



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 27 November 2019

**Venue:** Dublin Castle

### Part A – Authority Meeting

#### Attendance

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

**Apologies:** Vicky Conway, Maureen Lynott

**Secretary:** Aileen Healy

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

#### 1. Chairperson's Opening Remarks

The Chairperson briefed Members in private session that the Government had appointed a new Member to fill an upcoming vacancy to the Authority with effect from 1 January, subject to an Oireachtas motion being passed. It was noted that the Minister had advised Government that the new Chairperson of the Authority would be appointed from the existing membership.

The Chairperson also briefed Members in private session with regard to regular updates she has received from the Commissioners with regard to the Northern region.

The Secretary was requested to formally record that, since the last meeting of the Authority, Members had considered the report from the Public Appointments Service regarding the outcome of the recent Deputy Commissioner recruitment campaign and, in light of the fact that no suitable candidate has been identified, agreed that the Chairperson correspond with the Minister regarding the outcome.

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

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_061_01</b>	The Chairperson and Chief Executive to make contact with and meet the new Authority member.	31 December	Chief Executive

#### 2. Minutes and Matters Arising

The minutes of the meetings on 23 October 2019 were agreed and cleared for publication. The log of actions was noted and there was agreement to close the items proposed. It was noted that there are a significant number of items awaited from the Garda Síochána ('GS') and that these would be raised with the Commissioner at an appropriate time. Members also expressed dissatisfaction at the continued receipt

of late documentation from the GS in advance of Authority and Committee meetings and noted that such late papers should only be accepted on an exceptional basis. It was noted that late papers, which Members did not have the opportunity to read but which it would be assumed to have been read, does not allow the Authority to conduct its meetings with the Commissioner in an effective manner and that this would also be discussed with the Commissioner.

Members noted a number of matters arising from these and previous minutes, including:

- The Victims Information booklet which has been received for the GS and which is understood to be available on the Garda website. Members questioned whether the booklet was available to victims, noting that it appeared that it would be expensive to produce and expressing concern that there needed to be focus on making it available to victims; and
- The response received in relation to a HR matter previously discussed with the Commissioner.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_061_02</b>	The Authority to discuss the provision of documents requested from the GS with the Commissioner.	ASAP	Authority
<b>A_061_03</b>	The Chief Executive to follow-up with the GS regarding plans to make the Victims Information Booklet available to victims.	ASAP	Chief Executive

### **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:

- Draft regulations received from the Department of Justice and Equality (the Department) relating to the proposed GS severance programme. These were discussed and it was agreed that the Authority's observations be provided to the Department;
- The CEO's attendance at an expert forum on security;
- The planned meeting with the Assistant Commissioner Crime and security including to discuss progress in relation to a number of items on the Policing Plan relating to crime investigation.
- The status of research projects, noting that sanction has been received to engage research services to undertake work in relation to the Garda role in prosecution of cases in court which will be advertised in the coming weeks;
- The recent meeting of the GS Promotions Advisory Council to discuss a proposal to extend the Sergeant panel, noting that the Authority's representatives had raised the risks of this course of action which was not considered to be in line with best practice. It was also noted that the Chairperson had subsequently written the Commissioner with regard to this and a number of related matters. Members noted, that while they understood the motivation to ensure supervisory positions were filled, they would have expected that a new promotion competition should have been in place to meet this need and it was agreed that this would be followed up with the Commissioner at the meeting later in the day;
- The current staffing position in the Authority, noting that a number of vacancies have been filled in recent weeks and the staffing complement will increase over the coming weeks when these new staff commence work with the Authority; and

- A draft information note on J-ARC which is intended to inform the Authority in its consideration of forthcoming legislation in relation to oversight of cross-agency work. It was agreed that this be finalised subject to drafting and consideration be given to whether it would be useful to share with other agencies.

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

#### 4. Committee Updates

##### 4.1. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last Authority meeting.

##### 4.2. Organisational Development Committee

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

- An initial discussion with regard to review of the Committee’s self-assessment of its performance during the year and the timing and focus on 2020 meetings, which will be completed at the next meeting;
- Engagement with the GS and the Committee’s concerns in relation to ethics, culture, strategic HR, and performance management, noting again delays in receipt of material and non-attendance of key Garda representatives at committee meetings;
- The GS redeployment target for 2019 which it is clear will not be met. Members expressed concern that Garda staff being recruited to facilitate redeployment of Garda members to frontline positions were doubling up in these roles and noted that a clear strategy is required to set out how the overall redeployment target is to be achieved including how to resolve the barriers to its achievement. It was also noted that there is remaining uncertainty over the setting of a target for 2020 and the achievement using the current approach of the overall target of 1,500 by 2021 and it was agreed to discuss this with the Commissioner.

Members noted material received from the GS in relation to the PALF performance management system and asked that the Executive prepare an information note on PALF for consideration at a future meeting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_061_04	An information note on PALF to be prepared for consideration by the ODC and the Authority.	ASAP	Chief Executive

##### 4.3. Policing Strategy and Performance Committee

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

- A presentation from the Garda Analysis Service;

- The Committee’s review of the self-assessment of its performance during the year, noting the impact of late receipt of material from the GS on their ability to prepare and deal with matters effectively;
- Non-receipt of the quarterly report on Roads Policing, following the recommendations of the Crowe Horwath report. It was also noted that it appears that the GS are not in a position to report to the Authority in relation to data on driver training;
- Expectations agreed with the GS regarding the statistics required to be included in the Commissioner’s Monthly Report from January 2020 in relation to use of force;
- The final Homicide report, which Members noted had recognised organisational learning in relation to some serious investigation issues;
- The GS Assault Strategy, which the Committee had agreed to revisit in three months, on receipt of the underlying analysis and consideration of whether the issues identified are addressed;
- The level of progress in relation to the enhancement of the Armed Response Unit
- The status of performance against the policing plan, noting that a number of items which were currently off-target were expected to be achieved by year end
- The level of engagement by the GS in relation to the 2020 Policing Plan, which is the key performance document for the Authority’s oversight. It was agreed that there should be early engagement with the GS in 2020 with regard to the expectations for this process in future so that the Committee’s and Authority’s work could be planned in accordance with an agreed timetable; and
- The schedule of meetings in 2020 which had been altered to take account of key milestones and Authority meetings.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_061_05</b>	The Committee to engage with the GS early in 2020 to set expectations regarding the process and timelines for the preparation of the 2021 Policing Plan.	31 March 2020	PSP Committee

#### **4.4. Policing Reform Working Group**

The Chairperson updated members on the recent meeting of the group with the Garda Inspectorate, noting proposals for engagement in relation to the new legislation when the general scheme becomes available.

#### **5. Audit, Governance and Risk**

The Committee had not met since the last Authority meeting.

Members reviewed and Risk Management Report and discussed a number of emerging risks and mitigations which are to be reflected in the Risk Register.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_061_06</b>	The Risk Register to be updated in light of the Authority’s review and discussion.	16 December	Chief Risk Officer

## 6. Garda Síochána Appointments

Members discussed the establishment of a panel of candidates for appointment to the rank of Chief Superintendent in the Garda Síochána. The report of the selection board and the order of merit for the Chief Superintendent selection competition was circulated and considered by Members. A panel of 10 candidates for appointment to the rank of Chief Superintendent was established in accordance with the regulations in the order of merit determined by the selection board and the Chairperson signed the formal establishment order. It was noted that there is no guarantee that all candidates on the panel would be appointed when the panel expires on 22 November 2020. The confidentiality of the panel was emphasised and it was agreed that their results will be notified to candidates only. The statistics in relation to the competition were noted.

Members considered requests from the GS for the appointment of three Principal Officers in the GS, including two change leads on secondment, and appointed the candidates.

Members considered requests from the GS to extend temporary acting appointments to an Executive Director position. Members agreed to approve the extension, subject to the consent of the Ministers for Justice and Equality and Public Expenditure and Reform, again expressing their concern at filling a key strategic position on a continuing acting basis.

Members noted and discussed correspondence from the Garda Commissioner to the Department regarding the Deputy Commissioner position. It was agreed that the Chairperson should bring the Authority's views to the attention of the Commissioner and seek a meeting with the Commissioner and the Department to discuss the matter in light of the Authority's statutory role in the appointment to the rank.

Members noted the papers had not been received from the GS relating to an agenda item relating to a Superintendent appointment and agreed to defer the matter to its next meeting.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_061_07</b>	The results of the 2019 Chief Superintendent selection competition to be notified to candidates.	28 November	Chief Executive
<b>A_061_08</b>	Further to appointments to the rank of acting Executive Director and Principal Officer in the GS, the Chief Executive to notify the persons of their appointment.	Immediate	Chief Executive
<b>A_061_09</b>	The approval of the Ministers for Justice and Equality and Public Expenditure and Reform to be sought for the extension of a temporary acting positions at Executive Director level in the Garda Síochána.	Immediate	Chief Executive
<b>A_061_10</b>	The Commissioner to be notified of the appointments made by the Authority.	Immediate	Chief Executive
<b>A_061_11</b>	The Chairperson to convey the Authority's views to the Commissioner in relation to proposals for the Deputy Commissioner position and to seek a meeting with the Commissioner and the Department to discuss the matter.	16 December	Chairperson

## 7. Policing Plan 2020

Members discussed the latest draft of the 2020 Policing Plan and agreed that there were a number of outstanding matters to be discussed with the Commissioner.

## 8. Garda Inspectorate Report 10 - Crime Investigation

This item was deferred due to pressure of time to the December meeting, at which time it is expected that the Executive will have an updated paper subsequent to the meeting with the Assistant Commissioner Crime and Security.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_061_12	The Secretary to include The Garda Inspectorate Report on Crime Investigation on the agenda for the Authority's meeting in December.	16 December	Secretary

## 9. 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.

## 10. Documents for Noting by the Authority – November 2019

The following documents were noted by the Authority:

<i>Document</i>		<i>Action Required</i>
D_061_01	High Court Judicial Review Judgement re Youth Diversion Programme	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), Gráinne Shortall (Assistant Principal).

### 11. Policing in the Northern Region

The GS provided a detailed briefing and responded to Members questions in relation to a number of current matters relating to policing in the Northern Region.

### 12. Other Business

There was a discussion in relation to a number of items including:

- The provision of material to the Authority by the GS and the capacity of the Authority to deal with extensive, important and increasingly late information and the need for a more substantive discussion on the matter in the near future;
- GS proposals for assignment of responsibility at Executive Director level for ICT and Chief Data Officer functions and the suppression of an Executive Director position. Members noted the proposal and registered their strong disquiet on a number of grounds including that the specialist Chief Data Officer position had been approved arising from concerns about data quality which remain to be addressed;
- The status of redeployment, noting the GS position that while the 2019 target would not be met there was absolute commitment to the programme which is an essential input to the delivery of the new operational model. Members pointed out that the assignment of additional Garda staff was conditional on the redeployment of Garda members.
- The Policing Plan 2020. Members raised a number of matters for clarification with the Commissioner arising from the draft plan including in relation to data quality and redeployment. It was agreed that the Executive would continue to work with the GS with a view to bringing a final draft to the December Authority meeting;
- An update by the Commissioner on industrial relations matters; and
- The extension of a sergeant promotion panel in a manner which the Authority, while understanding the need to fill the positions, does not consider to be in line with best practice, the lack of a timely process to create a new panel, the overall management and governance of promotions and the slow pace of reform of these processes at Sergeant and Inspector level.

### Actions arising:

No.	Action point	By Date	By Whom
A_061_13	The draft 2020 Policing Plan to be finalised in time for Authority consideration at its December meeting.	ASAP	GS

## Part C – Authority Meeting with the Garda Commissioner in public

### Attendance

**Authority and Executive:** As for Part B

**Garda Síochána:** Drew Harris (Garda Commissioner), Joe Nugent (Chief Administrative Officer), Finbarr O’Brien (Assistant Commissioner), Orla McPartlin (Assistant Commissioner), David Sheahan (Assistant Commissioner), Liam Geraghty (Superintendent), 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
<b>Commissioner’s Monthly Report</b>	<ul style="list-style-type: none"> <li>• National Bravery Award</li> <li>• 2019 Supplementary Budget and year end budgetary position including overspend on overtime and underspend on capital;</li> <li>• 2020 budgetary allocation and provision for uniforms;</li> <li>• Adequacy of Garda fleet;</li> <li>• Signing of Code of Ethics and any evidence of geographical disparity;</li> <li>• Progress with cultural change and the intention to undertake a culture audit in 2020;</li> <li>• Engagement with victims;</li> <li>• Anti-corruption policy;</li> <li>• Actions that the public might expect to see in the roll-out of the Assault Strategy and when would expect to see a positive impact on crime figures;</li> <li>• Trend in sexual offenses and whether can disaggregate between increases in incidences and reporting;</li> <li>• Diversity and Integration Strategy, the reaction of minority groups to its publication and how it will help to tackle hate crime;</li> <li>• Policing Plan 2019 and number of objectives which are off-target.</li> </ul>
<b>Homicide Review Final Report</b>	<ul style="list-style-type: none"> <li>• Whether the Commissioner was surprised by the outcome?</li> <li>• Reflection on and concerns about the quality of investigation;</li> <li>• Data quality;</li> <li>• How improvements in the organisation are measured and how soon systemic change is expected;</li> <li>• Timescale for implementing the recommendations;</li> <li>• Concerns that there may be similar issues in other investigative areas;</li> <li>• Whether the 41 cases examined during the review were Article 2 compliant.</li> </ul>
<b>Approach to recording and reporting publicly on the Use of</b>	<ul style="list-style-type: none"> <li>• Extent of current and planned recording of use of force locally and nationally;</li> <li>• Lack of statistics for a number of PULSE categories and plans to collect this data in 2020;</li> <li>• What the Authority might expect in relation to reporting of statistics in 2020;</li> </ul>



Agenda Item	Principal matters discussed
<b>Force from 1 January 2020</b>	<ul style="list-style-type: none"> <li>• Sense of assurance regarding the quality of data</li> </ul>
<b>Policing in the Northern Region</b>	<ul style="list-style-type: none"> <li>• Recognition of successes as a result of complex and lengthy investigations;</li> <li>• Assessment of the challenges and capacity in the organisation to address current issues</li> <li>• Supervision and support for Gardaí dealing with serious crimes;</li> <li>• EU Drugs Market Report and advice to the public arising from the report;</li> </ul>
<b>Youth Diversion Programme – Disciplinary process status and outcomes</b>	<ul style="list-style-type: none"> <li>• Progress with regard to discipline, members exonerated to date and at what level in the organisation the problem occurred;</li> <li>• Role of performance management at team and individual level;</li> <li>• Recent High Court judgement in relation to the Youth Diversion programme.</li> </ul>
<b>Other Business</b>	<p><u>Driver Training:</u></p> <ul style="list-style-type: none"> <li>• How many of current complement of Gardaí are trained to drive to appropriate levels,</li> <li>• If the risk of insufficient trained drivers is reflected as a serious risk on the Risk register?</li> <li>• The gap to be filled and how it is planned to address it.</li> </ul>

**Actions arising from the meeting held in public:**

No.	Action point	By Date	By Whom
<b>A_061_14</b>	The GS to provide its Driver Training Policy to the Authority.	31 December 2019	GS
<b>A_061_15</b>	The GS to Provide an update to the Authority in relation to the progress made on Culture in light of ongoing work.	June 2020	GS
<b>A_061_16</b>	The GS to share a draft of their Anti-corruption policy with the Authority.	Immediate	GS
<b>A_061_17</b>	The GS to provide statistics and some conclusions on the operation of the Assault Strategy in January 2020.	January 2020	GS