



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 24 January 2019

Venue: 90 North King Street and by Conference Call (CC)

Part A – Authority Meeting

Attendance

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

Secretary: Aileen Healy

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

Apologies: Apologies were received from the Chief Inspector in relation to Agenda Item 11.

Visitors: Dr. Vicky Conway and Mr. Paul Mageean attended the meeting as guests.
Hugh Hume (Inspector) and Gerard O'Regan (Assistant Principal), Garda Inspectorate (for Agenda Item 10 and 11).

1. Chairperson's Opening Remarks

The Chairperson noted that motions recommending that Dr. Vicky Conway and Mr. Paul Mageean be appointed by Government to be members of the Authority had been passed by both Houses of the Oireachtas and in that context Dr. Conway and Mr. Mageean had been invited as guests.

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

2. Minutes and Matters Arising

The minutes of the meetings on 13 December 2018 and 17 January 2019 were amended, 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 response received from the Garda Commissioner in relation to the Authority's request for consultation regarding the 2019 Policing Priorities. It was agreed that this would be discussed with the Commissioner under Agenda Item 17;
- Progress in relation to Garda staff recruitment. There was a brief discussion of the challenge for the GS in achieving the level of recruitment planned for 2019;

- The upcoming launch of the Authority’s research bursary; and
- Arrangements for the Authority’s upcoming academic networking event.

It was noted that induction for the new Authority members would take place in the coming weeks. It was agreed that refresher training for all members would be also be arranged.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_049_01	The Secretary to arrange training for Authority Members.	April 2019	Secretary

4. Government Programme on Policing Reform

Correspondence from the Department of Justice and Equality (‘the Department’) regarding the Government decision to implement the recommendations of the Commission on the Future of Policing and the Government’s Implementation Plan were discussed. Members welcomed the positive nature of the assurance given by the Department to the staff of the Authority.

Members remarked on the inclusion of the Garda Síochána (‘GS’) on the Implementation Group to oversee the reform programme, effectively overseeing itself, but that none of the oversight bodies were. The importance of the Authority keeping in close contact, if possible, with progress was emphasised. It was also noted that arrangements for the form of engagement proposed by the Minister for Justice and Equality (‘the Minister’) in December had yet to be put in place and asked the Chairperson to follow up regarding how this will be taken forward.

It was noted that aspects of the implementation plan which impact directly on the Authority and which were raised in the Department’s correspondence had been anticipated in the Authority’s Statement of Strategy 2019-21 and it was agreed that these would be borne in mind in the course of the Authority’s work in 2019. In particular, Members agreed that proceeding to define and progress filling the role of Human Rights Advisor should be a priority and asked the Chief Executive to research practices elsewhere and to prepare options to shape the role and how it should be filled. Members also discussed the Code of Ethics for the Garda Síochána in the context of the reform programme and agreed that it would be beneficial to obtain the input of the Human Rights advisor in its consideration of these recommendations.

Further to the decision taken at the November Authority meeting, the Chairperson proposed and Members agreed to set up an ad hoc working group in accordance with Standing Order 9, to be chaired by the Chairperson and composed of Committee Chairs as a resource for the Chairperson and CEO and to facilitate an agile Authority response to matters arising in the context of Authority’s engagement with reform programme.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_049_02	The Chief Executive to prepare options with regard to the shaping of the role for a Human Rights Advisor and for sourcing a suitable candidate for the role.	ASAP	Chief Executive
A_049_03	The Chairperson to follow up on the engagement with the Authority proposed by the Minister	ASAP	Chairperson

No.	Action point	By Date	By Whom
A_049_04	The Chief Executive to share relevant Authority reports with the Implementation Group	Ongoing	Chief Executive
A_049_05	An ad hoc working group to be established under Standing Order 9.	Immediate	Chairperson

5. Committee Updates

5.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last Authority meeting.

5.2. Organisational Development Committee

The Committee Chair updated Members on the recent committee meeting including discussion of:

- The Committee's work for 2019 further to the Minister having rescinded the request for the Authority to report on GS progress in implementing the recommendations on 'Changing Policing in Ireland'. The Committee saw continuing value in the Authority's publishing from time to time its evaluation of the effectiveness of the organisational reform work, noting that the barriers that had inhibited progress in achieving the intentions of the MRP had the potential to affect the realisation of the Implementation Plan objectives;
- The Authority's continued role in overseeing policing reform, which was discussed with the GS representatives, noting the inseparability of organisational reform and enhancement of policing services, and noting that there will be a particular focus on the GS developing capacity to implement reform in key priority areas; and
- Progress on training and sign-up to the Code of Ethics with the GS representatives, noting continued slow pace.

5.3. Policing Strategy and Performance Committee

The Committee had not met since the last Authority meeting.

Members discussed the Garda Commissioner's response to the Authority's consultation in relation to the 2019 Policing Plan and it was agreed that this would be considered by the Committee at its meeting in February prior to finalisation. It was noted that drafts of the GS Statement of Strategy and Policing Plan were expected by the end of the month.

No.	Action point	By Date	By Whom
A_049_06	PS&P Committee to consider the Garda Commissioner's response to the consultation on the draft Policing Priorities for 2019 with a view to finalisation.	6 February	PS&P Committee

6. Audit, Governance and Risk

The Audit and Risk Committee had not met since the last Authority meeting.

Members noted the risks reported in the High Risk Report. There was a discussion of emerging risk in relation to staffing arising from a range of factors including the future role of the Authority with particular regard to potential loss of staff, skills and knowledge and the impact on the work of the Authority. The increased risk ranking and actions to mitigate the risk were noted.

7. Garda Síochána Appointments

Members considered and approved a request from the GS for the extension of a temporary acting up assignment to an Executive Director position as consented to by the Ministers for Justice and Equality and Public Expenditure and Reform.

8. Final Report to the Minister on Implementation of Garda Inspectorate Report 'Changing Policing in Ireland'

Members discussed the format and content of the draft final report to the Minister on progress by the GS in implementing 'Changing Policing in Ireland' and approved it for finalisation by the Chairperson and the Committee Chair subject to drafting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_049_07	The final report to the Minister on 'Changing Policing in Ireland' to be finalised subject to drafting, submitted to the Minister and copied to the Garda Commissioner and the Chair of the Implementation Group.	ASAP	Chairperson and ODC Committee Chair

9. Garda Síochána Report on Incident at North Frederick Street

Members considered and discussed the GS report on the North Frederick St. incident in conjunction with the discussion on the Garda Inspectorate review on public order policing under agenda item 11.

10. Garda Inspectorate Review of Public Order Policing

The Garda Inspectorate ('GI') progress report on their review of Public Order policing was taken as read. The GI representatives provided further detail on the main issues arising from their work to date and in relation to Members questions. Arising from this discussion Members asked the GI to consider how the issues discussed might be reflected in recommendations to develop good practice based on a risk based approach to the management of all public order incidents.

11. Garda Síochána Annual Report 2019

Members considered whether direction on the form of the Garda Síochána Annual Report on policing services should be given to the Garda Commissioner as provided for by section 46(1) of the Garda Síochána Act 2005 (as amended). Members expressed disappointment that previous direction given in 2017 and

2018 had not been applied fully. It was noted that there had been a lack of progress over the last two years in developing the format of the report. Members expressed the view that there would be a benefit in moving away from the descriptive narrative of the policing service which has characterised previous reports and taking the opportunity to also avail of the strategic potential of the report as an opportunity for the Garda Síochána to communicate with a range of audiences, to express its awareness and understanding of the challenges that it faces, to articulate its intent and capacity to address these challenges and to express the vision for the organisation, particularly in the context of the Government Decision on the implementation of police reform. It was agreed that this would be discussed with the Commissioner in the afternoon.

Members agreed not to issue new direction in terms of specific formatting and structural elements of the Report, however, the Chief Executive was requested to communicate to the Garda Commissioner the need to review and followed more closely the direction previously given in the development of the 2018 annual report.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_049_08	The Chief Executive to convey the Authority's decision regarding direction on the format of the GS Annual Report 2018 to the Garda Commissioner.	ASAP	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. This included analysis and discussion of further data provided in correspondence from the Commissioner before the meeting in public on 17 January in relation to the Youth Diversion Programme.

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority: Josephine Feehily (Chairperson), Noel Brett, Bob Collins, Pat Costello, Judith Gillespie, Valerie Judge, Maureen Lynott (CC), Moling Ryan.

Secretary: Aileen Healy

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

Garda Síochána: Drew Harris (Garda Commissioner), Joseph Nugent (Chief Administrative Officer), Pat Leahy (Assistant Commissioner), David Gilbride (Executive Director), Orla McPartlin (Assistant Commissioner), Colm Noonan (Superintendent), Gráinne Shortall (Assistant Principal).

Visitors: Dr. Vicky Conway and Mr. Paul Mageean attended the meeting as guests. Mr. Jimmy Martin (Assistant Secretary) Department of Justice and Equality (for Agenda Item 16)

13. Commissioner's Monthly Report to the Authority

Members discussed the Commissioner's Monthly report, raising questions with the Commissioner on a number of issues including:

- High public expectations for reform and the need to communicate the new organisational vision for what the GS want to achieve, noting the strategic opportunity provided by the Strategy Statement, Annual Report and other similar documents to convey and reinforce these messages;
- How the Garda Reserve is being used, noting the feedback from the Authority's engagement with members of the Reserve which had been conveyed to the Commissioner. The Commissioner noted and accepted this feedback, noting the need to value this resource, place trust in them, recognise their contribution and deploy them properly, while recognising that there is a need for clear mutual expectations regarding hours and duties. It was noted that there would be further recruitment of reserves in Quarter 2 and that a new Reserve Strategy was expected to be complete by Quarter 3 and that there would be engagement with the Authority in this regard;
- Overtime and the impact of the roster management system on overtime costs. While it is too early to quantify the impact of the new roster system, it was noted that overtime for the year to date was on target against budget and the Commissioner gave an undertaking that this would continue unless there were exceptional operational shocks;
- Plans for reassignment of 500 Garda members to front line duties in 2019, with particular regard to barriers to achieving this target. A commitment that 75 such reassignments would be achieved in Quarter 1 was noted; and
- Progress on upgrading Garda stations with Members reiterating their support for improvement in the quality of the estate through a mix of interventions.

Members commented on the positive achievements outlined in the report including lives saved due to the interception of an explosive device and burglary arrests and asked the Commissioner to convey their thanks and appreciation.

14. Brexit

There was a high level discussion about preparedness for Brexit. The Commissioner referenced his public statement that, while increasing deployment of Gardaí to all policing regions, including the Northern Region was taking place commensurate with a growing organisation, reports of 600 Gardaí to be moved to the border are entirely incorrect. He advised the Authority that he has not discussed this matter nor considered this proposal. He gave the Authority an assurance that the GS is fully involved with relevant Government Brexit planning and that he continues to prepare for Brexit in line with Government Policy.

Mr. Jimmy Martin briefed the Authority on the steps currently underway at EU level to prepare for the UK's withdrawal, notably as regards the implementation of the European Commission's Contingency Action Plan and the associated legislative measures.

He also advised that the Government would shortly publish the general scheme of a draft Omnibus Bill focussing on measures protecting citizens and supporting the economy to be followed shortly thereafter by draft legislation for consideration by the Oireachtas with a view to ensuring that necessary "no deal" Brexit related legislation will be in place before the 29 March.

He advised that the draft Omnibus Bill would deal with a number of issues in the justice and security area, including measures to ensure that effective extradition arrangements are maintained between Ireland and the UK and to facilitate ongoing immigration cooperation arrangements when the UK leaves the EU, including in areas which support the Common Travel Area.

15. Progress on Garda Síochána Statement of Strategy and Policing Plan

There was an exchange of views in relation to the GS Statement of Strategy 2019-21 and Policing Plan 2019 which are due to be submitted to the Authority by 31 January, with particular reference to correspondence from the Commissioner in this regard. Members noted that the Authority takes its statutory responsibility for setting the policing priorities very seriously, undertaking a consultation process with a wide range of stakeholders to determine the priorities. The statutory role of the Authority in setting targets and milestones and their importance in measuring progress against achievement of the plan was also emphasised. The Commissioner outlined the broad range of areas covered by the draft plan and agreed to revisit presentational issues to address the matters raised. Members agreed that the draft documents would be discussed in detail at the Policing Strategy and Performance Committee on 6 February. The Commissioner's proposal to attend the Committee in person was appreciated by Members.

16. Lessons learnt arising from Inquiries under section 42 of the Garda Síochána Act 2005

The Garda Commissioner provided an update to the Authority in relation to the implementation of the recommendations of the recently published reports of two Commissions of Inquiry under s.42 of the Act. There was discussion about how learning arising from these reports will feed into training, including in relation to human rights and ethics. In particular the Commissioner provided assurance to Members regarding the processes currently in place for dealing with emergency calls and a commitment was given to addressing issues relating to calls made directly to Garda stations. It was noted that issues arising in relation to organisational risk with regard to retention of documents and data had been added to the risk Register. It was confirmed that a family liaison process was in place to communicate directly with the victim's families in these cases.

The Authority is likely to return to the issue of call handling in the context of the roll-out of national CAD.

17. Other Business

17.1. Juvenile Diversion Programme

Members discussed the additional issues involving the further and different 3,500 cases relating to the programme as communicated in the Commissioner's letter of 16 January. The GS confirmed that these issues were identified during their review, had arisen as unintended consequences of an update to the PULSE system which has now been fixed and that there are no new cases now arising. Members queried how these cases arose and are being dealt with, the current status of these cases, how they were being managed through Performance and Accountability Framework, the spread of cases, the consequences of the issues for vetting. The matter of learning for the future was raised with particular reference to fixes for one issue in PULSE giving rise to other unintended consequences and whether this could re-occur. The GS offered to arrange for Authority representatives to view the system for data related to Road Traffic in the context of the youth referrals to assist in clarification of the process. Members welcomed the GS frankness in relation to the issue. Members enquired whether responsibility will be reflected in the report and sought assurance that the Juvenile Diversion Programme's statutory Committee Appointed to Monitor the Effectiveness of the Diversion Programme is engaged in the matter.

17.2. Update on progress on lessons learned arising from the incident at An Cosán

The GS confirmed that work is underway to look at lessons learnt arising from court cases subsequent to the An Cosán incident.

Members welcomed receipt of the GS report on their review of the incident at North Frederick Street, which will feed into the work being carried out for the Authority by the Garda Inspectorate on public order policing. A number of issues arising from the report were discussed including:

- The need for Gardaí to risk assess and exercise their professional judgement in managing situations that arise in incidents of this nature;
- The perception from the report that the event concerned was agent led and that the GS may not have exercised sufficient influence with regard to its timing which might have mitigated the risks involved. The GS undertook to clarify this. It was noted that the GS have limited recourse to a planned response where no consent is required to proceed with an event and the agent insists on proceeding, necessitating a reactive response by the GS. ;
- The fact that issues arose at this incident which were similar to the An Cosán incident, indicating a lack of learning from earlier incidents; and
- Noting good practices which were in evidence from the report and the need to spread good practice across the organisation.

17.3. Homicide Review

The GS updated members on the review of the third group of cases which is underway and close to completion. The Commissioner noted the need for oversight going forward and Members agreed that they would be happy to discuss in the context of the Authority's oversight role.

Actions arising:

No.	Action point	By Date	By Whom
A_049_09	The GS to clarify, in relation to the review of the North Frederick St. incident, the extent to which the agent	ASAP	GS

No.	Action point	By Date	By Whom
	concerned had been advised by the GS with regard to the timing of the event.		
A_049_10	The GS to arrange for Authority representatives to view the system for data related to Road Traffic in the context of the youth referrals.	ASAP	GS