



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 29 September 2016

Venue: Dublin Castle

PART A – AUTHORITY MEETING

Attendance

Authority: Josephine Feehily (Chairperson), Vicky Conway, Pat Costello, Judith Gillespie, Valerie Judge, Moling Ryan.

Bob Collins (for Part A and B)

Maureen Lynott [for Agenda items 4-10]

Secretary: Aileen Healy

Executive: Helen Hall (Chief Executive), Catherine Pierse, Margaret Tumelty

Apologies: Noel Brett

1. Chairpersons opening remarks

The draft agenda was discussed, updated and approved. Draft agenda items in relation to the O’Higgins report and the review of Fixed Charged Penalty Notice (FCPN) cases were postponed to allow the Authority to consider late documents received from the Garda Síochána (GS) and the recently published CSO review of the quality of crime statistics was added. It was agreed that the draft agenda for meetings would, in future, be published one week in advance.

No conflicts of interest were declared in relation to any of the matters for discussion.

No.	Action point	By Date	By Whom
A_010_01	The draft agenda for meetings to be published one week in advance with the caveat that the final agenda will be agreed at the start of each meeting in light of emerging priorities	20 October 2016	Executive
A_010_02	Review and assess the report received from the Garda Commissioner in response to the O’Higgins report.	Immediate	Executive
A_010_03	Executive to arrange a visit to GISC to review the arrangements for recording of data.	Q4	Executive

2. Correspondence

The Chairperson referred to the Authority's letter to the Department of Justice and Equality regarding a Government decision in relation to the five-year reform and High-Level Workforce Plan for the GS. Authority Members ("Members") reiterated the importance of reinforcing the Authority's role in ongoing engagements in relation to resources for the GS.

3. Minutes and Matters arising

The minutes of the last meeting on 29 July were agreed and cleared for publication.

It was noted that the GS Corporate Governance Framework which was provided just prior to the last meeting in July had some factual inaccuracies and needed to be updated to appropriately reflect the legislative framework and the GS's relationship with the Authority. The Authority noted the presentation on structure and governance offered by the Commissioner and requested that the presentation be provided well in advance to facilitate meaningful discussion during the briefing.

The CEO gave a brief update on the appearance before the Joint Oireachtas Committee on Justice and Equality on 28 July and outlined a number of themes for the Authority to consider in relation to the ongoing development of its governance arrangements and work programme.

No.	Action point	By Date	By Whom
A_010_04	Provide input to the GS in relation to any factual inaccuracies noted in the Corporate Governance Framework	Immediate	Executive
A_010_05	Arrange for the GS to provide the Authority with a presentation on governance and structure with the slide deck for the presentation being provided well in advance to facilitate meaningful discussion during the briefing.	TBD	Executive

4. Chief Executive Report

The Chief Executive's report was taken as read. The Chairperson noted the very specific and detailed work programme arising from Government decisions and the demands that these will put on the Authority. It was agreed that, with the achievement of the 2016 priorities in sight, the expanding staff complement will allow an appropriate re-balancing of tasks between Authority and Executive. In this context, there is a need to reflect on the Committee structure required to meet the 2017 priorities

The Authority noted the changes to the staffing structure and the Chairperson recorded the Authority's appreciation to the previous Secretary and wished her well in her new role leading the Legal, Policy and Research Division.

It was noted that the GS Strategy Statement 2016-18 was laid before the Houses of the Oireachtas this week.

The Executive met with the Departments of Justice and Equality and Public Expenditure and Reform and with the Garda CAO and HR managers to discuss arrangements for civilian appointments following commencement of the legislative provisions.

The Authority considered and approved its Travel Policy. The periodic publication of Policing Authority expenses was approved.

No.	Action point	By Date	By Whom
A_010_06	Chairperson will consult Members regarding Authority committees as work and capacity expands.	Q4	Chairperson
A_010_07	The Executive to update the Travel Policy to reflect the decision in relation to payment of certain expenses.	Immediate	Executive

5. Committee updates

Audit and Risk Committee

The Chair of the Audit and Risk Committee updated the Members on the presentation on Risk Management planned for 4 October. The importance of Members engaging with the issue was emphasised.

Appointments Committee

The Chair of the Committee provided an update on the civilian appointments function. To date only one request for approval or appointment has been received, despite sanctions being in place to fill a number of posts. The Commissioner will be questioned on the position is in relation to filling these posts.

In relation to senior Garda appointments the Authority is continuing to make practical arrangements for taking on its selection function while awaiting the making of the required regulations and commencement of its functions. PAS have been approached with regard to providing assistance in this regard and have offered to meet to discuss what assistance they can provide within the legal framework of the respective functions of the Authority and PAS when there is legal clarity.

Ethics Committee

The Chairperson of the Ethics Committee updated Members on the consultation event on 8 September on the draft Code of Ethics and the subsequently received submissions. He noted that there was a lot of constructive feedback received on the draft code and that the Committee will now consider the feedback received with a view to preparing a final draft of the code for consideration by the Authority at its December meeting. It was noted that requests have been received from staff representative bodies to discuss the matter further and it was agreed that a half day meeting would be arranged with all these bodies to facilitate this.

No.	Action point	By Date	By Whom
A_010_08	All the staff associations/unions to be invited to a meeting for a final discussion on the draft code.	Immediate	Executive

Performance and Strategy Committee

The Chair of the Performance and Strategy Committee thanked Members for their engagement with two recent events, namely the public consultation on the policing priorities on 8th September and the Policing Plan workshop on 13 September. A revised draft plan has been received further to the workshop for consideration by the Authority.

There was discussion about the conclusion of the consultation on the Policing priorities and the intention to submit the priorities to the Tánaiste and Minister for Justice and Equality (the Tánaiste) for approval. It was agreed that it would be discussed with the Garda Commissioner in the afternoon.

No.	Action point	By Date	By Whom
A_010_09	Submit the Policing Priorities to the Tánaiste for approval.	October	Chairperson

6. Referral from the Garda Commissioner under Section 14 of the GS Act 2005

It was noted that a referral had been received from the Garda Commissioner of a matter under section 14 of the Act. As this is the first referral of its type, legal advice has been sought in relation to the Authority's function under this section. It was noted that some further work is required by the Executive and it was likely that further information would be required from the Garda Commissioner in advance of seeking a decision from the Authority in relation to its consent. The importance of dealing with this request without undue delay was noted and it was agreed that the Executive would bring proposals to the October meeting of the Authority.

No.	Action point	By Date	By Whom
A_010_10	The Executive to bring proposals to the October meeting on the process for dealing with a) Requests under s14 of the Act and b) the referral in hand.	October	Executive

7. Project to review the boundaries of Garda districts and dispersement of Garda stations

The Authority discussed the proposed approach to the Tánaiste's request for a review of boundaries of Garda district and dispersement of Garda Stations and draft terms of reference for same. The Chief Executive confirmed that the Garda Inspectorate (GI) and the Department were consulted in drawing up the draft and that the Department had agreed that the proposed approach reflects the Department's expectations of the project.

She noted that the Government decision to move from a district to a divisional model in the coming years is reflected in the draft terms of reference and in the move away from an examination of district boundaries. There was agreement that there is an opportunity for this work to provide value at a time when the GS is engaged in decision making about deployment and dispersement of resources, both current and future.

The Authority approved the draft Terms of Reference on the basis that certain additional information provided in Paper 10_05 be reflected in the letter of request to the GI.

No.	Action point	By Date	By Whom
A_010_11	The Executive to finalise the terms of reference for the review, as amended, with the Garda Inspectorate.	Immediate	Executive
A_010_12	Arrangements to be agreed with the Inspectorate for mutually responsive engagement on the project.	Immediate	Executive
A_010_13	Communicate the approach to the review to the Department and the Garda Commissioner.	Immediate	Executive

8. 2017 Draft Policing Plan

The draft of the policing plan was considered and Members expressed disappointment that it does not yet reflect the outcome of the workshop. There was discussion about the need to achieve balance between remaining independent of the process while supporting the development of an appropriate draft and ensuring, in particular, the inclusion of more specific performance indicators. However, it was acknowledged that it is an iterative process and it was agreed that the issues identified will be fed back and a revised draft will be considered by the Committee on 11 October.

The Authority decided that it will consider the draft plan again at its October meeting and that it will not approve the plan if it does not reflect appropriate performance indicators.

No.	Action point	By Date	By Whom
A_010_14	The Executive to provide the Authority's feedback to the Garda representatives on the draft policing plan.	Immediate	Executive

9. Update on the Protected Disclosures Policy Review

The CEO's update on this work was taken as read and the timeframe for completion of a draft report for the Authority by 17 October 2017 was noted.

10. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and the matters to be put to the Garda Commissioner and her team during the public meeting.

PART B – AUTHORITY MEETING WITH THE GARDA SIOCHÁNA

Attendance

Authority and Executive As above

Garda Síochána Nóirín O’ Sullivan (Garda Commissioner), Dónall Ó Cualáin (Deputy Commissioner), Joseph Nugent, (Chief Administrative Officer), Jack Nolan (Assistant Commissioner), Michael O Sullivan (Assistant Commissioner), Gurchand Singh (Head of Garda Analysis Service), Marie Broderick (Superintendent), John Keegan (Superintendent).

1. Content of a routine monthly Commissioner’s report to the Authority

The Chief Executive updated the meeting in relation to this report, the format of which has been the subject of engagement between the Executive and the Garda Liaison team. It is intended that this will be a reasonably concise standing report which will be provided by the Commissioner to the Authority in advance of monthly meetings and will inform the agenda for discussions. It was agreed that the first report would be provided to the Authority by the Commissioner for the October meeting and the format can be further refined in light of experience.

2. 2017 Draft Policing Plan

The process leading to the approval of the Plan and submission for the Tánaiste’s consent was discussed including the useful, constructive and engaged workshop on 13th September. The Authority conveyed its strong view that the final document will need to reflect more closely the output of the workshop, with regard to the development of meaningful targets and performance indicators in particular. The iterative nature of the planning process was acknowledged and Members asked for a draft to be received no later than 7 October, for discussion at Committee on 11 October.

It was agreed that the Executive would provide further Authority detailed feedback subsequent to the meeting.

It was agreed that the consultation on the Policing Priorities will be completed in the coming days.

3 Freedom of Information – recent decision by the Information Commissioner

There was a discussion about the recent decision by the Information Commissioner that certain information should be released under FOI legislation and the subsequent decision by the GS to appeal this decision to the High Court, The Authority fully appreciated that the decision to appeal was one for the Commissioner.

4 Progress on implementation of the 2016 Policing plan – Part 2.1 *“Tackling serious and violent crime in all its forms”*.

Responding to questions from the Members the Commissioner gave an update on ongoing serious crime investigations over the past number of months, outlining the investigative, intelligence and preventative strands of investigations, including levels of activity and arrests, international co-operation and the

proceeds of crime seized. There was discussion of homicide clearance rates and the levels of investment in investigations to ensure that prosecutions are brought. There was also a brief discussion on human trafficking, prostitution and other serious crime which was to be resumed in public under Agenda Item 6.

5 Other business

The current IR position in the GS was discussed and the Authority endorsed the need for all parties to remain engaged with the mechanisms for resolving these issues in order to achieve the best outcome for all, particularly the public.

No.	Action point	By Date	By Whom
A_010_15	The Commissioner to submit the first monthly report to the Authority and the Executive to be available to discuss its format if helpful.	20 October	The GS and the Executive
A_010_16	The GS to submit a revised policing plan in advance of the Policing and Strategy Committee to be received no later than 7 October.	7 October	The GS
A_010_17	The GS and the Executive to confirm the finalisation of the Policing Priorities so they can be submitted to the Tánaiste.	Immediate	The Executive and the GS

PART C – AUTHORITY MEETING WITH THE GARDA SIOCHÁNA

Attendance (in public session)

Authority: Josephine Feehily (Chairperson), Vicky Conway, Pat Costello, Judith Gillespie, Valerie Judge, Moling Ryan.

Apologies: Noel Brett, Bob Collins, Maureen Lynott

Executive: As above

GS: As above and John O’Driscoll (Assistant Commissioner), Michael Finn (Chief Superintendent), Mr. Alan Mulligan (Director of Human Resources), Mr Ken Ruane (Head of Legal Affairs), Mr. Andrew McLindon (Director of Communications)

This meeting with the Garda Commissioner and her team was held in public and the recording is available to view at:

<http://www.policingauthority.ie/website/PA/PolicingAuthorityWeb.nsf/page/Meetings-en>

Actions arising from the meeting held in public:

No.	Action point	By Date	By Whom
A_010_18	The GS to provide detailed data on cross-border interventions and successes.	Immediate	The GS
A_010_19	The GS to provide figures on sexual crime and results of investigations.	Immediate	The GS
A_010_20	The GS to provide information on the number of trained child interview specialists.	Immediate	The GS
A_010_21	The GS to keep the Authority advised on any particular challenges or risks within the GS or systemic areas for improvements arising from work in the area related to the GSOC report entitled “Investigation into complaints of neglect of duty in the investigation of alleged child sexual assault”	Not Specified	The GS
A_010_22	Following publication of the CSO review, the GS to report on the review of non-CAD stations and non-keeping of paper records, identifying where flaws occurred and how to remedy.	Not Specified	The GS
A_010_23	Following publication of the CSO review, the GS to report on the issue of cases which were incorrectly designated as detected.	Not Specified	The GS