



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 24/25 April 2023

**Venue:** St Laurence O'Toole Recreation Centre, Sheriff Street Lower, Dublin 1.

### Part A – Authority Meeting

#### Attendance

**Authority:** Bob Collins, Elaine Byrne, Donal de Buitleir, Valerie Judge (items 1-9; 12-16), Paul Mageean, Shalom Binchy (items 9-16), Moling Ryan (items 4-16)

**Apologies** Deborah Donnelly

**Secretary:** Aoife Clabby

**Staff of the Authority:** Helen Hall (Chief Executive), 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

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 provided Members with a summary of matters discussed with the Commissioner at a meeting on 21 April, including in relation to:

- The acquittal of Gerard Hutch by the Special Criminal Court for the murder of David Byrne at Dublin's Regency Hotel.
- The involuntary and unwarranted closure of CAD999 incidents and remaining review work being undertaken by Mr Derek Penman. Members noted that Mr Penman's work had been impacted by delays in receiving requested material. The Chief Executive advised that the routine meeting between the Deputy Commissioner, Policing and Security and the review team had recently been re-scheduled. Members discussed the work to be concluded as part of the review and agreed the necessity for its timely conclusion.
- Preparatory work undertaken for engagement in public in the North East Inner City. The Chairperson advised that he had provided the Commissioner with an overview of themes arising from engagement with stakeholders and with Garda members working in the area.
- The GSOC investigation into the fatal shooting of George NKencho.

The Chairperson also advised Members that he had spoken to the Commissioner in relation to recent media coverage of a number of matters including the attendance by a senior investigator in GSOC at a

function following the acquittal of Gerard Hutch and the arrest of a garda member on suspicion of drugs possession.

The Chairperson advised that government approval for a new Authority Member was anticipated at an early date and that, subject to approval, it was hoped that the successful nominee would be in a position to participate in the Authority meeting in private on 25 May.

Members noted a number of pieces of correspondence including a response from the Commissioner to an Authority request for the disclosure of the advice of the Independent Human Rights Legal Adviser provided to the Garda Síochána regarding the use of anti-spit guards. Members expressed dissatisfaction with the nature of the response received and approach proposed by the Commissioner, in particular in the context of the Authority's statutory relationship with the Garda Síochána and having regard to the principles of civilian oversight. It was agreed that further correspondence would issue to the Commissioner from the Chairperson in this regard.

<b>A_120_01</b>	Write to the Commissioner in relation to the proposed approach to the disclosure of the advice of the Independent Human Rights Legal Adviser on the use by the GS of anti-spit guards.	ASAP	Chairperson

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

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

The minutes of the meeting held on 30 March 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. The Chief Executive advised that there had been a constructive meeting with the Chief Superintendent in the Commissioner's office in relation to the Log of Actions and that a further meeting was planned for May.

### **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:

- The clearing house for approval of new Garda staff positions, the first meeting of which had taken place on 6 April, involving representatives from the Authority, the Department of Justice, the Department of Public Expenditure, NDP Delivery and Reform and the Garda Síochána. Members noted that a significant number of positions for Garda ICT had been approved within a week of the meeting by the three agencies with responsibility for approval of positions. The Chief Executive outlined a number of factors necessary for the successful operation of the clearing house in the future.
- High level findings from the interim evaluation of the three Community Safety Partnerships, presented at an event hosted by the Department of Justice on 13 April. Members discussed the findings, noting that the final evaluation report is expected in October 2023. Members also discussed the proposed legislative timeframe for the establishment of community safety

partnerships nationally and agreed that this proposed a considerable challenge for Department officials.

## 5. Committee Updates

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

It was agreed that the report of the Committee Chair would be considered under item 6, Appointments.

### 5.2. Garda Organisation Development Committee

Members were provided with a verbal update in relation to a meeting of the Committee that had taken place on 17 April, noting that engagement at the meeting had focussed in particular on the adequacy of Garda Síochána resources and on matters pertaining to discipline. The Committee Chair advised that there had been comprehensive engagement with the Acting Executive Director HR&PD in relation to the existing Garda roster and associated matters. Members noted that Garda representatives had been advised that a range of matters pertaining to approaches to discipline in the Garda Síochána would be the subject of further engagement at both Executive and Authority level, at an early date.

### 5.3. Policing Strategy and Performance 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.

## 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 were provided with the outcomes of the clearance process in respect of the appointment of two 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 they are assigned by the Garda Commissioner.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_120_02</b>	Notify the Commissioner of the appointment of two candidates to the rank of Superintendent in the Garda Síochána and notify the candidates of their appointment.	Immediate	Chief Executive

## 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. Members sought and were provided with further clarification on the risk relating to the dissemination of critical oversight information, including the current mitigations in place.

## 8. Policing, Security and Community Safety Bill-Implementation Update

Members considered a paper providing an update on the implementation of the Policing Security and Community Safety Bill and had regard to Government and Department of Justice amendments to the Bill. The Chief Executive provided Members with a brief update in relation to premises and ICT and apprised Members of constructive engagement with HIQA on their model for inspection and the valuable opportunity to learn from their experience of its implementation.

## 9. Adequacy of Garda Síochána Resources-Letter to the Minister for Justice

The Authority was requested to review a draft letter providing advice to the Minister on the adequacy of Garda Síochána resources, as required under section 62H(2)(b) of the Garda Síochána Act. The Authority was satisfied to approve the advice subject to a minor amendment. It was agreed that the letter would be finalised by the Chief Executive, in consultation with the Chairperson.

No.	Action Point	By date	By whom
A_120_03	Finalise the advice to the Minister on the adequacy of GS resources, in consultation with the Chairperson, and submit to the Minister for Justice.	ASAP	Chief Executive

## 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.

Having regard to the range of themes emerging from engagement with stakeholders and members of the Garda Síochána working in the North East Inner City, as well as other divisions across the country, it was agreed that the Chief Executive would explore mechanisms to provide feedback to the Garda Senior Leadership team, in addition to considering where learning could be garnered from oversight in other jurisdictions.

No.	Action Point	By date	By whom
A_120_04	Explore mechanisms for feedback to GS SLT of thematic issues arising from engagement with stakeholders and GS members, in addition to potential learning from oversight in other jurisdictions.	ASAP	Chief Executive

## Documents for Noting by the Authority – April 2023

There were no documents for noting by the Authority.

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

### Attendance

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

**Apologies:** Deborah Donnelly

**Garda Síochána:** Anne Marie McMahon (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), Yvonne Cooke (Acting Executive Director), Eimear Bourke (Director), Niamh O'Hara (Assistant Principal).

At the outset of the meeting, the Chairperson invited the Deputy Commissioner's observations on the acquittal of Gerard Hutch by the Special Criminal Court and any issues arising for the Garda Síochána. The Deputy Commissioner noted the role of both the Garda Síochána and the Director of Public Prosecutions in relation to the investigation and prosecution for the murder of David Byrne and the outcomes of the case. The Deputy Commissioner also highlighted the importance of the Garda Síochána's continued focus on the investigation, detection and prosecution of organised crime.

Members engaged with the Deputy Commissioner on the role of the Garda Síochána in relation to the investigation of a former member of GSOC and their attendance at a function following the acquittal of Gerard Hutch.

### **11. Implementation plans for the Policing, Security and Community Safety Bill (standing item)**

Members engaged with the Deputy Commissioner and her senior colleagues on work being undertaken to assess the impact of the Bill's provisions on the organisation across a number of areas, in particular in relation to human resources and the status of existing and future Garda staff. Garda representatives also highlighted the significant challenges presented by the proposed timeframes for the Bill's implementation in this regard.

Members discussed with the Deputy Commissioner whether the recent development with GSOC would give rise to the necessity to consider further the provisions contained in the Policing, Security and Community Safety Bill regarding interactions between GSOC and the Garda Síochána. Members discussed the delineation of responsibilities between GSOC and the Garda Síochána, in particular in relation to matters such as performance, standards and discipline, which are the preserve of the Commissioner.

### **12. Adequacy of Garda Síochána Resource**

Members engaged with the Commissioner in relation to Garda resources in the context of the provision of advice to the Minister and discussed a number of issues pertinent to the Authority's submission, including the Garda Síochána's recruitment capacity and training allowances for Garda trainees. It was agreed that a submission made to the Department of Justice in respect of allowances would be provided to the Authority, for information. Members briefly discussed the current Garda roster, arising from a meeting of the OD Committee on 17 April. It was agreed that the matters raised would be the subject of engagement at a subsequent meeting of the Authority.

**Other Business**

The Chairperson highlighted the delays experienced by Derek Penman in receiving a response to clarifications being sought from the Garda Síochána to enable him to finalise a report to the Authority. The Deputy Commissioner outlined the reason for the delay being experienced.

The Authority highlighted some concerns arising from engagement with stakeholders in the North East Inner City in relation to their experience of engaging with the Garda Síochána. Members also highlighted positive engagement that had taken place with Garda members in Store Street Garda station. The Chairperson advised the Deputy Commissioner that a mechanism was being explored for providing thematic feedback on these and other engagements to the Garda Senior Leadership Team.

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

### Attendance

**Authority and Executive:** Bob Collins (Chairperson), Helen Hall (Chief Executive), Elaine Byrne, Moling Ryan, Valerie Judge, Paul Mageean, Donal de Buitléir, Shalom Binchy.

**Apologies** Deborah Donnelly

**Garda Síochána:** Drew Harris (Garda Commissioner), Anne Marie McMahon (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), Paula Hilman (Assistant Commissioner), Justin Kelly (Assistant Commissioner), Angela Willis (Assistant Commissioner), Niamh O’Hara, (Assistant Principal).

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 noted that the meeting was being held in the North East Inner City as part of the Authority’s commitment to hold as many of its public meetings as possible in the community. He expressed his appreciation to the community for extending the use of St Laurence O’Toole Recreation Centre and for the welcome that had been extended to the Authority by the community of the North East Inner City.

The Chairperson invited the Commissioner for his observations in relation to a number of matters:

- The decision of the Special Criminal Court to acquit Gerard Hutch for the murder of David Byrne at Dublin’s Regency Hotel. The Commissioner emphasised the importance for the Garda Síochána of dealing with the overall threat of organised crime, through both crime prevention and bringing perpetrators to justice. The Commissioner noted the importance of the rule of law in a liberal democracy and that part of the proper operation of the criminal justice system is convictions and acquittals that are proven beyond all reasonable doubt. The Commissioner re-iterated the Garda Síochána’s commitment to bring members of organised crime groups to justice where they have committed serious offences.
- The investigation into a former member of the staff of GSOC. The Commissioner noted that matters relating to the former staff member of GSOC had received considerable media coverage and were of serious public concern. He advised that the investigation was at a very early stage and would examine whether any criminality had occurred and if so it would be reported to the Director of Public Prosecutions and in time a report would issue to the Minister for Justice.
- A recent meeting held by the Garda Síochána with the Women of Honour group. The Commissioner outlined that the purpose of the meeting had been to set out details in relation to the Garda Síochána’s national operation to investigate crimes of sexual abuse in the Defence Forces. The Commissioner advised that further engagement with a wider group from the Women of Honour would take place to highlight assistance available through protective services and victim support. The Commissioner encouraged former or serving members of the Defence Forces who wished to make a complaint of sexual assault to come forward.

The following matters were then discussed during the meeting:

Item Number	Agenda Item	Principal matters discussed
13	<b>Adequacy of Garda Síochána Resources</b>	<ul style="list-style-type: none"> <li>• Engagement on the requirement for a supplementary budgetary estimate for 2023 and discussion on contributory factors to potential overspend including the visit of President Joe Biden and possible visits by other dignitaries.</li> <li>• Discussion in relation to required budget for 2024 and a consideration of cost pressures including pay and IT.</li> <li>• Current position in relation to discussions on the Garda roster in the context of a court challenge to the Commissioner’s proposal to deal with issues through the WRC, service provision to the public and health and safety responsibilities to serving Garda members.</li> <li>• Engagement on recruitment including a recent recruitment campaign for new entrants and challenges experienced through the recruitment and training process, including discussion on the current Garda training allowance and a request submitted to government for its increase.</li> </ul>
14	<b>Responding to Local Policing Challenges in the North Inner City</b>	<ul style="list-style-type: none"> <li>• Engagement on policing in North East Inner City (NEIC) Dublin including the positive impact of the work of community gardaí and juvenile liaison officers.</li> <li>• Consideration of challenges in the community including intergenerational trauma, crime, drugs, immigration and homelessness and their impact on the Garda Síochána’s approach to policing in the area.</li> <li>• Overview of Garda Síochána initiatives in the NEIC and the extent of interagency working.</li> <li>• Discussion on extent of service and levels of experience of Garda members in the NEIC and a consideration of manner in which Garda training supports an appropriate approach to engaging with challenges that can arise.</li> <li>• Engagement on feedback provided to the Authority regarding harassment, intimidation and use of derogatory language by Garda members, in particular to young people in the community. Concern expressed by the Commissioner in this regard and a commitment to listen to and address feedback received.</li> <li>• Approach to drug dealing by the Garda Síochána in the NEIC, including the use of young people by drug dealers as couriers; the utilisation youth diversion programmes in the criminal justice system; the critical importance of a partnership approach to tackling drug use; and the extent and scale of drug distribution in Ireland.</li> <li>• Discussion in relation to Garda visibility within the NEIC and approaches to and mechanisms for ensuring visibility within the community. A commitment provided to look into the circumstance surrounding the non-presence of the Garda Síochána van as a visible presence in the community and how it might be reinstated.</li> </ul>



Item Number	Agenda Item	Principal matters discussed
15	<b>Policing Performance-how the National Plan links to the Local Policing Plans and communities</b>	<ul style="list-style-type: none"> <li>• Discussion in relation to the Code of Ethics, living the Code and its values and the challenge for the Garda Síochána in evaluating how the Code is adhered to.</li> <li>• Engagement on the development of divisional policing plans, support for their development, timeframes for their production and publication and the approach to monitoring their implementation.</li> <li>• Discussion in relation to the manner in which divisional plans are set within a corporate framework, how they link to the national plan and the current mechanisms for measuring success including PAFs at all levels in the organisation and quarterly performance reports for the Commissioner.</li> <li>• Consideration of how the issues discussed in relation to the NEIC would be reflected in a local policing plan, the activities and types of engagements that would be included, in the context of the Garda Síochána mission of ‘Keeping People Safe’.</li> <li>• Engagement on existing and future accountability mechanisms including representation at Joint Policing Committees and the pilot Community Safety Partnership, in addition to methods for strategic assessment and evaluation of progress.</li> <li>• Overview provided of the evaluation process for the Community Safety Partnerships, being led by the Department of Justice and the development of draft reporting mechanisms.</li> </ul>
16	<b>Ongoing work on historical investigations and cold cases.</b>	<ul style="list-style-type: none"> <li>• Engagement on capacity to bring historical investigations to conclusion.</li> <li>• Overview of established practice for cold case review, including an overview of the elements involved and what they each seek to achieve.</li> <li>• Outline of number of cases where serious case review has been and is being undertaken. Discussion regarding TV programmes that had aired in relation to historical investigation and whether it had prompted further reviews or new complaints. Commitment provided by the Commissioner to submit a more detailed overview in respect of each of the cases outlined.</li> <li>• Emphasis on the importance of the role of liaison personnel with the families of the victims.</li> </ul>

In concluding the meeting, the Chairperson reiterated his thanks to Trevor Higgins and his colleagues in St Laurence O’Toole Recreation Centre for the use of the facility for the warm welcome received. The Chairperson also expressed his sincere thanks to those in the community who had spoken to the Authority about their experience of policing in the North East Inner City and to Chief Superintendent McMenamin and his colleagues in Store Street Garda station for their engagement.

The Chairperson conveyed the Authority’s good wishes to Joseph Nugent, Chief Administrative Officer on his retirement and recorded the Authority’s appreciation of his engagement with them and his contribution to the life of the Garda Síochána.

No.	Action Point	By date	By whom
A_120_05	Revert to the Authority in relation to the absence the Garda van in the North East Inner City and plans for its reinstatement.	ASAP	Garda Síochána
A_120_06	Provide the Authority with an overview of a number of serious case reviews and their current status.	ASAP	Garda Síochána