



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 26 January 2023

Venue: 90 North King Street

Part A – Authority Meeting

Attendance

Authority: Bob Collins (Chairperson), Donal de Buitléir, Deborah Donnelly, Valerie Judge (items 1-4), Paul Mageean (items 1-10), 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 1-10)

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. Members noted a number of pieces of correspondence received.

The Chairperson advised Members that he had met with the Commissioner on 18 January and had outlined proposals for engagement with all divisional Chief Superintendents by the Chairperson and Chief Executive over the course of the coming months. Members noted that the purpose of the proposed meetings was to achieve a greater understanding of the priorities and challenges arising at divisional level and that the first of the series of meetings was scheduled to take place on the week commencing 31 January.

The Chairperson advised that he had also had a detailed discussion with the Commissioner in relation to a number of matters pertaining to discipline in the Garda Síochána, including the current processes and procedures, existing regulations and the status of their review and revision by the Department of Justice. It was agreed that a number of the matters arising from the discussion would be engaged upon with the Commissioner in part b of the meeting.

Members noted that Commissioner had also highlighted a number of other matters with the Chairperson, including the current status of Garda Rosters and the extent and nature of assaults on Gardaí. Members also noted that the Commissioner had been apprised of the Authority's intention to publish a document summarising engagement nationwide with communities, groups and organisations, entitled 'What We Heard 2022' and that a copy had been provided to him prior to publication.

The Chairperson highlighted a number of matters pertaining to recent communications from the Commissioner and his senior colleagues, together with responses to requests for information, including through the Log of Actions. Members noted the continued delays in receiving some information from the Garda Síochána. It was agreed that these matters would be raised with the Commissioner.

The Chairperson provided Members with an update in relation to the process to fill the vacancy on the Authority.

3. Consent Agenda Items

3.1. Minutes of Meeting and Matters Arising

The minutes of the meeting of 15 December 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:

- The forthcoming examination of the State's Implementation of the Istanbul Convention, by GREVIO, the independent expert body with responsibility for monitoring the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The Chief Executive advised that she had engaged with the Department of Justice in relation to the examination, signalling availability to meet with GREVIO, if desired, and providing relevant material arising from the Authority's oversight of Garda Síochána performance in this area.
- Research on Victims' Experience with the Garda Síochána which was in the process of being finalised for initial consideration by the Chairperson and Chief Executive. Members noted that the research would be provided for Members' consideration at the February Authority meeting.
- An update was provided on a number of matters related to CAD999 and the review undertaken by Mr Derek Penman. Members discussed future requirements for prescriptive guidance on the handling of sensitive data for the purposes of discharging the Authority's statutory oversight responsibilities in the context of data protection legislation.
- The re-introduction of a 'round table' approach to the consideration and approval of Garda Síochána business cases by the Policing Authority, the Department of Justice and the Department of Public Expenditure and Reform. The Chief Executive advised that the first of these meetings was scheduled to take place on 7 February and that an update would be provided to Members at the 23 February meeting.
- The status of the Garda Síochána (Recording Devices) Bill. While noting that the Bill was scheduled for introduction in the Dáil on the week commencing 30 January, the Chief Executive advised that the detailed report on facial recognition technology compiled by the Department of Justice had not yet been provided to the Authority.
- Issues arising in respect of visits to Garda stations by Executive staff and implications for effective oversight. It was agreed that the matter would be raised for clarification with the Commissioner in part b of the meeting.

Members were provided with a summary document that had been prepared for the Authority and the Garda Síochána by Counsel, highlighting the key legal issues arising from the Authority's work on CAD999 and associated engagements with the Garda Síochána in seeking to undertake the review. In light of the

novel legal matters involved, Members agreed that there might be a specific value in sharing the document with the Department of Justice, in the context of the PSCS Bill and that the Executive should explore this further

Members considered the year-end status of the Business Plan 2022, noting that significant progress had been made across almost all corporate priorities.

Members were advised of an invitation to the Garda Síochána National Train Control Centre (NTCC) at Heuston Station. In addition to a tour of the NTCC, Members were advised that a briefing on the new Information and Technology Vision would also be provided. It was agreed that any Members wishing to attend would advise the Secretary.

Members noted that an allocation of funding from the Garda Síochána had been approved, in principle, for a joint applied research bursary with the Policing Authority. Members discussed the proposed scale of funding, suggested research areas and the number of projects that could be funded.

Members sought and received further information in relation to a complaint by a member of the public to the Workplace Relations Commission, under the Equal Status Act.

Members noted the status of competitions for appointments to the senior ranks in the Garda Síochána. Clarification was provided that communication had issued to the relevant Garda representative bodies, advising them of the launch of the Chief Superintendent competition and requesting that members on leave would be notified of the competition.

Members noted the receipt of correspondence and associated documents from the Garda Síochána Ombudsman Commission (GSOC), advising of a change in policy relating to the publication of systemic and other recommendations identified by GSOC investigators. The Chief Executive advised that the systemic recommendations received will inform ongoing areas of oversight and Members agreed with this approach.

Members considered correspondence received on 25 January from the Commissioner, expressing a number of concerns in relation to the Authority report 'What We Heard 2022', as well as highlighting opportunities and mechanisms for the Garda Síochána to respond positively to the themes arising in the report. Members noted the Commissioner's request to pause publication of the report to enable further engagement with the Authority on the matter. Members had a detailed and lengthy discussion arising from the concerns raised in the correspondence. Members noted the significant value of reports of this nature to both the Authority's oversight and Garda Síochána engagement with communities, by highlighting issues on a thematic basis. Members also noted that many of the themes contained in the report had been highlighted through the Authority's previous COVID-19 reports and had been the subject of engagement with the Commissioner in public. Members acknowledged the contexts and environments within which policing can sometimes take place and acknowledged the challenges this can present to both Garda personnel and the communities being policed, in particular in engendering and impacting on levels of trust. Members discussed a number of themes arising from the report, having regard to the Garda Síochána mission of 'keeping people safe' and agreed the importance of the timely publication of the report and its capacity, in highlighting the experiences of people and communities, to provide a useful and positive contribution to policing in the state.

Following discussion, and with some textual amendment, the Authority agreed that ‘What We Heard 2022’ would be published to coincide with the 23 February meeting in public and that the report findings and themes arising would be the subject of discussion in public with the Commissioner. The Chairperson suggested that a new approach to the review and approval by the Authority of substantive reports of this nature should be introduced.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_117_01	Explore the option to provide a copy of the summary document of key legal issues arising from the Authority’s work on CAD999 to the Department of Justice.	ASAP	Chief Executive
A_117_02	Publish ‘What We Heard 2022’ to coincide with the 23 February meeting in public and table as an agenda item for engagement with the Commissioner.	23 February	Chief Executive

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 Assistant Commissioner in the Garda Síochána. The Authority was satisfied to appoint the candidate to the rank of Assistant Commissioner, 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 in the Garda Síochána. 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 three 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 positions to which they are assigned by the Garda Commissioner.

Members considered a business case received from the Garda Síochána, seeking approval for an additional Principal Officer position as Secretary to the new Board of An Garda Síochána. The Authority was satisfied to approve the position and to authorise the Chief Executive to engage with the Garda Síochána regarding the finalisation of the Candidate Information Booklet for the role and to seek the consent of the Minister for Justice and the Minister for Public Expenditure and Reform to the approval, by the Authority, of this position.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_117_03	Notify the Commissioner of the appointment of a candidate to the rank of Assistant Commissioner and notify the candidate of their appointment.	Immediate	Chief Executive

No.	Action point	By Date	By Whom
A_117_04	Notify the Commissioner of the appointment of a candidate to the rank of Chief Superintendent Commissioner and notify the candidate of their appointment.	Immediate	Chief Executive
A_117_05	Notify the Commissioner of the appointment of three candidates to the rank of Superintendent and notify the candidates of their appointment.	Immediate	Chief Executive
A_117_06	Notify the CAO of the approval of a PO position as Secretary to AGS Board and seek consent of Minister for Justice and Minister for Public Expenditure and Reform to approval by Authority of position.	ASAP	Chief Executive

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 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.

6.4. Audit and Risk Committee

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

7. Risk Management

Members considered the risk management report, provided in accordance with the Authority's Risk Management Policy. Members noted that, arising from consideration of the register in December the risk relating to Policing Authority staff resourcing had been raised to extreme and that a number of mitigating factors relevant to the risk were being pursued.

8. Policing Security and Community Safety Bill

Members were provided with a summary of activities coordinated by the Department of Justice under its Policing, Security and Community Safety (PSCS) Implementation Project, designed to give effect to the PSCS Bill and to be delivered through a range of project strands. The Chief Executive advised that a new Acting Assistant Secretary General had been appointed and that contact had been made with her, in the context of the Project.

Members noted the closing date on the request for tender for external support for the provision of recommendations for organisational development, design and transformational change for the Policing and Community Safety Authority, being jointly tendered by the Policing Authority and the Garda Síochána Inspectorate. Members were provided with an overview of the envisaged process and the associated

timeframes for the project. Members also noted that the PCSA project strand involving Authority and Inspectorate staff was working very well and that progress had been made in a number of areas.

The Chief Executive apprised Members of a number of issues that had been discussed at the recent meeting of the Programme Board, in particular in relation to the envisaged framework for community safety and the overall oversight regime, as envisaged by the Bill. It was agreed that it would be important to continue to engage actively with all relevant aspects of the Implementation Project.

Members considered a briefing paper, providing a summary of the Draft PSCS Bill, in particular noting any significant changes since the previous iteration received. Members discussed a number of aspects of the Bill's provisions in particular a small number of areas where minor amendment or clarification would be of benefit. It was also agreed that the provisions in relation to the PCSA's inspection function in particular would be reviewed again to determine if any further observations to the Department of Justice are merited.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_117_07	Review the PSCS Bill provisions in relation to the PCSA's inspection function to determine if any further observations to the Department of Justice are merited.	ASAP	Chief Executive

9. Reflection on 2022 and looking ahead to 2023

At the outset of the agenda item, the Chief Executive advised Members that, arising from decisions made in relation to the Business Plan 2023, the management team had undertaken an exercise to resource the plan. While expressing satisfaction in relation to the achievability of the plan, the Chief Executive highlighted a number of resourcing challenges that will require active review in that context and advised that she would revert to the Authority with proposals for change, if necessary. The Chief Executive also highlighted the critical need to resource appropriately and devote sufficient time to ensuring a successful transition to the new Policing and Community Safety Authority. Members noted that the Garda Síochána Policing Plan 2023 would be the primary mechanism to explore a number of key oversight themes, including domestic violence and sexual abuse, the policing response to drugs in the community and Garda discipline. Members also noted the extent of stakeholder engagement in 2022 and agreed that holding meetings in public with the Commissioner outside of Dublin had proved beneficial, noting that the proposal to hold three such meetings outside Dublin in the current year was important in terms of engagement with representative groups and Garda Síochána representatives at divisional level.

10. 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.

Documents for Noting by the Authority – January 2023

The following documents were noted by the Authority:

<i>Document</i>		<i>Action Required</i>
D_117_01	Garda Síochána Assessment of Policing Performance 2022	For noting
D_117_02	Policing Plan 2023	

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), Joseph Nugent (Chief Administrative Officer), Andrew O’Sullivan (Chief Information Officer), Justin Kelly (Assistant Commissioner), Paula Hilman (Assistant Commissioner), Jonathan Roberts (Assistant Commissioner), Gráinne Shortall (Assistant Principal).

11. Private reflection with the Commissioner

Authority Members and the Chief Executive had a private meeting with the Commissioner addressing a number of themes including discipline, public trust and confidence in policing, and matters relating to the Authority’s approach to oversight and engagement with Garda personnel. Members also discussed with the Commissioner his correspondence in relation to the Authority’s report ‘What We Heard 2022’.

12. What the Authority has heard from community engagement during 2022

The Chairperson noted that matters relating to this agenda item had been discussed with the Commissioner under item 11 and that there would be further engagement at Executive level in relation to the issues raised, prior to engagement in public on 23 February.

13. Serious crime investigation: resources, capacity and capability

At the outset of the agenda item, the Chairperson invited the Commissioner to provide his assessment of the capacity and resource issues which may arise in divisions, in circumstances where a number of serious crimes arise at the same time. The Commissioner was also asked about the extent of autonomy available to Divisional Officers in the management of serious crime investigations, in the context of the new operating model, and having regard to support and expertise available at regional level and through the relevant national bureaux.

The Commissioner acknowledged the possibility for multiple serious crimes in one division to place pressure on resources. Members were provided with an overview of the role and responsibilities of Regional Assistant Commissioners in directing resources and that of the Assistant Commissioner, Organised and Serious Crime in supporting investigations where required, in addition to the oversight role of the Deputy Commissioner, Policing and Security. The Commissioner and his senior colleagues also highlighted the work of the National Technical Bureau and Forensic Science Ireland and the work involved at divisional level to support serious crime investigation, including matters such as door-to-door inquiries, CCTV footage review and the role played by family liaison officers.

Members were provided with an overview of the role and scope of the work of the Organised and Serious Crime Bureau, including the nature and extent of support provided to divisions in the investigation of serious crime. Members were also apprised of resource deployment and advice provided to the divisions by the Garda National Community Engagement Bureau, in support of work related to equality, diversity and inclusion and hate crime. In relation to investigation interviewers, Members were provided with a brief overview of interviewer levels and the manner and nature of their deployment in serious crime investigations. Members sought clarification in relation to the status of the role of National Interview Advisor and noted that the position was currently vacant and due to be advertised. Members were assured

that the recommendations contained in the report of the previous National Interview Advisor on the operation and implementation of the Garda Síochána Interviewing Model would be taken into account and that progress in that regard would be reported to the Authority.

Members engaged with the Commissioner and his senior colleagues in relation to the Garda Síochána Interview Model and specialist interview training. This included discussions about the capacity of sufficiently trained personnel at divisional level and the evolution of interview techniques and mechanisms in place to quality assure interviews conducted. Members also sought to understand the measures in place for capturing and incorporating learning and sharing experiences following the conclusion of a serious crime investigation.

Members inquired about the status of the Investigation Management System (IMS); the extent to which it had been rolled out across the organisation; and the challenges that it may present to Garda Members dealing with volume crimes as opposed to major investigations. While acknowledging that the introduction of IMS was a cultural change for the organisation, the Authority was advised that the system was rigorous, providing for consistency in the handling of investigations and that the system’s search capability and governance features were important. The Authority was also advised that a number of changes to the IMS system had been introduced to respond to the practical experiences of Garda members. Members also noted that the future introduction of an app for Garda mobility devices, incorporating CAD2, PULSE and IMS will further enhance efficiency in the area of serious crime investigation and will place the most appropriate tools in the hands of investigators.

Members asked the Commissioner and his senior colleagues for their assessment of the extent to which the changing nature of homicides was placing extra demands on the organisation. Members noted that while the proportion of domestic homicides was now greater, it was in the context of a reduction in overall homicide figures. The Commissioner highlighted the nature of the organisation’s investment in resources to investigate such crimes, emphasising the requirement for sensitivity in their handling. The Commissioner also referenced the expected publication by the State of an independent study into familicide and domestic homicide reviews and the implications for a whole of government response to the matters emerging.

Members discussed a range of other measures being deployed by the Garda Síochána in responding to domestic, sexual and gender-based violence, including: the Domestic Abuse Risk Evaluation Tool; significant work undertaken to identify victim offender relationships; the introduction of policy in relation to domestic homicide reviews; and the enhancement of IT capabilities. Members were advised that these measures were designed to provide both real-time information in the prevention and investigation of such crimes, as well as enhancing investigation capacity through the incorporation of lessons learned.

No.	Action point	By Date	By Whom
A_117_08	Provide the Authority with an update on progress in implementing the recommendations of the National Interview Advisor on matters pertaining to the operation and implementation of the Garda Síochána Interviewing Model.	ASAP	Garda Síochána

14. High level discussion on Discipline

At the outset of the agenda item, the Chairperson noted that matters relating to discipline had been touched on with the Commissioner under item 11 and acknowledged the complexity surrounding the organisation's capacity to engage on a range of issues in this area.

Members had a detailed discussion with the Commissioner in relation to the existing framework, as set out in statute and regulation, for handling disciplinary matters, including the Board of Inquiry and Appeal Board structures. The Commissioner advised that an analysis had been conducted of the determinations of Appeal Boards and would shortly be provided to the Department of Justice. It was agreed that a copy of the analysis and associated correspondence would be provided to the Authority for information.

Members discussed the role, scope, structure, composition and determining capacity of Appeal Boards in the context of the existing Discipline Regulations. It was agreed that further information in this regard would be provided by the Commissioner. The Authority also sought clarity in relation to the process of establishing an Appeal Board, as well those in place for reviewing determinations made.

Members engaged with the Commissioner on matters pertaining to the appropriate handling of discipline and misconduct by Garda management. It was acknowledged that Garda members' behaviours had the capacity to impact both positively and negatively on public confidence and trust in the policing service provided. As a consequence, the importance of dealing with any early signs of wrong-doing was emphasised by the Commissioner.

Members discussed with the Commissioner recent events relating to criminal behaviour by serving members in the London Metropolitan Police Service and the range of policy and other measures available in the Garda Síochána designed to explicitly outline the implications of engaging in particular inappropriate behaviours and to tackle issues as they arise. Members discussed the status of plans to introduce additional measures, including in-career vetting and drugs testing, among other things, noting the dependencies in respect of their introduction. The importance of an atmosphere in the organisation where reporting of inappropriate behaviours is encouraged was emphasised and senior Garda representatives highlighted the number of ways in which this can be done, noting that strong ethical decisions are being taken by Garda personnel in this regard.

Members sought an update in relation to the status of a lessons learned review that had been the subject of previous discussion with the Authority and noted that the review process was complete and that implementation of its conclusions had already commenced.

No.	Action point	By Date	By Whom
A_117_09	Provide the Authority with a copy of analysis of decisions by Appeal Boards further to the GS (Discipline) Regulations.	ASAP	Garda Síochána
A_117_10	Provide the Authority with further information regarding the role, scope and determining capacity of Appeal Boards.	ASAP	Garda Síochána

15. Policing Performance including policing of protests and roads policing

Members engaged with the Commissioner in relation to the policing of recent protests. The Commissioner noted the complexity of issues surrounding the protests, the associated tensions and confrontations requiring a policing response and the consequent impact on, and adequacy of, Garda resources to respond. The Commissioner and his senior colleagues provided Members with an overview of how the policing of the current protests are being managed and discussed the achievement of a balance between the right to protest and the extent of disruption caused in local communities. The Commissioner emphasised the importance of a risk based approach in this regard.

Members discussed the number of deaths and serious injuries that had occurred on Irish roads since the start of 2023 with the Commissioner and his senior colleagues. Members were provided with an overview of measures being deployed, with an emphasis on an information-led approach to enforcement activities. While acknowledging observations made in the media relation to Garda presence on the roads as a deterrent to committing road traffic offences, the need for a transformational approach to changing driver behaviour was highlighted by the Commissioner, including legislative and policy change and the capacity of technology to assist in this regard.