

Minutes of Meeting of the Policing Authority

Date: 24 & 25 May 2023

Venue: 90 North King Street, Dublin 7

Part A – Authority Meeting

Attendance

Authority: Bob Collins, Elaine Byrne, Donal de Buitleir (items 6, 12-16), Valerie Judge, Paul Mageean, Moling Ryan (items 6-7, 10-16), Deborah Donnelly, Anthony Harbinson.

Secretary: Aoife Clabby.

Staff of the Authority: Helen Hall (Chief Executive), Margaret Tumelty, Cormac Keating.

Garda Inspectorate: Mark Toland (Chief Inspector) (items 3-6, 8-10, 12)

1. Meeting of Members in Private

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

2. Chairperson's Opening Remarks

The meeting agenda was approved as drafted. No conflicts of interest were declared by the Members in relation to any of the items for consideration.

The Chairperson advised Members that, on foot of a number of anti-immigration protests that had taken place in the preceding weeks, it had been agreed with the Commissioner that the agenda items addressing the policing of protests and human resources for an effective policing service would be live streamed.

The Chairperson welcomed newly appointed Member, Anthony Harbinson and noted the valuable addition of his skills and experience to the work of the Authority.

The Chairperson noted that Authority Member Shalom Binchy had tendered her resignation from the Authority to the Minister for Justice, arising from her nomination as a Judge to the District Court.

The Authority formally expressed its pleasure at her recent nomination and wished her every success in her new role. The Authority also recorded its sincere thanks for her contribution to the work of the Authority.

Members noted a number of pieces of correspondence including a letter from the Commissioner on incidents of death or harm in Garda custody. Members noted and welcomed the Commissioner's proposal that analytical data relating to deaths and serious harm custody will be included in the Commissioner's monthly report to the Authority in future.

3. Consent Agenda Items

3.1. Minutes of Meeting and Matters Arising

The minutes of the meeting held on 24/25 April 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. Members noted the response received from the Garda Síochána in relation to any patterns or trends resulting in the sentencing of juveniles as adults, due to delays in the processing and prosecution of cases.

While noting the rationale provided for the inability to provide the information requested, in particular in the context of the impact of COVID-19 on court closures, nevertheless the Authority expressed the view that there would be value in tracking and monitoring trends into the future. It was agreed that the matter would be raised with the relevant Assistant Commissioner.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_121_01	Engage with Assistant Commissioner, Roads Policing & Community Engagement in relation to processes for tracking and monitoring trends resulting in the sentencing of juveniles as adults.	Immediate	Chief Executive

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:

- Authority meetings in public and arrangements for the remainder of the year. The Chief Executive advised Members that a review had taken place with all relevant staff, following the April meeting in public in Sherriff Street, Dublin and sought Members' views on the proposed arrangements. Following discussion, Members agreed that there would be a minor adjustment to the sequence of engagements with stakeholders and the Garda Síochána for future meetings, if feasible, and that further consideration would be given to the promotion of public meetings at local level. Members also discussed the Garda Síochána's response to feedback received from various stakeholders in the North East Inner City regarding experiences of policing, both at the public meeting and at a subsequent meeting of the Policing, Strategy and Performance Committee. The Chief Executive advised that a follow-up meeting with relevant Assistant Commissioners was being organised to discuss the findings in more detail.
- Progress against the Business Plan 2023. Members considered an overview of the Executive's assessment of progress against the Business Plan 2023, including an assessment of outcomes achieved to date. The Chief Executive advised that, in light of current resources and having regard to the anticipated work to be undertaken for transition to the Policing and Community Safety Authority, an exercise was being undertaken to critically re-evaluate the capacity to deliver the plan as currently constituted. It was noted that proposals for amendment would be brought to the July meeting of the Authority for consideration.
- European Partners Against Corruption (EPAC)/European contact point network against corruption (EACN). Members considered and approved a proposal for Authority involvement and participation in a conference of the EPAC/EACN, scheduled to take place in Dublin in November 2023.

5. Committee Updates

5.1. Garda Appointments Quality Assurance and Selection Governance Committee

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

5.2. Garda Organisation Development Committee

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

5.3. Policing Strategy and Performance Committee

Members were provided with a verbal update in relation to a meeting of the Committee that had taken place on 27 April including in relation to:

- A review of the outcomes of the Committee's self-assessment and formal consideration of the Committee's Terms of Reference. Members noted that there were no proposals for change to the existing Terms of Reference.
- Engagement with the Garda Síochána on a number of matters including reporting on policing performance in quarter one. In this regard, the Committee Chair advised that the roll-out of the community policing framework, increases in road deaths and the Garda response, resourcing for economic crime in the context of the Hamilton Report, and human trafficking and children had been discussed with senior Garda representatives.
- The recent meeting in public with the Commissioner in the North East Inner City, Dublin and the response of Garda representatives to the feedback provided by stakeholder groups on their experience of policing in the area. The Committee Chair conveyed the Committee's surprise at the strength of the Garda response to the matters raised. Members noted that the stakeholder feedback provided to the Authority in preparation for the meeting was consistent with feedback received in other divisions, in particular in relation to the experiences of young people. The Authority agreed on the importance of a consistent approach to engagement with stakeholders in preparation for the remainder of public meetings across the year.

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 proposal to establish a panel for appointment to the rank of Chief Superintendent in the Garda Síochána, having regard to the report of the selection board for the competition, the candidate order of merit, and the principles attaching to the communication of the competition results. Members noted the statistical information for publication in respect of the competition. Members had regard to the position in respect of possible vacancies arising at the rank of Chief Superintendent to May 2024. Members also had regard to the forthcoming legislative changes and the transfer of the appointments function to the Public Appointments Service and the desirability of ensuring orderly transition arrangements, including in relation to any existing panels. Following discussion, the Authority was satisfied to approve the establishment of a panel of candidates for appointment to the rank of Chief Superintendent, for a period of 12 months, in principle, subject to review prior to year-end. It was agreed that the review would consider whether an extension of the panel was merited, in light of any prevailing circumstances with regard to the enactment of the PSCS Bill, and in consultation with the Public Appointments Service and the Garda Commissioner.

Members considered and approved a request received from the Garda Síochána for the renewal of the temporary appointment of the Acting Director, Human Resources and People Development, subject to the consent of the Ministers for Justice and for Public Expenditure, NDP Delivery and Reform. While noting that the request received was for a further period of six months to January 2024, it was agreed that approval for the temporary appointment would be sought to 29 February 2024 to allow for the changes that will be brought about by the new PSCS Bill and to enable the Commissioner to determine if the matter required engagement with the Garda Board.

A_121_02	Review the status of the Chief Superintendent panel before year end to consider if an extension is required having regard to status of the PSCS Bill and in consultation with PAS and Garda Commissioner.	December 2023	Authority
A_121_03	Seek the consent of the Minister for Justice and Minister for Public Expenditure, NDP Delivery and Reform, for the temporary appointment of the Acting ED, HR&PD to 29 February 2024.	Immediate	Chief Executive

7. Risk Management

Members considered the monthly risk management report, provided in accordance with the Authority's Risk Management Policy. The Committee Chair provided an overview of a small number of amendments to the Risk Register. Members discussed a proposed new mitigation for the risk relating to breach of governance compliance and/or ineffective governance structures/ arrangements. The Chief Executive advised that she had suggested, at the PSCS Bill Implementation Programme Board meeting, the introduction of in-career vetting for police officers and employees of oversight bodies. However, the Department of Justice had highlighted that policy matters in respect of this would need further consideration and, consequently, provisions for in-career vetting would not be included in the PSCS Bill. Arising from this, Members agreed that in the absence of a supporting legislative framework, the mitigation, as proposed, was not achievable and therefore that it should be removed.

No.	Action point	By Date	By Whom
A_121_04	Amend risk mitigation for breach of governance compliance and/or ineffective governance structures/arrangements.	ASAP	Chief Executive

8. PA National Survey to Inform Oversight

Members considered a paper outlining work undertaken to date on exploring the feasibility of undertaking a national, independent survey focusing on policing in Ireland, as experienced by the public. It was noted that there had been engagement with the Scottish Policing Authority and the Northern Ireland Policing Board in relation to the surveys conducted by both agencies and the nature of the questions asked. Members discussed the different elements required to progress the project, including the desired approach, the required resources, capabilities, expertise and associated costs, in addition to the anticipated

insights to be gained from conducting such a national survey. Members also considered the likely timeframes for further progression of the project in the context of the Authority's three-year strategy statement and the establishment of the PCSA. It was agreed that there would be value in some further exploratory work and that the capacity to undertake further work on the feasibility project would be considered in the context of a further review of the Business Plan 2023, at the July meeting. It was also agreed that Members would discuss the matter with counterparts in the Scottish Policing Authority at a visit planned to coincide with the July Authority meeting.

Members then discussed the Garda Síochána's Public Attitudes Survey in the context of the current statutory provisions relating to arrangements for obtaining the views of the public. It was agreed that any national survey being contemplated by the Authority would need to have regard to that of the Garda Síochána and the extent to which a new survey might be complementary or additional. It was also noted that in previous years, the Garda Survey had included questions that, had they been continued, would have the capacity to provide valuable insights into the public's experience of engagement with the Garda Síochána, as measured through the survey. It was agreed that prior versions of the survey would be reviewed and consideration would be given to the possibility of engaging with the Garda Síochána in this regard, and further to the Authority's functions under section 27(2) of the Garda Síochána Act, as amended.

No.	Action point	By Date	By Whom
A_121_05	Give consideration to the Authority's functions under section 27(2) of the Garda Síochána Act and the feasibility of engaging with the GS on its public attitudes survey.	ASAP	Chief Executive

9. Review of invalid and unwarranted closure of CAD 999 Incidents

The Chief Executive provided members with an update on progress that had been made by Derek Penman in relation to the completion of his review of the invalid and unwarranted closure of CAD 999 incidents. The Chief Executive also advised that she had ascertained Mr Penman's availability later in the year to undertake a review of the extent to which the recommendations contained in his 2022 report have been implemented. It was agreed that the matter would be considered again at the July meeting.

10. Policing, Security and Community Safety Bill-Implementation Update

Members were advised that the Committee Stage of the Policing, Security and Community Safety (PSCS) Bill had concluded and noted that there were no amendments to the Bill's provisions in respect of the Policing and Community Safety Authority.

The Chief Executive provided Members with a verbal update on a number of matters arising from the 24 May meeting of the PSCS Programme Board. Members noted that challenges were being experienced by all agencies in balancing 'normal business' alongside the work required to ensure readiness to give effect to the Bill's provisions.

Members discussed a number of matters in relation to the establishment of the Policing and Community Safety Authority (PCSA) including transition arrangements and the need to accommodate the Authority's statutory functions in respect of the Policing Priorities and associated Policing Plan for the Garda Síochána. The need for the timely engagement on the Plan with the Garda Síochána and its submission to the Minister for Justice was agreed. The Chief Executive advised that there had been initial engagement with

the OPW in relation to accommodation requirements. Members were also advised that the joint engagement day with staff of the Authority and the Inspectorate had been very successful and that significant work had been undertaken jointly by the management teams of both organisations on the development of the organisational design for the PSCA, at a meeting that had taken place on 18 May.

11. Effectiveness review and reflection

Members considered and approved proposed changes to the Terms of Reference for the Policing, Strategy and Performance Committee and the Audit and Risk Committee Charter and affirmed the existing Terms of Reference for the Organisation Development Committee

The Chairperson provided a summary of key points arising from his one-to-one engagement with Authority Members, as part of the process to review of effectiveness of the Authority. Overall, Members expressed satisfaction with the Authority's effectiveness. While noting the volume of material presented for Authority consideration, Members recognised the necessity of the provision of support material and the improvements made in the provision of more concise, focussed material. Members asked that this issue would continue to receive attention by the Executive. With regard to other operating procedures, the Chairperson advised of Members' desire for consideration of the establishment of smaller working groups of the Authority where appropriate; that sufficient notice be provided to Members in relation to assigned agenda items, to enable adequate time to prepare for engagement with the Commissioner; and that consideration be given to refreshing Members' skills.

There was recognition generally of the challenge in the current year of ensuring an effective transition to the PSCA while also maintaining appropriate focus on oversight activity. Members had highlighted the value and importance of Authority meetings with the Commissioner, in providing visible evidence of the Authority's oversight work on behalf of the public.

In considering key areas of oversight priority for the remainder of the Authority's term, the Chairperson advised that conduct and discipline in the Garda Síochána, drugs and drug-related crime, domestic, sexual and gender-based violence, children and vulnerable people, and the enabling functions for the effective operation of the Garda Síochána had been the key areas highlighted by Members.

Arising from the summary provided, Members had a detailed, wide-ranging discussion in relation to the impact of the Policing Authority's oversight of the Garda Síochána since its inception. Members expressed satisfaction that the key themes highlighted through the one-to-one meetings were largely the areas of oversight focus. However, the capacity for issues to emerge quite rapidly was also acknowledged. The ability of the Authority to respond in an agile, prompt and effective manner was noted.

Members considered the way in which the Authority's approach to oversight and engagement with the Garda Síochána had evolved and matured over that time and considered to what extent external oversight had impacted on internal practices within the Garda Síochána. Members agreed that while change could be imperceptibly incremental, when viewed over the lifetime of the Authority, there had been a significant shift in the culture of accountability in the Garda Síochána, in the context of external oversight. Members discussed whether there was merit in finding a mechanism to provide a review of the work of the Authority, in advance of the establishment of the Policing and Community Safety Authority, and discussed a number of possible approaches. It was noted that the capacity to undertake such a review would be contingent on the resources and capacity to deliver any mechanism agreed. Members requested that the matter would be considered in the context of a further review of the 2023 Business Plan, scheduled for consideration by the Authority at the July meeting. Members also requested that feedback given by newer

Members in relation to their experience of induction would be considered in the context of future induction processes.

No.	Action Point	By date	By whom
A_121_06	Consider the capacity and feasibility of undertaking a review of the Authority's oversight work since inception.	July	Authority
A_121_07	Consider the feedback relating to induction provided by Authority Members in the context of future induction processes.	ASAP	Chief Executive
A_121_08	Update Audit and Risk Committee Charter and Terms of Reference of the Policing, Strategy and Performance Committee and publish on the website	ASAP	Chief Executive

12. 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 – May 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, Donal de Buitléir, Anthony Harbinson, Valerie Judge, Paul Mageean, Debbie Donnelly, Helen Hall (Chief Executive), Margaret Tumelty, Cormac Keating, Aoife Clabby (Secretary).

Garda Síochána: Drew Harris (Commissioner), Shawna Coxon (Deputy Commissioner), Jonathan Roberts (Assistant Commissioner), Angela Willis (Assistant Commissioner), Eileen Foster (Assistant Commissioner), Yvonne Cooke (Acting Executive Director), Eimear Bourke (Executive Director), Niamh O'Hara (Assistant Principal).

At the outset of the meeting, the Chairperson welcomed Assistant Commissioner Eileen Foster to her first engagement with the Authority.

Members discussed a number of matters with the Commissioner including a recent incident in Donegal resulting in the death of a young woman; (a direction by the Director of Public Prosecutions to charge a Garda member involved in the pursuit of three men with a driving offence; and media coverage of live investigations and commentary on such cases by retired Garda members. Members also discussed with the Commissioner opportunities for engagement with the media by the Garda Síochána on a range of matters, noting the challenges in meeting the demand across a wide range of traditional media outlets and social media platforms.

13. Conduct and Disciplinary Processes in the Garda Síochána

Members had a detailed and wide-ranging discussion with the Commissioner in relation to conduct and disciplinary processes in the Garda Síochána including in relation to:

- Draft Discipline Regulations on conduct, provided to the Garda Síochána for consultation by the Department of Justice. The Commissioner provided an overview of the proposed provisions and the Garda Síochána's initial assessment of them, noting that they had the capacity to provide a strong foundation in this area. Members asked the Commissioner for his assessment of what elements were missing from the draft regulations and any perceived challenges to their implementation, in addition to the envisaged timelines for the provision of a response to the Department. Members were advised that once implemented, there would be a requirement to run any new Discipline Regulations in tandem with existing regulations for a number of years.
- The re-escalation of the risk relating to 'professional conduct and ethical behaviour' to 'very high' on the Garda Síochána Risk Register. Members were apprised of the factors contributing to the re-escalation of the risk.
- In-service vetting and re-vetting. Members discussed with the Commissioner and his senior colleagues the requirement for Members who have domestic orders against them to notify the Garda Síochána, in line with a HQ Directive. Members were provided with an overview of the notification process and the mechanisms for communicating that information to senior managers in the organisation, as appropriate. Members also sought and were provided with the Commissioner's assessment of the capacity of the organisation's processes, procedures and systems to capture individual behaviours on the part of Garda personnel that might be indicative of trends or patterns of unacceptable or inappropriate behaviour. The Commissioner also outlined the current corporate governance framework and expressed a strong desire to improve the structures currently in place.

14. Policing, Security and Community Safety Bill-Implementation Update

There were no matters for discussion under this agenda item.

Other Business

Authority Members discussed the policing of public protests with the Commissioner, in particular those protests relating to the placement of individuals seeking international protection in communities across the country. The Chairperson highlighted a number of issues arising for the Authority, having regard to public discourse on the matter and the related confidence in, and adequacy of, the Garda Síochána response to the policing of protests of this nature. The Chairperson further emphasised that the nature of some of the protests that had taken place in recent weeks, should not, in the Authority's view, enjoy the constitutional protection afforded to peaceful protests.

The Commissioner expressed the view that the requirement for Ireland to provide international protection to individuals will endure for the foreseeable future. The Commissioner highlighted the challenges being experienced in the provision of appropriate accommodation and the consequential impacts from a policing perspective. Members also discussed with the Commissioner social and other media coverage of the policing of recent protests and the response of the Garda organisation in this regard.

Part C – Meeting with the Garda Commissioner (live streamed)

Attendance

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

Garda Síochána: Drew Harris (Commissioner), Shawna Coxon (Deputy Commissioner), Jonathan Roberts (Assistant Commissioner), Angela Willis (Assistant Commissioner), Eileen Foster (Assistant Commissioner), Yvonne Cooke (Acting Executive Director), Eimear Bourke (Executive Director), Niamh O'Hara (Assistant Principal)

This meeting with the Garda Commissioner and his team was live streamed. 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>

The following matters were then discussed during the meeting:

Item Number	Agenda Item	Principal matters discussed
15	Policing of Protests	<ul style="list-style-type: none">• Engagement with the Commissioner on the policing of protests against asylum seekers, including the context of the current housing crisis; consideration of the balancing of people's right to protest with the rights of those seeking international protection and of all others to feel safe and not be subject to intimidation.• Overview of Garda Síochána's role in relating to the policing of protests including, among other things, the requirement to preserve the peace and the maintenance of public order.• Discussion in relation to aspects of the various protests in recent weeks and the people protesting.• Discussion on handling by the Garda Síochána of protesters who appear to have broken the law and assurance sought that people who cross the line into volatile or violent behaviour will be dealt with accordingly.• Engagement on instances of hostile and threatening protesters, the manner in which they are dealt with by the Garda, and the need for dynamic decision making. The challenges experienced in following up on threatening behaviour and obtaining evidence, in the absence of body worn cameras in these situations was highlighted.• Overview provided of the number of investigations arising from recent protest events and actions taken in this regard.• Discussion in relation to the character of some protests involving local residents and the actions of the Garda Síochána in this regard, on a continuum from negotiation to enforcement. The importance of the Garda Síochána as a community policing service with an emphasis on engagement and the need not to over-respond to far right protesters was highlighted.

Item Number	Agenda Item	Principal matters discussed
		<ul style="list-style-type: none"> Engagement on Garda tactical and public order training in relation to protests. Consideration of extent of communications by other government agencies with the Garda Síochána on the placement of asylum seekers. The need for timely communications was emphasised. Discussion in relation to the adequacy of resources for the policing of protests, the consequential impacts on the provision of other policing services and the operational choices required in the deployment of frontline members.
16	Human Resources for an Effective Policing Services	<ul style="list-style-type: none"> Engagement on the adequacy of Garda numbers within the service, particularly in terms of deployment of resources. Discussion in relation to recruitment and retention of Garda trainees and the current attrition rates at various points in the recruitment and training process. Engagement on measures taken to encourage applications from diverse or under represented communities, including planning being undertaken in conjunction with the Public Appointments Service for a recruitment campaign in 2024. Discussion in relation to the retention of Garda personnel, including factors influencing current attrition rates and the introduction of exit interviews to understand trends. Discussion regarding the adequacy of the technical and physical resources available to Garda personnel in carrying out their roles. Engagement on extent of public order training provided to Garda members, including a consideration of how the Garda Decision Making Model supports the use of policing powers. Engagement on public order policing, including the status of the Garda Inspectorate recommendation to adopt a wider definition of a 'critical incident'; and consideration of the Garda response in circumstances where a protest might escalate to a critical incident. The confidence expressed by the Commissioner in relation to the ability and readiness of frontline officers to deal sufficiently with the frontline to deal with the ongoing public order issues.

No.	Action Point	By date	By whom
A_121_09	To provide the Authority with information in relation to the profile of applicants in the most recent trainee recruitment campaign, in comparison with the previous campaign.	ASAP	Garda Síochána
A_121_10	To provide the Authority with an update on the status of the Garda Inspectorate recommendation to adopt a wider definition of 'critical incident', in addition to the timeline for its revision and implementation.	ASAP	Garda Síochána

