



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 15 December 2022

**Venue:** 90 North King Street

### Part A – Authority Meeting

#### Attendance

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

**Secretary:** Aoife Clabby

**Staff of the Authority:** Helen Hall (Chief Executive), Cormac Keating, Margaret Tumelty, Clare Kelly (item 6-Appointments)

**Garda Inspectorate** Mark Toland, Chief Inspector (items 1-5; 7-8)

#### 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. There was no correspondence for noting.

The Chairperson advised that he had spoken to the Commissioner in relation to the possibility of holding a private meeting with him and the Authority and that the Commissioner had agreed to the proposal. Members noted that this meeting would take place as part of the 26 January Authority meeting.

Members were provided with an update in relation to process being undertaken by State Boards to fill the vacant Authority position.

The Chairperson advised that he had positively engaged with the Chief Superintendent, Kildare-Laois-Offaly division on a number of matters, following the Authority meeting in public in Portlaoise.

#### 3. Consent Agenda Items

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

The Secretary advised that a proposed amendment had been received from the Garda Síochána in relation to the draft minutes for 24 November meeting. The minutes were approved, subject to minor amendment, 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. Members noted that a response had been received from the Garda Síochána in relation to factors influencing the deployment of public order units and that the document would be uploaded for consideration at the 26 January meeting.

The Chief Executive advised that correspondence had issued to the Commissioner in relation to concluding work to be undertaken by Mr. Derek Penman to supplement the CAD999 review report and that the associated action was proposed for closure.

## **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:

- Members were provided with an overview of matters discussed at the GS CAD review meeting held on 7 December including the implementation of recommendations, governance and discipline matters.
- An overview was provided of progress in relation to the Department of Justice's Policing, Security and Community Safety Bill Implementation Programme. Members were advised that a meeting of the Steering Group had taken place on 13 December.
- A meeting was held by the Chairperson and Chief Executive with the Director of Public Prosecutions (DPP) on 14 December. The Chief Executive advised that there had been constructive engagement on a number of areas of shared interest including matters relating to the prosecution of cases by the Garda Síochána; associated recommendations contained in the Commission on the Future of Policing in Ireland and their implication; capacity and resources within the DPP and across the justice sector for the prosecution of cases; and the future functions of the Policing and Community Safety Authority. Members noted that a further meeting with the Director was envisaged in 2023.
- Members were advised that correspondence from the Commissioner was awaited in relation to a request to reconsider his decision to make human rights advice on the use of anti-spit guards/hoods by the Garda Síochána available to the Authority. The Chief Executive further advised that a response to a request from the Department of Justice on the Authority's oversight of the matter would be finalised, in conjunction with the Chairperson.
- Members were apprised of developments in relation to human resources in the Authority, in particular changes to the staff complement, arising from promotions and staff transfers on mobility. The Authority conveyed its congratulations and best wishes to the colleagues concerned and noted the risks outlined by the Chief Executive with regard to the loss of their skills and experience.

The Authority considered and agreed to a request to provide a small amount of funding support to the Association for Criminal Justice, Research and Development.

Members agreed to a proposal to hold the Authority's April meeting in public on Tuesday 25 April, in order to accommodate attendance by the Commissioner, who had international commitments on the day of the scheduled meeting.

Members considered and approved a proposal to develop a summary report based on the experience of engaging with a range of communities, groups and organisations in 2022, to inform the Authority's oversight of policing. Members noted that the document would be shared with the Commissioner and would be the subject of engagement at the 26 January meeting. Members discussed the manner in which

the summary document might also support engagement with the Commissioner at the meeting in public on 23 February.

Members considered a briefing paper in relation to a project on the 2022 Business Plan to assess the feasibility and begin preparations to undertake a national survey to inform oversight. Members had regard to engagements, research and analysis undertaken to date and considered the key issues of methodology, data and costings arising from the preparatory work. Members discussed a number of matters arising from the briefing paper, noting that while any such national survey developed would run alongside and be separate to the Garda Síochána’s Public Attitudes Survey, there was an opportunity to ensure complementarity between it and any survey developed by the Authority. Following discussion, it was agreed that further work to progress the survey’s feasibility would be undertaken by the Executive and the matter would be tabled for consideration in quarter 1 2023.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_115_01</b>	Table feasibility of national survey to inform oversight for further Authority consideration in quarter one, 2023	End Q1	Secretary

## **5. Committee Updates**

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

The report of the Committee Chair in relation to two meetings that had taken place on 11 November and 8 December was considered under item 6, Garda Síochána Appointments.

### **5.2. Garda Organisation Development Committee**

The Committee Chair provided Members with an update in relation to the meeting of the Committee that had taken place on 5 December. Members noted that a number of matters in relation to performance against the policing plan had been discussed with the Garda Síochána, in addition to engagement on diversity and the implementation and impact of the Garda Síochána’s Human Rights Strategy. The Committee Chair advised that the second report on the review of the effectiveness of the Code of Ethics had been received and that further information, in particular in relation to the scope and status of refresher training on the Code, had been requested.

The Committee Chair advised that the Committee’s Terms of Reference had been reviewed at the meeting and that there were no proposals for change.

Members discussed attendance by senior Garda representatives at meetings of the Committee and agreed that it was a matter for the Garda Síochána to determine the most appropriate attendees, having regard to meeting agendas and the Committee’s Terms of Reference.

### **5.3. Policing Performance and Strategy Committee**

The Committee Chair provided Members with an update in relation to the meeting of the Committee that had been held on 6 December. The Committee Chair advised that there had been a number of areas of focus at the meeting, in particular:

- A presentation on the outcomes of Executive oversight to assess progress made by the Garda Síochána on the implementation of recommendations contained in the Garda Inspectorate report 'Responding to Child Sexual Abuse'. Members noted that the presentation included an overview of recent stakeholder engagement. The Committee Chair advised that there had been positive engagement with Garda representatives on the implementation of the recommendations. Members noted a number of observations arising from the meeting in relation to the timeframes for interviewing children and it was agreed that this and other matters would be raised in part b of the meeting.
- Engagement with the Garda Síochána in relation to the process for the development of the Policing Plan 2023.
- Assessment of policing performance in the period, with engagement on a number of matters including the approach to the handling of recent protests, Drager drug test devices, cybercrime and historical abuse cases and their impact on Garda capacity.

#### **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 8 December. Members were apprised of a number of issues addressed including:

- Audit: The Committee Chair advised that the internal audit report on health & safety had been considered and that a number of risks and shortcomings had been identified but that there was nothing of significant concern. Members noted that the Committee was fully satisfied with the actions already taken and planned by the Executive to address the findings and that the matter would be kept under review.  
The Committee Chair also advised that the internal audit of the Appointments function was nearing completion and was scheduled for consideration by the Committee at its meeting on 2 February. Members noted that the Audit Plan for 2023 had also been discussed and that a meeting with the internal auditor and the senior management team was scheduled for January, to further the development of the audit plan. The Committee Chair advised the Audit Plan 2023 was scheduled for consideration at the 2 February meeting.
- Governance: Members were advised that the Audit and Risk Committee Charter had been reviewed and that a number of minor amendments to the Charter had been proposed, arising from internal audit recommendations. Members noted that the proposed changes were designed to ensure compliance with the Code of Practice for the Governance of State Bodies. The Authority was satisfied to approve the amendments proposed.

#### **6. 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 were provided with further information on the outcomes of the clearance process in respect of the appointment of a candidate to the rank of Chief Superintendent in the Garda Síochána. Following discussion, it was agreed that further consideration would be given to a number of issues raised and that additional information would be sought to allow for the consideration and conclusion of the clearance

process. It was agreed that correspondence would issue to the candidate advising that the process was ongoing.

Members considered the review of the 2022 competition processes and a range of recommendations for changes to future competitions, proposed by the Garda Appointments, Quality Assurance and Selection Governance Committee. Following discussion, the Authority was satisfied to approve the recommendations, as proposed. Members noted that changes outlined would be implemented for competitions to be held in 2023.

The Authority also considered and approved proposed changes to the approach to sharing information in relation to the outcomes of senior Garda selection competitions. In particular, the Authority was satisfied that details of candidates placed on a panel established by the Authority would be provided to the Office of the Commissioner and the Office of the Executive Director, HR&PD, on a strictly confidential basis, in order to facilitate resource planning.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_115_02</b>	Notify the Commissioner of the appointment of a candidate to the rank of Superintendent and notify the candidate of their appointment.	Immediate	Chief Executive

## **7. Business Plan 2023**

The Authority considered the proposed approach to the Business Plan 2023, together with a draft plan, having particular regard to the extent to which the plan reflects and gives effect to the Authority's Strategic Priorities for the year. Members sought a small number of clarifications in relation to aspects of the draft plan. Following discussion, the Authority was satisfied to approve the Business Plan 2023, as proposed.

## **8. Risk Management**

Members considered the risk management report, provided in accordance with the Authority's Risk Management Policy, noting that no new risks had been added to or retired from the register during the month. Members noted that following the retirement of the Risk Officer, a number of areas of responsibility had been updated to reflect transfers in risk ownership. Members were apprised of a number of modifications to risk mitigation strategies and controls. Having regard to upcoming human resource changes, it was agreed that the associated 'resources' risk would be reviewed and revised accordingly.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_115_03</b>	Update 'resources' risk on the risk register to reflect changes in available resources and associated mitigations	ASAP	Chief Executive

## **9. Policing Plan 2023**

Members gave consideration to the draft Policing Plan 2023, in addition to a milestones document, setting out intended quarterly progression against policing targets, and a guidance document designed to provide assistance with the formulation of policing plans at divisional level. Members were provided with an

overview of revisions to the draft plan following its consideration at both the November Authority meeting and the December PSP Committee meeting. Members discussed the proposed approach to the development of divisional policing plans and the envisaged connection to targets at national level, noting that it was intended to publish all divisional plans. Members agreed the development and publication of divisional plans would provide a valuable opportunity to strategically assess the delivery of desired policing outcomes in a more in-depth manner.

Following detailed and lengthy discussion, the Authority was satisfied to approve the plan, subject to any further amendments agreed with the Commissioner in part b of the meeting. It was agreed that the plan would be submitted to the Minister for Justice thereafter for his consent, in accordance with the relevant statutory provisions.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_115_04</b>	Submit the Policing Plan 2023 to the Minister for Justice, for his consent.	ASAP	Chief Executive

#### **10. Responding to Child Sexual Abuse**

Members had regard to an update on oversight of the implementation of the recommendations contained in the Garda Inspectorate report, 'Responding to Child Sexual Abuse'. The Authority was also provided with an overview of recent engagement with relevant stakeholders. Members noted late correspondence received from the Commissioner on 14 December in response to an Authority communication relating to a planned joint review by Tusla and the Garda Síochána. The Chief Executive will engage further with the Commissioner on the matter.

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

It was agreed that this agenda item would be deferred for consideration to the 26 January meeting of the Authority.

#### **12. 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 –December 2022**

The following document was noted by the Authority:

<i>Document</i>		<i>Action Required</i>
<b>D_115_01</b>	Garda Inspectorate Work Plan 2023	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), Shawna Coxon (Deputy Commissioner), Anne Marie McMahon (Deputy Commissioner), Justin Kelly (Assistant Commissioner), Eimear Bourke (Executive Director), Yvonne Cooke (Acting Executive Director), Deirdre Morris (Principal Officer), Colm Noonan (Chief Superintendent), Gráinne Shortall (Assistant Principal).

At the outset of the meeting, the Chairperson welcomed Eimear Bourke and wished her well in her new role as Executive Director, Strategy and Transformation.

### 13. Investigation of Child Sexual Abuse

Authority Members engaged with the Commissioner and his senior colleagues in relation to a number of themes pertaining to the investigation of child sexual abuse. The Commissioner provided his assessment of the organisation's capacity and capability to respond to crimes of this nature, including the extent of specialist training provided and the manner in which work in this area is triaged, prioritised and responded to. The Commissioner outlined the role of the Garda National Protective Services Bureau (GNPSB) and noted that the investigation of child sexual abuse was necessarily demanding and required extra care. The Commissioner also highlighted the development of close working relationships with Tusla in this area. Members discussed the current status of the development of a data sharing agreement with Tusla, noting that while it was at an advanced stage, there had been a significant degree of complexity associated with the process.

In considering the most pressing issues, the Commissioner highlighted the backlog in the examination of devices and the volume of material. Members discussed with the Commissioner and senior representatives the approach to device seizure and examination, including any potential measures to enhance the efficiency of the current process and a consideration of whether there were any attendant risks. Members also discussed the nature and level of resources available for the investigation of child sexual abuse and were advised of plans for further recruitment to support work in this area.

Arising from feedback received through stakeholder engagement, Members sought the Commissioner's assessment of the current timeframes within which specialist interviews normally take place and the extent to which any delays in interviewing victims might give rise to unintended, serious consequences and introduce elements of risk. Members were provided with a detailed overview of the process engaged in by the Garda Síochána on receipt of a referral from Tusla, the manner in which risk is managed and the particular approach to the interviewing of victims.

Members discussed the Garda Síochána's involvement in the Barnahus model with the Commissioner and his colleagues, in particular in relation to the impact of garda involvement, benefits arising from the inter-agency approach adopted and the value of the provision of a full suite of services to victims in one location. Members noted plans for the further roll-out of the Barnahus model in other locations and the Garda Síochána's involvement in the steering group in this regard.

Members sought the Commissioner's assessment of areas of most concern in relation to the detection of child sexual abuse and were apprised of the huge online demand for exploitative images of children and the various challenges presented by encrypted data. Members were advised of the concurrent need for investment in personnel, and the strengthening of inter-agency partnerships, both nationally and internationally, to tackle crime of this nature.

Members sought the Commissioner's views on the extent to which recent reports of historical child sexual abuse was impacting on resources, in particular in the Divisional Protective Services Units (DPSU). Members noted that work in this area was being closely co-ordinated between the GNPSB and the DPSUs and that to date, resources were not being adversely impacted by the matter. Members were also advised that work was ongoing to ascertain whether there were any historical cases reported that had not been acted upon by the Garda Síochána and were advised that currently no such cases had been identified. Members discussed with the Commissioner and his senior colleagues the training provided for specialist interviewers and the rate of successful qualification, noting that the course was necessarily challenging and difficult, with a lengthy period of post-training supervision required before final sign-off as a qualified specialist interviewer. Members also discussed welfare supports in place for personnel working in this area.

#### **14. Reflections on 2022-Policing performance and challenges**

Members sought the Commissioner's assessment of policing success and challenges at the end of the year. The Commissioner highlighted a number of challenges wrought by a return to normal life, following the restrictions imposed by the COVID-19 pandemic. In particular, the year had been punctuated by a number of traumatic events such as domestic homicides and serious assaults, in addition to increased serious road incidents and deaths. The Commissioner also acknowledged the impact of the failure of the jury to reach a verdict in the case of Garda Colm Horkan and the impact on his family and community.

The year had also seen a number of significant developments in relation to the dismantling of the Kinahan Organised Crime Group and combatting organised crime generally.

From an organisational perspective, 2022 had seen a series of commemorative events to mark the organisation's centenary, in addition to which there had been a number of infrastructural developments, most notably the move from Harcourt Square to Military Road. While acknowledging increases in funding for ICT, vehicles and a new Garda helicopter and plane, the Commissioner underlined the continuing shortfall in funding to match the ambition of the overall ICT programme.

The Commissioner noted that work continued in respect of a revised Roster and that consideration was being given to the PSCS Bill and the implications for garda staff.

The Commissioner further noted that 370 recruits had graduated from Templemore while 400 members had retired and that consideration was being given on an ongoing basis to required resources in the organisation.

The Commissioner also highlighted developments in relation to the roll-out of RDMS and IMS and the further roll-out of the new Operating Model, citing the organisation's ambition to complete the roll-out of all these initiatives over the course of 2023.

The Commissioner observed the opportunities and challenges presented by the Culture Audit findings and advised that a process to move forward the issues identified was in progress.

Members noted the continued strong interest and participation in the GS accredited Human Rights Course, provided by the University of Limerick.

Members engaged with the Commissioner and his senior colleagues in relation to current attrition rates in the organisation and the degree of analysis being undertaken by the organisation. Members were provided with an overview of the current position, noting that attrition rates were favourable in comparison to other jurisdictions and that the actual position was in sharp contrast to recent media coverage of the matter.

Members were apprised of a number of communications and other measures being developed in support of the recruitment campaign planned for early 2023. Factors including the changing approach to careers in the wider environment and the need for the organisation to explore a range of matters highlighted through the Cultural Audit were also emphasised, in the context of resource planning for the future.



## **15. Policing Plan 2023**

Members were provided with an overview of the approach to the development of the Policing Plan 2023, in particular at divisional level. Members sought clarification on the extent to which targets, both nationally and divisionally, will be aligned and the extent to which discretion is afforded to Chief Superintendents at divisional level in relation to any targets set. Members were provided with the estimated timeframes for the development of divisional policing plans and the process for their approval and publication. Members sought clarification in relation to the development of regional policing plans, noting the degree of discretion at this level and the decision to develop a plan for the Dublin Metropolitan Region having regard to a number of geographic, demographic and crime factors. Members also sought to further understand the rationale underpinning proposed targets as they related to victims of crime, as well as targets related to levels of trust in the Garda Síochána.

Following detailed discussion, the Authority conveyed a small number of remaining concerns in relation to the manner in which the divisional and national policing plans will align. While acknowledging the need for flexibility and discretion at divisional level, the Authority highlighted the need for a strong corporate framework within which such discretion should operate, underpinned by the imprimatur of the Commissioner. The Commissioner indicated his commitment to ensuring that Divisional policing plans would reflect the ambition of the national plan.

### **Other Business**

In concluding the meeting, the Chairperson expressed the Authority's sincere appreciation to the Commissioner and his colleagues for the services rendered by the Garda Síochána in seeking to keep people safe, in spite of a myriad of difficulties faced. The Chairperson acknowledged the risks faced by Garda members every day in the execution of their duties and the burdens sometimes borne as a consequence of simply doing their job. The Chairperson recognised the efforts being made by the Commissioner and his senior leadership team in supporting the achievement of better outcomes for people in the state.

The Chairperson expressed his appreciation of the work and commitment of colleagues on the Authority and the Executive.