



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 18 April 2019

Venue: Dublin Castle

Part A – Authority Meeting

Attendance

Authority: Josephine Feehily (Chairperson), Bob Collins, Pat Costello (except Agenda Item 9), Judith Gillespie, Valerie Judge, Paul Mageean, Moling Ryan.

Secretary: Aileen Healy

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

Apologies: Vicky Conway, Maureen Lynott

Visitors: John O’Callaghan (Assistant Secretary), Anne Barry (Principal) and Barry O’Donnell (Administrative Office) Department of Justice and Equality (for Agenda Item 9);
Mark Toland (Chief Inspector), Tom Maguire and Gerard O’Regan, Garda Inspectorate (for Agenda Item 10).

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 from the Minister for Justice and Equality (‘the Minister’), in relation to the Authority’s seventh and final report on the implementation of the recommendations of the Garda Inspectorate report ‘Changing Policing in Ireland’.

2. Minutes and Matters Arising

The minutes of the meeting on 28 March 2019 were agreed and cleared for publication. The log of actions was noted and there was agreement to close the items proposed.

3. Chief Executive’s Report

The Chief Executive’s report was taken as read. Further updates were provided to Members on the following matters in the context of the report:

- A meeting with the Strategic Transformation team in the GS to provide an update on the progress with the operational model, redeployment, the staffing census and Work Force Planning; and
- A visit to Durham Constabulary ;
- A meeting with the Chair of the Implementation Group on Child Sexual Abuse; and
- Preparations for undertaking a Superintendent competition including procurement of testing services to support the selection process.

Members considered and approved a proposed revision to the Authority's Travel Policy.

The monthly correspondence report was discussed. Members discussed and approved the referral of specific items on an anonymised basis to the Commissioner. Correspondence from GSOC in relation to previous matters which had been referred was noted.

Members noted the progress in implementing the Authority's corporate Priorities and it was agreed that these would be reviewed in July with a view to identifying any necessary changes in light of the emerging workload relating to the Government policing reform programme.

4. Committee Updates

4.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last Authority meeting. It was noted that this Committee will meet in the coming weeks to consider the selection process for the upcoming Superintendent selection competition.

4.2. Organisational Development Committee

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

- A presentation from the GS Strategic Transformation Office (STO);
- The GS People Strategy. Members discussed the Strategy and agreed that a number of matters would be discussed with the Commissioner;
- Progress in embedding the GS Code of Ethics, noting that there is as yet only 55% of those who have been trained have sign-up to the Code more than 2 years after its establishment. Members expressed concern with this lack of progress and the sense that there is no agenda to increase engagement with the code despite its centrality in a number of contexts. This was also discussed in the context of cultural change and Members agreed to raise the matters discussed with the Commissioner under Agenda Item 18;
- A presentation from the GS Chief Medical Officer (CMO).

The draft Terms of Reference for the Committee were considered and approved.

4.3. Policing Strategy and Performance Committee

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

- Consideration and sign-off of the Implementation Plan for the Crowe Horwath report and progress in its implementation, which the committee have agreed will be reviewed on a quarterly basis;
- Progress on the Homicide review;
- Reporting on the Policing Plan, which will include an addendum reporting on issues relevant to the Implementation of the Government Policing Reform Programme; and
- The GS Community Policing Framework. Members agreed that the GS would be invited to present and discuss it with the Authority later in the year.

4.4. Policing Reform Working Group

This item was taken in association with Agenda Item 9.

| No. | Action point | By Date | By Whom |
|-----------------|---|----------------|----------------|
| A_052_01 | The Community Policing Framework to be included on the agenda for an Authority meeting with the Commissioner later in the year. | September 2019 | Secretary |

5. Audit, Governance and Risk

The Committee had not met since the last Authority meeting. Members discussed the Risk Management report and the Committee Chair noted that the Committee would discuss the Risk Register at its next meeting with particular regard to integrating issues arising from the Government Policing Reform Programme and the potential impact on the Authority.

6. Garda Síochána Appointments

The Secretary briefed members on the outcome of the clearance process in respect of three candidates on the Superintendent panel. Members considered the outcomes of the clearance process and expressed concern regarding the delay in dealing with an investigation notified by one of the candidates who was unaware of the outcome but which the GS and GSOC had confirmed was satisfactorily completed. The candidates were appointed with effect from the date of taking up their assignments by the Garda Commissioner, subject to getting confirmation with regard to the outstanding query discussed.

Members considered a request from the GS for approval to extend a temporary acting appointment to the grade of Executive Director and, subject to the consent of the Minister for Justice and Equality and Public Expenditure and Reform, approved the appointment of the candidate by the Chairperson. The appointment of another candidate was extended for a further month in accordance with Ministerial consent received.

| No. | Action point | By Date | By Whom |
|-----------------|---|----------------|-----------------|
| A_052_02 | The approval of the Ministers for Justice and Equality and Public Expenditure and Reform to be sought for the further extension of a temporary acting appointment to Executive Director. | Immediate | Chief Executive |
| A_052_03 | Further to appointments to the rank of Superintendent in the GS, and the extension of acting up appointments to Executive Director, the Chief Executive to notify the persons of their appointment. | ASAP | Chief Executive |
| A_052_04 | The Commissioner to be notified of the appointments made by the Authority. | ASAP | Chief Executive |

7. Syllabus for Sergeant and Inspector Promotions Examinations

Members discussed the request from the Garda Síochána to approve the syllabus for the Professional Qualifying Examinations for Sergeant and Inspector. The late receipt of the documents was noted and Members indicated the need for a further opportunity to consider the material. In principle it was agreed that, subject to any further comments from members in the coming days, the syllabus be approved in order to allow the 2019 examinations to proceed in the Autumn subject to:

- The approval applying to the 2019 examinations only in the context of a complete review of the examination process and format being undertaken;
- The Authority's reservations previously expressed in 2018 to be taken account of in the review; and
- A number of suggested amendments regarding the sample examination questions and the requirement that matters related to the Code of Ethics be mainstreamed across both the examinations and evidence of application of the Code to be assessed in marking across the candidates papers.

| <i>No.</i> | <i>Action point</i> | <i>By Date</i> | <i>By Whom</i> |
|------------|---|----------------|----------------|
| A_052_05 | The Authority's approval of the syllabi for the Sergeant and Inspector Professional Qualifying Examinations, subject to the conditions outlined by the Authority, to be conveyed to the Garda Síochána. | ASAP | Secretary |

8. Government Programme for Policing Reform

The Department of Justice and Equality ('the Department') accepted the Authority's invitation to meet to discuss the implementation of the Government Policing Reform Programme and there was an extensive exchange of views between Members and the Department officials.

Members registered their commitment to supporting reform and encouraged the Chief Executive to continue to engage with the Department in a consultative manner by examining proposals and providing detailed and constructive feedback to inform the process, using the Policing Reform Working Group as a support and to keep the Authority informed. Members also requested that the Chief Executive continue to keep the Implementation Group advised of the Authority's views.

9. Garda Inspectorate Review of Public Order Policing

The Chief Inspector updated members regarding the finalisation of the Garda Inspectorate ('GI') review of Public Order Policing and Members thanked the GI for their work. It was agreed that the report would be on the agenda for discussion at the Authority's meeting in public with the Garda Commissioner in June and that the Chief Executive would make the appropriate arrangements, provide the report to the Minister and the Commissioner and arrange for its publication.

| <i>No.</i> | <i>Action point</i> | <i>By Date</i> | <i>By Whom</i> |
|------------|---|----------------|-----------------|
| A_052_06 | The Chief Executive to: <ul style="list-style-type: none"> • liaise with the GI with regard to the finalisation of the GI report on Public Order Policing; | ASAP | Chief Executive |

| <i>No.</i> | <i>Action point</i> | <i>By Date</i> | <i>By Whom</i> |
|------------|--|----------------|----------------|
| | <ul style="list-style-type: none"> provide the final report to the Minister and the Garda Commissioner; and arrange for the publication of the report in advance of a discussion at the Authority's meeting in public with the Commissioner in June. | | |

10. 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.

11. Documents for Noting by the Authority – April 2019

The following documents were noted by the Authority:

| <i>Document</i> | | <i>Action Required</i> |
|-----------------|--|------------------------|
| D_052_1 | GSOC Annual Report on Protected Disclosures 2018 | For noting |

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Executive: As for Part A

Garda Síochána: Drew Harris (Garda Commissioner), Joe Nugent (Chief Administrative Officer), Finbarr O'Brien (Assistant Commissioner), David Sheahan (Assistant Commissioner), Angela Willis (Chief Superintendent), Gráinne Shortall (Assistant Principal).

12. Youth Diversion Programme – final report

Members asked about the final report for the Examination of Youth Referrals which has been expected in advance of the meeting. The Commissioner noted that there were some outstanding queries to be resolved and committed to providing the report, including up to date details of data on the cases examined, to the Authority in advance of its May meeting.

13. Management of DNA samples

In response to Members' questions, the GS outlined the position in relation to discrepancies in relation to DNA samples further to concerns arising from recent media reports of lost DNA samples. It was confirmed that the allegation is being examined with a view to determining the reasons for the discrepancy and that as yet there is no evidence of lost samples. The Commissioner agreed to keep the Authority updated with regard to the continuing examination and to advise of any risks arising during that process. It was noted that GSOC are also conducting an investigation into the matter.

14. Other Business

The GS provided an update in relation to the final strand of their report into the incident at An Cosán, noting that a draft report has been prepared and is likely to be finalised by June. It was also noted that the fifth report of the Homicide Review is almost at a conclusion and that the recommendations of the review will be managed at a high level with a quarterly progress review.

The Chairperson advised the Commissioner of the Authority's earlier discussion relating to the syllabi for the Sergeant and inspector examinations, noting that a decision would be notified in the coming days. Members also raised concerns with the Commissioner, which had arisen in the context of the Authority's appointments clearance process, in respect of delays in investigating complaints about Garda members and, in particular, communication about the progress of investigations with the members affected.

There was a brief discussion regarding a recent collapsed trial, noting that a report promised to be provided to the Authority on the matter had not yet been received. Members stressed the need for a more extensive discussion and the Commissioner undertook to provide material to facilitate this.

Actions arising:

| No. | Action point | By Date | By Whom |
|----------|--|-----------|---------|
| A_052_07 | The GS to keep the Authority updated with regard to the continuing examination of DNA sample discrepancies and to advise of any risks arising during that process. | July 2019 | GS |

Part C – Authority Meeting with the Garda Commissioner in public

Attendance

Authority and Staff: As for Part A above

Garda Síochána: Drew Harris (Garda Commissioner), Joe Nugent (Chief Administrative Officer), David Sheahan (Assistant Commissioner), Finbarr O’Brien (Assistant Commissioner), Declan Daly (Chief Superintendent), Matthew Nyland (Chief Superintendent), Liam Geraghty (Superintendent, Garda Press Office), Gráinne Shortall (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:

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

The following matters were discussed during the meeting:

| Agenda Item | Principal matters discussed |
|---|--|
| Commissioner’s Monthly Report | <ul style="list-style-type: none"> • Garda Síochána People Strategy • Garda Recruitment Campaign |
| Roads Policing | <ul style="list-style-type: none"> • Progress in implementing the Crowe Horwath recommendations • Mobility pilot: <ul style="list-style-type: none"> - Quality and security of data - Evaluation of pilot - Resources and supervision required • Increase in detections for speeding and Fixed Charge Notices • Potential for future tasking of resources using data |
| Response to the 2018 Culture Audit | <ul style="list-style-type: none"> • Vision for organisation culture in the GS and articulation in a high level statement • Low expectations from Garda members and staff in culture audit that there would be change • When the culture audit will be revisited • Level and barriers to sign-up to the Code of Ethics and the need to understand and address the underlying reasons • Impact of level of sign up to the code of Ethics in the workplace |
| Warrant Management | <ul style="list-style-type: none"> • Effectiveness of GS re warrant management and execution • Areas where difficulties arise • Cancelled warrants and policy for cancellations • Time to execute warrants and if this is a concern • Methodology for prioritising warrants • If there are inconsistencies in execution of warrants • Governance over warrant management including responsibility for monitoring to get assurance that there is consistent methodology and execution • Risk arising in the context of warrant management |
| Criminal Justice (Victims of Crime) Act 2017 | <ul style="list-style-type: none"> • Engagement required for different types of victims • Data available in relation to the nature of victims • Purpose of victims information leaflet which has been developed and if tested with victims through victims offices to assess if meets their needs |

| Agenda Item | Principal matters discussed |
|-------------|--|
| | <ul style="list-style-type: none"> • Impact of victims Services Units • Steps that can be taken to improve detections in relation to domestic abuse and sexual offences • Review of domestic homicide cases |

Actions arising from the meeting held in public:

| No. | Action point | By Date | By Whom |
|----------|---|---------|---------|
| A_052_08 | The GS to provide the report of evaluation of the Mobility pilot to the Authority | ASAP | GS |
| A_052_09 | The Commissioner to provide a written statement of his vision for the culture in the Garda Síochána | ASAP | GS |
| A_052_10 | The GS to provide statistics in relation to the nature of victims of crime | ASAP | GS |