

## Minutes of Meeting of the Policing Authority

**Date:** 29 January 2020

**Venue:** 90 North King Street

### 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,  
Karen Shelly and Fiona Larthwell (for Agenda items 10 and 11)

**Visitors:** Shane McQuillan, Catherine Rogers, Crowe (for Agenda Item 12)

#### 1. Private Authority meeting

The Chairperson recalled for members that the contract of the Chief Executive would expire in January 2021 and it was agreed that the Chairperson should take the necessary steps to advance the issues involved.

He also advised members that early in the New Year he had sought a meeting with the Secretary General of the Department of Justice and Equality ('the Department') and reported on the meeting which he, accompanied by the Chief Executive, had with the Secretary General and two of his senior colleagues. It had been extensive, fruitful and valuable.

A discussion by Members was noted with regard to a number of process changes, including the circulation of meeting papers a week in advance of Authority meetings, except in exceptional circumstances, and the circulation of draft minutes for Authority and committee meetings within a week.

#### 2. Chairperson's Opening Remarks

The Chairperson welcomed Dr Deborah Donnelly as a new member of the Authority.

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

Correspondence relating to items for discussion on the agenda were noted and it was agreed that these would also be raised with the Garda Commissioner.

There was a brief discussion about the schedule of future meetings and it was agreed that the Secretary would be in touch with Members in the coming days to finalise dates. Members were invited to advise the Secretary of any training needs they might have.

### 3. Minutes and Matters Arising

The minutes of the meeting on 16 December 2019 were agreed and cleared for publication. The log of actions was noted and discussed and there was agreement to close the items proposed. The Chief Executive outlined the position in relation to a number of actions where material requested from the Garda Síochána had been outstanding for a considerable period, noting that she was arranging to meet the Deputy Commissioner to discuss these items. It was agreed that a number of these items would be addressed on the agendas for upcoming meetings with the Commissioner.

### 4. Strategic Priorities

Members discussed their preliminary views on the Authority's priorities for the year ahead. A number of matters were identified to be of key importance in the context both of their work for the year and in relation to matters which are expected to arise or should be considered in the context of legislative reform proposals.

It was agreed that Members would reflect on these matters further with a view to a discussion and finalisation of its Corporate Priorities for 2020 at its next meeting.

The 2020 annual corporate action plan, together with specific Communications, Research and JPC Work Plans were approved, subject to there being sufficient agility to incorporate further requirements arising from the Authority's finalised Corporate Priorities for 2020.

| <i>No.</i>      | <i>Action point</i>  | <i>By Date</i> | <i>By Whom</i>  |
|-----------------|--|----------------|-----------------|
| <b>A_063_01</b> | The Chief Executive to publish the 2020 Corporate Action Plan. | ASAP           | Chief Executive |

### 5. 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 presentation from the Garda Síochána ('GS') for Authority staff on the new operating model; and
- A meeting with the Garda associations and staff unions in December and matters discussed.

In response to Members' questions, the Chief Executive provided an update on the process for promotion of Sergeants and Inspectors in the GS, including the examinations and the syllabus in relation to which the Authority has a specific role. Members expressed concerns about the need for advance planning by the GS of its promotion competitions, where the widest possible pool of candidates have an opportunity to take part, so that the organisation can meet the requirements to fill vacancies in these ranks in a timely manner. Members also emphasised the significance of these competitions for the organisation's future leaders.

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.

## **6. Committee Updates**

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

The Committee had not met since the last Authority meeting.

### **6.2. Organisational Development Committee**

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

- Consideration of the GS Reserve Strategy, noting subsequent correspondence from the Authority to the Commissioner providing comments on the Strategy including in relation to the inadequacy of the extent to which diversity was addressed in the strategy and the statutory obligation to consult with the Authority in relation to training of Reserve Members in advance of their recruitment;
- Consideration of material relating to engagement and success of females in GS promotion competitions and their assignment on promotion, which requires further analysis by the GS; and
- Review of the draft Policing Performance Report for 2019.

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

Dr. Ryan updated Members in relation to the recent meeting of the Committee, including in relation to:

- The GS Assault Strategy and, in particular, the lack of an evidence base for a number of items. Members noted the importance of data and intelligence led policy and discussed the analysis underlying the GS Assault Strategy and serious inconsistencies between the data and the strategy. It was agreed that this would be discussed with the Commissioner at the Authority's meeting in public in April.
- The GS Public Attitudes Survey, noting the significant decrease in victim satisfaction, and welcoming the increase in the sample of victims in the survey and the GS agreement to undertake an analysis of 'don't know' responses;
- A discussion with the GS on the report provided on DNA samples, noting that there were still a number of significant concerns and questions not addressed by the report. Members discussed these concerns in advance of discussion with the Commissioner and agreed that the matter would be discussed with the Commissioner that afternoon and on the agenda for the Authority's February meeting in public; and
- The end year status of the 2019 Policing Plan, noting an increase in the proportion of objectives achieved by the GS over 2018.

Members discussed organised crime, with particular reference to the prioritisation of Garda resources to address policing demands, including the extent to which activities are based on evidence. The importance of the Garda organisation having a clear focus on data and how it should be used was again emphasised. In this context it was noted that a presentation by the GS on their National Tasking and Co-ordination process is scheduled to take place shortly.

| <b>No.</b>      | <b>Action point</b>  | <b>By Date</b> | <b>By Whom</b> |
|-----------------|--|----------------|----------------|
| <b>A_063_02</b> | The GS Assault Strategy to be added to the agenda for the Authority's meeting with the Commissioner in public in April.          | Immediate      | Secretary      |
| <b>A_063_03</b> | The management of DNA samples to be added to the agenda for the Authority's meeting with the Commissioner in public in February. | Immediate      | Secretary      |

#### **6.4. Policing Reform Working Group**

The Group had not met since the last Authority meeting.

#### **6.5. Committee Terms of Reference and Membership**

Paul Mageean was appointed to chair the Organisational Development Committee. It was agreed that the membership of committees would be reviewed in advance of the February meeting in light of expectations of workload for all committees and members.

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

The Committee had not met since the last Authority meeting.

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

| <b>No.</b>      | <b>Action point</b>  | <b>By Date</b> | <b>By Whom</b>     |
|-----------------|--|----------------|--------------------|
| <b>A_063_04</b> | The Risk Register to be updated in light of the Authority's review and discussion. | 26 February    | Chief Risk Officer |

### **8. Garda Síochána Appointments**

The Secretary briefed members on the outcome of the clearance process in respect of a candidate on each of the Chief Superintendent and the 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 considered a request from the GS to extend a temporary acting up appointment at the level of Executive Director. Members also considered, without prejudice to ongoing matters relating to the positions of CDO/CIO in the GS, a request to extend an interim appointment at the level of Executive Director. The Authority approved the extension of both positions to 29 February 2020, subject to the consent of the Ministers for Justice and Equality and Public Expenditure and Reform.

| <b>No.</b>      | <b>Action point</b>   | <b>By Date</b> | <b>By Whom</b>  |
|-----------------|---|----------------|-----------------|
| <b>A_063_05</b> | 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>A_063_06</b> | The Commissioner to be notified of the appointments made by the Authority.  | Immediate      | Chief Executive |
| <b>A_063_07</b> | The Chief Executive to seek the consent of the Ministers for Justice and Equality and Public Expenditure and Reform to the Authority's approval of the extensions of one temporary acting and one interim position at the level of Executive Director in the GS | Immediate      | Chief Executive |

## **9. Human Rights Framework**

Members discussed the draft Human Rights framework and identified further matters that needed to be considered to progress this work. Members also considered a proposal to engage a Human Rights Assessor and discussed the nature and Terms of Reference for the role. It was agreed that the Chief Executive commence the process of procuring the services of an appropriately qualified resource to undertake this role on a part time basis commencing in the latter part of 2020.

| <b>No.</b>      | <b>Action point</b>  | <b>By Date</b> | <b>By Whom</b>  |
|-----------------|--|----------------|-----------------|
| <b>A_063_08</b> | The Chief Executive to progress the work of developing a Human Rights Framework in line with the discussion by the Authority and to keep the Authority updated on a monthly basis.                         | Ongoing        | Chief Executive |
| <b>A_063_09</b> | The Chief Executive to proceed to procuring the services of an appropriately qualified resource to undertake the role of Human Rights Assessor on a part time basis commencing in the latter part of 2020. | Immediate      | Chief Executive |

## **10. Community Safety Draft Policy Paper**

Members considered the draft paper and discussed their approach to progressing the matter. It was agreed that a number of key principles and the outcome of the Authority's July 2019 conversation event on oversight of community safety be conveyed to the Department. It was noted that a further opportunity for discussion with other stakeholders would be very beneficial and that a fuller picture of proposed legislative reforms will be necessary in advance of providing more detailed comment.

| <i>No.</i>      | <i>Action point</i>   | <i>By Date</i> | <i>By Whom</i>  |
|-----------------|---|----------------|-----------------|
| <b>A_063_10</b> | The Chief Executive to convey the Authority's preliminary views on the principles that should underlie the approach to community safety, including the knowledge from the Authority's event on oversight of community safety in 2019. | ASAP           | Chief Executive |

#### **11. Draft Policing Performance Report 2019**

Members discussed the Policing Performance Report 2019 and it was agreed that they would consider the final draft at their February meeting.

| <i>No.</i>      | <i>Action point</i>   | <i>By Date</i>   | <i>By Whom</i>  |
|-----------------|---|------------------|-----------------|
| <b>A_063_11</b> | The Chief Executive to finalise the draft Policing Performance Report 2019 in advance of the Authority meeting in February. | 26 February 2020 | Chief Executive |

#### **12. Progress on Adult Caution**

Representatives from Crowe, who are undertaking a review of the Adult Caution Scheme for the Authority, attended to discuss their interim report. Members raised questions regarding their methodology and findings to date, highlighting concerns with regard to a number of issues including availability of data in relation to the scheme, classification of offences, evaluation of data from and governance of the scheme. Crowe indicated that their draft final report would be available in the next few weeks, noting a number of matters raised by Members that needed to be further understood, including previous academic research on the scheme. Members indicated that they look forward to seeing the conclusions and recommendations of the review at that time.

| <i>No.</i>      | <i>Action point</i>   | <i>By Date</i> | <i>By Whom</i> |
|-----------------|---|----------------|----------------|
| <b>A_063_12</b> | Members to consider the final draft report of the Crowe review of the Adult Caution Scheme. | ASAP           | Authority      |

#### **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 – January 2020**

The following documents were noted by the Authority:

| <i><b>Document</b></i> |   | <i><b>Action Required</b></i> |
|------------------------|---|-------------------------------|
| <b>D_063_01</b>        | Garda Síochána Anti-Corruption Strategy   | For noting                    |
| <b>D_063_02</b>        | An Evidence Review of Confidence in Criminal Justice Systems 2019   | For noting                    |
| <b>D_063_03</b>        | GS Presentation on Operating Model  | For noting                    |
| <b>D_063_04</b>        | Criminal Records (Exchange of Information) Act 2019   | For noting                    |
| <b>D_063_05</b>        | 2020 Revised Estimates Provision for Vote 20 - Garda Síochána   | For noting                    |
| <b>D_063_06</b>        | Notice from DPP re changes to Guidelines to prosecutors and Guidelines for Prosecutors (5th Edition - Dec 19) | For noting                    |
| <b>D_063_07</b>        | Presentation from GS to Authority staff on Anti-Corruption Unit   | For noting                    |
| <b>D_063_08</b>        | SI 668 of 2019 Garda Severance Programme Regulations 2019   | For noting                    |

## **Part B – Authority Meeting with the Garda Commissioner and Garda Representatives in private**

### **Attendance**

|                                 |  |
|---------------------------------|--|
| <b>Authority and Executive:</b> | As for Part A  |
| <b>Apologies:</b>               | Vicky Conway   |
| <b>Garda Síochána:</b>          | Drew Harris (Garda Commissioner), John Twomey (Deputy Commissioner), Joe Nugent (Chief Administrative Officer), John O'Driscoll (Assistant Commissioner), David Sheahan (Assistant Commissioner), David Gilbride (Executive Director), Alan Mulligan (Executive Director), Gráinne Shortall (Assistant Principal). |

### **15. Commissioner's Monthly Report to the Authority**

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

- Financial position at the end 2019, including in relation to overtime, the 2019 supplementary estimate and the impact of additional expenditure on the Garda fleet;
- The increased estimate provision for 2020;
- Trends in sick leave data, which were again sought by Members;
- Culture and behaviour in the organisation, how unacceptable behaviour is addressed and data on suspensions. Members also raised the inconsistency of how individual cases are dealt with, with reference to a particular case which had been the subject of previous discussion with the Commissioner. The Commissioner noted that the development of policies to identify and address unacceptable behaviour are well advanced and, in addition to work on new disciplinary regulations, will contribute to setting standards and increasing public confidence;
- Use of Force data, which the Authority will receive in advance of the February Policing Committee meeting;
- Speaking up in the organisation, noting the changing culture in the organisation around speaking up;
- Early indications of the impact of the new Assault Strategy and the apparent disconnect between the underlying analysis provided by the GS to the Authority and the strategy;
- The decision-making model and roll-out of training, including eLearning which will be available from February;
- Procurement and plans for the new Garda uniform; and
- Overseas secondments.

### **16. Responses to Organised Crime**

The GS briefed Members on a number of ongoing situations and the activities to address these and related issues, including both policing and interagency work across the country. There was a discussion about how threats to life are assessed and handled by the GS in co-operation with other relevant agencies, in particular in relation to threats to the life of a child in light of the Children First Guidelines. Members noted interesting work in this area in the UK which may usefully inform future strategy. The GS emphasised the importance of prevention, early intervention and diversion of young people away from crime as an important aspect of this work.



## **17. HR Related Matters**

In advance of meeting with all the Garda representatives, Members met briefly in private with the Commissioner, Deputy Commissioner and CAO to discuss a number of HR related matters. In relation to the position of Chief Data Officer, Members reiterated the critical importance of having a leadership focus on data across the organisation, particularly in the context of organisation transformation, the new operating model, operational needs for data, the need to deploy resources based on evidence led demand and the consequences, including for public confidence, of unreliable data in a policing context. The Commissioner indicated that he will review the situation in six months.

## **18. Management of DNA samples**

The draft report on the GS review of DNA samples was discussed. Members raised concerns about samples which had still not been located and the potential impact on present or future criminal cases, noting a significant number of cases where reports on the investigation at local level of the circumstances surrounding missing samples had not yet been received. The GS were not yet in a position to confirm if any adverse consequences for cases arose as a result of the missing samples, but confirmed that this will be addressed in their final report.

Members noted the GS assurances that they are continuing to work with Forensic Science Ireland (FSI) in relation to the samples which are missing and to ensure that new systems and processes are in place to manage samples properly and prevent a recurrence of the issue. Members also noted the role of the independently chaired statutory oversight committee for DNA samples and, in response to Members' questions, the GS confirmed that the report will be finalised in consultation with FSI and shared with the Committee. Members suggested that it may also be beneficial to share with them the interim report provided to the Authority. The GS confirmed that they expect to have a more comprehensive report in the next two months.

## **19. Policing Performance 2019**

The Chairperson notified the Commissioner that the Policing Performance report was currently being finalised and invited him to outline the significant achievements in 2019 from the perspective of policing performance and keeping people safe, which the Authority will consider in finalising their assessment of policing performance in 2019. The Commissioner noted a range of issues including successes in the areas of organised crime including international law enforcement; an increased focus on domestic abuse, child sexual assault and protective services; an increase in roads enforcement activity and technical supports for roads policing, while noting the regrettable increase in deaths and injuries on the roads, and significant effort with regard to transformation of the organisation under the Government's Reform Programme, notably the commencement of the roll-out of the new operational model. He noted disappointment that work on redeployment of Gardaí to front line duties had not progressed to the extent expected during the year and expressed frustration at the barriers that often delay progress. The Commissioner also observed that many of the efforts and achievements and the significant progress made are not necessarily evident in the 'greens and reds' of performance reports. He also conveyed his confidence that the GS have pride in what they do and in 2020 will continue to deliver by focusing on improving their service for both service users and for those delivering the service.

## 20. Youth Diversion Programme

This item was not reached and it was agreed to defer it for further consideration at a future meeting.

## 21. Other Business

There was a brief discussion in relation to gender composition of the service and in particular in relation to the promotion of female Garda members at the lower ranks, assignment to roles which are not career limiting, visibility of women in senior roles and implications for gender representation in senior ranks in future. The GS noted that there are a number of prominent roles filled by women and female role models but acknowledged the concerns raised and confirmed that they are seeking to address these in the context of the design of new promotional processes.

| <b>No.</b>      | <b>Action point</b>  | <b>By Date</b> | <b>By Whom</b> |
|-----------------|--|----------------|----------------|
| <b>A_063_13</b> | The GS to provide details on trends in suspensions of members over recent years.                             | ASAP           | GS             |
| <b>A_063_14</b> | The GS to provide Use of Force data to end Jan 2020 in advance of the next PSP Committee                     | 10 February    | GS             |
| <b>A_063_15</b> | The Commissioner to review and brief the Authority on the position regarding the role of Chief Data Officer. | July 2020      | GS             |
| <b>A_063_16</b> | The GS to provide a more comprehensive report on the management of DNA samples to the Authority.             | March 2020     | GS             |