

Minutes of Meeting of the Policing Authority

Date: 29 June 2023

Venue: The D Hotel, Drogheda, Co Louth

Part A – Authority Meeting

Attendance

Authority: Bob Collins (Chairperson), Elaine Byrne, Deborah Donnelly, Anthony Harbinson, Valerie Judge, Paul Mageean, Moling Ryan, Donal de Buitléir (items 5, 7,9-19)

Apologies: None

Secretary: Aoife Clabby

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

Garda Inspectorate Mark Toland (Chief Inspector) (items 5-7, 9-11)

1. Meeting of Members in Private

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

2. Chairperson's Opening Remarks

The meeting agenda was approved as drafted. Members noted two pieces of correspondence received from GSOC in relation to the fatal shooting of Mr George Nkencho and a public interest investigation conducted into the circumstances of the arrest and detention of Mr. John O'Driscoll in the context of his death a number of days after release. Members acknowledged the importance of continuing to receive information of this nature, in the context of the Authority's oversight of the Garda Síochána.

The Chairperson advised that the appointment, by government, of an additional Authority member was anticipated in July and it was hoped that the appointee would be in a position to attend the 27 July meeting.

3. Consent Agenda Items

3.1. Minutes of Meeting and Matters Arising

The minutes of the meeting held on 24/25 May 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 a response received from the Garda Síochána in relation to the feasibility of expunging expired juvenile detention records from PULSE and the supporting rationale for the retention of such information.

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:

- Engagement with the Department of Justice and the Public Appointments Service on the arrangements for conducting a selection competition for appointment to the rank of Deputy Commissioner. The Chairperson apprised Members of his discussions with the Commissioner on the matter. Members discussed the likely timeframes for the competition, having regard to the existing legislative framework and the Authority's current role in respect of Garda appointments. The Chief Executive advised that once government approval was received, a draft Candidate Information Booklet would be brought for Members' consideration.
- Attendance at a symposium in Toronto on the relationship between oversight and police governance, hosted by the Munk School of Global Affairs and Public Policy and prompted by the recent creation of the Inspector General of Policing of Ontario. The Chief Executive advised that the role and function of the future Policing and Community Safety Authority with inspection functions held by a public oversight body attracted significant interest by those attending the symposium.
- Attendance at the European conference on Law Enforcement and Public Health in Umeå, Sweden. Members were apprised of the key themes arising from the conference and the varying approaches to policing in the community of different police services across Europe, ranging from law enforcement to having a statutory role in ensuring community well-being.

Members considered correspondence received from the Department of Justice in relation to the Garda Síochána (Digital Management and Facial Recognition Technology) Bill 2023, advising that that the government had given its approval for the drafting of Heads of Bill and the preparation of a second Bill that seeks to provide for Garda use of facial technology in Irish law and scheduled for publication by year end. Members considered previous discussions on the use of body worn cameras and facial recognition technology, including the risks associated with legislating for an individual technology, protecting the vulnerable, together with human rights and data protection considerations and concerns. Following discussion, it was agreed that there would be merit in tabling an agenda item on policing and technology before the end of the year, with a focus on the protection of victims.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_123_01	Table an agenda item on Policing and Technology before the end of 2023.	Dec 2023	Secretary

5. Garda Síochána Appointments

Members were provided with the outcomes of the clearance process in respect of the appointment of seven candidates to the rank of Chief Superintendent in the Garda Síochána. The Authority was satisfied to appoint the candidates to the rank of Chief Superintendent, with effect from the date on which the candidates take up the positions they are assigned by the Garda Commissioner.

Members were provided with the outcomes of the clearance process in respect of the appointment of eight 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.

A_123_02	Notify the Commissioner of the appointment of seven candidates to the rank of Chief Superintendent in the Garda Síochána and notify the candidates of their appointment.	Immediate	Chief Executive
A_123_03	Notify the Commissioner of the appointment of eight candidates to the rank of Superintendent in the Garda Síochána and notify the candidates of their appointment.	Immediate	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

Members were provided with a verbal update in relation to a meeting of the Committee that had taken place on 19 June, including in relation to the Internal Auditors' Annual Report 2022. Members were advised that the Annual Report to the Audit and Risk Committee had been presented by the internal auditors at the meeting. The Committee Chair also advised that detailed consideration had been given by the Committee to outstanding audit recommendations and consequently a number of recommendations had been approved for immediate closure, while others remained in progress. A summary of work to progress the closure of these recommendations was provided to the Members. The Committee Chair advised that a revised Risk Appetite Statement for the Authority had been considered and was recommended for adoption by the Authority.

7. Risk Management

Members considered the monthly risk management report, provided in accordance with the Authority's Risk Management Policy. Members considered and approved a revised Risk Appetite Statement, as recommended by the Audit and Risk Committee, subject to a minor amendment in relation to reputational risk.

No.	Action point	By Date	By Whom
A_123_04	Amend and finalise the Authority's Risk Appetite Statement.	ASAP	Chief Executive

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

Members were provided with an overview of work to progress the implementation of the Policing, Security and Community Safety (PSCS) Bill, through the Department of Justice, coordinated through the PSCS

Transition Programme. Members were apprised of work being done by the Executive, in conjunction with the Garda Inspectorate, to progress the establishment of the Policing and Community Safety Authority (PCSA), including the finalisation of a 'shaping document' for the PCSA and the development of a supporting business case for submission to the Department of Justice. Members sought and were provided with clarification regarding timeframes for the finalisation and submission of both documents to the Department. Members agreed the importance of ensuring that the ambition for the PCSA, as set out in legislation, would be clearly articulated in any submissions to the Department.

9. Garda Síochána Annual Report 2022

Members considered the Garda Síochána Annual Report 2022, having regard to the direction previously issued in respect of the form of the Annual Report. Members noted that the extent and nature of information provided in the Annual Report was significantly enhanced, when compared with previous annual reports, although more comprehensive financial reporting would still be desirable, in the context of the annual budget. Members discussed the importance of the Annual Report 2022 to the Commissioner in conveying some of the challenges faced by the organisation in the delivery of a policing service in the state. Following discussion, the Authority agreed that the Garda Síochána Annual Report 2022 would be submitted to the Minister, together with a short commentary on the extent to which the direction issued by the Authority was addressed.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_123_05	Submit the Garda Síochána Annual Report 2022 to the Minister for Justice, in accordance with the statutory deadlines.	Immediate	Chief Executive

10. Review of Invalid and Unwarranted Closure of CAD999 Incidents

Members considered a report provided by Mr Derek Penman detailing the outcomes of additional call listening activity undertaken by him and by officers of the Authority in the preceding months. The Chief Executive advised that she continued to attend meetings of the Garda Síochána CAD Review Implementation Group meetings in an observer status. Members were advised that good progress was being made in relation to the implementation of recommendations contained in Mr Penman's report, noting that some were contingent on the roll-out of 'Garda Safe', the system to replace CAD. The Chief Executive also advised that Mr Penman would undertake further work for the Authority in the last quarter of 2023 to assess the extent to which the recommendations have been fully addressed.

Members discussed the report findings and sought clarification in relation to the scope of calls in the additional listening activity, having regard to previous work undertaken to classify 'high risk' and 'serious cohort' incidents. Following discussion, it was agreed that correspondence would issue to the Commissioner, seeking clarification in relation to the CAD incidents that were in the additional call listening activity undertaken by Mr Penman. It was also agreed that the findings provided to the Authority by Mr Penman would be published on the Authority's website.

Arising from the review undertaken, and having regard to the future functions of the Policing and Community Safety Authority, Members had a wide-ranging discussion in relation to access to information to enable oversight and inspection. In this regard, Members considered the lengthy, protracted process involved in achieving access to information for the purposes of the CAD999 review. While noting the particular circumstances of the CAD999 review, the nature of the information being accessed and the

importance of the appropriate treatment and handling of information, the Authority agreed that unimpeded access to any such information was, and would continue to be, of critical importance from the perspective of independent, statutory oversight. From that perspective, the importance of ensuring an appropriate legislative framework to enable such oversight was also emphasised. Following discussion, it was agreed that the matter would be brought again to the attention of the Department of Justice to renew the Authority's expression of the importance of this being fully facilitated in the new legislation.

A_123_06	Issue correspondence to Commissioner seeking clarification on matters relating to CAD incidents that were the subject of additional call listening activity.	ASAP	Chief Executive
A_123_07	Publish update provided by Mr Derek Penman on the Examination of the Garda Síochána review of the closure (including cancellation) of CAD incidents.	ASAP	Chief Executive
A_123_08	Write to the Department of Justice in relation to the legislative framework for conducting oversight and inspections, having regard to the PSCS Bill and the establishment of the PCSA.	ASAP	Chief Executive

11. 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 – June 2023

The following documents were noted by the Authority:

<i>Document</i>		<i>Action Required</i>
D_123_01	Irish Travellers' Access to Justice-Presentation. May 2023	For Noting
D_123_02	Parliamentary Budget Office-Garda Recruitment Projections and Costs	For Noting

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

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

Garda Síochána: Drew Harris (Commissioner), Shawna Coxon (Deputy Commissioner), Yvonne Cooke (Acting Executive Director), Niamh O'Hara (Assistant Principal).

At the outset of the meeting, Members discussed a number of matters with the Commissioner including:

- Access to the PULSE system by GSOC and associated governance and audit considerations.
- A recent apology issued to Mr Pat Carey by the Commissioner under a settlement of Mr Carey's High Court action. The Commissioner provided the Authority with an overview of the process of investigation that had been undertaken to establish how information relating to a criminal investigation had found its way into the public domain. The Commissioner undertook to provide an overview of that investigation in his next subsequent monthly report to the Authority. The Commissioner also undertook to address the matter at the meeting in public.
- 'Operation Domhain'-Updated Strategic Operational Guidance for the policing of protests, recently issued to Garda members. Members sought to ascertain whether feedback had been received in relation to the document's content and its applicability and usefulness in an operational context, in particular in determining when to escalate a policing response. The Commissioner provided Members with an overview of the status of a number of anti-immigrant protests in different locations across the country and the different factors influencing the policing response of the Garda Síochána.

A_123_9	Provide an overview of the investigation of how information relating to a criminal investigation had found its way into the public domain as part of the July monthly report to the Authority.	ASAP	Garda Síochána

12. PSCS Bill Implementation Update

Members engaged with the Commissioner and his senior colleagues on their assessment of the progress of the PSCS Bill Implementation Programme, from the perspective of the Garda Síochána. The Authority was apprised of the current principal difficulty in respect of the status of Garda staff members and of the ongoing engagements with the Department of Justice and the Department of Public Expenditure, National Development Plan Delivery and Reform in this regard. Members were provided with an overview of the impact of the continuing uncertainty from a variety of perspectives and of the measures being adopted by the Garda Síochána to address those elements within its control. Following discussion, it was agreed that the Commissioner would provide a written update in relation to the issues concerned.

A_123_10	To provide the Authority with an overview of issues concerned with the implementation of the provisions of the PSCS Bill, in particular as they relate to Garda staff.	ASAP	Garda Síochána

13. Garda Síochána Annual Report

The Chairperson advised the Commissioner that the Garda Síochána Annual Report 2022 would be submitted to the Minister for Justice on 30 June. The Chairperson further advised that the Authority would be highlighting the desirability of the provision of more detailed information in relation to Garda Síochána finances, in addition to the opportunity for the Commissioner to communicate the challenges facing the organisation in the delivery of a policing service. Members commended the Commissioner and his team on the quality of the annual report and the extent of information provided to the public.

14. Human Resources for an Effective Policing Service

Matters relating to this agenda item were discussed under item 12 and no additional matters were addressed under this agenda item.

15. Conduct and Disciplinary Processes in the Garda Síochána

Members engaged with the Commissioner and his senior colleagues on the approach to duty status of Garda members, in circumstances where charges are preferred against them, including the processes in place for considering suspensions and related decision-making and governance arrangements.

16. Fatal Shooting of Mr George Nkencho

Members discussed with the Commissioner the completion of the investigation by GSOC of the fatal shooting of Mr George Nkencho and the forwarding of a file to the Director of Public Prosecutions (DPP). The Commissioner advised that the determination of the DPP was awaited.

Part C– Meeting with the Garda Commissioner (in public) 15.00 to 17:00

Attendance

Authority and Executive: Bob Collins (Chairperson), Helen Hall (Chief Executive), Elaine Byrne, Moling Ryan, Valerie Judge, Paul Mageean, Donal de Buitleir, Anthony Harbinson, Debbie Donnelly.

Garda Síochána: Drew Harris (Garda Commissioner), Shawna Coxon (Deputy Commissioner), Paula Hilman (Assistant Commissioner), Cliona Richardson (Assistant Commissioner), Alan McGovern (Chief Superintendent) Niamh O'Hara, (Assistant Principal), Marianne Doyle (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>

The following matters were discussed during the meeting:

Item Number	Agenda Item	Principal matters discussed
17	Responding to Local Policing Challenges	<p>a) Drugs related crime and intimidation</p> <ul style="list-style-type: none">Organised Crime Gangs feud in Drogheda was discussed in relation to the successes that have been achieved and progress made.Policing and legal initiatives that have been implemented and have had a significant impact on the process of limiting and disabling the capacity of Organised Crime Gangs were spoken about.The number of money laundering prosecutions in recent years was highlighted as one of the major successes. <p>b) Responding to children and young people in the community</p> <ul style="list-style-type: none">Discussion in relation to the Juvenile Liaison Process and Youth Diversion Programmes and the importance of early intervention.Discussion in relation to the practice of young people and vulnerable children being drawn into the drugs trade. Consideration of the practices and programmes that are in place to deter young people from getting involved in a life of crime.Consideration of the approach to engagement with young people in the local community, including through the Transition Year Programme. The importance of the community groups working with the Garda Síochána in the interests of young people was also discussed.Discussion in relation to negative perceptions of Gardaí on the part of young people due to their personal experience of engaging with Garda members. Consideration of ways in which relationships with Gardaí in the community can be normalised.Engagement in relation to the Garda Protective Services Unit in Drogheda and their work, in particular with regard to handling reports of domestic violence.

Item Number	Agenda Item	Principal matters discussed
		<p>c) Opportunity and effectiveness of multi-agency working</p> <ul style="list-style-type: none"> Resources and the recruitment drive currently being undertaken by the Garda Síochána. The impact of the establishment and operation of the Drogheda Implementation Board from the perspective of multi-agency working. Discussion on the importance of appropriate representation and decision-making ability to effectively deliver multi-agency working. Overview provided of the Community Safety Partnership pilots, in addition to the capacity to put mechanisms in place to share learning from Drogheda to help the design of community safety partnerships into the future. Consideration of resources required to sustain service delivery and risks associated with resource diminution, especially in community policing. Discussion on specific policing initiatives in Drogheda, their impacts and applicability across other Garda divisions.
18	National Policing Performance	<p>a) Policing protests</p> <ul style="list-style-type: none"> Progress since the last Authority meeting was discussed, in terms of the number of protests as well as significant incidents and asylum seekers sleeping on the streets. Discussion in relation to 'Operation Domhain', the updated guidance on policing protests; when and what type of Garda intervention is required in the policing of protests and the balance between the right to protest peaceably and the protection of human rights. <p>b) Garda Custody report</p> <ul style="list-style-type: none"> Progress on finalising the Garda implementation plan, in response to recommendations made in the Inspectorate report was outlined. Discussion regarding GSOC referrals in relation to deaths in custody and serious harm incidents, and recommendations from GSOC to the Gardaí on foot of these referrals and how they are prioritised and managed by the Garda Síochána. <p>c) Roads policing performance</p> <ul style="list-style-type: none"> The increase in road deaths and the decrease in detections of incidents such as mobile phone use and not wearing seatbelts were discussed in terms of what actions are being undertaken by the Garda to combat this. Overview of the role of the Garda Síochána in the context of the National Road Safety Strategy outlined. Overview of GS governance of roads policing and the mechanisms in place for monitoring performance and offering a roads policing response, based on analysis and trends.

Item Number	Agenda Item	Principal matters discussed
		<ul style="list-style-type: none"> • The structures that are in place in order to drive performance were outlined. • Distracted Driving not being an offence was highlighted as an issue. • Discussion in relation to anonymous correspondence received by the Garda Síochána and the Policing Authority, and the concerns expressed in that correspondence about the operation of roads policing in the Garda Síochána. <p>d) Strategy for Reserve Members</p> <ul style="list-style-type: none"> • Overview of serving Reserve Members was outlined, in addition to the planned timescale for the implementation of the Garda Reserve Strategy. • Discussion regarding changes to the role of a Garda Reserve member, in addition to planned refresher training and an anticipated recruitment campaign in 2024. • The desirability of making changes to the Garda Reserve regulations was highlighted, given their current restrictive nature and the capacity to maximise the possible use of Garda Reserves.
19	Conduct and Disciplinary Processes in the Garda Síochána	<ul style="list-style-type: none"> • Engagement on the High Court decision to uphold the suspension of a serving Garda Sergeant in relation to a drunk driving charge, in circumstances where two separate considerations by Chief Superintendents indicated that a suspension was not warranted. The importance of reinforcing appropriate behaviours was emphasised by the Commissioner. • Discussion regarding the number of media reports in recent times of current or former members of the Garda Síochána of alleged problematic behaviours going through the court processes, public concern around these matters and the impact on trust in the Garda Síochána. • The investigation and subsequent apology to Pat Carey from Commissioner Harris' legal representatives was discussed. The Commissioner reiterated the apology to Mr Carey and committed to write to the Authority on the circumstances of the inappropriate leaking of information. • Engagement on various reviews that have either recently or are currently taking place, in this and other jurisdictions, in relation to misogyny in Policing and Defence Forces, and whether a similar intervention might be required in the Garda Síochána. • The milestones under Conduct and Disciplinary processes were spoken about. • An update was provided on the roll-out of drug testing within the Garda Síochána, in addition to work to review the organisation's suspension policy, and the status of disciplinary regulations.