

Minutes of Meeting of the Policing Authority

Date: 27 May 2020

Venue: By Video Conference

Part A – Authority Meeting

Attendance

Authority: Bob Collins (Chairperson), Vicky Conway, Pat Costello, Deborah Donnelly, Judith Gillespie, Valerie Judge, Paul Mageean, Moling Ryan.

Secretary: Aileen Healy

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

Visitors: Ronnie Downes, Assistant Secretary, Department of Public Expenditure and Reform (for part of Agenda Item 9)

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.

The Chairperson emphasised a number of items for prioritisation in the Authority's work programme over the coming months and welcomed any other suggestions from Members.

The Chairperson thanked Members and staff for the intensity of their engagement in the current circumstances which is both impressive and much appreciated.

2. Minutes and Matters Arising

The minutes of the meetings on 29 April and 15 May 2020 were approved and cleared for publication.

The log of actions was noted and there was agreement to close the items proposed. Members noted the Commissioner's commitment to review the decision to amalgamate the CIO and CDO roles. The Chairperson noted that he had spoken to the Commissioner, noting the Authority's interest in contributing to this review.

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:

- A request for the Authority's observations in relation to the draft Youth Justice Strategy. Members agreed to provide input to the Executive with a view to drafting a response for consideration at the June meeting;

- A number of research projects that are underway. Members discussed arrangements for continuing with aspects of the research that require engagement with individuals in the context of COVID-19.
- Business continuity arrangements for the Authority, noting that all staff are continuing to work remotely and ongoing engagement with all staff to ensure smooth working arrangements, including for secure communications and systems, and staff welfare. Members discussed the plans for returning to the office and the Chief Executive outlined that planning was underway for a return to the office but that, in line with government guidelines, the majority of staff would continue to work remotely. Arrangements for Authority meetings were also discussed and, while it was agreed that it would be necessary to hold meetings in June and July remotely, it was agreed that planning should commence to hold the September meeting and the meeting with the Commissioner in a physical venue, while observing social distancing rules. It was accepted that the circumstances might not facilitate members of the public or the media being in attendance for the meeting in public in September but that the Authority would continue to meet its statutory duty in this regard by livestreaming the public parts of the meetings.
- Staff turnover, with a number of staff due to leave the Authority in the coming month and with new staff coming joining the Authority.

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

No.	Action point	By Date	By Whom
A_071_01	Arrangements to be put in place to resume Authority meetings in a suitable venue which will facilitate social distancing requirements in advance of the Authority meeting in public in September.	September 2020	Chief Executive

4. Oversight of COVID-19 Policing

The Chief Executive outlined the ongoing work that is being undertaken in light of the preparation of bi-weekly reports to the Minister for Justice and Equality ('the Minister') on the oversight of COVID-19 policing. In particular, it was noted that obtaining timely data from the Garda Síochána ('GS') on the use of new powers under the COVID-19 regulations, while improving, was continuing to be problematic. Members emphasised that it was essential that the data requested be provided to facilitate the Authority's oversight and consideration was given as to how barriers to its provision might be overcome.

Members discussed the reporting to the Minister to date and the importance of continuing this work. In particular the expanding outreach to engage with stakeholders, Joint Policing Committees and community organisations and observation of the work of the Garda Síochána in the context of particular policing challenges were noted. The Executive provided an overview of stakeholder engagements over the past weeks, noting in particular the very positive feedback being received across a range of different community groups in relation to the nature and tone of GS interactions with vulnerable individuals and groups. Members welcomed these positive experiences, which were felt to be indicative of a changing culture, and emphasised the need for a focus on retaining the value of this more positive approach and the greater engagement with local views on community safety after COVID-19. The approach to the Authority's continuing oversight and ways in which it might be enhanced over the coming weeks to provide a basis for future reports was discussed.

The Chairperson discussed with Members his concerns about certain informal approaches made by the GS with a view to obtaining some insights into public responses to the policing of COVID-19. He had conveyed his unhappiness to the Commissioner who understood fully, in particular the non-observance of the statutory requirements involved. Members agreed strongly with the position taken by the 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 (ODC)

The committee had not met since the last Authority meeting. The Committee Chair provided an update on scheduling of upcoming committee meetings.

5.3. Policing Strategy and Performance Committee (PSP)

The committee had not met since the last Authority meeting.

5.4. Policing Reform Working Group

The Group had not met since the last Authority meeting.

6. Audit, Governance and Risk

The Committee had not met since the last Authority meeting and are due to meet in June. The Committee Chair briefed Members in relation to the emerging risks and the actions to mitigate risk as reflected in the Risk Management Report. Emerging risks in relation to staff turnover, ability to manage workload while remote working and return to office working as COVID-19 restrictions are lifted were discussed.

No.	Action point	By Date	By Whom
A_071_02	The Risk Register to be updated in light of the Authority's discussion.	10 June	Chief Risk Officer

7. Garda Síochána Appointments

The Secretary provided an update to Members with regard to the request to the Department of Justice and Equality to seek Government approval to request the Public Appointments service to undertake a selection competition for Deputy Commissioner in the GS.

Members considered a request from AGSI to extend the current Superintendent panel which is due to expire in July. Members appreciated the perspectives raised in the request but agreed that, as there is a

new competition underway for appointment to the rank of Superintendent, it would not be appropriate to extend the life of the current panel. It was also noted that, as it is not clear at this point how many appointments will be made from the current panel, both AGSI and candidates on the current panel were being advised that there is no guarantee of appointment from that panel and candidates are encouraged to apply for the competition which is currently underway.

No.	Action point	By Date	By Whom
A_071_03	The Chief Executive to convey the Authority's view to AGSI in relation to a request to extend the current Superintendent panel.	Immediate	Chief Executive

8. Garda Síochána Risk and Resources

Members welcomed and discussed the draft Mazars report on the future needs of the GS Finance function. A number of issues were raised regarding the content and implementation of the report, which it was felt required further consideration, in advance of providing feedback to the GS for consideration in the finalisation of the report. The upcoming vacancy for Executive Director Finance was considered in this context, noting the importance of this position in driving the proposed reforms and that the job specification for the role needed to reflect the requirements set out in the report. It was agreed that the Organisational Development Committee would meet with the Executive to consider the Authority's detailed response to the report.

Members has a short but valuable meeting with Ronnie Downes from the Department of Public Expenditure and Reform (DPER) with a broad ranging and constructive discussion in relation to matters pertaining to the resourcing of the Garda Síochána, including:

- Expenditure estimates for 2020 and 2021, including the possible impact of COVID-1,;
- Reform of the GS Finance function, including the recommendations of the draft Mazars report;
- Resources, including in relation to staffing and systems required to modernise the financial management capacity and management information systems in the organisation; and
- The need for a strategic approach to financial management and, in particular, to forge stronger links between resource allocations and performance, in line with developments elsewhere in the public service, while noting the very distinctive requirements of the organisation.

It was agreed that engagement with DPER twice annually to facilitate an exchange of views would be useful.

No.	Action point	By Date	By Whom
A_071_04	The ODC to convene a meeting to discuss and inform the Authority's response to the Mazars report on the GS finance function.	June 2020	Organisational Development Committee
A_071_05	The Authority to meet with a representative of the Department of Public Expenditure and reform for an exchange of views on GS resources twice annually.	Nov 2020	Authority

9. Garda Síochána Audit and Assurance

Members noted the Annual Report of the GS Audit and Risk Committee and agreed to invite the Chair of the Committee to meet with the Authority to discuss the report. Members also noted and briefly discussed the Annual Report of the GS Professional Standards Unit (PSU). The 2020 work plans of both Units were also noted. It was agreed that assurance mechanisms, including the PSU, should be a focus of considerable future attention by the Authority, particularly in the context of the ongoing reform of the GS.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_071_06	The Chairperson to invite the Chair of the Garda Audit and Risk Committee to meet with the Authority at a future meeting.	ASAP	Chairperson

10. Policing Plan 2020

Members discussed the draft of the revised 2020 Policing Plan which has been updated by the GS to reflect changing circumstances due to COVID-19. Members welcomed the changes that had been made since their last engagement with the GS and acknowledged the difficulties posed by the ongoing COVID-19 situation. The revised plan was approved for submission to the Minister, subject to seeking clarification from the Commissioner in relation to a number of matters discussed, including in relation to the need to commence the culture audit in 2020 and that targets included in the plan are realistic.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_071_07	The revised 2020 Policing Plan to the Minister to be submitted to the Minister subject to discussion with the Commissioner and final drafting.	ASAP	Chief Executive

11. General Scheme of a Police Powers Bill to codify police powers of search, arrest and detention.

Members noted that substantial work had been completed in drafting a response to this consultation. The importance of recording of the use of police powers and of reflecting a consistent approach to human rights was emphasised. Noting that a small number of issues remain for consideration, it was agreed that Members would provide further detailed feedback to the Executive and that the group of Members and Executive which has initially convened to consider the Bill would reconvene to finalise the response.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_071_08	The response to the consultation on the draft Police Powers Bill to be considered further with a view to finalisation.	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.

13. Documents for Noting by the Authority – May 2020

The following documents were noted by the Authority:

<i>Document</i>		<i>Action Required</i>
D_071_01	Draft Youth Justice Strategy 2020	For noting
D_071_02	CSO Publication - Recorded Crime Victims 2019 and Suspected Offenders 2018	For noting
D_071_02	GSOC Annual Report 2019	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), John Twomey (Deputy Commissioner), Joe Nugent (Chief Administrative Officer), Anne Marie McMahon (Acting Deputy Commissioner), Andrew O’Sullivan (Executive Director), Gráinne Shortall (Assistant Principal).

14. Commissioner’s Monthly Report to the Authority

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

- The 2020 financial allocation for the GS Vote and the provisional expenditure outcome for the year, with particular regard to pressures arising due to additional expenditure necessitated by COVID-19. The Commissioner noted that an exercise is currently underway to forecast expenditure and that he will share this with the Authority;
- The importance of continuing with the planned culture audit in 2020, welcoming the Commissioner’s decision to proceed with this work and commence the associated procurement process and noting that the revised 2020 Policing Plan would be updated to reflect this decision;
- Use of Force statistics. Members noted further information received with which the Executive will engage in the coming weeks with a view to the moving to the routine publication of use of force data;
- Sick absence rates which were noted to have decreased in recent months;
- Redeployment of Garda Staff to front-line duties, noting that this would be delayed due to COVID-19 with an impact on achieving 2020 targets; and
- Briefing by the Commissioner in relation to recent operational policing matters.

15. HR Related Matters

The Chairperson reminded the Commissioner about a number outstanding issues relating to staffing, including a review of the CIO/CDO role, and the Commissioner provided a brief update with regard to the status of these matters which he indicated he would discuss further with the Chairperson in the coming days.

Members thanked the Commissioner for material received in relation to the training of the new intake of Garda recruits and discussed the arrangements for the training of this intake and for the completion of the training of the two previous intakes which had been attested in March in advance of completing their training.

In response to Members questions regarding the arrangements to hold Sergeant and Inspectors promotion competitions, the Commissioner confirmed that he had received detail of the new process and would share the document with the Authority. The Chairperson noted the importance of embedding core competencies such as financial literacy in the roles of Sergeant and inspector and developing these as members are promoted throughout the organisation.

16. Policing of COVID-19

The Chairperson noted the impressive positive feedback from a range of stakeholders in the course of the Authority's outreach work in preparation for its reports to the Minister on the policing of COVID-19, in particular in relation to engagement by the GS with people in a different way over recent months. It was noted that this will be reflected in the Authority next report to the Minister and forms a basis for significant reflection on the nature of policing services that will emerge after COVID-19. The Commissioner acknowledged the nature and tone of recent engagements with the public, outcomes in terms of providing reassurance and the importance of building on these positive outcomes.

The Chairperson raised with the Commissioner the matter addressed in Item 5 and the Commissioner reiterated his understanding of the Authority's position.

Members raised continuing difficulties with regard to the recording of data in relation to use of new COVID-19 policing powers and emphasised their desire to resolve the issue in a manner which would facilitate the collection of data which would give the Authority a sense of the necessity, proportionality, transparency and appropriate use of these extraordinary powers without adding an unreasonable administrative burden on the GS. The Chairperson expressed the Authority's confidence in the recording of any use of the powers based on the professional judgement of trained Garda members. Members also emphasised that they were fully cognisant of the scale of the task faced by the GS and appreciated the effort and time expended but noted their continuing concerns of the lack of capacity to record and report on the exercise of exceptional powers.

In response to Members questions about crisis driving innovation, the Commissioner noted a number of examples of innovation and changing working practices and informed Members that he had commenced an exercise to identify and capitalise on good practice, both in the GS and in other jurisdictions, throughout COVID-19 and that this would be shared with the Authority.

Questions regarding the policing of protests and a number of incidents arising in this context were also discussed with the Commissioner. In addition, the issue of access to solicitors by people in custody, arising from a recent survey, was raised. The Commissioner indicated that there has been engagement with the DPP and the Law Society on this matter and that he would revert with further details.

17. Risk and Resources

The Chairperson noted the significance of the Mazars report in the current environment which necessitates even greater attention to financial management and prioritisation of the use of resources and there was a discussion with the Commissioner in relation to some of the key issues arising from the draft report. There was particular engagement regarding the level of change that will be necessitated to modernise financial processes and systems aligned with the new operating model structures and to build financial management capability and responsibility across the organisation. Members asked about the implementation of the recommendations and the Commissioner agreed that there was significant work required to determine how to move forward to implement the changes required. Members noted in particular the importance of responsibility for devolved budgets throughout the organisation and the links with performance and the consequent necessity to build financial capacity. It was noted that recruitment to fill the upcoming vacancy of Executive Director Finance needs to proceed without delay and that the requirements for the role need to reflect the challenges of the reform agenda. It was agreed that the Authority would provide further feedback on the Mazars report and the job specification.

Members raised a number of questions in respect of the Fleet Strategy and how it addresses the requirements of the new operating model and new ways of working and reimagining of what a Garda presence means, considering, for instance, whether variations in the fleet might better reflect diverse requirements in urban and rural areas.

18. Management of DNA Samples

The Members noted a holding response received from the GS and agreed to defer a detailed discussion pending the receipt of further details.

19. Other Business

The Chairperson informed the Commissioner of the Authority's approval of the revised 2020 Policing Plan. Members expressed some concern about the number of targets falling in Quarter 4 2020 and the consequent significant challenge and risk of slippage, noting the Authority's intention of revisiting the plan again if circumstances necessitate further changes.

No.	Action point	By Date	By Whom
A_071_09	The GS to share the report on identification of learning from the response to COVID-19 in the GS and in other jurisdictions.	ASAP	GS
A_071_10	The GS to share the forecast of 2020 expenditure that is being undertaken;	ASAP	GS
A_071_11	The GS to share their plans for Sergeant and Inspector promotion processes in 2020.	ASAP	GS
A_071_12	The GS to revert to the Authority with regard to access to legal advice by persons in custody during COVID-19.	ASAP	GS