. The Commissioner re-iterated the organisation's desire to have roster arrangements capable of being responsive to evolving policing demands.

The Authority asked the Commissioner for an update in relation to a HR matter.

### 12. Risk Management

Members engaged with the Commissioner in relation to a number of items on the organisation's corporate risk register in particular on the risk relating to accommodation. The Commissioner outlined his assessment of accommodation development priorities in the Garda estate, having regard to available capital budget, engagement with the OPW, the demands of the new Garda Operating Model and the capacity to future-proof building plans in the context of population expansion in the coming years. The Commissioner also highlighted works prioritisations in the context of the government's 10-Year Capital Works Plan and the role of the OPW in this regard, noting that meetings were now taking place on a regular basis to assess the extent of what is achievable within the context of the OPW's overall works programme.

Arising from the discussion on accommodation, Members engaged with the Commissioner and his senior colleagues in relation to documents held by the organisation in a variety of locations and the capacity to effectively store files. Members noted that the accommodation challenges discussed would give rise to

associated risks to the appropriate storage of documents, in particular those of archival value. The Authority inquired as to the status of an Archiving Policy for the organisation and the extent to which any such policy could be effectively implemented. A number of matters were touched on by the Commissioner and his senior colleagues including the establishment of a number of committees, including one to address the organisation's Archiving Policy; the role of Enterprise Content Management (ECM) in effective records management and challenges arising; further accommodation requirements for the purposes of document storage and associated arrangements currently in place at national and divisional level; and the organisation's responsibilities under the National Archives Act. Members noted the extent and challenge of the work to be undertaken.

Members noted that the risk register was heavily populated and sought the Commissioner's assessment of the extent to which the register was embedded in the organisation and that identified high risks were informing expenditure decisions. Members were advised that the approach to risk management continued to evolve with the aim of continuing to link to the delivery of policing outcomes.

### **Other Business**

Members discussed with the Commissioner recent incidents in the community which had resulted in injuries to Garda members and the approach to engagement with communities where hostility towards the Garda Síochána may be in evidence. The Commissioner noted that demonstrations of hostility were amongst a minority within communities but that regrettably, incidents resulting in injury to Garda members were an unfortunate feature of policing, exacerbated in some instances by social media. The Commissioner further noted the recent show of support for Garda presence in the community and emphasised the importance of community policing outreach and of working with agencies in the community. Members sought the Commissioner's views on whether the new Community Policing Framework contained sufficient flexibility to respond in a targeted way to areas within communities where hostility towards Garda members was a factor. Members were advised that the Community Policing Framework will provide for a varying response, depending on the dynamics at play within a given community. The Commissioner also highlighted other measures, such as the schools and youth diversion programmes in addressing different community needs. It was agreed that the matters discussed would be engaged on in more detail at a future meeting of the Authority.

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

### Attendance

**Authority and Executive:** Bob Collins (Chairperson), Moling Ryan, Valerie Judge, Paul Mageean, Donal de Buitleir, Shalom Binchy, Aoife Clabby.

**Garda Síochána:** Drew Harris (Garda Commissioner), Shawna Coxon (Deputy Commissioner), Anne Marie McMahon (Deputy Commissioner), Andrew O’Sullivan (Chief Information Officer), Yvonne Cooke (Acting Executive Director), Paul Cleary (Assistant Commissioner), John Scanlan (Chief Superintendent), Gerard Roche (Chief Superintendent), Andrew McLindon (Director), Gráinne Shortall (Assistant Principal).

**Apologies** Elaine Byrne, Deborah Donnelly, Helen Hall (Chief Executive),

This meeting with the Garda Commissioner and his team was held in public. 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 invited the Commissioner to make a number of opening remarks in relation to recent incidents involving injuries to Garda members. The Commissioner expressed his thanks for the Authority’s support for those who had been injured in the line of duty but noted that the risk of injury in providing a policing service was a reality for Garda members. The Commissioner offered his reassurance that the health and safety of Garda personnel are integral to on-going discussions at the Senior Leadership Team.

The Chairperson noted that recent incidents illustrated the risks that Garda members present themselves to so that members of the public can live in safety. The Chairperson reiterated the Authority’s condemnation of all incidents of violence against members of the Garda Síochána.

The following matters were then discussed during the meeting:

Item Number	Agenda Item	Principal matters discussed
13	<b>Local policing challenges (Kildare/Laois/Offaly)</b>	<ul style="list-style-type: none"><li>• Overview of the Kildare/Laois/Offaly division including in relation to its size and scale and associated challenges, including in relation to the Garda estate and the challenges that current accommodation presents to the provision of a modern policing service.</li><li>• Engagement on the extent of connection between Gardaí and the local community and measures for its enhancement.</li><li>• Discussion in relation to increasing urbanisation within some divisions and the impact on resources and on maintaining a close contact with the community.</li><li>• Consideration of the impact of drugs in the community and the nature of the local policing response, including structures currently in place at divisional level.</li></ul>



Item Number	Agenda Item	Principal matters discussed
		<ul style="list-style-type: none"> <li>Engagement on extent to which there is assurance that local concerns are brought to the attention of Garda divisional management and responded to speedily and appropriately.</li> </ul>
14	Policing Service and response including:	<p><b>a. Policing and Mental Health Responses</b></p> <p>At the outset of the agenda item, the Authority welcomed the Community Access Support Team (CAST) Project Proposal, which had been developed in close collaboration with the HSE and was approved for funding by the HSE in 2023.</p> <ul style="list-style-type: none"> <li>Overview provided of the CAST pilot project, in particular the importance of an evidence-based, health-driven response to people experiencing acute mental illness.</li> <li>Overview of the key project pillars in particular the roles of call-handling, multi-agency support team and support hubs.</li> <li>Discussion in relation to hub location and resourcing and the challenges arising in the context of existing pressures on mental health service delivery.</li> <li>Consideration of the approach to evaluation and the impact of legislative change in the area of mental health.</li> <li>Consideration of the particular needs of individuals experiencing acute mental illness while in custody including human rights considerations and training available for Garda members. Discussion in relation to the mechanisms for appropriate service delivery to such individuals from other agencies.</li> </ul> <p><b>b. Services to victims-five years on from the Victims of Crime Act</b></p> <ul style="list-style-type: none"> <li>Engagement on the extent of changes implemented by the Garda Síochána in the provision of services to victims, including the extent to which services were re-organised and re-oriented since the implementation of the Directive..</li> <li>Discussion in relation to the measures implemented and being developed to respond to victims’ attitudes data gathered through the Public Attitudes Survey.</li> <li>Engagement on extent to which a consistent service is delivered to victims, regardless of who they are, how inconsistencies might be addressed and the assurance measures currently in place or being developed.</li> <li>Engagement on consistency of response to victims of domestic abuse or domestic violence including the training provided to members and expectations in relation to Garda members’ knowledge of appropriate orders and the delivery of an appropriate response.</li> <li>Request that if appropriate information in relation to shortcomings of response would be brought to the Garda Síochána’s attention by the Authority.</li> </ul>

Item Number	Agenda Item	Principal matters discussed
		<p><b>c. Victims' attitudes (arising from Public Attitudes Survey data)</b></p> <ul style="list-style-type: none"> <li>• Presentation on selected findings from the Public Attitudes Survey 2021 addressing satisfaction and trust in the service provided by the Garda Síochána, in addition to perceptions of the organisation against a range of measures.</li> <li>• Overview of findings in relation to Garda representativeness and measures in progress to develop baseline data in 2023.</li> <li>• Overview of findings on contact with the Gardaí by victims of crime.</li> </ul>
15	<p><b>DNA samples: progress update on the status of recommendations contained in the GS report September 2020</b></p>	<p>Arising from the late receipt of information from the Garda Síochána, this agenda item was postponed to a future date.</p>
16	<p><b>Crime trends and resource planning</b></p>	<ul style="list-style-type: none"> <li>• Engagement in relation to crime trends and the Commissioner's assessment on the fear of crime.</li> <li>• Consideration of general downward trend of crime, the nature of crime evolving over time and the dominant factors contributing to crime trends generally.</li> <li>• Discussion in relation to the allocation of Garda resources and the complexity of factors influencing decisions, including distinct factors in each division, the importance of presence, the provision of reassurance to the community, changes in population growth and evolving policing demands.</li> <li>• Discussion in relation to fraud crimes and reiteration of advice by the Commissioner in relation to safety measures to be taken by members of the public in this regard.</li> </ul>

In concluding the meeting, the Chairperson conveyed the Authority's good wishes to former Assistant Commissioner Mick Finn, who had retired from the Garda Síochána in October.

No.	Action point	By Date	By Whom
A_114_07	Engage with the Garda Síochána in relation to experiences of inadequate service response to victims of domestic violence or domestic abuse.	15 December	Secretary