



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of Policing Strategy and Performance Committee

Date: 3 November 2017

Venue: 90 North King Street, Dublin 7

Attendance

Authority: Judith Gillespie (Chair), Vicky Conway, Maureen Lynott (by conference call).

Secretary: Margaret Tumelty

Executive: Helen Hall, Catherine Pierse (for the private section of the meeting)

Garda Síochána: Deputy Commissioner John Twomey, Policing and Security

Assistant Commissioner Eugene Corcoran, Governance and Accountability

Dr. Gurchand Singh, Head of the Garda Síochána Analysis Service

Apologies: Noel Brett

1. The following matters were considered and discussed as set out in the agenda:

- 1.1. Classification;
- 1.2. Investigation;
- 1.3. Court outcomes; and
- 1.4. Communications
- 1.5. Meeting with Garda Síochána Representatives

2. Actions and matters of note

2.1. Classification

The Committee discussed and clarified the following with the Garda Síochána representatives:

- The process by which a reported death is initially classified.
- That responsibility for the initial classification decision lies with the District Officer.
- That as case evolves the classification may change.
- That the classification does not determine the initial approach to the investigation of a death, for example a death may receive an initial *classification* on PULSE of 'sudden death', however the *investigation* (to include collection of forensic and other forms of evidence) proceeds on an assumption that the death is suspicious until the evidence proves otherwise
- That the classification issue potentially relating to the 41 cases has been resolved in full and that all of these incidents are now correctly classified on PULSE.

The Garda Síochána stated that the review process undertaken had identified the potential misclassification on PULSE of 41 deaths. This had in turn prompted the undertaking of a full review of homicide cases between 2003 and 2017. The process to be employed in this review is currently being considered and the Garda Síochána will revert to the Authority with the detail and timeframes around this work.

The Committee dealt with the classification and investigation issues separately. With regard to classification, the Committee reiterated its concern that the homicide data issue, along with other data issues within the organisation point to a casual attitude to data within the Garda Síochána. The Committee emphasised that this is a serious problem and that access to accurate, timely data is not an administrative issue but rather one that has significant impact on operational policing and public confidence.

The Committee asked the Garda Síochána to set out and describe the processes used to review the classification of the 41 incidents and the reason for the disparity between the outcomes of the first and second reviews.

The Garda Síochána described the two review processes undertaken and the sections involved in those reviews. The representatives stated that there was considerable debate internally with regard to the correct classification. The review was described as having been useful in prompting a revision and clarification of the classification rules. The revised rules were supplied to the Authority in advance of the meeting.

2.2. Investigation

The Committee then asked the Garda Síochána to set out and describe the process used to review the investigations carried out in the 41 cases. The Authority has on a number of occasions sought assurance from the Garda Síochána that despite the concerns regarding the possible misclassification of these 41 incidents on PULSE, an effective investigation in line with Article 2 of the ECHR was carried out in each case. The Garda Síochána described the process. The process was a two stage review. The first review was carried out by the staff from the Policy Development, Implementation and Monitoring section in conjunction with staff from the Garda Analysis Services. Any observations or questions arising from the first stage of review were forwarded to the District Officers in the districts in which the investigation occurred. The outcome of the review was that in all cases, it was found that an investigation commensurate with the final classification was conducted.

The Committee raised questions as to whether the quality of the investigations was examined, and whether the Garda Síochána considered asking investigating officers independent of the original investigation to review the files. Committee members expressed the view that the first stage review did not have access to the full case files and questioned whether the stage two process was sufficiently robust, relying as it did on a review by the person who conducted the original investigation.

The Committee asked if the Garda Síochána had considered a peer review approach. The Garda Síochána indicated that independent peer review is happening with the Garda Síochána to a limited extent and is something which is being encouraged. The Garda Síochána will revert with regards to the possibility of an internal peer review to be carried out on any of the 41 cases which have not yet

concluded or gone to court. This review would be directed towards obtaining assurance that an effective investigation, compliant with Article 2 of the ECHR was carried out.

2.3. Court Outcomes

The Committee discussed the process used to update PULSE in light of court outcomes. The Garda Síochána clarified that in the case of the District Courts this is an automatic process, while in the case of the higher courts, this remains a manual process. The automation of the updating of PULSE with the outcomes of cases heard in the higher courts is on the work programme of the Criminal Justice Working Group. In the interim, the Garda Síochána agreed to conduct some dip sampling to ascertain the degree to which the manual process is working and to revert to the Authority following the dip sampling process.

2.4. Communications

The Garda Síochána agreed to consider a layered and proportionate Communications Strategy, considering not only the 41 domestic homicide cases but also other families affected by re-classification issues, and those families not directly affected, but who might be concerned about their particular case.

2.5. Agreed Actions

The agreed actions emanating from the meeting are:

The Garda Síochána to revert with a process and timeframe for:

- The independent peer review of the quality of the investigations carried out in those cases within the 41, for which investigations have not yet concluded or reached the courts.
- Dip Sampling to establish the degree to which PULSE is updated in a timely manner with outcomes from the Higher Courts
- The review of all homicide cases from 2003-2017

The Garda Síochána will also revert with the approach and timeframe for the wider communications strategy around the issue of misclassification.