



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 16 December 2019

**Venue:** 90 North King Street

### Part A – Authority Meeting

#### Attendance

**Authority:** Josephine Feehily (Chairperson), Bob Collins, Vicky Conway, Pat Costello, Judith Gillespie, Valerie Judge, Maureen Lynott, Paul Mageean, Moling Ryan.

**Secretary:** Aileen Healy

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

#### 1. Chairperson's Opening Remarks

The draft agenda was discussed and approved. No conflicts of interest were declared in relation to any of the matters for discussion.

A number of items of correspondence were noted, including to the Commissioner in relation to the position of Chief Data Officer.

#### 2. Minutes and Matters Arising

The minutes of the meeting on 27 November 2019 were agreed and cleared for publication. The log of actions was noted and discussed and there was agreement to close the items proposed.

#### 3. 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:

- Progress on the review of the Adult Caution scheme being undertaken on the Authority's behalf by Crowe;
- Meeting with the Assistant Commissioner Crime and Security in relation to progress in implementation of the Garda Inspectorate ('GI') Report on Crime Investigation;
- An update on Authority staffing; and
- The ongoing work of the Disclosures Tribunal, with matters arising kept under review by the Executive.

Members noted the Authority's Review of 2019, which was approved for publication subject to final drafting. The intention to hold a press briefing in the coming week to launch the review was noted.

Members were advised that the Authority will need to consider the appointment of the Chair of the Garda Síochána ('GS') Audit Committee by February 2020 in line with its statutory function and that the Chief Executive is engaging with the Commissioner on the matter.

Members noted items in the monthly correspondence report and approved proposals to refer specific items on an anonymised basis to the Commissioner and others on the basis discussed.

The Chief Executive expressed thanks to the Chairperson on the occasion of her final Authority meeting on the behalf of the staff of the Authority and the Senior Management team.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_062_01</b>	Finalise and publish the Policing Authority Review of 2019	20 Dec 19	Chief Executive
<b>A_062_02</b>	Authority to consider the appointment of the Chair of the GS Audit Committee	Feb 20	Authority

#### **4. Committee Updates**

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

The report from the external Committee Chair was noted and discussed in conjunction with Agenda Item 7.

##### **4.2. Organisational Development Committee**

The Committee Chair updated Members in relation to the recent meeting of the Committee, including in relation to:

- The Committee's review of its effectiveness during 2019, noting the impact of the unavailability of critical GS representatives and late documentation on its work;
- Consideration of the focus of the Committee's work in 2020;
- Engagement with the GS representatives in relation to the GS Reserve Strategy, noting the lack of connection with the review of previous experience in drafting the strategy and expressing disappointment that the strategy did not adequately portray the organisation's sense of purpose for the Reserve;
- A presentation from the GS in relation to the new Operating model, which will be provided to the Authority in due course, noting that work remains outstanding to develop the model for Headquarter and Security functions;
- Discussion with the GS in relation to ICT, noting the Committee's concerns about the capacity to meet requirements fully in 2020. In particular the potential impact on transformation due to failure to deliver ICT commitments was noted. Members expressed the sense that, while the ICT Strategy contained a range of substantial and significant projects, there was a lack of integration and prioritisation and of an implementation plan which would provide a vision of the future state, its fitness for purpose, its cost and how it would be achieved. The critical role of the GS senior leadership team in driving the strategy was emphasised.

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

The Committee Chair updated Members in relation to the recent meeting of the Committee, including in relation to:

- Attendance by GS representatives and the late submission of papers in advance of meetings, noting that from 2020 late papers would not be accepted except in exceptional circumstances;
- The Public Attitudes Survey. Members discussed again the fact that the analysis and interpretation of the data is not undertaken independently and agreed to consider this matter further at a future meeting;
- An update on Roads Policing from the GS, noting the late provision of a written update in advance of the meeting and that it was difficult to get a sense of real progress being made in this area. It was agreed that a formal written response be requested in relation to the statistics sought in relation to driver training;
- A briefing from the GS on the Organised Crime and National Drugs Strategy. It was noted that competitions are underway to fill a number of vacancies to address a backlog in the National Cyber Crime Bureau.

The Committee Chair noted the Committee's appreciation to Maureen Lynott, on the occasion of her final meeting, for her valued contribution to the Committee over the previous four years and the Chairperson added the Authority's thanks.

### **4.4. Policing Reform Working Group**

The Group had not met since the last Authority meeting.

## **5. Audit, Governance and Risk**

The Committee Chair updated Members in relation to the recent meeting of the Committee, including in relation to:

- A meeting with the senior auditor in the C&AG's Office with regard to the audit of the 2018 Appropriation Account, the findings and recommendations of their audit and the assurance received regarding the financial management of the Authority. While it was noted that there were a small number of minor observations arising from the audit, there was recognition that these were inherent in an organisation as small as the Authority where widespread separation of functions is not feasible;
- Internal audit reports on HR and Payroll and Communications, noting a small number of low ranked recommendations arising;
- The Committee's review of the Risk Register, noting the addition of new risks arising from the change in membership of the Authority and, in particular, the Chairperson's departure which is considered to be a significant risk to the Authority.

Members reviewed the Risk Management Report and discussed a number of emerging risks and mitigations which are to be reflected in the Risk Register.

The Chairperson recorded her personal appreciation of the work of the Chairs and members of all the Authority's committees which made a significant contribution, through their activities and engagement with the GS representatives, to the work of the Authority.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_062_03</b>	The Risk Register to be updated in light of the Authority's review and discussion.	16 December	Chief Risk Officer

## **6. Garda Síochána Appointments**

The Secretary briefed members on the outcome of the clearance process in respect of a candidate on the Superintendent panel. Members considered the outcome of the clearance process and appointed the candidate with effect from the date of taking up their position as assigned by the Garda Commissioner.

Members considered the proposal to hold a selection competition for appointment to the rank of Assistant Commissioner and the report of the Garda Appointments Quality Assurance and Selection Governance Committee following their consideration of the arrangements for the competition. Members discussed the request to the Department of Justice and Equality ('the Department') to open eligibility to the competition, which has again been the subject of recent discussion between the Chairperson, the Commissioner and the Department. While the Department have agreed to progress this matter, it is likely to be in the context of new legislation. The matter of the retirement age may be progressed sooner but the timeline is not clear and it was agreed that in this context and given the likelihood that at least one position will arise to be filled in the coming months, a competition should be advertised immediately with a view to establishing a panel in Quarter 1 of 2020. The previous principles set by the Authority for the composition of the selection board were reviewed and confirmed and its proposed membership approved. Members also endorsed the recommendation of the Committee regarding the benefit of there being a senior leadership development programme in the GS consistent with and reflecting the competencies which are assessed for promotion to senior positions.

Members considered a request from the GS to approve a new position of Director of Learning and Development in the GS. Members expressed disappointment at the level of detail provided in the request for their consideration but it was recognised that this position was urgently required and had been recommended by the Commission on the Future of Policing and was a key action in the Government's Policing Reform implementation Programme. Members agreed to approve the position on the clear understanding that the Director would have responsibility for all aspects of training in the GS, including for Garda members and staff, including member training and formation, the Garda College and other training facilities and continuous professional development and that the Candidate Information Booklet for the position be reviewed again by the Authority in advance of advertisement to ensure that it clearly reflects this role specification.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_062_04</b>	Further to appointments to the rank of Superintendent in the GS, the Chief Executive to notify the person of their appointment.	Immediate	Chief Executive

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_062_06</b>	The Commissioner to be notified of the appointments made by the Authority.	Immediate	Chief Executive
<b>A_062_06</b>	Finalise the competition documents and advertise the competition for appointment to the rank of Assistant Commissioner in the GS	18 December	Chief Executive
<b>A_062_07</b>	The Chief Executive to convey to the Commissioner the recommendation of the benefit of there being a senior leadership development programme in the GS consistent with and reflecting the competencies which are assessed for promotion to senior positions	ASAP	Chief Executive
<b>A_062_08</b>	The Chief Executive to seek the consent of the Ministers for Justice and Equality and Public Expenditure and Reform in accordance with the relevant provisions of the Act for the approval of the position of Director of Learning and Development in the GS, in accordance with the conditions agreed by the Authority in relation to the specification for the role.	ASAP	Chief Executive
<b>A_062_09</b>	The final job specification for the role of Director of Learning and Development in the GS to be provided to the Authority for its consideration in advance of advertising the position.	ASAP	GS

## 7. Policing Plan 2020

Members discussed the draft Policing Plan 2020 and identified a number of outstanding matters to be discussed with the Commissioner in the context of approving the Plan.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_062_10</b>	Subject to the clarification with the Commissioner of a number of outstanding matters and final drafting, the Policing Plan 2020 to be submitted for the consent of the Minister.	31 Dec	Chief Executive

## 8. Garda Inspectorate Report 10 - Crime Investigation

Members considered a paper from the Executive which reviewed and assessed the status of implementation of the recommendations in the GI Report 10: 'Crime Investigation' and set out proposed next steps for the Authority's oversight of these recommendations. It was agreed that a number of recommendations were encompassed in and should continue to be assessed as part of the Authority's existing oversight activities. In addition it was agreed that there is limited oversight activity in relation to

quality and use of data, criminal intelligence, custody, warrants and bail to which further consideration will be given for inclusion in the Authority's work programme.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_062_11	The status of implementation of the recommendations of the Garda Inspectorate Report 10 'Crime Investigation' to be provided to the Garda Commissioner.	ASAP	Chief Executive
A_062_12	The Authority to give further consideration to addressing a number of specific oversight gaps noted as a result of the review of the recommendations of the Garda Inspectorate Report 10 'Crime Investigation' in the context of the Authority's oversight work programme for 2020.	Jan 2020	Chief Executive

#### **9. Policing Authority Corporate Priorities 2020**

The Chairperson proposed that consideration of the draft Corporate Priorities for 2020 be remitted to the January meeting of the Authority to allow an opportunity for consideration by the new chairperson and member. It was agreed that Members would provide feedback on the draft by 10 January in advance of consideration at the January meeting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_062_13	The draft Corporate Priorities 2020 to be considered at the Authority's January meeting.	29 Jan 20	Authority

#### **10. Human Rights Framework**

The Chief Executive provided a brief outline of the approach to the preparation of an early draft of a Human Rights Framework for the Authority. It was agreed that Members would provide feedback on the draft by early January and that it would be discussed in more details at the January meeting. It was noted that a training session for staff on aspects of Human Rights would take place on 17 December and that members were welcome to attend.

Members noted that the GS had recently launched their Human Rights Strategy 2020-2022 and that there would be further engagement on the matter at a future meeting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_062_14	Members to provide feedback on the draft Human Rights Framework in advance of a further discussion in January 2020.	29 Jan 20	Authority

## 11. Homicide Review

Members discussed the draft commentary on the GS Homicide Review which it is proposed to publish in light of a commitment at the November meeting and, subject to drafting, approved the publication in the coming week of the commentary together with the findings and recommendations of the Homicide Review. Members discussed an enduring concern regarding whether those cases found to have investigative issues were compliant with Article 2 of the European Convention on Human Rights and it was agreed that the Authority will give further consideration to this matter in the context of its work programme for 2020 and, in particular, in developing its Human Rights Framework.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_062_15	The Authority to give further consideration to the Article 2 compliance in relation to the Homicide Review in the context of its work programme for 2020 and the development of its Human Rights framework.	2020	Authority

Noting the GS view that assurance that the issues addressed by the review could not be continuing to occur in practice, it was agreed that the Authority would continue its oversight in relation to this matter as part of its monitoring of the policing Plan in 2020 and until all of the 21 recommendations of the review are implemented in full.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_062_16	The Authority's commentary on the GS Homicide Review to be finalised, subject to drafting, and published together with the review findings and recommendations,	20 Dec	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 Garda Commissioner and his team.

## 13. Documents for Noting by the Authority – December 2019

The following documents were noted by the Authority:

	<i>Document</i>	<i>Action Required</i>
D_062_01	Research Study - Building Community Resilience - Responding to Criminal and Anti-Social Behaviour Networks Across Dublin South Central	For noting
D_062_02	CSO Probation Reoffending Statistics 2013-2015	For noting
D_062_03	Public Attitudes Survey Quarter 3 2019 Bulletin	For noting

The Authority Members, noting that an opportunity for a more complete expression of appreciation would arise later, conveyed their deep thanks to the Chairperson for her foundational work in the establishment of the Authority, her unwavering commitment to the statutory purpose and to the values that underpinned it and for her assured leadership over the previous five years. Members wished her every success and happiness in the future.



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

### Attendance

**Authority:** Josephine Feehily (Chairperson), Bob Collins, Pat Costello, Judith Gillespie, Valerie Judge, Maureen Lynott, Paul Mageean, Moling Ryan.

**Apologies** Vicky Conway

**Garda Síochána:** Drew Harris (Garda Commissioner)

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

Members indicated that the proactive sharing of information and the timeliness of provision of documents to the Authority and its Committees, had again become problematic and merited the Commissioner's attention, noting that this was limiting the Authority's ability to fulfil its statutory functions and that in 2020 the Authority would not be accepting late papers except in exceptional circumstances.

Information and assurances provided to the Authority in recent meetings on a numbers of matters including driver training were discussed with the Commissioner and he agreed to reflect on whether clarification would be needed at a future meeting to correct the record.

Finally there was some discussion of HR and disciplinary matters in the GS and referrals which had been made to GSOC. It was agreed that there would be a more detailed engagement on the effectiveness of the GS management of performance and disciplinary matters early in 2020.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_062_17</b>	The Chief Executive to seek a written response from the Commissioner for data and clarification in relation to driver training.	ASAP	Chief Executive
<b>A_062_18</b>	The Authority to engage with the GS in relation to performance management and discipline.	ASAP	Chief Executive

## Part C – Authority Meeting with the Garda Commissioner and Garda Representatives in private

### Attendance

<b>Authority and Executive:</b>	As for Part A
<b>Apologies</b>	Vicky Conway
<b>Garda Síochána:</b>	Drew Harris (Garda Commissioner), John Twomey (Deputy Commissioner), Joe Nugent (Chief Administrative Officer), David Sheahan (Assistant Commissioner), Orla McPartlin (Assistant Commissioner), Alan Mulligan (Executive Director), Andrew O’Sullivan (Executive Director), Matt Nyland (Superintendent), Gráinne Shortall (Assistant Principal).

### 14. Commissioner’s Monthly Report to the Authority

Members discussed the Monthly Report with the Commissioner including the following matters:

- Progress in achieving the target for civilianisation and redeployment of Garda members to front-line duties and how this would be progressed in 2020;
- Rates and trends of sick absences for Garda members and staff and how this compares with other police services;
- Sergeants and Inspectors examinations and the new promotions process which is being developed;
- 2018 expenditure outcome and budgetary controls and lessons learnt for management of the 2020 expenditure provision, with particular regard to pressures on overtime, T&S and other budget lines;
- ‘Have your say’ mailbox;
- Digital and ICT Strategy and whether the resource allocation is adequate to deliver the strategy, noting that it would be beneficial to have sight of the ICT vision and associated cost implications before end Quarter 2 so as to inform the Authority’s advice to the Minister on GS resources for 2021;
- The pace of roll-out of the Community Policing framework; and
- Successes in combatting organised crime and what more can be done to maximise the resources devoted to this area of activity.

### 15. Crime Detection Rates - CSO report

The GS confirmed that the detection baseline established by the recently published CSO statistics has been accepted as the appropriate baseline for performance assessment and will be used as a performance measure at national and divisional level and to facilitate divisional comparisons. It is intended to connect this and other data from RDMS and IMS systems with PALF in due course. From end January 2020, full regional and divisional breakdowns of detections will be available, which will focus discussions on performance and analysis of variances in different categories of crime. It was acknowledged that variances can be due to the serious nature of some crimes where the investment of detection resources results in higher detection rates as opposed to other categories of high volume crime and Members noted that it will be interesting to track detection trends in these less serious categories of crime

## **16. Anti-Corruption Strategy**

Members discussed the new Anti-Corruption Framework with the Commissioner, recommending incremental implementation, starting with areas such as hospitality and second employments where policies are more advanced. The Commissioner confirmed that the framework would be supported by a range of policies and practices which are currently being finalised and Members suggested that the proposed new legislation would provide an opportunity for any legislative underpinnings that may be required. It was noted that roadshows will be held in January to inform the organisation about the changes. Members questioned the lack of detail in the framework in relation to implementation and the active management of policies which are already in place. Members also raised the question of whether Garda members, staff and reserves, in the light of their particular roles, should be required to declare interests in the form of an annual ethics return, even for 'Nil' returns, as this would contribute to public confidence in the organisation. Members welcomed the framework, noting that it is very comprehensive and encourage this hugely important work which they will keep under review as part of their ongoing oversight.

## **17. Draft Reserve Strategy**

Members welcomed the review of the Garda Reserve and the subsequent Reserve Strategy but expressed surprise that some issues arising from the review were not reflected in the Strategy. In response to Members' questions it was noted that the work had involved widespread consultation and that some items raised by the review, including the potential to broaden the reserve role to avail of specific, e.g. technical, expertise had been deferred until after the Reserve is operational within the organisation. There was a discussion of a number of aspects of the strategy including in relation to training, powers, diversity, length of terms, assignment and arrangements for structured engagement with Reserve members. The need to embed the role of the Reserve in the organisation and to overcome cultural resistance was emphasised by Members as was the need for the Strategy to more clearly reflect the value of and ambition for the service.

## **18. Other Business**

There was a discussion in relation to a number of items including:

- The GS Human Rights Strategy and how the organisation is made aware of major strategies being launched as well as being given adequate notice of meetings, in this instance SHRAC, at which it has observer status. Members noted that they would return to a discussion of the content, scope and implementation of the strategy and the role of SHRAC at a future meeting;
  - The draft Policing Plan 2020 was discussed with the Commissioner and Members sought clarity on a number of outstanding points including in relation to performance targets. The plan was approved subject to drafting to reflect the items discussed;
  - The issue of diversity, and the need for the Garda organisation to reflect the diversity of the population in light of the nature of its work and noting the recent request by the Taoiseach for a specific objective to increase diversity in Garda recruitment. The need for a specific objective of increased diversity in the GS 2020 Policing Plan was discussed,
  - Data on use of force and concerns for the timeliness of data collected using a manual process. Members agreed to review the data being reported later in the year to assess if it is fit for purpose;
  - What proactive actions are being taken to address issues in relation to Bullying and Harassment in the GS, noting that the Authority would discuss this matter with the GS at a future engagement;
- and

- Analysis that formed the basis of the GS Assault Strategy, which had been received late on the previous working day and which the Authority will review in the context of the implementation of the strategy in 2020. Members welcomed confirmation from the GS that, from January 2020, data will distinguish domestic violence incidents from other assaults, noting the necessity of a different strategy for addressing domestic assaults.

The Chairperson recorded her thanks to Authority colleagues, the Executive and the Garda representatives, acknowledging the interesting journey since the establishment of the Authority and the level of engagement by all. The Commissioner thanked the Chairperson for her assistance and wisdom and other Garda representatives added their appreciation to the Chairperson and Maureen Lynott, noting that the organisation is in a better position as a result of the work of the Authority.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_062_19</b>	The GS to include absentee rates for Garda Members and staff along with trends in these rates over time in the Commissioner's Monthly Report with periodic comparisons with other police services.	ASAP	GS
<b>A_062_20</b>	The GS Human Rights Strategy to be further considered in detail with a view to revisiting at an Authority meeting in 2020.	ASAP	Authority
<b>A_062_21</b>	The GS to provide information on the 'Have your say' mailbox.	ASAP	GS
<b>A_062_22</b>	The GS to provide its ICT future state vision and the associated costs to the Authority	June 2020	GS
<b>A_062_23</b>	The GS to publish data on use of force on a monthly basis.	Jan 2020	GS
<b>A_062_24</b>	The GS to provide data to the Authority on bullying and harassment cases on a routine basis.	ASAP	GS