



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 28 March 2019

**Venue:** 90 North King Street

### Part A – Authority Meeting

#### Attendance

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

**Secretary:** Aileen Healy

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

**Apologies:** Maureen Lynott

**Visitors:** Mark Toland (Chief Inspector), Hugh Hume (Inspector) and Gerard O'Regan, Garda Inspectorate (for Agenda Item 12).

#### 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 and discussed, including:

- From the Garda Inspectorate ('GI'), inviting consultation on their 2019-21 Work Plan. Members discussed the proposed areas of work and agreed feedback to be provided to the GI;
- From the Garda Síochána ('GS'), inviting the Authority to participate on its Human Rights Advisory Committee. Members noted that the Executive attended the initial meeting on 27 March in an observer capacity. Members welcomed the GS initiative in convening this group but agreed that, in light of the oversight remit of the Authority in relation to Human Rights in policing, that membership of the group was not appropriate. Members did however express interest in keeping informed regarding the group's work;
- A copy of correspondence supplied by the Commissioner on a confidential basis; and
- From the Independent Review of Police Scotland, inviting consultation in relation to their work, noting that this would be handled at official level initially, and by the Policing Reform Working Group if necessary, with a view to proving any relevant assistance.

In accordance with guidance from the Department of Public Expenditure and Reform, the Authority agreed to reimburse DCU the members fees that would otherwise be payable to Dr. Conway were it not for the 'One Person, One Salary' rule.

The Authority approved its meeting dates for 2020.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_051_01</b>	The Chief Executive to convey feedback to the GI in relation to their 2019-21 Work Plan.	ASAP	Chief Executive
<b>A_051_02</b>	The Chief Executive to arrange to keep informed of the GS Strategic Human Rights Advisory Committee including to seek minutes of meetings.	ASAP	Chief Executive
<b>A_051_03</b>	Meeting dates for 2020 to be added to the Authority calendar, the GS to be notified of meeting dates and venue arrangements made for meetings in public.	ASAP	Secretary

## **2. Minutes and Matters Arising**

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

Members noted and approved the final draft of the Authority's Annual Report for 2018.

It was noted that an advance copy of the Authority's Assessment of Policing Performance 2018 had been provided to the minister for Justice and Equality ('the Minister') and the Garda Commissioner ('the Commissioner') and that the report would be published after a short interval.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_051_04</b>	The Authority's Annual Report 2018 to be submitted to the Minister.	31 March 2019	Chairperson

## **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 Amárach Research to understand their work on the GS Public Attitudes Survey; and
- The expected timeline for receipt of the final GS report on the Youth Diversion Programme, which it was agreed will be discussed with the Commissioner at the Authority's April meeting;

The monthly correspondence report was discussed. Members discussed the different categories of correspondence received by the Authority and how these should be addressed and it was agreed that the policy and procedures for dealing with these matters should be revised accordingly.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_051_05</b>	The Chief Executive to draft revised policy and procedures for dealing with correspondence for the Authority's consideration.	ASAP	Authority

## **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 had not met since the last Authority meeting.

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

The Committee Chair updated Members on the recent committee meeting, which considered the draft GS Statement of Strategy 2019-21, the Policing Plan 2019 and the fourth report of the Homicide review, which were discussed in detail under Agenda Items 9, 10 and 11 respectively.

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

This item was taken in association with Agenda item 14.

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

The Chair of the Audit and Risk Committee ('ARC') updated members on their recent meeting, including in relation to:

- The Committee's Annual Report to the Authority. The report was noted by the Authority and approved for publication;
- The Committee's self-assessment evaluation and the recommendations arising, including in relation to:
  - Committee membership; and
  - The Committee's view that each of the Authority's Committees should also undertake an evaluation of their performance and report to the Authority.
- Three recent internal audit reports considered by the Committee in relation to:
  - Risk management systems;
  - GDPR; and
  - Internal Control systems,

noting the auditor's conclusions that there were no significant findings arising in relation to these areas and particular strengths in relation to systems for GDPR and control systems in general;

- The Committee's detailed review of the Chairperson's Statement of Internal Controls;
- The Committee's view, based on its work and, in particular, the assurance provided by the work of Internal Audit and the external C&AG audit, that there were adequate risk management and internal control systems in place which operated effectively during 2018 which can be relied on by the Authority and the Accounting Officer;
- The Committee's review of the Risk Register and the significant consideration of emerging risks, noting that the Risk Register will be updated in the coming weeks to reflect the matters outlined; and
- The Committee's consideration of and recommendation to the Authority with regard to the approach for evaluation of the Authority's performance.

Members reviewed the Chairperson's Statement of Internal Controls (SIC), noting the assurances provided by the ARC and in supporting documentation and recorded satisfaction with the assurance provided.

The approach to be taken to evaluation of the Authority's performance was discussed by Members and it was agreed that, in light of the uncertainty in the environment arising from proposals to replace the Authority with a new oversight body, there would be relatively little value in conducting a costly external review at this point. It was agreed that a self-assessment based evaluation of performance would be undertaken on the same basis as in the previous year using the questionnaire in the Code of Practice for the Governance of State Bodies and that there would be value in considering a more detailed evaluation of the Authority's overall performance at a later date which would inform the successor body. It was agreed that all Committees should carry out a self- assessment and the Committee Chair's report to the Authority.

Dr. Ryan was re-appointed as Chair of the Audit and Risk Committee and it was agreed that the membership of the Committee would be revisited in advance of the expiry of the terms of the other members.

Members discussed the risks reported and will consider the updated Risk Register at a future meeting.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_051_06</b>	The Annual report of the Audit and risk Committee to the Authority to be published.	ASAP	Secretary
<b>A_051_07</b>	The Secretary to circulate the self-assessment questionnaire to Members for completion and compile a report for consideration by the ARC and the Authority.	ASAP	Secretary
<b>A_051_08</b>	A self-assessment evaluation of performance to be carried out by each Committee and the Committee Chair to report to the Authority.	ASAP	Committee Chairs
<b>A_051_09</b>	Membership of the ARC to be considered by the Chairperson and Chair of the ARC.	June 2019	Chairperson and Chair of ARC
<b>A_051_10</b>	The Risk Register to be revised in light of the discussion and the recommendations of the Audit and Risk Committee.	ASAP	Chief Executive

## **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 and appointed the candidates with effect from the date of taking up their assignments by the Garda Commissioner.

Members considered a request from the GS for the appointment of a Principal Officer and the extension of a temporary acting up position at Executive Director level and approved both appointments.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_051_11</b>	Further to appointments to the rank of Superintendent in the GS, the extension of an acting up appointment to Executive	ASAP	Chief Executive

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
	Director and appointment of a Principal Officer in the GS, the Chief Executive to notify the persons of their appointment.		
<b>A_051_12</b>	The Commissioner to be notified of the appointments made by the Authority.	ASAP	Chief Executive

#### **7. Request for consent to dismiss members of the Garda Síochána in accordance with Regulation 39 of the Garda Síochána (Discipline) Regulations 2007**

Members considered a request from the Commissioner to dismiss a member of the Garda Síochána and there was agreement to consent to the request. It was noted that a second request had been withdrawn due to the Commissioner's acceptance of the resignation of the member concerned. There was a discussion with regard to matters arising in the context of recent requests for consent to dismiss and members requested the Chief Executive to convey their views in this regard to the Commissioner.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_051_13</b>	The Authority's consent to the dismissal of a member of the Garda Síochána, in accordance with Regulation 39 of the Garda Síochána (Discipline) Regulations 2007, to be conveyed to the Commissioner.	ASAP	Chief Executive

#### **8. Garda Síochána Statement of Strategy 2019-21**

Members discussed the draft GS Statement of Strategy, noting that:

- the feedback provided by the Policing Strategy and Performance Committee had been taken on board;
- the deliverability of the Strategy had been tested with the GS and assurances received that it was within the capacity of the GS to deliver it; and
- Members looked forward to seeing Chapter 5 of the Strategy expanded in the GS People strategy.

Members approved the Statement of Strategy and agreed that it be submitted for the consent of the Minister.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_051_14</b>	The GS Statement of Strategy 2019-21 to be submitted for the consent of the Minister.	31 March	Chairperson

#### **9. Policing Plan 2019**

The Authority considered the latest version of the draft Policing Plan 2019 which had been updated in light of feedback provided by the Policing Strategy and Performance Committee and the Authority.

It was observed that the plan is ambitious with many timelines being back loaded towards the end of the year, however, following a deliverability assessment, the GS have provided assurances that the content of the plan is achievable in the specified timeframe.

#### **10. Fourth report of the Garda Síochána Homicide Review**

Members discussed the GS report and agreed to discuss the findings and a number of matters arising with the Commissioner at their meeting later in the day in addition to seeking assurance that further cases were not continuing to occur. It was noted that 32 of the total 41 cases had now been reviewed, that the report on the final group of cases was expected to be completed in the coming weeks and that the GS propose to prepare a final report with overall recommendations and learning from all of the cases reviewed. Members expressed interest in the organisational learning from issues noted in all of the reports being reflected and agreed to continue to oversee the implementation of this learning, noting that this report would provide the Authority with an opportunity to consider together all of the issues and risks relating to these cases.

#### **11. Garda inspectorate Review of Public Order Policing**

The Garda Inspectorate briefed the Authority and addressed Members questions in relation to their final draft report, outlining their findings and the key systemic issues arising from their review across a number of themes. Members welcomed the report and expressed their satisfaction that the Terms of Reference for the review had been met. The inspectorate advised that they would proceed to refer the draft to the Commissioner for fact-checking in advance of its finalisation and submission to the Authority and that the Chief Executive would liaise with the GI with regard to the launch of the report.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_051_15</b>	The draft GI report on Public Order Policing to be provided to the Garda Commissioner for fact checking prior to finalisation and submission to the Authority.	30 April	Garda Inspectorate
<b>A_051_16</b>	Arrangements to be made in consultation with the GI for the Report on Public Order Policing to be launched and discussed as a future Authority meeting with the Commissioner.	ASAP	Chief Executive

#### **12. GRECO**

An information paper on the fifth round of evaluation of Ireland by the Group of States against corruption (GRECO) was noted.

#### **13. Government Programme for Policing Reform**

The Chairperson updated Members on the meeting of the Policing Reform Working Group which met earlier in the week to consider the Discussion Paper from the Department of Justice and Equality ('the Department') in relation to legislative proposals for the Policing and Community Safety Bill relevant to the Authority. It was noted that the Department had been advised, further to their request for the Authority's

views on a range of questions raised in the paper by 29 March, that this would not be possible given the need for Members to consider the matters raised and the proximity of that date to the Authority meeting. The Chief Executive also updated Members on a meeting with the Department to seek further clarification on the content of the paper.

Members expressed concern regarding the difficulty in responding to the discussion paper without the strategic context. In particular it was noted that it was difficult to respond to some of the questions raised in isolation from the proposals for other areas of the bill, with particular regard to the functions of the new oversight body in relation to community safety. Members also observed that many of the issues raised by the Authority in its earlier submission had not been addressed and that there was a lack of clarity in relation to some of the recommendations in *The Future of Policing in Ireland*.

Members expressed the strong view that the Authority has a responsibility to ensure that the reforms serve the best interests of policing and of the community, noting its statutory obligation to independently advise the Minister, including to point out the possible risks and consequences of the reform proposals. This includes ensuring that adequate statutory mechanisms are in place for the new body to exercise appropriate oversight over policing performance and relevant statutory bodies who, it is expected might have roles in ensuring community safety, depending on how it is defined.

It was agreed that, notwithstanding the fact that the Authority will not be in a position to provide its views on all of the matters raised until further context and clarification is received, the Chief Executive will draft a response for the consideration of the Working Group conveying the Members initial views, raising any questions or items for clarification and attempting, where possible, to answer the questions raised in the discussion paper. Members also requested that Department officials be invited to engage directly with the Authority at its next meeting or, if this is not possible, with the Working Group in light of the Minister’s previous commitment for engagement with the Authority in relation to the reforms.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_051_17</b>	The Chief Executive to prepare a response to the Department further to its request for observations on its Discussion Paper on proposals relevant to the Authority for the Policing and Community Safety Bill for approval by the Policing Reform Working Group	Immediate	Chief Executive
<b>A_051_18</b>	The Chief Executive to invite Department officials to engage directly with the Authority at its next meeting or, if this is not possible, with the Working Group in relation to their reform proposals.	ASAP	Chief Executive

#### **14. 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.

#### **15. Documents for Noting by the Authority – March 2019**

The following documents were noted by the Authority:

<b>Document</b>		<b>Action Required</b>
<b>D_051_1</b>	CSO Recorded Crime Statistics Quarter 4 2018	For noting
<b>D_051_2</b>	Oireachtas Joint Committee on Justice and Equality Report on <i>Community Policing and Rural Crime</i> , March 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), Michael O’Sullivan (Assistant Commissioner), David Gilbride (Executive Director), Brian Sutton (Chief Superintendent), Gerry Russell (Chief Superintendent), Sara Parsons (Deputy Head GS Analysis Service), Gráinne Shortall (Assistant Principal).

### 16. Commissioners Monthly Report to the Authority

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

- The GS sign language initiative in 2 pilot areas was welcomed by Members as a response to locally identified needs - the Commissioner confirmed that the initiative is an important element in an area of vulnerability and will be evaluated in due course;
- Some excellent examples of police work were recognised which are proof of the really good capacity of Garda members;
- Progress on cultural change - it was agreed that the Commissioner would be invited to provide an update on progress at Committee with a view to determining what progress should be routinely reported in the Commissioner’s Monthly Report;
- Sick leave statistics were discussed – it was agreed that more meaningful statistics on length of absences and trend would be provided and consideration given to comparisons with other organisations;
- Measures available to maintain the value of assets seized;
- The status of the People Strategy – it was confirmed that the strategy would be provided to the Authority in advance of the next Organisation Development Committee on 16 April;
- The intake of new Garda Reserves;
- Roll-out of the Roster and Duty Management System and the benefits of the system;
- Progress on redeployment of Garda members to front-line duties;
- Workforce Planning and the status of the census - it was agreed that a presentation on the results and on the Organisational Operational model project will be provided to the Executive in mid-April;
- Level of sign-up to the code of Ethics, progress on the ethics videos and measures being taken to overcome resistance;
- Engagement with the CSO on the development of an action plan to improve crime statistics – the Commissioner confirmed that this work is ongoing and agreed to inform the Authority when the action plan was in place.
- Policy to address issues such as gifts which give rise to potential for corruption – the Commissioner noted the importance of setting an example at the top, reinforcing positive behaviours and challenging serious disciplinary and possibly criminal behaviour for which he has a zero tolerance and setting.

Members noted a media report in relation to a collapsed trial concerning a Garda staff member and raised questions with the Commissioner in relation to some matters of concern suggested by those reports. The Commissioner agreed to provide further information to the Authority to address the matters raised.

## **17. Progress on Implementation of new Firearms Policies and Procedures**

The GS provided a progress report to the Authority in relation to progress on the implementation of new policies and procedures which are expected to be in place by June. It was noted that 24/7 Armed Response Unit Capacity will be deployed in all regions by June. The requirement for deployment of firearms to Garda members was discussed and it is expected that recommendations will be made to the Commissioner with regard to units where there is no requirement for members to be armed. The status of reviews of an incident where a firearm fell from a Garda car, including actions to address learning from the incident, were discussed.

## **18. Garda Síochána Statement of Strategy 2019-21**

The Chairperson notified the Commissioner that the Authority has approved the draft Statement of Strategy and reflected back the main points of the Authority's earlier discussion. The Strategy will now be submitted for the consent of the Minister following finalisation and any minor drafting changes that the Commissioner wishes to make. Members wished the Commissioner and the GS well in implementing the Strategy and achieving the desired outcomes.

## **19. Policing Plan 2019**

Members provided feedback to the Commissioner arising from their earlier discussion in relation to the latest draft of the 2019 Policing Plan, acknowledging that much of the Committee's feedback had been reflected in the draft. The view on the ambitious nature of the plan and assurances in this regard were noted.

Following a detailed discussion aspects of the plan and the targets were refined and agreed. The Authority approved the plan, subject to drafting, for submission to the Minister by 31 March.

## **20. Fourth report of Garda Síochána Homicide Review**

Members thanked the Commissioner for the report expressing their objective as one of assurance with regard to the quality of investigation. The Commissioner was asked about the families of the victims and he confirmed that they have been informed of the review and were being kept informed. The importance of communication by suitably trained Garda members with families of victims, in very sensitive situations as existed in some of the cases review was noted, Members noted that they are looking forward to receiving the fifth report relating to the outstanding cases and to a final report to consolidate the learning from the complete review. The Commissioner noted the importance of the new Investigation Management System ('IMS') in resolving many of the issues noted in the reviews and in response to Members concerns that the behavioural issues identified not be incorporated into or reinforced by the new IMS, confirmed that the IMS will prompt actions and supervision and provide an enhanced investigation resource.

## **21. Other Business**

In response to questions regarding progress on the outstanding review in relation to the presentation of the An Cosán case in court, the Commissioner confirmed that this work is ongoing and is expected to be completed by the end of April. Lessons learnt will be incorporated in policy and training. It was noted, in relation to questions about arrangements with third party agents arising from the North Frederick St.

incident, that this is being explored with the Department from a policy perspective with a view to formalising pre-planning procedures for such events. The Commissioner confirmed that training has been adapted to take account of the recommendations of the reviews of these incidents and that he would provide further detail of these changes.

**Actions arising:**

No.	Action point	By Date	By Whom
A_051_19	The GS to provide on update on progress in relation to cultural change at the Organisational Development Committee with a view to determining what progress should be routinely reported in the Commissioner's Monthly Report	16 April	GS
A_051_20	The GS to provide statistics on length of sick absences and trends and consideration to be given to comparisons with other organisations	ASAP	GS
A_051_21	GS People Strategy to be provided to the Authority in advance of the next Organisation Development Committee	16 April	GS
A_051_22	GS to inform the Authority when the action plan to improve crime statistics, developed in conjunction with the CSO, is in place.	ASAP	GS
A_051_23	The GS to make a presentation to the Executive on the results of the census and the Organisational Operational Model	15 April	GS
A_051_24	The Commissioner to provide further information to the Authority in relation to matters raised in a media report in relation to a collapsed trial concerning a Garda staff member.	ASAP	GS
A_051_25	Subject to final drafting, the GS Statement of Strategy 2019-21 and Policing Plan 2019 to be submitted to the Authority and the Minister for approval and consent as appropriate.	29 March 2019	GS