



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 29 April 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

#### 1. Private Authority meeting

The Chairperson noted the Authority's appreciation for the impressive performance of the executive staff over the past weeks and their success in continuing the Authority's business in the face of intense new demands and challenges. The Chair also reflected on a number of issues that might arise should some current Covid 19 restrictions or advices be prolonged.

#### 2. 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.

#### 3. Minutes and Matters Arising

The minutes of the meetings on 25 March, 7 April and 23 April 2020 were approved and cleared for publication. The log of actions was noted and there was agreement to close the items proposed.

#### 4. 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:

- The preparation of the Garda Síochána ('GS') Annual Report, which was due to be received by end April, has been delayed due to COVID-19;
- Business continuity arrangements for the Authority, noting that all staff are working remotely. It was noted that, although a number of staff had been offered for temporary assignment to support frontline efforts relating to COVID-19, no staff had yet been re-assigned. It was agreed that the Authority's staffing needs would continue to be monitored on an ongoing basis with a view to

prioritising the Authority's work on oversight of policing, particularly in the context of COVID-19 and the preparation of routine reports for the Minister;

- Ongoing liaison with the Department of Justice and Equality ('the Department') regarding business continuity arrangements in the criminal justice sector, noting that there was a general positive reaction from other agencies regarding the work of the GS; and
- The Authority's Annual Report for 2019 has been laid before the Houses of the Oireachtas and is due to be published later in the day.

The status of the actions to achieve the 2020 Corporate Priorities was discussed and the Chief Executive noted that all staff are working fully and work was being well progressed, with activities reprioritised to ensure focus on continuing oversight and on COVID-19 policing in particular. A number of other actions were being rescheduled to later in the year as they could not proceed at present due to current restrictions.

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

## **5. Committee Updates**

### **5.1. Garda Appointments Quality Assurance and Selection Governance Committee**

This item was taken in conjunction with Agenda Item 7.

### **5.2. Organisational Development Committee (ODC)**

The Committee Chair updated members in relation to three committee meetings since the Authority last met, including in relation to:

- Engagement with the GS regarding the revision of the 2020 Policing Plan;
- The establishment by the GS of a new high level Human Resources Implementation Group, chaired by acting Deputy Commissioner McMahon, with a work plan for implementing HR reform being developed;
- A number of high level engagements with the Commissioner and the senior ICT team, resulting in a more positive sense of progress and assurance regarding the implementation of the GS ICT Strategy. Members noted the strategic importance of having a clear vision and strategy for ICT and data and a plan and resources for its implementation.
- The roll-out of the GS Operating Model, which the GS are reviewing with a view to identifying which elements can continue to be progressed in light of the COVID-19 situation;
- Engagement at executive level regarding the embedding of the Code of Ethics, which will be considered by the Committee at its next meeting. It was also noted that there appeared to be some doubt about whether the GS culture audit would proceed as planned this year; and
- Concerns regarding the continuing undertaking of the GS Public Attitudes Survey ('PAS') and the possible impact of a change in methodology. Members noted the importance of continuing to gauge public confidence in policing, particularly in the current context.

### **5.3. Policing Strategy and Performance Committee (PSP)**

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

- The engagement by the Executive with community groups in the context of the lived experience of COVID-19 policing issues. The importance of continuing this work, including the necessity for some onsite work, subject to health and safety considerations, was noted.
- Policing performance, noting the change in the operating environment of the GS and the difficulties this presented, with a particular focus in Committee on policing of domestic and child abuse, cybercrime, fraud, human rights and training.
- Recording of the use of powers in the context of COVID-19 under the public health regulations, with the view conveyed to the GS of the necessity to record the use of all these new powers given the human rights issues concerned;
- Revision of the 2020 Policing Plan due to COVID-19, noting that the GS had shared their criteria framework for taking account of changing priorities;
- Significant praise for Operation Faoiseamh in dealing very effectively and comprehensively with domestic violence. Members expressed some concern at the decrease in applications for legal aid by 50% in the year to date and whether the commendable policing efforts are consistent with policing remedies for victims in the current situation.
- Successes in a number of GS Operations in relation to drugs and in relation to visible policing, community engagement, checkpoints and the daily management of policing effort in the context of COVID-19. The increased use of mobility devices by the GS was noted and Members emphasised the opportunities arising from the current situation which could become key enablers of future reform in the GS.
- Training, deployment, use and reporting of the use of Spit hoods;
- How social distancing was being managed in the context of meeting human rights obligations in the context of custody. Members expressed some concern about access to legal and medical services for suspects in custody and it was agreed that the Authority would keep this issue under review.
- The welfare of Garda members and staff including the availability of testing and personal protective equipment (PPE).
- The increase in road traffic offenses. Questions were raised about the governance and supervision of driving on Chief's permission which had resumed in certain circumstances;
- An indication from the GS that sampling of victims for the Public Attitudes Survey would be increased in 2020 and agreement to the Committee request to consider adding questions in the context of COVID-19 policing. The anomalies between discussions at the ODC and PSP in relation to the survey was noted and it was agreed that the Commissioner would be asked for clarification.

### **5.4. Policing Reform Working Group**

The Group had not met since the last Authority meeting.

The Chairperson briefed Members on his meeting with the Committee Chairs to discuss the shaping of the first report requested by the Minister on COVID-19 policing. Members agreed that this group would meet over the coming weeks if required to deal with urgent matters arising.

## 6. Audit, Governance and Risk

The Committee had not met since the last Authority meeting. The Committee Chair briefed members in relation to the emerging risks and the actions to mitigate risk as reflected in the Risk Management report.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_069_01	The Risk Register to be updated in light of the Authority's discussion.	27 May	Chief Risk Officer

## 7. Garda Síochána Appointments

The Secretary briefed members on the outcome of the clearance process in respect of candidates on the Chief Superintendent and Superintendent panels. Members considered the outcomes of the clearance process and appointed the candidates with effect from the date of taking up their position as assigned by the Garda Commissioner.

Members discussed a request from the Commissioner to make an acting appointment to fill the position at Assistant Commissioner arising from the appointment of an acting Deputy Commissioner. Members considered this request and received a briefing from the Secretary, including in relation to the outcome of the clearance process undertaken in relation to the next candidate on the Assistant Commissioner panel. Members agreed to appoint the candidate to Assistant Commissioner on an acting basis for the duration of the acting appointment to Deputy Commissioner.

The Chairperson briefed Members on his conversation with the Commissioner regarding the substantive filling of the Deputy Commissioner vacancy, which has given rise to the necessity to fill the position on an acting basis. Members agreed that it was timely to commence the process for the selection for the position and requested that the Chief Executive commence the process of seeking Government approval to request the Public Appointments Service to undertake the competition as required by statute, with a view to having the position filled before year end.

Members considered a proposal to hold a selection completion for appointment to the rank of Superintendent in the GS, noting that the current panel will expire in July. In particular Members considered the report of the Garda Appointments Quality Assurance and Selection Governance Committee following their consideration of the arrangements for the competition and agreed with the proposals regarding the competition process and approved the draft competition documentation, subject to drafting. Members also considered the practical arrangements for holding interviews and noted that contingency arrangements are being put in place to hold interviews for all candidates by video conferencing should this be necessary in light of public health restrictions and that a decision on this would be kept under review. Members again emphasised the necessity for GS professional development programmes to reflect the need for strategic capabilities.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_069_02	Further to appointments to the rank of Chief Superintendent and Superintendent in the GS, the Chief Executive to notify the persons of their appointment.	Immediate	Chief Executive

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_069_03</b>	Further to an acting appointments to an Assistant Commissioner position, the Chairperson to notify the person of their appointment.	Immediate	Chairperson
<b>A_069_04</b>	The Commissioner to be notified of the appointments made by the Authority.	Immediate	Chief Executive
<b>A_069_05</b>	The Chief Executive to commence the process of seeking Government approval to request the Public Appointments Service to undertake a selection competition for nomination of a candidate to government for appointment to the rank of Deputy Commissioner.	Immediate	Chief Executive
<b>A_069_06</b>	Finalise the competition documents and advertise the competition for appointment to the rank Superintendent in the GS.	Immediate	Chief Executive

## **8. 2020 Policing Priorities and Policing Plan**

Members were briefed by the Executive in relation to a draft of the revised Policing Plan for 2020 received from the GS on 23 April and had a detailed discussion about the draft and their expectations regarding the changing priorities that should be reflected in the plan as a result of COVID-19. It was agreed that an opportunity be sought to engage with the Garda Executive and provide detailed feedback in the coming week so as to progress the revised plan in advance of the Authority's May meeting.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_069_07</b>	The Chief Executive to seek an engagement with the GS Executive to discuss the revised Policing Plan	8 May	Chief Executive

## **9. Oversight of Policing Performance during COVID-19**

The Chief Executive briefed Members on the approach taken to oversight of COVID-19 policing to date and to the preparation of the first report to the Minister. In particular, engagement with a range of stakeholders to get a sense of how the situation was being policed on the ground was noted, and a sense was given of the feedback from these meetings, which has been mostly very positive. Members noted the importance of building on this outreach to inform future reports to the Minister.

The difficulty in obtaining data from the GS on the use of new powers under the public health regulations to inform the Authority's reports was discussed at length with ongoing engagement with the GS to agree the data which will be provided. Members emphasised the need for more timely and comprehensive reporting and identified the data required to allow the Authority to provide an analysis on the use of all the new powers given to the GS under the regulations in its report to the Minister. There was reference in particular to the need to include the ethnic identifier such as would facilitate the GS in meeting the intentions of s.42 of the Irish Human Rights and Equality Commission Act 2014 and it was suggested that

IHREC may be in a position to assist the GS in meeting this obligation in a manner which respects human rights.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_069_08	The Chief Executive to engage with IHREC with regard to assisting the GS in the context of recording the ethnic identified in accordance with s42 of the IHREC Act.	ASAP	Chief Executive

#### **10. Initial response to the consultation on the Police Powers Bill**

Members noted the approach being taken to provision of views on the bill and agreed an initial response to the Department, subject to drafting, setting out the high level principles which they would see as guiding the approach to the issue. It was agreed that further work would be progressed in advance of the Authority's May meeting with a view to providing a more substantive response.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_069_09	The Chief Executive to provide an initial response to the Department on the Police Powers Bill.	ASAP	Chief Executive
A_069_10	Work to continue on the preparation of a substantive response to the Department on the Police Powers Bill.	27 May 2020	Chief Executive

#### **11. Appointments to the Garda Síochána Audit Committee**

The Chairperson updated Members on his engagement with the Commissioner and the incoming Chair of the Garda Síochána Audit Committee with regard to an appointment to fill the remaining vacancy on the Committee. Members agreed to appoint the proposed candidate to the committee for a three year term with effect from 1 May. Members considered the position on the Committee which, under s44 of the Garda Síochána Act 2005 (as amended), must be filled by a Deputy Commissioner or equivalent. Members agreed that this position, which is currently filled by the Chief Administrative Officer, should be filled by the Deputy Commissioner with responsibility for Governance.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_069_11	The new member of the GS Audit Committee, the incoming Chair of the GS Audit Committee and the Commissioner to be notified of the appointment.	ASAP	Secretary

#### **12. Garda Síochána Risks, Opportunities and Resources**

Members noted the GS Risk Register and had an initial discussion in relation to its format and contents. It was agreed to have a more detailed consideration of the Register at a future meeting as a basis for a substantive discussion with the GS.

### 13. 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.

### 14. Documents for Noting by the Authority – April 2020

The following documents were noted by the Authority:

<i>Document</i>		<i>Action Required</i>
<b>D_069_01</b>	GSOC External Quarterly Statistics Bulletin - Jan-Mar 2020	For noting
<b>D_069_02</b>	Victims Charter Feb 2020 Version	For noting
<b>D_069_02</b>	CSO Recorded Crime Statistics for Q1 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).

### 15. Ongoing response to COVID-19

Members discussed the GS response to COVID-19 with the Commissioner, noting that there has been a huge community policing effort and that, in general, public sentiment remains positive. Reporting of the use of the new Garda powers under the regulations was discussed in detail with a view to determining how information on the use of each of the additional powers could be obtained without adding an unnecessarily cumbersome burden. Members asked the Commissioner about a number of issues including the presence of armed Gardaí at checkpoints, public order preparedness and the GS policy on Garda members and staff wearing PPE.

### 16. Other Business

In response to Members’ questions, the Commissioner confirmed that the Public Attitudes Survey would continue, noting its importance in gaining an insight into public perceptions. It was confirmed that, because of the necessity to change the methodology to a phone survey, some comparability with previous data may be lost and that consideration is being given to the addition of questions regarding the GS response to COVID-19. With regard to the culture audit planned for later in the year, the Commissioner confirmed that there was a delay in getting the preparatory work started due to the current situation.



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

### Attendance

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

**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)

This meeting with the Garda Commissioner and his team was held remotely and live streamed to the public as it was not possible to meet in public due to COVID-19 restrictions. 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>• Importance of community cohesion and reflection on feedback of experience from Gardaí;</li> <li>• Extent to which the GS diversity strategy is being furthered through engagement with communities in the current situation;</li> <li>• Use of mobility devices in COVID-19 policing;</li> <li>• Changing crime trends and responses in context of COVID-19;</li> <li>• Implementation and impact of ICT reforms.</li> </ul>
<b>Ongoing Response to COVID-19</b>	<p><u>New powers under the public health regulations:</u></p> <ul style="list-style-type: none"> <li>• Role of Authority in overseeing additional exceptional powers to GS under new public health regulations;</li> <li>• How to ensure that powers used in a human rights compliant manner;</li> <li>• Importance of information on use of powers for both oversight and public confidence;</li> <li>• How the section 42 duty for the GS to use powers in a non-discriminatory way is being managed, including specific instructions given and monitoring of use;</li> <li>• Circumstances in which appropriate to have armed police supporting checkpoints;</li> <li>• Use of anti-spit hoods, including training in their use, use in cases of children aged under 18 years and clarification regarding their use after the COVID-19 situation ends.</li> </ul> <p><u>Health &amp; Safety and Welfare</u></p> <ul style="list-style-type: none"> <li>• Policy on social distancing and use of PPE by GS employees;</li> <li>• Testing of Gardaí for COVID-19;</li> </ul> <p><u>GS response to COVID-19 policing:</u></p> <ul style="list-style-type: none"> <li>• Co-ordination, monitoring and tasking of the GS response to COVID-19;</li> <li>• Domestic violence in the present circumstances:               <ul style="list-style-type: none"> <li>- Message to victims and potential victims of Domestic violence;</li> <li>- Additional challenges in rural areas or where reduced services and supports;</li> </ul> </li> <li>• Child Abuse and additional supports that can be put in place to protect the most vulnerable</li> </ul>

Agenda Item	Principal matters discussed
	<ul style="list-style-type: none"> <li>• Steps to counter elder abuse in current situation;</li> <li>• Decision-making process regarding changes in arrangements for Garda members driving on Chief's permission;</li> <li>• Incidents where protestors, who were maintaining social distancing, were asked to go home;</li> <li>• Any significant differences identified between urban and rural context in policing COVID-19;</li> <li>• The GS were commended on their excellent outreach to vulnerable and isolated during the current situation.</li> </ul> <p><u>Other:</u></p> <ul style="list-style-type: none"> <li>• Supports put in place for student Gardaí and how their training will be completed;</li> <li>• Opportunities to innovate arising from the current situation and how these can be taking advantage in the context of ongoing reform;</li> <li>• Role of Joint Policing Committees in local decision-making in COVID-19 policing.</li> </ul>

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

No.	Action point	By Date	By Whom
A_069_12	The GS to reflect trends in Domestic Violence, fraud and other crime types that are affected by the COVID19 in the Commissioner' Monthly Report.	May 2020	GS
A_069_13	The GS to share the directions provided in the organisation regarding human rights in the context of COVID-19 policing.	ASAP	GS
A_069_14	The GS to facilitate the participation of the Authority in review of the use of anti-spit hoods in September.	1 Sept 2020	GS