



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 7 April 2020

Venue: Video Conference

Attendance

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

Apologies: Vicky Conway

Secretary: Aileen Healy

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

1. Chairperson's Opening Remarks

The draft agenda was approved. No conflicts of interest were declared in relation to any of the matters for discussion. The Chairperson conveyed Vicky Conway's apologies, noting that he had ascertained and would communicate her views on the agenda items.

The Chairperson briefed Members on recent contacts with the Garda Commissioner with regard to policing of COVID-19 and more generally, noting that the new regulations giving new powers to the Garda Síochána in addition to those contained in the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020, were not yet in place. Greater clarity from the Commissioner regarding the number of spit-hoods being procured, their allocation to Garda stations and assignment to Gardaí when needed was also noted.

A number of items of correspondence were noted, including from the Garda Síochána (GS) regarding anticipated impact on performance against the policing plan due to COVID-19.

2. Garda Síochána Appointments

The Secretary briefed members on the outcome of the clearance process in respect of a number of candidates on the Assistant Commissioner panel. Members considered the outcome of the clearance process and appointed the first candidate on the panel to the rank of Assistant Commissioner.

Members agreed in principle to appoint the next candidate to the rank of Assistant Commissioner and, noting that, as this candidate is a member of the PSNI, government approval for this appointment by the Authority is required under s52 of the Garda Síochána Act (2005) as amended, agreed that the necessary arrangements be put in place to seek this approval and to bring the matter back to the Authority.

Members gave further consideration to requests from the GS for approval of positions in the GS ICT, noting that there had been further engagement between the Organisational Development Committee and the Commissioner and his senior ICT team. This engagement was in relation to a number of concerns expressed by Members in the context of this matter at their meeting on 25 March, most notably the absence of a plan

and timeline for the implementation of the GS Digital Strategy. Members discussed the request in the context of the additional information provided, noting in particular the Commissioner's commitment to providing an Implementation plan. Members gave approval for the positions, subject to a number of conditions, including the provision of the Implementation plan within a specified timeframe and further engagement by the Chief Executive with the GS regarding the job specifications for the positions at Principal Officer level which are to be provided to the Authority prior to finalisation.

No.	Action point	By Date	By Whom
A_067_01	Further to an appointment to the rank of Assistant Commissioner in the Garda Síochána, the Chairperson to notify the person and the Commissioner of the appointment.	Immediate	Chairperson
A_067_02	The Chief Executive to issue a press statement regarding the appointment of an Assistant Commissioner in the GS.	Immediate	Chief Executive
A_067_03	The Secretary to seek the approval of Government for the appointment of a candidate from the PSNI to the rank of Assistant Commissioner in the GS.	Immediate	Secretary
A_067_04	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 two Principal Officer positions for ICT in the GS	Immediate	Chief Executive
A_067_05	The GS to provide an Implementation Plan for the delivery of the ICT Strategy.	End of Quarter 2 2020	GS
A_067_06	The GS to finalise the job specifications for two ICT Principal Officer positions based on feedback from the Authority and provide the final job specifications to the Authority before advertisement of the positions.	ASAP	GS

3. 2020 Policing Priorities and Policing Plan

Members discussed the impact that COVID-19 would have on the 2020 Policing Plan in light of the additional demands on policing arising from the changed circumstances and the consequent ability to meet both these challenges and the existing policing activities and reform elements in the plan. There was acknowledgment of the need to revisit the Policing Plan to reflect new activities and to reconsider which of the existing elements of the plan would need to continue or which might have lower priority and consequently might not be achieved within the timeline anticipated in the current plan. Members agreed that it was important that work continue insofar as possible across the range of transformation projects, including ICT projects, acknowledging that some elements might have to be pushed out due to resource or logistical issues. Members noted that the GS are working on a revised policing plan, based on a number of key objectives identified by the Commissioner and criteria for prioritisation of activities. It was agreed that this would be discussed by the Policing Committee in advance of consideration by the Authority on 29 April.

It was also agreed that consideration be given to revision of the 2020 Policing Priorities to reflect the changed circumstances and recognise the implications arising from Covid 19 policing for the existing priorities, with particular reference to human rights and community policing.

The Chairs of the Policing and Organisation Development Committees briefed Members on their meetings since the Authority met on 25 March, with regard to the Authority's priorities for oversight during COVID-19, including the need for an intensified focus on the following:

- The Authority to continue to exercise its oversight function, but in a proportionate way which recognises the additional burden on the GS, while noting that the GS are keen to continue their engagement with the Authority and Committees;
- Oversight on use of force, in the context of the introduction of spit hoods and new regulatory powers. It was agreed that regular reports on the use of these powers will be required from the GS;
- Monitoring of emerging crime patterns, particularly in areas of domestic abuse, child abuse online and other emerging crimes;
- Keeping in touch with community policing and public confidence in the GS, including continuing engagement with stakeholders and JPCs;
- The Policing Committee to focus its work on areas of policing affected by COVID 19, including domestic and child abuse, roads policing, performance of newly attested Gardaí, use of force and how tasking and co-ordination was adding value in the context of the crisis
- The need for GS transformation projects to continue where possible so as not to lose momentum with a particular focus on ICT implementation;
- The importance of culture and the Code of Ethics in the context of COVID 19 policing; and
- The opportunities inherent in the use of new technologies e.g. mobility devices, to assist in policing and recording data in the new environment.

It was agreed that the Executive would continue to engage with the GS regarding the key issues which should continue to be reflected in the Policing Plan.

No.	Action point	By Date	By Whom
A_067_07	A revised 2020 Policing Plan to be provided by the GS for consideration by the Authority at its 29 April meeting.	ASAP	GS
A_067_08	The Authority to revisit the 2020 Policing Priorities to ensure that Covid 19 policing is appropriately reflected and human rights and community policing embedded.	29 April	Authority

4. Oversight of Policing Performance during COVID 19

Members discussed the new powers proposed in the draft regulations and how these might be implemented in practice, noting the importance of the GS being involved at an early stage in the design of effective policing measures. Members welcomed the Commissioner's preference for an approach based on policing by consent and on the use of new powers as a matter of last resort. It was emphasised that a crucial element in retaining the high level of public support for the Garda Síochána's current approach will be its consistent application across the entire country, urban and rural. It will be important that any use of

the new powers will be appropriately and fully recorded so as to support accountability within the Garda Síochána and to enable the Authority to discharge its statutory oversight role.

Members discussed spit hoods and the procedures and instructional material received from the GS on their use which were broadly welcomed. Concern was expressed in relation to a number of issues, in particular, that the use of these devices should respect human rights and would not become normalised and broadened beyond their use in the context of Covid 19.

It was agreed that the Chairperson would communicate formally with the Commissioner to commend the GS for the extent of community engagement over recent weeks, to address the concerns expressed by Members and to:

- 1) Reiterate the importance of consistent application of the principle of policing by consent, only using new powers as a last resort and emphasising the importance of recording the use of new exceptional powers to support accountability and to enable the Authority to discharge its statutory oversight.
- 2) Request weekly (or no less frequent than fortnightly) reports on the use of Spit Hoods including in relation to date, time, location, gender, age, duration of use, context of use, protected groups under equality legislation, the outcome of the incident and whether it gave rise to a complaint; and
- 3) Communicate matters which the Authority agreed should be clarified or otherwise reflected in the Spit Hood procedures documents, including to:
 - Clarify that devices were to be issued to stations rather than individual Garda members;
 - Make it explicitly clear that these devices should not be assigned to any Garda member who has not signed the Code of Ethics;
 - Clarify the responsibility on supervisors and local management in parallel with individual members;
 - Clarify the circumstances that would warrant their use on children, or categories of children, within the group aged between 12 and 18; and
 - Emphasise the short term radical nature of their deployment to meet the exigencies of this very particular crisis with a specified review date for their withdrawal from use.

No.	Action point	By Date	By Whom
A_067_09	The Chairperson to write to the Commissioner in relation to the use of new regulatory powers, concerns regarding the use of Spit Hoods and to set out the Authority's requirements for regular report of their use.	ASAP	Chairperson