



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY



REVIEW OF PERFORMANCE OF FUNCTIONS

Independent Oversight of Policing in Ireland – the first five years

Contents

Foreword i

1. Introduction 1

2. Core Statutory Functions 3

 2.1. Policing Performance Oversight..... 3

 2.2. Appointments and Staffing 6

 2.3. Code of Ethics..... 10

3. Proactive Oversight..... 12

 3.1. Mandatory Intoxicant / Alcohol Tests and Fixed Charge Notices 12

 3.2. Homicide Review..... 13

 3.3. DNA Samples..... 13

 3.4. Joint Policing Committees..... 14

4. Advice to the Minister..... 16

 4.1. Audit of Financial Procedures in the Garda College in Templemore 16

 4.2. Assessment of the Modernisation and Renewal Programme (MRP) 16

 4.3. Oversight of Garda Resources and Governance 18

 4.4. Assessment of COVID-19 Policing 19

5. Transparency, Engagement and Research..... 22

 5.1. Authority Meetings 22

 5.2. Views of Public and Public Awareness..... 23

 5.3. Research..... 24

6. Challenges, Areas for Improvement and Future Planning..... 26

 6.1. Timeliness and Quality of Information 26

 6.2. Uncertainty about the Oversight Structures..... 26

 6.3. Unclear role in relation to CCTV..... 26

 6.4. Preparing for the Future 27

7. Conclusions 29

Appendix 1: Authority and Committee Membership 2016-2020..... 30

Appendix 2: Functions, Actions and Key Achievements..... 33

Appendix 3: Independent Report by RA Consulting – Stakeholder Engagement Element

Foreword

The decision to include in the 2015 Amendment Act a requirement to conduct a review of the effectiveness of the Policing Authority after five years might be regarded by some as mandating an exercise in retrospection. But this is not how we have approached this task. This is a reflective look back so as more clearly to look forward – an attempt to undertake a detached appraisal of how the Authority has worked since its establishment and to consider in what way that might guide its approach in the years ahead.

If it is not retrospective, neither is it introspective. The Authority commissioned an independent review of how the Authority and its work are perceived by a range of relevant external bodies. This will add considerably to the value of the overall review and help to inform the approach to the future. The overall purpose to be served by the Authority is the enhancement of the public interest through the improvement of the understanding of the importance of policing in our society and through supporting the improvement in the quality of the policing service provided to the people. These are significant objectives in a democratic society and the Authority takes them very seriously.

The perception can be created that criticism and complaint are the primary currencies that characterise the exchanges between the Authority and the Garda Síochána. But any such perception is very far from the truth of the relationships over the past five years and is unsupported by the evidence of the work. There must be a distance, a detachment, between an oversight body and the organisation overseen, especially where the organisation is invested by the state and the people with very considerable powers. The very significance of the issues that fall to be the subject of oversight – sometimes literally matters of life or death – demands that there be a rigour in engagement. But that rigour never fails to be grounded in an understanding of the real life challenges that confront the work of all who serve in the Garda Síochána.

It is important to place one truth firmly on the record in these prefatory remarks. I have attended every meeting of the Policing Authority since its establishment and, although some have been tense and difficult, I cannot recall one where there have not been clear and unambiguous statements of recognition of the complexity of policing, of commendation for the achievements of Garda members and staff, of concern for the welfare of all who work to keep the community safe and of support for the processes of change and renewal that have been a feature of recent years. Even a cursory glance at the COVID-19 reports produced by the Authority for the Minister show the depth of the appreciation and understanding. Expressions of impatience are equally commentaries on the nature and scale of the challenges that face any Commissioner of the Garda Síochána. That there are some within and without the organisation who do not fully appreciate these points will encourage us to reflect further on how best the full nuance of these relations can be conveyed.

In reviewing the past five years, it is clear that some of what may be considered as achievements for the Authority are to no lesser extent also considerable achievements for, and represent an addition of value to, the Garda Síochána. Thus, the establishment by the Authority of the Code of Ethics within the statutory timeframe which was, by any standard, a significant achievement, became, step by step, through its internalisation throughout the organisation and through the Commissioner's unfailing focus on its primacy, a significant statement of the values and the professional standards of our policing service. So, too, the homicide review, once taken seriously by the organisation at the Authority's insistence, demonstrated the capacity of the Garda Síochána to interrogate itself and to take the necessary actions to implement the changes that its own review recommended while

reporting fully on its progress. The collaborative and consultative, and evolving, engagement on the Policing Plan is a further example of a mutually beneficial outcome. So too is the value to the Garda organisation of the monitoring and reviews undertaken by the Authority on the progress of internal change and the implementation of Inspectorate reports. It is not just the doing of these things that is the measure of the Authority's work but also the extent to which they have had real effect. Few elements of the Authority's work reflect this more than the Appointments process entrusted to the Authority by the Act and which took effect in 2017.

Authority members take responsibility for the character and quality of the work undertaken over the past five years – and deserve credit for their commitment and diligence. But a considerable share of the appreciation for any achievement must go to the staff whose collective capacity, knowledge and understanding have grown steadily during the period being reviewed. Initially, Authority members outnumbered the staff and inevitably had something of a more hands on approach to the work. As staff numbers and experience increased, the balance of the relationship reflected that more usually found between board and executive. But with the Policing Authority it will never be quite as with other public bodies.

The nature of the statutory responsibilities, in particular the very regular engagements with the Commissioner and the leadership of the organisation, especially at meetings in public, require that Authority members deal with a level of detail that might otherwise be considered operational. This is not to blur the distinction between board and executive, between the strategic and the operational. Rather is it a recognition that, with policing, the operational readily becomes strategic and a reflection of the essential character of a policing oversight body, whether under the current statute or any other that may replace it.

These two issues – the emerging oversight framework that will become clear when new legislation is introduced and the deepening of the executive's involvement in the oversight work – will shape some of the focus of the Authority in the period ahead. So, too, will the engagement at an even deeper level with a number of themes that have been present throughout the first five years. These include a fuller exploration of the meaning of Human Rights based policing; the critical issue of understanding how an increasingly diverse and changing society require changes in policing approaches; sexual crime and gender based violence; and preparing the transition to such new arrangements as will emerge. All side by side with the full range of other responsibilities that the statute confers.

Finally, it is clear that one of the striking outcomes of any review of the past five years is that it has been established beyond question that independent oversight of policing is now integral to our public life, that the value of an external voice that explores, engages, encourages and evaluates the purpose and practice of our policing service is clear beyond doubt. Without pretending that everything is perfect, it is difficult to the point of impossibility to envisage a return to the status quo ante, to the world of policing before 2016. That is a testament to the wisdom of those who created and brought the 2015 legislation through the Oireachtas, as it is a commentary on the maturing way in which the Authority and the Garda Síochána have embraced their responsibilities. On the threshold of the centenary of the establishment of The Garda Síochána, that is a very positive and affirmative conclusion.

Bob Collins
Chairperson

1. Introduction

The Policing Authority (the ‘Authority’) was established on 1 January 2016 by the enactment of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015, amending the Garda Síochána Act 2005 (the ‘Act’). The Authority welcomes the opportunity to report to the Minister for Justice as required by section 62 O (4) of the Act, reviewing the performance of its functions in its first five years of operation.¹

The introduction of an independent oversight body was a crucial development in the governance and oversight of the Garda Síochána, and was a significant departure point at a critical juncture for policing in Ireland. The then Minister for Justice called its formation “*the most important single change in the governance of the Garda Síochána in its history*”.² The new legislation provided for a wide array of functions for the Authority, some of which were previously the responsibility of Government or the Minister for Justice. Since its establishment, the Authority has engaged in external, independent and robust oversight of policing by the Garda Síochána.

The performance, by the Authority, of its functions to date must be considered in its own right but also in the context of the limitations of the previous governance and oversight regime. These have been well documented, firstly, in the Report of the Independent Review Group on the Department of Justice and Equality (2014), which highlighted “*a lack of proper strategic accountability being brought to bear*” upon the Garda Síochána.³ Secondly, in the Two Year Report on the effectiveness and the adequacy of the Authority’s functions submitted to the Minister on the 22 December 2017, in accordance with section 62 (O) of the Garda Síochána Act 2005, which concluded that:

*Overall, the Authority considers that it has been a positive disrupter in the Justice/Garda realm and has made a difference. In particular, in bringing transparency, independent challenge, a growing rigour and persistence to performance oversight, we consider that we have been effective. In a short timeframe, we have established a performance framework to oversee the functions of the Garda Síochána, and ensured that this oversight is subject to public scrutiny.*⁴

Since then, as is documented throughout this report, the Authority has deepened its oversight of the Garda Síochána using an evidence-led approach, and through engaging with and fostering the participation of the public and wider community in its work. It has spent its first five years establishing a presence, not only with its oversight of Garda activity, but also among stakeholders, acting as a focal point and forum for the discussion of key policing issues affecting the delivery of policing services to communities. The performance of the Authority to date demonstrates the potential and necessity of open and publicly accountable oversight of policing in Ireland, vested in an independent, empowered, external body. However, it also highlights some of the challenges and areas for improvement to ensure the robust oversight of policing services and the fulfilment of the Authority’s functions.

¹ The Act states: “At the end of each 5 year period commencing with the establishment day of the Authority, the Authority shall submit to the Minister a report reviewing the general performance of its functions in the preceding 5 years.”

² Dáil Debates, 15th May 2015. Guerin Report: Statements, 841(3) pg. 24.

³ Report of the Independent Review Group on the Department of Justice and Equality, July 11th, 2014.

⁴ Policing Authority, 2017. Report in accordance with section 62 (O) of the Garda Síochána Act 2005, p.1-2.

From the beginning, the Authority sought to demonstrate its independence including formality in its relationships, keeping an appropriate distance from the day-to-day work of the Garda Síochána, and recognising the operational independence of the Garda Commissioner ('Commissioner'). The Authority is cognisant of the importance of good relationships, and a healthy tension with senior management for effective oversight. Relationships were initially challenging, particularly evidenced by the extremely slow provision of information and slow reporting of critical incidents. However, these have improved and increasingly senior members and staff accept oversight and recognise its benefits. In particular, the Authority wishes to acknowledge the positive disposition and engagement of the current Commissioner and his team including, but not limited to, support for the Code of Ethics.

This maturing relationship is evident in the growing willingness of the Garda Síochána to inform the Authority of challenges and difficulties within its ranks. During its first two years of operation, the Authority expressed concern that there had been a slowness on the part of the Garda Síochána to proactively inform the Authority about problems and risks related to the Authority's functions. This has also improved over time.

The structure and presentation of this report is intended to provide a critique of the performance of the Authority in fulfilling its functions in a concise manner, focusing on key achievements and challenges, particularly the value the Authority has provided as an independent oversight body. Clearly a report such as this outlining the performance of the Authority as an oversight body will, out of necessity, make frequent reference to the actions and performance of the body it oversees, the Garda Síochána.

In preparing this report for the Minister, the Authority has been mindful of the proposed changes set out in the Draft General Scheme of the Policing and Community Safety Bill ('the Draft General Scheme').

The comprehensive review process undertaken for this report illustrates that many activities of the Authority are cross-cutting and serving more than one specified function, as set out in the Act. Indeed, the oversight of policing performance, reform, Garda appointments and the Authority's research and engagement activities are interconnected. Moreover, the Authority is concerned with the quality, impact and experience of policing which necessitates a commitment to engage with and listen to the public and key stakeholders.

As well as undertaking an internal review to complete this report, the Authority also commissioned an external, independent review to garner views from key stakeholders, including the Garda Síochána, Garda representative bodies, justice sector stakeholders and NGOs, to assess the strengths and weaknesses of the Authority in the performance of its role and the fulfilment of its functions. The findings have been used to inform the Authority's views when undertaking the critical assessment of its performance. The report from this external review is included as Appendix 3.

Appendix 1 lists the Members of the Authority and its various Committees over the 5 year period and a table of key actions taken according to each function is provided in Appendix 2 to ensure the full extent of the Authority's activities are documented.

2. Core Statutory Functions

Under the Act, the Authority has a wide range of statutory functions which are discussed throughout this report and reflected function by function Appendix 2. However, a number of functions have been more prominent during the first five years of the Authority’s existence and are outlined in this chapter.

Section 62H (1) of the Act provides that the Authority shall “(a) oversee the performance by the Garda Síochána of its functions relating to policing services”. The Policing Authority developed a performance framework quickly after its establishment to oversee the functions of the Garda Síochána, and this oversight has been far-reaching. However, core to the oversight of policing performance is the Authority’s statutory involvement in the Policing Plan, the Garda Síochána Strategy Statement and the establishment of Policing Priorities. These three interconnected elements are set out in section 2.1 below.

The second set of core functions comprise the Authority’s involvement in the appointment and staffing of the Garda Síochána and this is reviewed in section 2.2 below.

The final element is the establishment and embedding of the Code of Ethics for the Garda Síochána, which is reviewed in section 2.3 below.

2.1. Policing Performance Oversight

Policing Plan

The Policing Plan, which contains the performance targets established under section 20 of the Act, is the public articulation of the Garda Síochána’s commitments to the general population each year. It is the cornerstone of the Authority’s oversight and should be central to the work of the Garda Síochána organisation.

The Authority has consistently emphasised that the Plan is, and must be seen to be, the Commissioner’s Plan, and be central to the Garda Síochána’s activities in a given year. However, the Authority approves the plan and also sets out the key performance targets required to achieve the objectives of the policing priorities. The Authority has consistently encouraged a more focused approach on a smaller number of, and better defined, strategic initiatives in the plan. Therein lies something of a challenge with the Authority both urging change and encouraging ownership by the Garda Síochána. The approach to the development of the Policing Plan has evolved over the five years and has become more refined with benefits to all concerned. The intention of the Act that there be an external validation, by the Authority, of such a crucial annual statement of organisational intent – separate from and independent of both the Garda Síochána and the Department, with the Plan still requiring the Minister’s approval - has been an important innovation and vindicated by experience.

It is inevitable that any tightening of the focus will have resulted in some key activities and initiatives being dealt with outside of the Plan. But the regular engagements between the Authority and the Commissioner offer opportunities to review and oversee these. There has been a sense in the Authority that the Plan was not always seen within the Garda Síochána as being central for the Garda Síochána’s approach and actions in a given year. As a result of persistent encouragement by the Authority there is now clear evidence of change in that respect and the Authority’s comments in the

annual review of performance for 2019 reflect the reality of these observations. The possibility exists that the Authority's involvement, while ensuring a more thought-out plan and specific challenging targets, may be seen as slowing down its development but the evolving arrangements have limited that and the value added by the further engagement is, in the Authority's view, undeniable and beneficial.

Thus, the Policing Plan has, at the behest of the Authority, become more specific, with fewer measures, all directly relevant to the quality of the policing service to be provided to the people. It has also embraced the critically important areas such as governance, finance, human resources information and technology as inseparable from and indispensable to the provision of a high quality police service. These latter areas in particular did not have sufficient focus in earlier plans. While noting this progress, which will be further evident in the Plan for 2021, there always will remain room for improvement in the structure, content and focus of the Plan.

The approval of the Policing Plan, combined with the function of establishing performance targets, is a critical means by which the Authority can ensure that the Garda Síochána's objectives are realistic in the context of known past performance and current capability and capacity. Furthermore, in combination with the Authority's stakeholder engagement work, the Authority's approval ensures that the Plan aligns with the priorities of the public it serves while reflecting the professional policing judgements of the Commissioner. It is an essential means by which the Authority can ensure that the outcomes of its oversight work and assessment of performance inform the succeeding year's Policing Plan.

To assess Garda performance against the Policing Plan, the Authority has demonstrated constructive and open oversight of its development and subsequent implementation. Progress is assessed at the Policing Strategy and Performance Committee (PSPC), the Organisation Development Committee (ODC) and at monthly Authority meetings, at which Authority members assess implementation.

This approach is not mechanistic. In addition to engaging with Garda management directly, with Gardaí in stations around the country and in specialist units, a key element of the Authority's oversight has been the triangulation of the information provided with the lived experience of stakeholder groups and communities as well as its commitment to an evidence led approach. This programme of engagement has evolved and increased over time and has provided a useful insight into the efficacy of the policing service as experienced by communities. This practice has also provided a richness to the engagement with the Garda Síochána.

The Authority sets out its assessment of policing performance in its half year and full year performance reports. These reports were produced to give transparency to the oversight process and have developed into useful intervals at which to consider the progress being made. The Authority does not manage the Garda Síochána but it will remain, at least to some extent, a measure of its effectiveness if its concerns about the way the Policing Plan is perceived throughout the organisation and how it serves to align the allocation of resources to stated priorities do not continue steadily to diminish as the work of refining the approach to the Policing Plan is taken forward. As indicated earlier, the Authority in collaboration with the Commissioner are currently engaged on a process of re-imagining the Policing Plan into a document that is shorter, has greater relevance for policing and which is focused on outcomes. This work has found its most recent expression in the 2021 Policing Plan and will, it is to be hoped, provide a sound basis for the development of the next Garda Síochána Statement of Strategy later in 2021.

Strategy Statement

The approval of the Garda Síochána Statement of Strategy is an important Authority function facilitating engagement with the Commissioner and his/her senior team on the vision, mission and values of the organisation and the key strategic objectives which direct and guide its work over a three-year period. This document, in tandem with the Policing Priorities, serve as the basis for the annual policing plans which give effect to that ambition. The Authority has approved two Statements of Strategy, the first in 2016 to cover the period 2016-2018 and the second in 2018 to cover the period 2019-2021.

The development of the second strategy taking place two years into the Authority's existence provided an opportunity to draw on the outcomes of the oversight work completed to date and the lessons emerging. It also served to ensure that the Strategy reflected that learning and was sufficiently focused on those issues of most concern to the community.

The Authority, informed by the outcomes of its oversight work, was well positioned to ensure that emerging cross-cutting themes were reflected in the Strategy as key areas of focus. These included ensuring that the strategic enablers - IT, Human Resources and Finance - were positioned within the Strategy as critical to the delivery of an effective policing service for the public. Other key themes such as human rights, ethics, supervision and data quality which had consistently emerged in the course of the Authority's work, were also given appropriate focus in the Strategy.

The process of engagement was constructive and the opportunity for the Garda Síochána to engage with external, independent challenge, informed by consistent oversight, benefited the final document. The resulting Strategy focused as it is on 'Keeping People Safe' has provided a useful basis against which to assess the performance of the Garda Síochána.

Policing Priorities

The Policing Priorities form the basis from which the development of the Garda Síochána Statement of Strategy and Policing Plans flow. A positive impact of the transfer of this function to Policing Authority is that, while still requiring Ministerial approval, it removed the setting of the priorities from direct political engagement.

The Authority has determined the annual priorities using a process that has regard to trends in other jurisdictions, any significant changes in the crime environment and discussions with the Commissioner and his senior team. Crucially it has consulted with the Joint Policing Committees (JPCs) and with stakeholders through its engagement activities.

This approach has ensured that views of the various communities and minority groups within our society are known and effectively evaluated in the development of policing priorities, and has given these communities a voice which may have otherwise been unheard. It is an approach which an independent body such as the Authority is well placed to exercise.

The performance of this function has been carried out through close engagement with the Commissioner. The setting of the priorities has been an important opportunity to give consideration to those matters of most concern to the community.

However, the Authority is of the view that it is naïve to assume that there is an automatic alignment between issues of most concern to the public and matters which the police service believe should be prioritised. Nevertheless, the priority setting process, incorporating external independent challenge and the opportunity for the community to articulate its concerns, is an important mechanism to inform how the police service can be effective for those it serves.

The Authority's performance in respect of the development of the policing priorities has been an important engine of positive change for policing and the Garda Síochána. In this regard it is worth reemphasising the benefits of meaningful external involvement in the setting of policing priorities of the Garda Síochána.

2.2. Appointments and Staffing

Chapter 2 of the Act governs the Authority's remit with regard to Appointments in the Garda Síochána. The Authority has responsibilities under section 13 and 62 H(b) for making appointments to the senior ranks of the Garda Síochána as well as for civilian approvals and appointments under section 19.⁵

The Authority developed recruitment expertise and capacity to run selection competitions promptly and in line with best practice, and has carried out its appointment functions efficiently, transparently, independently and with integrity.

Complex and at times demanding, the functions of the Authority pertaining to appointments are significant enablers of Garda performance and reform and an important element of independent oversight, sitting well with the other responsibilities. While the appointment of the most senior police officers by a statutory independent policing oversight body is best practice and is the norm in many modern democracies, the transfer of appointment functions to the Policing Authority was very significant at the time for Ireland.

The Authority's responsibilities and performance to date must be considered in the context of wider attitudes towards appointments and promotions within the Garda Síochána. For example, the Garda Cultural Audit of 2018 revealed a clear lack of confidence in internal recruitment with a significant cohort of Garda members indicating their belief that promotion / competition processes were not based on merit.⁶

It has been important for the Authority to operate these functions efficiently and without delay bringing impartiality, objectivity and independence to the recruitment process and increasing trust amongst candidates from within the ranks of the Garda Síochána.

⁵ Section 19 relates to approving (with the consent of the Minister and Minister for Finance) the number and grades of civilian staff to be appointed by the Commissioner.

⁶ Some key findings of the Audit in this respect are worthy of a brief restatement. The strong perceptions of nepotism and favouritism which the Audit found had created disillusionment and resentment across the organisation, and represented the greatest area of divergence between the junior and senior ranks. The absence of a performance management and promotion system perceived to be fair, transparent and based on meritocracy was creating a sense of mistrust and disengagement across the organisation. See PWC, 2018. 'Play Your Part Cultural Audit of the Garda Síochána'.

That this has been achieved is evident from recent direct candidate feedback on senior competitions, for example, which indicates that candidates to a large degree are supportive of the changes, recognise improvements that have been made and trust the transparency and fairness of the competition process, as run by the Authority. It is widely accepted that issues which had existed in internal promotion competitions have been resolved through the Authority's involvement.

As an impartial, independent body having responsibility for this function, the Authority has played a vital role in terms of increasing public confidence in the appointment of the most senior officers in the country. The changes made to appointments to various areas of the Garda Síochána underline the potential for appointments of both Garda members and Garda staff to make a significant impact on the culture of the service, and the positive role an independent oversight body can play in this change. Furthermore, the Authority has been adaptive and responsive to a changing environment and has continued to fulfil its role throughout the COVID-19 public health emergency, without diminution of the range of competitions undertaken or disruption to the availability of appropriate officers for the Garda Síochána.

Nomination to Government of Commissioner and Deputy Commissioner

Similar to independent oversight bodies' responsibilities in other comparable jurisdictions, section 9 of the Act confers responsibility on the Authority to make nominations to Government for appointment to the ranks of Commissioner and Deputy Commissioner.

The Authority, at the request of the Minister for Justice, invites the Public Appointments Service (PAS) to undertake a selection competition for the purpose of nominating a person to the ranks of Commissioner and Deputy Commissioner. In consultation with the Department and other stakeholders, the Authority determines the knowledge, skills and experience that are appropriate for these roles and then seeks the approval of the Minister.

Following the retirement of the Commissioner in 2017, the Authority invited PAS to undertake a selection competition to recruit a new Commissioner. This was a unique opportunity for an independent body such as the Authority to ensure that the process to identify the most senior Garda officer was suitably impartial and transparent and that the successful candidate would have the requisite experience and skills to drive reform within the Garda Síochána. In order to ensure that the field of candidates was suitably wide, the Authority engaged the expertise of specialist recruitment services, including an executive search company and a specialist provider to administer testing and assessments. In June 2018, the Authority nominated Drew Harris who was subsequently appointed by the Government.

In 2019, building on the experience gained from the Commissioner Competition, the Authority invited PAS to undertake a selection competition to identify a candidate for nomination to Deputy Commissioner. At the conclusion of the selection competition, the Interview Board decided not to bring forward a name for consideration for appointment. Consequently, no nomination was made to Government by the Authority. The Authority decided that at the appropriate time, following appropriate consultation with the Commissioner, it would seek Government's consent to begin the process for a new competition. As this report is completed for submission, the outcome of that competition has been announced and following nomination by the Authority two new Deputy Commissioners have been appointed by Government.

The cumulative experience of the three competitions demonstrates the crucial role that the Authority has played in ensuring that the statutory arrangements worked smoothly and well.

Appointments to the Senior Ranks

The Authority has a statutory function under section 13 of the Act to make appointments, having undertaken selection competitions, to the ranks of Assistant Commissioner, Chief Superintendent and Superintendent in the Garda Síochána. The Garda Síochána Act 2005 (Appointments to the ranks of Assistant Commissioner, Chief Superintendent and Superintendent) Regulations 2016 (S.I. 641 of 2016) ('the Regulations') governs this function and commenced with effect from 1 January 2017.

From the commencement of these functions in 2017, it has been a key objective for the Authority to design and undertake a selection process which meets the highest standard of integrity and fairness, adheres to best recruitment practice, produces a quality outcome and commands public confidence in the process.

Selection competitions for appointment to the senior ranks of the Garda Síochána are competency based. Thus, competency frameworks along with behavioural indicators for each of the ranks, form the basis for the shortlisting and selection process which is designed to uncover evidence of competence, knowledge, skills, abilities and motivations which are required for effective performance within the rank. These principles are captured in the Statement of Practice developed by the Authority for the conduct of each competition which set out the principles governing the competitions to ensure the consistent application of best practice standards.

On taking over responsibility for undertaking these competitions, the Authority decided to take an evolutionary approach, gradually developing the process each year. In 2017, a comprehensive job analysis was conducted on the three ranks, and a competency framework was established for each rank, along with corresponding job and person specifications.⁷

The Authority introduced more advanced assessment and selection methodologies for the 2019 competitions to include psychometric testing and assessment centres as appropriate to the ranks concerned.

To date, the Authority has held ten competitions (four each to the ranks of Superintendent and Chief Superintendent and two to Assistant Commissioner) and has appointed 160 senior officers in total. Table 1 (below) provides a breakdown of the appointments by rank.

A special Committee of the Authority (the Garda Appointments Quality Assurance and Selection Governance Committee) was established with an independent chair to oversee the Appointments process. In addition, the Appointments process has undergone two internal audits since its commencement which have indicated that significant assurance can be given to the Authority's systems and procedures in respect of the selection competitions and the overall process.

⁷ Shortlisting was introduced for the first time and a two-interview process for shortlisted candidates for the Assistant Commissioner and Chief Superintendent competitions with the final interview to include a presentation. In 2017 shortlisting was conducted by reference to candidate's application forms and in 2018 this was supplemented by a video interview.

Assistant Commissioners	8
Chief Superintendents	34
Superintendents	118
Total	160

In advance of making an appointment to the senior ranks, the Authority must satisfy itself as to the suitability of a candidate for promotion. As set out in the Regulations, the Authority undertakes a clearance process, conducting any enquiries it considers necessary to establish the health and character of the candidate.

The independence of the Authority in the appointment and clearance process of these senior positions plays a vital role in terms of public confidence in the justice sector.

Garda staff

Sections 19(1) and (2) set out the Authority’s responsibilities with regard to Garda staff. Section 19(1) sets out the Authority’s responsibility for approving the number and grades of all new Garda staff positions. For each position or number of positions for a particular Unit or Section, a business case justifying the positions is submitted to the Authority. This is then considered and, if approved, the conditions of approval are set out. Consent is required from the Minister for Justice and the Minister for Public Expenditure and Reform before consent is cascaded back to the Garda Síochána. It is perhaps reflective of the culture of the Garda Síochána that business cases for Garda staff were slow to arrive and of insufficient quality to approve, while there was a much greater emphasis and sense of urgency in recruiting Garda members.

The process is unwieldy and the Authority has expressed its view for some time that this responsibility should be delegated to the Commissioner working within an approved Employee Control Framework (ECF). Acting within the current provisions, however, the Authority has taken a number of initiatives to make its implementation as effective and efficient as possible. The Authority has sanctioned 1,128 positions to date, with the consent of the Ministers for Justice and Public Expenditure and Reform.

In addition to the Authority’s responsibility for approving the number and grades of all new Garda staff positions, the Authority also has the much more substantive statutory responsibility to approve appointments of all candidates to senior Garda staff positions from Principal Officer (PO) and above. In this context, the Authority has a role in determining the skills and experience relevant to the position and approves the role and person specification. In making the appointment, the Authority must satisfy itself as to the suitability of the candidate for the position.

The value of the Authority’s external, detached role in relation to the function to appoint Garda staff at PO and more senior levels has been of considerable importance to the programme of reform, in particular with regard to the importance of ensuring specialist expertise at very senior levels within those areas that are critical to the effectiveness of the policing service. Table 2 (below) sets out the Senior Appointments made by the Authority by grade.

Deputy Secretary	1
Executive Director	6
Principal Officer	27
Total	34

2.3. Code of Ethics

In accordance with the Act, the Authority was tasked with establishing a Code of Ethics (Code) for the Garda Síochána within 12 months of its functions commencing on 1 January 2016. Meeting this deadline, the Code was introduced on 14 December 2016 and officially launched on 27 January 2017. The success in meeting this deadline is particularly notable in the context that the Code of Ethics had been required under statute with the introduction of the 2005 Act. However, in the 10 years prior to the establishment of the Authority, notwithstanding much engagement and consideration, it was never introduced.

The Authority believes the Code of Ethics is an important driver and enabler of cultural change and reform within the Garda Síochána. Its introduction was timely and significant given broader concerns about Garda performance and integrity.

The development of the Code was coordinated by the Authority’s Code of Ethics Committee established early in 2016 with the first Committee meeting taking place in February 2016. A robust process was employed for its development, encompassing desk research exploring international practice and an assessment of key issues and an evidence base for areas which should be included in the Code. A deliberate and reasoned decision was taken by the Authority to develop a Code based on commitments rather than control and it was agreed that the language would be straightforward, and that human rights principles would be woven throughout the Code.

Two rounds of requests for written submissions were completed in April and September 2016. The latter request resulted in submissions from 5 statutory consultees, 11 other organisations and 18 individuals. Following receipt of these, the Authority held a national consultation event in September 2016. Based on the research and submissions received, the Authority developed the Code, setting out guiding principles to inform and guide the actions of everyone who works in the Garda Síochána, at every level.

The Authority was mindful that embedding the Code throughout the Garda Síochána would require scrutiny and oversight. Following its establishment and launch, the Ethics Committee turned its focus to the embedding of the Code and oversight of the Commissioner’s responsibilities, under section 17(8) of the Act, to ensure that all members and staff have read and understood the Code and that a record is kept of the steps taken in relation to each member.

The Authority was initially frustrated by the slow degree of progress in training and getting Garda members and staff to sign the Code. Having expressed this frustration to the Commissioner, progress was made by the Garda Síochána. At the beginning of 2019, the functions of the Ethics Committee were absorbed into the Authority’s ODC. Oversight of the Garda Síochána’s activities in this area is

ongoing and facilitated through quarterly engagements by the ODC with the Garda Ethics and Culture Bureau.

The development of the Code is one of the Authority's key achievements. It has required significant persistence to encourage full engagement with embedding the Code in the life and work of the organisation. Initially, the process of signing up to the Code resulted in some resistance or lack of buy-in from a not insignificant range of garda members and staff. That situation has greatly changed and a quite different approach is now evident.

In its oversight of embedding the Code, the Garda Síochána was required to put in place and improve its governance of data regarding Garda members, staff and reserves who have signed up to the Code. By year end 2020 approximately 91% of garda members and staff had signed the Code declaration.

In addition to the statutory obligations, a recommendation in the Commission on the Future of Policing (COFPI) suggested that the Authority consider if the Code required revising. The Authority considered this in 2019 and concluded that it would be premature at that time, as the embedding of the Code within the Garda Síochána was in its infancy and there was a real risk of undermining the Commissioner's ongoing work to embed it in every area of the Garda Síochána's work. The Authority elected not to revise the Code at the time, but rather re-examine it at a later date in the context of the application of the human rights principles.⁸

A non-statutory area, but closely linked to the Code of Ethics, is that of organisation culture. The Authority was insistent in encouraging the Garda Síochána to conduct a culture audit and has pursued the implementation of actions by the Garda Síochána, based on the audit's findings. Despite initially being met with some reluctance, the Authority has since pushed for the Garda Síochána to conduct a second culture audit to monitor the degree of change. This area of work, while non-statutory in itself, is highly relevant to the embedding of ethical behaviour within the Garda Síochána and has frequently been found to relate to key oversight issues which have emerged, such as the incorrect recording of Mandatory Intoxicant Testing, which are outlined in the next section of this report.

⁸ In 2020 the Authority contracted an external supplier to carry out a review of the Code in the context of assessing it from the perspective of vindicating the human rights of all individuals. This review is ongoing at the time of writing.

3. Proactive Oversight

In exercising its statutory functions of oversight of policing performance, the Authority has been proactive in addressing key issues as they arise. Through a focus on these key issues, the Authority has been able to encourage critical thinking by the Garda Síochána while also ensuring that there is transparency around these issues and ensuring that public confidence is maintained through the presentation of solutions and plans to address deficiencies in the delivery of policing services. There have been a large number of such issues which have arisen over the past five years. As noted earlier any review of the performance of the Authority as an oversight body must make reference to the actions and performance of the Garda Síochána. For illustrative purposes, three issues have been summarised in this section of the report, namely:

- Mandatory Intoxicant / Alcohol Tests and Fixed Charge Notices;
- Review of Homicide Investigations; and
- Management of DNA samples.

These not only demonstrate the robust nature of the Authority's oversight but also the ongoing evolution of the Garda Síochána's culture from one which is insular to one which is more accepting of oversight, of the value of self-critique and more open and transparent.

3.1. Mandatory Intoxicant / Alcohol Tests and Fixed Charge Notices

The key issues emerged in the first full year of the Authority's operation in 2016 and centred around major deficiencies in the Roads Policing arena. This led to the identification of two issues:

- An overstatement by the Garda Síochána of the number of mandatory intoxicant tests (MIT) carried out at checkpoints over a number of years; and
- The prosecution and wrongful conviction of persons in respect of offences which should have been disposed of by the Garda Síochána by way of a fixed charge notice (FCN).

Early engagement on these issues was characterised by inadequate information being communicated to the Authority by the Garda Síochána and these discrepancies came to significant public attention in March 2017. This subsequently led to a more in-depth review by the Authority.

Although initially characterised by the Garda Síochána as data quality issues the Authority emphasised from the outset that both issues were not solely a data or systems problems, but also reflected a wider cultural problem within the Garda Síochána and had a strong ethical dimension as well.

In order to ensure independent assessment of the matter, the Authority commissioned an external consultancy firm to undertake a review of Mandatory Intoxicant Test (MIT) recording by the Garda Síochána and the incorrect issuing of summonses by the Garda Síochána instead of Fixed Charge Notices (FCNs). The review uncovered a wide range of deficiencies, and found that, in particular, inadequate supervision and poor performance management were at the heart of these matters.

The report included a series of recommendations, the implementation of which the Authority oversaw, primarily through its PSPC and there has been some significant progress on many of the recommendations falling out of the review. In particular, FCN processing underwent significant improvement in terms of accuracy, efficiency and governance. The robust oversight also acted as a

catalyst to advance the ‘Mobility’ initiative which provided new mobile phone-based tools to allow members to more accurately detect and record roads related offences. However, a number of recommendations remain outstanding.

3.2. Homicide Review

The issue of the classification of homicides on PULSE and the quality of investigation of homicides arose in April 2017. It was initially presented to the Authority as an issue of classification and data quality. However, the Authority was persistent in seeking assurances as to the degree that incorrect classification might have negatively influenced the scope and quality of the investigation conducted into a death and that the investigations were compliant with Article 2 of the European Convention on Human Rights (ECHR). The Authority also sought assurance that the Garda Síochána would ensure that any review of this issue would be conducted independently from the original investigation and would include members of the Garda Síochána Analysis Service (GSAS), which had initially been involved in identifying the issues with the homicide data.

The Garda Síochána commenced its review conducted by the Homicide Investigation Review Team (HIRT) in February 2018 and the homicide review remained on the Authority’s agenda throughout its work until and following the completion of the review in late 2019. The progress made and the recommendations emerging were discussed at almost every Authority meeting, both in public and private, during this period, in addition to scrutiny from the PSPC, and engagement by Authority staff with the HIRT and Garda Management.

The quality of the final review by the HIRT was commended by the Authority and represented in its view a maturing of the Garda Síochána’s approach to self-critique and reflection. It resulted in 21 recommendations addressing both investigative and classification issues and the review was clear that until such time as all of the recommendations were implemented, the risk of a reoccurrence of the type of issues that arose endures. The Authority has continued to monitor the implementation of the recommendations and while some have been implemented, there remains work to be done. A commitment to complete the implementation of the recommendations is contained in the Policing Plan 2021 and this work will continue to be an area of focus for the Authority. In addition to this the Authority has also commissioned a separate piece of work to assess procedural obligations under Article 2 of the ECHR in respect of homicide investigations conducted by the Garda Síochána.

3.3. DNA Samples

In January 2019, the Garda Professional Standards Unit (GPSU) issued a report relating to ‘Certain aspects of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014’. Subsequently, the GPSU’s findings entered the public domain and gave rise to media commentary suggesting a large number of unaccounted for DNA samples, which raised questions about the management of DNA samples by the Garda Síochána.

As a result, the Garda Síochána initiated an examination to reveal the extent of the issue, as well as identifying any other issues that may arise while DNA samples are in the custody of the Garda Síochána. The final draft report ‘An examination of issues relating to submission by the Garda Síochána of DNA Samples to Forensic Science Ireland 20th November to 3rd April 2019’ was received by the Authority in September 2020.

The Authority has had substantial engagement with the Garda Síochána on the topic, and considered the matter at Authority and Committee meetings throughout 2019 and 2020, including at the Authority meeting in public in November 2020. Key issues raised by the Authority included governance and accountability concerns, the potential negative impact on court cases, and ongoing improvements to the systems and processes of providing DNA samples to Forensic Science Ireland.

The Garda Síochána investigation into the samples that remain unaccounted for continues, and the Authority will continue to review the ongoing examination and the recommendations arising from the review.

3.4. Joint Policing Committees

The functions conferred on the Authority by the Act relating to Joint Policing Committees (JPCs) is relatively limited. It comprises:

- The function to issue, revise or withdraw JPC Guidelines under Section 35 (1-5);
- The receipt of a copy of the JPC annual report, no later than the end of March each year under Section 36(5)(b); and
- The convening of meetings of the Chairpersons or other members of JPCs for the purpose of coordinating or facilitating the performance of their functions under section 35(6).

Annual meetings of the JPC Chairpersons and the Chief Executive Officers of the Local Authorities have been convened by the Authority and provided a much needed networking structure for the Committees. The Authority has used this forum to support the performance of JPC functions, to provide community input for the Authority's work and to consult on the Policing Priorities. The annual reports that the JPCs are required to submit to the Authority are published on a specific JPC page on the Authority's website, which allowed the JPCs to learn from each other.

The Authority has not however used the functions given to it under section 35 of the Act – the issuance, revision or withdrawal of JPC Guidelines. The Guidelines published jointly by the Departments of Justice and Equality, and the Environment, Community and Local Government in 2014 remain in place. There were a number of reasons for this. The Authority received feedback from JPC representatives at the annual events that apart from the membership composition provisions, there was no pressing imperative to amend the existing guidelines. Additionally, since the establishment of the COFPI in 2017, there was uncertainty around the future place and functions of the JPCs under the current community safety and policing reforms. In the context that the legislative changes do not appear to be imminent, it is planned to consider again during 2021 whether new guidelines should be issued.

Beyond the statutory functions, over the last five years the Authority's proactive engagement with JPCs has been increasingly valuable and particularly important during the COVID-19 emergency in 2020. Since 2016, the Authority has sought to augment its understanding of the role of, and actively engage with JPCs. Members of the Authority and Executive staff visited 49 JPCs and Local Policing Fora nationally in the period 2018-2019. Remote engagement has continued throughout 2020, with the experiences and insights of JPCs on policing during COVID-19 forming part of the Authority's reporting to the Minister.

The Authority has also acted as a source of guidance for JPCs on the Guidelines by responding to queries on their interpretation, as well as on the Act as it applies to JPCs. This has arisen from a lack of clarity over the ownership of the current guidelines and the direction of queries to the Authority from the Department of Justice.

Despite recent growth and improvement, the Authority is conscious that the potential of the JPCs as an important mechanism for local policing accountability and as a locus of partnership working within the community can be further explored and developed

4. Advice to the Minister

Under section 62 H(1)(i) of the Act, the Authority has a function to provide information and advice to the Minister with regard to matters relating to policing services. The provision of this advice and information frequently coincides with the fulfilment of other statutory functions of the Authority such as responding to ministerial requests, advising on Garda resources and implementing its performance assessment framework. Examples of previous work undertaken include the Authority's oversight of the implementation of the recommendations made in the Report of the Fennelly Commission, while ongoing work includes oversight of the implementation of the Garda Inspectorate ('Inspectorate') Report, 'Responding to Child Sexual Abuse-A Follow-Up Review'.

A few key examples are provided in this section to illustrate the Authority's role:

- Recommendations for the audit of financial procedures in the Garda College in Templemore;
- The Authority's assessment of the Modernisation and Renewal Programme;
- Provision of advice on Garda Resources and;
- Assessment of policing during COVID-19.

4.1. Audit of Financial Procedures in the Garda College in Templemore

In March 2017, the Garda Síochána provided the Authority with a copy of the 'Interim Audit Report – Financial procedures in the Garda College in Templemore, February 2017'. This was followed by correspondence from the then Minister for Justice referring the report to the Authority under section 62 O(6) of the Garda Síochána Act 2005, to oversee the implementation of its recommendations and to provide a quarterly update on progress. Based on the Interim Audit Report, the Authority expressed significant concern in relation to the management of public funds and the governance of the Garda Síochána and regarded these governance failures as very serious. The Authority further stated that remedial action ought to have commenced much earlier. While mindful of the complementary work ongoing at the time with the Committee for Public Accounts, the Authority pursued updates on each of the 19 recommendations contained in the report. It primarily relied on the Garda Internal Audit Service (GIAS) for these updates but sought external validation, where required. The Authority issued four reports, the final one in July 2018 at which point all but two of the 19 recommendations were assessed by the Authority as completed, with the two outstanding recommendations not solely within the power of the Garda Síochána to implement.

4.2. Assessment of the Modernisation and Renewal Programme (MRP)

The oversight of the implementation of the Modernisation and Renewal Programme (MRP) has been a core element of the Authority's oversight of reform of the Garda Síochána to date. In November 2015, the Inspectorate published its report 'Changing Policing in Ireland', the focus of which was on modernising and restructuring the Garda Síochána.

On 25 July 2016, the then Minister for Justice requested under section 117A (2) of the Act, that the

Authority monitor and assess the measures taken by the Garda Síochána in relation to the implementation of recommendations of the report.⁹ This is one of many Inspectorate reports on which the Authority has reported to the Minister under section 62 H(g) of the Act.

This request was made following a Government decision to implement the agreed recommendations and in the context of the commencement of the MRP which, it was proposed, would act as a vehicle for achieving these recommendations.

The oversight of the MRP was led by the Authority's ODC, which was established in response to the Authority's keen awareness of the strategic importance of areas such as human resources, IT, accommodation, culture and finance for effective policing. The ODC in its first two years was focused on the monitoring and assessment of performance and in implementing the recommendations of the Inspectorate Report – Changing Policing in Ireland.

The Authority initially conducted a high-level overview of progress by the Garda Síochána through its monitoring of MRP initiatives contained in the Policing Plan. However, this was found to be insufficient as the Policing Plan by its nature did not comprehensively include all the elements of the MRP, nor did it focus on the delivery of services or include an assessment of the success of the various projects which may contribute to a more effective service for communities. The Authority then conducted a more comprehensive mapping of the recommendations against MRP initiatives and business areas outside of the MRP, in conjunction with the Garda Síochána. Given the volume of recommendations (in excess of 240 recommendations and sub-recommendations) the Authority also identified priority areas on which it would focus its oversight. This formed the basis of quarterly reports by the Authority which were delivered to the then Minister for Justice. These reports were a useful vehicle for maintaining focus and providing an opportunity for the Authority to assess and articulate the degree to which the Garda Síochána had engaged with and succeeded in tackling reform.

The Authority was not satisfied and did not accept the level of information and assessment of progress being provided by the Garda Síochána, and embarked on a detailed review of each recommendation throughout the period. This involved seeking documentary evidence and field work by Authority staff to assess the true degree of progress made against each recommendation and an independent assessment was made of each and reviewed periodically. In 2017, the detailed review demonstrated that a sizeable number of recommendations initially marked "complete" by the Garda Síochána were, on further examination, revealed not be completed and sometimes not even well advanced.

The review process conducted by the Authority highlighted that progress in delivering the MRP and wider change programme had been overstated and identified the slow evolution in "key enablers" which were inhibiting progress in the organisation's reform.

The Authority at no time conceived of its oversight of the MRP implementation as something separate from its general oversight of policing performance. To the contrary, the MRP contained key initiatives and actions that were critical to the delivery of effective policing. In its reports, the

⁹ The report contained 80 recommendations. 77 were accepted including some with amendments by government in July 2016.

Authority consistently drew attention to the need for the Garda Síochána to recognise the strategic importance of finance, human resources and IT as key enablers of reform and the delivery of policing services.

The Authority recognised that policing performance must be considered holistically and followed through on this. This relates to the manner in which the Garda Síochána identifies, in an integrated way, its demand, risks and resource needs, marshals and deploys its resources, supervises and develops its staff and ensures that the delivery of policing is ethical and in compliance with human rights.

With the publication in September 2018 of the COFPI report, which mapped out a new approach to reform, the requirement that the Authority report on a quarterly basis came to an end. The Authority decided to move to twice yearly reviews of performance as has been noted earlier in this document. The work of review has lost nothing of its importance and, taken together, these reports represent a valuable resource for the Commissioner and a useful tracking of progress.

In recognition of the inseparable nature of organisational reform and performance, the Authority and its committees have maintained its work in the organisation development area. The ODC engages with the Garda Síochána on the issue of these enablers and its work is reflected in the twice yearly performance reports.

4.3. Oversight of Garda Resources and Governance

Section 62 H(2) provides a number of functions in relation to Garda Síochána's resources and governance.¹⁰ To date, the Authority has consistently emphasised the important relationship between oversight, policing performance, reform, resources and governance. The issues of investment in, and strategic management of, finance, human resources and IT are inextricably linked to, and indispensable for, the provision of the highest quality policing service.

These functions have enabled the Authority to deepen its oversight of the Garda Síochána in which it has stressed the need for reform and renewal in respect of financial and governance arrangements.

Carrying out these functions to their maximum has, however, been challenging. For example, the lack of availability of financial and management information from the Garda Síochána is a source of on-going frustration and has hindered the ability of the Authority to gain a comprehensive understanding of the service's resource requirements, and to develop an in-depth, informed opinion on the adequacy of the provision of resources in order to fulfil its statutory responsibility to advise the Minister. Consequently, it has been difficult for the Authority to realise the full potential of its statutory provision in accordance with section 62 H(2)(b) of the Act.

¹⁰ Section 62 H(2) of the Act sets out that the Authority shall- (a) keep under review the performance by the Garda Síochána of its functions and the arrangements and strategies in place to support and enhance the performance of those functions and, in particular, shall keep under review the adequacy of— (i) the corporate governance arrangements and structures within the Garda Síochána, (ii) the arrangements for the recruitment, training and development of the members and members of the civilian staff of the Garda Síochána, (iii) the mechanisms in place within the Garda Síochána for the measurement of performance and accountability of such members and staff, and (iv) the arrangements for managing and deploying the resources available to the Garda Síochána so as to ensure the most beneficial, effective and efficient use of those resources, (b) provide advice to the Minister before each financial year with regard to the resources that are likely to be required by the Garda Síochána to perform its functions in that financial year.

As it is the most significant aspect of the Garda Síochána budget, the Authority has requested that the Garda Síochána provide a plan to set out clearly how its workforce is currently deployed in addition to plans for the recruitment and deployment of these resources.

However, the Authority does not have a role or function in relation to the Estimates Process for the Garda Vote including Vote 20 for capital and operational expenditure.

Further, the inability of the Garda Síochána to present an integrated, coherent projection of its own current and capital requirements over a five-year period has been a significant weakness to policing and the ongoing reform of the organisation.

The issues with the current process for the Garda Budget and subsequent governance and oversight have been documented elsewhere including within the Effectiveness and Renewal Group of the Department of Justice and Equality.¹¹

Despite these issues, the Authority has seen evidence of change within the service. The Commissioner has demonstrated a deep understanding of the strategic centrality of Finance and Human Resources to policing performance and policing services. There is an understanding of the need to enhance the management capacity in relation to the financial resources of the organisation and to ensure that financial literacy is widely distributed at regional and divisional level. Although there is much more work to do, the Authority believes it has commenced. In 2020 following persistent encouragement by the Authority the Garda Síochána provided the Authority with a more detailed submission in support of its view of the financial resources required for operational purposes and for the implementation of the constituent elements of its modernisation programme. The Authority used this to provide the Minister with a more detailed and informed opinion on the adequacy of the provision to the Garda Síochána than had been possible in previous years focussing on three thematic areas, namely the:

- Need for flexibility in Garda workforce numbers;
- Necessity for an innovative approach to Estate management; and
- Imperative for immediate investment in IT.

4.4. Assessment of COVID-19 Policing

Following the Government decision to respond to the emerging health emergency by, among other things, assigning greater powers to the Garda Síochána, the Minister for Justice requested the Authority in April 2020 to provide him with an initial interim report, to be followed by regular reports, on its oversight and assessment of the exercise of the new powers by the Garda Síochána. The Authority responded to this request with an initial report within a week and has continued to produce and publish regular reports to the Minister throughout 2020, ten in total. This COVID-19

¹¹ See the Effectiveness and Renewal Group of the Department of Justice and Equality, 2018. First Report June 2018.

reporting, which is in line with the Authority's advice and reporting functions, demonstrates the Authority's agility and ability to respond quickly to changing circumstances¹².

Using an evidence-led approach, these reports were based on (i) data on the use of COVID-19 powers provided by the Garda Síochána, (ii) extensive and wide ranging stakeholder engagement by the Authority and, (iii) a nationally representative survey of peoples' experiences of policing during the pandemic. Of particular importance during this oversight work was engagement with groups representing diverse communities within our population. While the public health emergency may have hindered such engagement, the Authority remained agile to the circumstances and increased its level of activity in this area, fully appreciating the richness and value of the information these consultations provided for an informed assessment of policing during the pandemic.

Four key themes informed the Authority's oversight in relation to the policing performance by the Garda Síochána during COVID-19:

Use of powers and use of force;

- Community engagement and service to vulnerable groups;
- Well-being of Garda members and staff; and
- Policing to protect and respect human rights.

From its ten reports, to date, the Authority would highlight the following:

- The Authority has for the most part¹³ welcomed the Garda Síochána's application and use of the 4 E's: Engage, Explain, Encourage and Enforce;
- In particular it commends the implementation of 'Operation Faoiseamh', as the operation has been widely considered to represent a paradigm shift in the Garda Síochána's approach to domestic abuse;
- The Authority continues to oppose the use of anti-spit hoods and has raised concerns for the human rights of suspects subjected to their use. The Authority is aware of the perception that this criticism represented a lack of concern for the protection and wellbeing of Garda members. The wellbeing of the Garda workforce is at the forefront of the Authority's considerations but, based on evidence from the manufacturers of these devices, they do not afford sufficient protection to members.
- Engagement with stakeholders throughout the COVID-19 emergency has emphasised the positive tone of policing, and its importance to communities. The Authority considers the positive policing experiences expressed by the majority of people and new

¹² Advice and report responsibilities set out in the Act include: 62 H(1)(h) inform the Minister of matters relevant to the accountability of the Government to the Houses of the Oireachtas; 62 H(1) (i) provide information and advice to the Minister with regard to matters relating to policing services; 62 H(g) perform the functions conferred on it...with regard to monitoring assessing and reporting to the Minister on the measures taken by the Garda Síochána in relation to recommendations; 62 H(2)(b) the Authority has responsibility to provide advice to the Minister before each financial year with regard to the resources that are likely to be required by the Garda Síochána to perform its functions in that financial year; 62 H(2)(e) keep the Minister informed of developments in respect of matters relating to policing services and make recommendations to assist the Minister in coordinating and developing policy in that regard; 62 H(2)(h) provide advice to the Minister with regard to best policing practice.

¹³ The limitations for recording the use of powers proved to be a source of contention between the Authority and the Garda Síochána and remains unresolved at the time of writing.

relationships formed to be a significant outcome from the COVID-19 emergency and a platform to build on in the future.

These COVID reports and the wide range of other reports and advice, most of which were at the request of the Minister, reveal the value of the advisory function in the statute. The provision facilitates the Minister having access to a detached set of views and observations on key policing matters. The advice and observations typically emerge from the Authority's routine public oversight of the Garda Síochána and the Authority was, and remains, well positioned to reorient its work in an agile manner to respond to the Ministerial requests.

5. Transparency, Engagement and Research

This section of the report provides an overview of the Authority's performance in the areas of raising public awareness, research, and gaining the views of the public. The performance of the Authority in these areas is evidence of the commitment to providing transparency and in employing evidence-informed oversight.

The Authority has demonstrated a strong commitment to public engagement including through its meetings in public, stakeholder engagement and research activity. This practice has enriched and strengthened the oversight of policing and is in keeping with its values including listening, transparency and acting in the public interest.

The performance of the Authority in this area also underlines its commitment to democratic values including fostering and harnessing the participation of the public with key institutions and services.

5.1. Authority Meetings

The primary mechanism for monitoring and assessing policing performance is through monthly Authority meetings with the Garda Síochána, with a minimum of four to be held in public each year. The Authority has been consistent that the oversight of policing must be independent, transparent and publicly exercised.

Meetings with the Commissioner in public demonstrate the Authority's commitment to key democratic values including openness, transparency and public participation and engagement with public bodies and services. These meetings are open to the public to attend and streamed live online. Public meetings are an ongoing opportunity for all stakeholders to observe elements of the Authority's oversight work.

Meetings are held in central venues to encourage and facilitate attendance by the public, while the draft agenda is published on the Authority's website one week in advance and approved minutes are also available online.

The Authority and its Committees review and analyse internal and external reporting from and about the Garda Síochána. Performance is also reviewed by the Authority's PSCP, and ODC where the performance of the Garda Síochána is examined in detail against the Policing Plan on a regular basis, facilitating further oversight and challenges to the Commissioner at the monthly Authority meeting.¹⁴

The Authority acknowledges that its own protocols for decision making, including meetings and deliberation may present challenging timelines for the Garda Síochána and that the level of preparation required for participation may be onerous for Garda management and staff. The Authority has frequently emphasised that it wishes to minimise the burden on participants and that it would like to rely on the same information and reporting which is used by the management of the Garda Síochána. However the information provided is not always sufficient or timely. There has been some progress made on this this in recent months and this will hopefully continue during 2021.

¹⁴ In advance of those meetings, the Committee receives a report, which sets out all the actions and targets in the Plan with a Red, Amber or Green (RAG) status against the progress being made. The report is required to set out the reasons for any target going off course and the remedial action proposed.

5.2. Views of Public and Public Awareness

The Policing Authority places a high value on transparency to promote awareness of policing performance and related issues in Irish society including to the general public and other interested parties. It does this by a number of activities including:

- Conducting a minimum of four of our meetings with the Commissioner in public each year (5 have been conducted every year); and
- Making as much information and documentation as possible publicly available to highlight and increase knowledge of the Authority’s work and public understanding of its role. This includes the publication of documents such as the minutes of Authority and Committee meetings and of corporate priorities on the Policing Authority website, which is accessible and user friendly.¹⁵

The Authority has two specific roles in respect of promoting public awareness and obtaining the views of the public.¹⁶ The Authority is motivated by the public interest and values the views of the public and all of its stakeholders, and creates, on an ongoing basis, opportunities to listen through a range of activities.¹⁷ These include:

- Consultation processes to elicit the views of its stakeholders, for example public consultations on Policing Priorities and the Code of Ethics. In 2020, the Authority was granted funding by the Public Sector Innovation Fund for prioritisation deliberation software, which will be used to engage with individual members of the public on policing priorities. A pilot was completed in September 2020 and it is hoped to use this further in 2021;
- A comprehensive programme of stakeholder engagement which is used to gather feedback on the lived experience of policing performance from a range of groups and organisations including NGOs, business interest groups and groups representing minority communities.

¹⁵ Other activities include: Hosting recordings of all past public meetings on the Policing Authority website and YouTube channel and making these recordings accessible by subject area; maintaining an active Twitter account to share and augment the reach of Authority press statements and publications; issuing press statements on the outcomes of oversight activities as and when appropriate - these statements are communicated directly to relevant members of the press and are also made available to the public on our website and through our Twitter feed; publishing any relevant research or reports undertaken or commissioned by the Policing Authority, as appropriate; taking the opportunity to highlight relevant areas of our work directly with stakeholder organisations and other interested parties; scheduling a number of press interviews for the Chair and Chief Executive each year, across a variety of media outlets; holding a number of press briefings each year to seek clarification and insight to inform public commentary and analysis; attending events hosted by stakeholders which offer opportunities to raise the profile of the Policing Authority and promote our strategic values and oversight role to the public.

¹⁶ Function: 62 H(2)(d) promote public awareness of matters relating to policing services. Under Section 27 of the Act, the Authority should make arrangements for obtaining of the views of the public. Section 27. — (1) states “The Commissioner and the Authority, having regard to the respective functions of the Commissioner and the Authority under this Act, shall make arrangements for obtaining the views of the public about matters concerning policing services. (2) Before making any arrangements under this section, the Commissioner shall consult with the Authority about the proposed arrangements and the Authority may approve the arrangement.”

¹⁷ The Authority also uses the information from the Garda Public Attitudes Survey to inform its work.

This feedback and any available data is then used to inform the oversight work of the Authority;

- Holding annual public conversation events to raise awareness on policing matters. These events are generally attended by an invited audience of key stakeholders and live-streamed on the Authority's website;
- Monitoring social media and traditional media for emerging and prevailing views in the public domain relating to policing matters; and
- Finally, while it does not have any role in dealing with individual complaints, the Authority does keep itself generally informed about complaints made and the application of the Garda disciplinary Regulations.

5.3. Research

Under section 62 H(2)(g) of the Act, the Authority can undertake, commission or assist in research projects (including by way of public consultation) and other activities in respect of matters relating to policing services, which may (i) promote an improvement in standards for those matters and public awareness of same, or (ii) contribute to a reduction in the number of complaints against members of the Garda Síochána in relation to those matters, and make recommendations to the Minister arising from those projects or activities.

The establishment of a research unit commenced in 2017 to support the work of the Authority and its Committees in achieving the organisation's statutory functions and to support evidence-led oversight of policing performance by the Garda Síochána.

In addition, the Authority has taken a number of specific actions around commissioning and funding research projects in respect of matters relating to policing services and other activities.

Since the establishment of the research unit the Authority has funded a number of ongoing research projects.

Specific milestones include:

- The establishment of a research bursary in 2019. Following a competitive application process, two inaugural bursaries to a total value of €35,000 were awarded to projects focusing on the experiences which children and young people have in their interactions with the Garda Síochána;
- Commissioned research to contribute to greater understanding of victims' experiences of their interaction with the Garda Síochána, in particular subsequent to the enactment of the Criminal Justice (Victims of Crime) Act 2017. The objectives of the project are to provide the Authority with detailed insight into the experiences of victims of crime in respect of their interactions with the Garda Síochána. The contract to undertake the research was awarded to Trilateral Research Ltd. following a competitive tender process¹⁸;

¹⁸ The project takes a mixed method approach, and includes collection of data through online survey and interviews with victims of crime, and through interviews and focus groups with other stakeholders, including

- Building international networks in which the Authority has liaised with others in the policing and oversight arenas, nationally and internationally, including oversight bodies, academic and research institutions, and other stakeholders; and
- Academic engagement events held in 2019 and 2020. The 2020 event was an academic webinar around the topic ‘Children, Young People and the Police: Building Confidence and Trust’.

with members of the Garda Síochána, and victims’ organizations. In addition, the project will explore best practices from other jurisdictions.

6. Challenges, Areas for Improvement and Future Planning

6.1. Timeliness and Quality of Information

A significant challenge to the Authority's oversight was, and remains, delays in getting information from the Garda Síochána. While, in general, the Authority has been provided with the information it requested, significant delays are not uncommon. Although this has improved in recent years, it is an ongoing challenge which requires further improvement and therefore is an issue that is attracting attention at the most senior levels in the Garda Síochána and within the Authority.

In the early years of the Authority's work, there were significant concerns about the quality and accuracy of data gathered by the Garda Síochána. Information that was provided to the Authority and data quality was therefore a significant focus of oversight effort. The Authority welcomes the recent improvements by the Garda Síochána in this respect and its ongoing engagement with the Central Statistics Office (CSO) confirms that progress is being made by the Garda Síochána.

6.2. Uncertainty about the Oversight Structures

Less than two years after the establishment of the Authority, the COFPI was established. Reporting in September 2018, it recommended significant changes to the oversight regime. While the Authority had completed significant work at this point, it was still a very young organisation and, as outlined in this report, made significant headway in achieving its statutory obligations and improving performance in policing. At that point in time the recommendations of COFPI posed the risk of being a disruption in the sense that it was perceived that the Authority might be soon abolished or replaced. This in turn had the potential to threaten the Authority's ability to ensure sufficient engagement by the Garda Síochána with the oversight functions of the Authority. Despite prospective legislative changes the Authority remained determined throughout 2019 and 2020 to continue to discharge its existing statutory obligations. The Authority's continued energy and focus on its core functions was fully supported by the Commissioner and his team in their positive and proactive engagement with the Authority.

In 2020 the Department of Justice provided the Authority with a copy of the Draft General Scheme of the Policing and Community Safety Bill for consultation. The Authority broadly welcomed the proposals set out in the Draft General Scheme while continuing to emphasise the importance and value to the State and the people of adequate independent and robust oversight of policing.

6.3. Unclear role in relation to CCTV

Under Section 38 of the Act, the Authority has a number of specific obligations in the area of CCTV. The first of these was to develop guidelines to establish criteria for certain persons (such as local community groups) who may be authorised by the Commissioner to install and operate CCTV.

This was already in place prior to the establishment of the Authority through S.I. 289/2006. The Act also required the Authority to consent to the revocation of authorisation to certain category of persons (such as local community groups) by the Commissioner. An additional function for the Authority, with the consent of the Minister, was to issue guidelines to the Commissioner concerning the supervision and control by the Commissioner of the monitoring of CCTV by authorised persons.

The Authority's Two Year Report on its effectiveness and the adequacy of its functions submitted in accordance with section 62 (O) of the Act, reflected that these functions did not fit well with the Authority's remit and overlapped with responsibilities taken on by the Department of Justice and Equality in relation to CCTV. The Authority recommended that obligations be revised and has not engaged in significant activity in this area.

In October 2020 the Department of Justice issued the Draft Garda Síochána (Digital Recording) Scheme for observations. The Authority's response which included a number of observations on the principles of device neutrality, transparency, the impact on human rights and the need for accountability, fairness and proportionate use identified this proposed legislation as a more appropriate legislative instrument for the oversight digital recording by the States institutions.

6.4. Preparing for the Future

Challenges often present opportunities. While maintaining its concentration on its current statutory obligations and its mission to drive excellent policing through valued and effective oversight, the Authority has looked to the future and has been actively preparing the organisation for the recommendations of COFPI as agreed by Government in December 2018.

Community Safety

Following the publication of the report of COFPI, the Authority noted with interest the recommended expansion of its scope and role to include certain aspects of Community Safety. Following this the Authority undertook a range of activities over 2019 and 2020 to further develop our understanding of Community Safety, including: consulting academics with knowledge and expertise in the area; engaging with relevant literature; engaging with the community safety structures in Northern Ireland, Scotland, Wales, Canada, and other jurisdictions; identifying current arrangements and structures, including the practicalities of these and the issues currently faced; and, continued engagement with JPCs and other structures that would be potentially replaced by the new model.

Arising from such activity, the Authority was able to engage on a number of occasions with the Department of Justice to share learnings and provide useful observations to aid the ongoing work of the Department in drafting the related policies and heads of bill. A public discussion on Community Safety was hosted by the Authority in July 2019, including Irish and international speakers with an academic or professional background in community safety and community work who presented on and discussed some of the key issues concerning community safety. Members of the Department were invited to this event and attended a private meeting with the Authority and representatives of community safety structures in Wales and Scotland.

The Authority keeps abreast of national and international developments in this area through research and established networks, and will do so as the planned design and implementation phase continues. This will be supported by: liaising with the Department; engaging with the three Community Safety Partnership pilots in Dublin's North Inner City, Waterford and Longford; and continuing to engage with JPCs and oversee Garda performance in relation to inter-agency work, as per its statutory functions.

Human Rights

The area of human rights is a core component of the oversight of policing and the Garda Síochána. The Authority is mindful of its role in Ireland's institutional framework for the protection of human rights and the responsibilities that arise from this. It situates policing and the performance of the Garda Síochána specifically in the context of key national, European, and international human rights standards and obligations.

This approach is evident in the Authority's recent submission on the review of the use of anti-spit hoods by the Garda Síochána, reports to the Minister on COVID-19 policing, and on broader aspects of policing and justice policy in submissions to the Department of Justice on the Codification of Policing Powers and the Draft Youth Justice Strategy 2020-2026.

The Authority is committed to continuous improvement and enhancing its human rights capacity. To date, this has been achieved through the provision of external advice, training for staff, and engagement with stakeholders. In terms of oversight, it observes at the Garda Síochána's Strategic Human Rights Advisory Committee (SHRAC) and has engaged with the recently established Garda Síochána Human Rights Unit. The Authority has stressed that this area should not be exercised or examined in a silo, but rather is core to all aspects of policing. This is evidenced by the emphasis the Authority placed on assuring the homicide investigations were Article 2 compliant in the aforementioned Homicide Review.

The Authority will continue to emphasise the importance of, and oversee adherence to, key domestic and international human rights standards and obligations as set out in core United Nations (UN) and Council of Europe (COE) conventions to better ensure policing, respects, protects and vindicates the rights of all individuals in Ireland.

7. Conclusions

The introduction of the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act in 2015 was a clear departure point for policing in Ireland. It represented a major development in the governance and oversight of the Garda Síochána and a commitment on behalf of government to meaningful reform. It was a clear recognition of the uniqueness of the Garda Síochána as a public body and the additional arrangements necessary to secure public confidence and trust in policing.

The act of establishing the Policing Authority itself changed the policing landscape significantly and during its first five years of operation, the Authority has established itself as an effective oversight body. Serving as an engine of change and reform, the performance of the Authority to date demonstrates the potential and necessity of open and publicly accountable oversight of policing to be vested in an independent, empowered and external public body.

In this review the Authority has emphasised its achievements in holding the Garda to account openly and transparently through its performance framework, improvements to Garda appointments and staffing, and the commitment to public engagement throughout its work.

The Authority is fully aware of the potential for improvement and recognises that it has not brought detailed scrutiny to bear in all areas of its remit to date. Two specific examples already alluded to are oversight activities with regard to CCTV schemes, and the development of revised JPC guidelines.

While relationships with Garda Síochána senior management have improved, the Authority notes concerns in respect of its relationship with Garda representative bodies and in particular the rank and file and middle management grades. The Authority is keenly aware of the perceptions that it has been unfairly critical of the Garda Síochána and its staff. The various Garda representative bodies have also expressed the view the Authority can and should do more to acknowledge and celebrate Garda successes including during public meetings, as well as the belief that Garda successes can and do exist outside of the Policing Plan and that such successes do not receive the attention they fully deserve. Although it is difficult to recall a meeting of the Authority, in private or public when the challenges facing, or the successes of, the Garda Síochána were not commented on and appreciated, the Authority will reflect on this and work to dispel these perceptions. Attention may inevitably focus on areas of difference or disagreement but the understanding and acknowledgement were, and are, always in evidence.

The Policing Authority is appreciative of the opportunity to report to the Minister on the general performance of its functions in the first five years of operation. It is cognisant of the significance of the timing of the report with the proposed changes set out in the Draft General Scheme. This review of the performance of the Authority comes in the midst of a global public health emergency without precedence in modern times. The crisis has had an impact on both the oversight activities of the Authority and on the delivery of the policing service by the Garda. While there are a range of issues that require engagement and improvement, both the Garda Síochána and the Policing Authority have confronted the challenges posed both by the pandemic and by this relatively new oversight regime and have continued to effectively discharge their statutory functions in the public interest.

Appendix 1: Authority and Committee Membership 2016-2020

Policing Authority Membership			
2016-2017	2018	2019	2020
Josephine Feehily, Chair	Josephine Feehily, Chair	Josephine Feehily, Chair	Bob Collins, Chair
Noel Brett	Noel Brett	¹⁹ Noel Brett	Vicky Conway
Bob Collins	Bob Collins	Bob Collins	Pat Costello
Vicky Conway	Pat Costello	²⁰ Vicky Conway	Deborah Donnelly
Pat Costello	Judith Gillespie	Pat Costello	Judith Gillespie
Judith Gillespie	Valerie Judge	Judith Gillespie	Valerie Judge
Valerie Judge	Maureen Lynott	Valerie Judge	Paul Mageean
Maureen Lynott	Moling Ryan	Maureen Lynott	Moling Ryan
Moling Ryan		²¹ Paul Mageean	
		Moling Ryan	

Audit and Risk Committee
2016-2020
Moling Ryan, Chair
Melanie Pine (External)
Ronan Nolan (External)

Code of Ethics Committee	
2016-2017	2018
Pat Costello, Chair	Pat Costello, Chair
Judith Gillespie	Judith Gillespie
Bob Collins	Bob Collins
²² Vicky Conway	

¹⁹ Noel Brett resigned from the Authority with effect from 18 January 2019.

²⁰ Vicky Conway resigned from the Authority in July 2017 was re-appointed with effect from 29 January 2019.

²¹ Paul Mageean was appointed to the Authority with effect from 29 January 2019.

²² Vicky Conway stepped down from the Code of Ethics Committee in June 2017.

Garda Organisational Development Committee			
2017	2018	2019	2020
Bob Collins, Chair	Bob Collins, Chair	Bob Collins, Chair	Paul Mageean, Chair
Pat Costello	Pat Costello	Pat Costello	Pat Costello
Valerie Judge	Valarie Judge	Valerie Judge	Valerie Judge
²³ Noel Brett	²⁴ Moling Ryan	Paul Mageean	Moling Ryan
²⁵ Moling Ryan	²⁶ Melanie Pine (External)	Melanie Pine (External)	Melanie Pine (External)

Garda Appointments Quality Assurance and Selection Governance Committee		
²⁷2016	2017-2019	2020
Valarie Judge, Chair	Bryan Andrews, Chair (External)	Bryan Andrews, Chair (External)
Maureen Lynott	Valarie Judge	Valarie Judge
Moling Ryan	Moling Ryan	Moling Ryan
	Maureen Lynott	

²³ Noel Brett was a member of the Garda Organisational Development Committee until March 2017.

²⁴ Moling Ryan was a member of the Garda Organisational Development Committee until 11 October 2018.

²⁵ Moling Ryan became a member of the Garda Organisational Development Committee in April 2017.

²⁶ Melanie Pine joined the Garda Organisational Development Committee on 13 June 2018.

²⁷ In 2016, this committee was known as 'appointments' and in 2017 it became the 'Garda Appointments Quality Assurance and Selection Governance'.

Policing Strategy and Performance Committee			
2016-2017	2018	2019	2020
Judith Gillespie, Chair	Judith Gillespie, Chair	Judith Gillespie, Chair	Judith Gillespie, Chair
Noel Brett	Noel Brett	Moling Ryan	Vicky Conway
²⁸ Vicky Conway	Moling Ryan	Vicky Conway	Moling Ryan
Maureen Lynott	Maureen Lynott	Ronan Nolan (External)	Deborah Donnelly
	Vicky Conway (External)		Ronan Nolan (External)
	Ronan Nolan (External)		

Police Reform Working Group	
2019	2020
Josephine Feehily, Chair	Bob Collins
Bob Collins	Judith Gillespie
Judith Gillespie	Moling Ryan
Moling Ryan	Helen Hall (Chief Executive)
Helen Hall (Chief Executive)	

²⁸ Vicky Conway resigned from the Policing Strategy and Performance Committee in July 2017 and was appointed as an external member from September 2017.

Appendix 2: Functions, Actions and Key Achievements

Functions as provided for in the Garda Síochána Act 2005 (as amended)		
Area	Functions	Key Actions and Achievements
General oversight of functions	62 H(1) Subject to this Act, the Authority shall — (a) oversee the performance by the Garda Síochána of its functions relating to policing services.	As discussed throughout the report, the Authority has established a comprehensive performance framework to oversee the functions of the Garda Síochána exercised through Authority and Committee meetings, and oversight of the Policing Plan, Policing Priorities and Organisation Reform.
Appointments	62 H(b) responsible for—(i) nominating persons for appointment to the office of Commissioner or to the rank of Deputy (ii) appointing persons to the ranks of Assistant Commissioner, Chief Superintendent and Superintendent, and (iii) removing or recommending their removal.	<p>Since its establishment the PA has successfully made 34 Senior Garda staff appointments at the following grades;</p> <ul style="list-style-type: none"> • Deputy Secretary (1); • Executive Director (6); and • Principal Officer (27) <p>It has also appointed 160 individuals to Senior Ranks including;</p> <ul style="list-style-type: none"> • Assistant Commissioner (8); • Chief Superintendent (34); and • Superintendent (118) <p>It recommended the current Commissioner for appointment by Government in 2018.</p> <p>As this report is being completed for submission, the outcome of the 2020 /2021 competition for Deputy Commissioners has been announced with two new Deputy Commissioners have been appointed by Government following on nomination by the Authority.</p>
Code of Ethics	c) Establish, amend or revoke a Code of Ethics... (7) The Authority shall publish a Code of Ethics... in	The Code was established within one year of the Authority’s foundation. Key activities included;

Functions as provided for in the Garda Síochána Act 2005 (as amended)		
Area	Functions	Key Actions and Achievements
	such manner as it considers appropriate.	<ul style="list-style-type: none"> • A national consultation event was held in relation to its development; • Ongoing oversight of its embedding; and • The commencement of a review of the Code in context of human rights which is ongoing.
Strategy Statement	(d) Approve, a strategy statement submitted by the Commissioner.	The Authority has approved two Statements of Strategy, the first in 2016 and the second in 2018 to cover the period 2019-2021.
Policing Plan	(e) Approve, in accordance with section 22, an annual policing plan submitted by the Commissioner.	<p>The Policing Plan is a core component of the Authority’s performance framework, and the Authority through its functions have had the opportunity to guide the development of the plan employing findings from its stakeholder engagement and ongoing oversight to ensure effective, community focused delivery of policing services.</p> <p>The Authority and the Commissioner are currently engaged in a process of reimagining the Policing Plan into a document that is shorter, has greater relevance for the frontline and which is focused on outcomes.</p> <p>This work is ongoing but will hopefully provide a sound basis for the development of the next Garda Síochána Statement of Strategy in 2021.</p>
Joint Policing Committees	(f) perform the functions conferred on it... concerning the establishment and maintenance of JPCs.	<p>The Authority in exercising this function brought together all JPCs for the first time, through;</p> <ul style="list-style-type: none"> • Organising and facilitating 5 annual JPC meetings, including during COVID-19; • Visiting 49 JPCs and Local Policing Fora’s nationally in the period 2018-2019; and • Engaging JPCs throughout 2020, to learn about their experiences and

Functions as provided for in the Garda Síochána Act 2005 (as amended)		
Area	Functions	Key Actions and Achievements
		insights on policing during COVID-19 and using this to inform the Authority's reporting to the Minister.
Reports of the Garda Inspectorate	g) perform the functions conferred on it...with regard to monitoring assessing and reporting to the Minister on the measures taken by the Garda Síochána in relation to recommendations made in a report of the Garda Síochána Inspectorate.	<p>As outlined in this paper, the Authority oversaw and assessed the Garda Síochána's approach to implementing the recommendations in The Garda Inspectorate Report 'Changing Policing in Ireland' and the oversight of Modernisation and Renewal Programme (2016 – 2021). In addition to this, the Authority;</p> <ul style="list-style-type: none"> • Conducted a review of the implementation of recommendations of the Garda Inspectorate Report on Crime Investigation; • Wrote to the Minister in 2020 with respect to recommendations in the report on 'Responding to Child Sexual Abuse'; and • Is conducting ongoing oversight of the Garda Síochána's work on the implementation of recommendations from the Inspectorate's report on Public Order.
Accountability	(h) inform the Minister of matters relevant to the accountability of the Government to the Houses of the Oireachtas.	The Authority has informed the Minister on a range of important matters including COVID-19 Policing.
Information and Advice to the Minister on Policing Services	(i) provide information and advice to the Minister with regard to matters relating to policing services,	<p>The Authority has provided information and advice on a range of important matters. These include;</p> <ul style="list-style-type: none"> • The Templemore Audit; • MIT / MAT Review; • Garda Review of Homicide Investigations; • Implementation of recommendations from the Fennelly Commission; • Examination of Youth Diversion Office;

Functions as provided for in the Garda Síochána Act 2005 (as amended)		
Area	Functions	Key Actions and Achievements
		<ul style="list-style-type: none"> • The processing of DNA evidence; and • Policing of COVID-19.
Policing Performance	(j) promote and support the continuous improvement of policing in the State.	<p>The Authority is of the view that this function encompasses much of the Authority’s work to date including, but not limited to;</p> <ul style="list-style-type: none"> • The development and embedding of the Code of Ethics; • Input into the development and oversight of implementation of the Garda Síochána Strategy, Policing Priorities and Policing Plan; • Oversight of key enablers and internal functions to enhance the delivery of policing services; and • Review and oversight of key emerging issues which affect public confidence in the Garda Síochána.
Performance of Functions	(k) perform any other functions conferred on it by this Act or the regulations.	The breadth of actions and achievements are captured elsewhere in this appendix and throughout the main report.
Corporate Governance	62 H(2)...the Authority shall— (a) keep under review the performance by the Garda Síochána of its functions and the arrangements and strategies in place to support and enhance the performance of those functions and, in particular, shall keep under review the adequacy of—(i) the corporate governance arrangements and structures within..., (ii) the arrangements for the recruitment, training and development of the members and members of the civilian staff..., (iii) the mechanisms in place within the Garda Síochána for the measurement of performance and accountability of such members and staff...	<p>The work of the Authority includes;</p> <ul style="list-style-type: none"> • Annual interaction with the Audit Committee; • Appointment of Audit Committee members; and • Renewed interaction in 2020 and introduction of the Garda Audit Committee Chair to an international forum between Scotland and Northern Ireland.

Functions as provided for in the Garda Síochána Act 2005 (as amended)		
Area	Functions	Key Actions and Achievements
Finance	62 H(2)(b) provide advice to the Minister before each financial year with regard to the resources that are likely to be required by the Garda Síochána to perform its functions in that financial year.	<p>The work of the Authority includes;</p> <ul style="list-style-type: none"> • An annual letter to the Minister from Authority; • Interaction with the Garda Síochána and the Joint Resources Group on the ‘Mazars Report’ including advice to the Commissioner on same; and • Ongoing oversight through the Authority and ODC of finance as an enabler of organisation reform and the delivery of policing services.
Policing Principles	62 H(2)(c) promote policing principles.	The promotion of the policing principles is evident throughout the Authority’s work including the emphasis on human rights and policing.
Public Awareness	62 H(2)(d) promote public awareness of matters relating to policing services.	<p>The Authority has an extensive number of achievements including;</p> <ul style="list-style-type: none"> • Conducting a minimum of four meetings with the Commissioner in public each year (5 have been conducted every year). These meetings are open to the public to attend and streamed live online. The public meetings are an ongoing opportunity for all stakeholders to observe elements of the Authority’s oversight work; • Making as much information and documentation as possible publicly available to highlight and increase knowledge of its work and public understanding of its role. This includes the publication of documents such as the minutes of Authority and Committee meetings and of corporate priorities on the Policing Authority website, which is accessible and user friendly; • Hosting recordings of all past public meetings on the Policing Authority website and YouTube channel and making these recordings accessible by subject area;

Functions as provided for in the Garda Síochána Act 2005 (as amended)		
Area	Functions	Key Actions and Achievements
		<ul style="list-style-type: none"> • Maintaining an active Twitter account to share and augment the reach of Authority press statements and publications; • Issuing press statements on the outcomes of its oversight activities as and when appropriate. These statements are communicated directly to relevant members of the press and are also made available to the public on our website and through our Twitter feed; • Publishing any relevant research or reports undertaken or commissioned by the Policing Authority, as appropriate; • Taking the opportunity to highlight relevant areas of our work directly with stakeholder organisations and other interested parties; and • Scheduling a number of press interviews for the Chair and Chief Executive each year, across a variety of media outlets;
Policing Services	62 H(2)(e) keep the Minister informed of developments in respect of matters relating to policing services and make recommendations to assist the Minister in coordinating and developing policy in that regard.	<p>The Authority has delivered a significant amount of information to the Minister during its five years in existence. Examples include;</p> <ul style="list-style-type: none"> • Biannual Policing Performance Reports; • Reports on Changing Policing in Ireland and the MRP; • Reports on the Fennelly Commission; and • COVID-19 Policing Reports
Complaints/ Crime Trends	62 H(2)(f) keep itself generally informed as to—(i) complaints against Garda Síochána members and the application of Disciplinary Regulations, and (ii) trends and patterns in crimes committed	<p>To date the Authority has carried out the following:</p> <ul style="list-style-type: none"> • While it does not have any role in dealing with individual complaints, the Authority receives calls from the public with concerns. Thus, it provides an anonymised overview

Functions as provided for in the Garda Síochána Act 2005 (as amended)		
Area	Functions	Key Actions and Achievements
		<p>of these in monthly reports to the Commissioner;</p> <ul style="list-style-type: none"> • It receives and assesses quarterly statistical updates from GSOC and has regular engagement with GSOC to discuss key systemic issues which emerge from the complaints process; • It engages with stakeholders to assess general trends in concerns and complaints among individual communities and minority groups; and • It has ongoing engagement with the Garda Síochána in relation to the review and revision of disciplinary regulations. <p>In terms of trends and patterns relating to crime,</p> <ul style="list-style-type: none"> • The Authority monitors and assess data supplied by the Garda Síochána on a monthly basis in conjunction with its monthly review of the Policing Plan; • Assesses general concerns and localised crime issues through attendance at regional, division and district Performance Accountability Framework (PAF) meetings, engagement with JPCs and engagement stakeholder, community and minority groups; and • The findings from these activities are used to inform the development of the following year’s policing plan.
Research	62 H(2)(g) undertake, commission or assist in research projects (including by way of public consultation) and other activities in respect of matters relating to policing services, which... may— (i) promote an improvement in	<p>Specific achievements in the area of research include;</p> <ul style="list-style-type: none"> • The establishment of a research bursary in 2019; • Commissioned research to contribute to a greater understanding of victims’

Functions as provided for in the Garda Síochána Act 2005 (as amended)		
Area	Functions	Key Actions and Achievements
	standards for those matters and public awareness of them, or (ii) contribute to a reduction in the number of complaints against members of the Garda Síochána in relation to those matters, and make recommendations to the Minister arising from those projects or activities.	<p>experiences of their interaction with the Garda Síochána;</p> <ul style="list-style-type: none"> • Building international networks in which the Authority has liaised with others in the policing and oversight arenas; and • Holding Academic engagement events in 2019 and 2020.
Advice to Minister Policing Practice	62 H(2)(h) provide advice to the Minister with regard to best policing practice.	Providing commentary and advice on policing practice is incorporated within the many reports provided to the Minister during the five year period.
Liaising and Cooperating with Other Public Bodies	62 H(3) Subject to this Act, the Authority may do anything which it considers necessary or expedient to enable it to perform its functions, including liaising and co-operating with bodies (whether statutory or otherwise) that are relevant to those functions.	In addition to a comprehensive programme of stakeholder engagement, the Authority has engaged with a number of relevant bodies to date including, but not limited to, GSOC, Garda Inspectorate, the Central Statistics Office, Data Protection Commission, and the Irish Human Rights and Equality Commission in the performance of its functions.

Table 2: Additional Roles / Responsibilities as provided for in the Garda Síochána Act 2005 (as amended)		
Areas	Functions	Key actions and achievements
Policing Priorities	<p>The Authority shall, in accordance with this section and with the approval of the Minister—</p> <p>(a) determine, and from time to time revise, priorities for the Garda Síochána in performing its functions relating to policing services, and</p> <p>(b) Establish, and from time to time revise, levels of performance ('performance targets') to be aimed at in seeking to achieve the objective of each priority referred to in <i>paragraph (a)</i>.</p> <p>(2) The Authority shall consult with the Commissioner before determining or revising priorities or establishing or revising performance targets under this section....</p>	<p>The Authority has determined the annual priorities using a process that has regard to trends in other jurisdictions, any significant changes in the crime environment, consultation with the Commissioner, JPCs and with other stakeholders through its engagement activities.</p>
Appointments Civilian Staff	<p>19. (1) the Commissioner may appoint such numbers of persons as civilian staff of the Garda Síochána as may be approved by the Authority with the consent of the Minister and the Minister for Finance. (2) The Commissioner shall determine the grades of civilian staff... as may be approved by the Authority with the consent of the Minister and the Minister for Finance.</p>	<p>To date, the Authority has sanctioned 1128 positions with the consent of the Ministers for Justice and Equality and Public Expenditure and Reform.</p>
Audit Committee	<p>Section 44. (1) As soon as practicable after the commencement of this section, the Commissioner shall establish an Audit Committee to perform the functions specified in section 45</p>	<p>The Authority has appointed all members of the Audit Committee; and revised the Charter in November 2017.</p>

Table 2: Additional Roles / Responsibilities as provided for in the Garda Síochána Act 2005 (as amended)		
Areas	Functions	Key actions and achievements
Garda Dismissals	<p>Section 14 (2)— (1) The Commissioner may appoint, subject to and in accordance with the regulations, such numbers of persons as he or she sees fit to the ranks of Garda,</p> <p>Sergeant and Inspector in the Garda Síochána.</p> <p>(2) Notwithstanding anything in this Act or the regulations, the Commissioner</p> <p>may dismiss from the Garda Síochána a member not above the rank of Inspector if—(a) the Commissioner is of the opinion that—</p> <p>(i) by reason of the member’s conduct (which includes any act or omission), his or her continued membership would undermine public confidence in the Garda Síochána, and (ii) the dismissal of the member is necessary to maintain that confidence, (c) the Commissioner has considered any response by the member and any reasons advanced by the member, but the Commissioner remains of his or her opinion, and (d) the Authority consents to the member’s dismissal.</p>	<p>To date, the Authority has considered all proposed dismissals submitted by the Garda Commissioner and consented to the dismissal of a number of members of the Garda Síochána.</p>
CCTV	<p>38. — (1) The Commissioner may authorise the installation and operation of CCTV for the sole or primary purpose of securing public order and safety in public places...</p>	<p>The Authority’s Two Year report on its effectiveness and the adequacy of its functions submitted in accordance with 62 (O) of the Act, reflected that these functions did not fit well with the Authority’s remit and overlapped with responsibilities taken on by the Department of Justice and Equality</p>

Table 2: Additional Roles / Responsibilities as provided for in the Garda Síochána Act 2005 (as amended)		
Areas	Functions	Key actions and achievements
		in relation to CCTV. It was recommended that these functions should be revised and in 2020, a general scheme was drafted which would remove these functions from the Authority.
Committees	(6) The Authority may provide for the performance by a committee, under the general direction of the Authority, of one or more of its functions, other than nominating a person for appointment to, or recommending the removal of a person from, the office of Commissioner or Deputy Commissioner.	The Authority established a number of Committees including; <ul style="list-style-type: none"> • The Code of Ethics Committee; • The Policing Strategy and Performance Committee (PSPC); and • The Organisation Development Committee (ODC).
Report to Minister	62 O(1) Not later than 3 months after the end of each year, the Authority shall submit to the Minister a report on its activities in the immediately preceding year.... (6) The Minister may request the Authority to prepare and submit to him or her a report in respect of any matter relating to policing services, and the Authority shall comply with the request as soon as practicable after receiving it.	The Authority has submitted its Annual Report each year in line with the Act. Furthermore the Authority has submitted a number of other reports in accordance with the Act and Ministerial requests. These include: <ul style="list-style-type: none"> • The 62 (O) Two Year Report in line with statutory requirements; • Quarterly reports on the implementation of recommendations in the Garda Inspectorate’s report, Changing Policing in Ireland; • Report on the Fennelly Commission; and • Reports on the use of powers granted to the Garda Síochána during COVID-19.
Directives	25. — (1) Following the approval of the Government, the Minister may issue to the Commissioner written directives concerning any matter relating to the Garda Síochána. (1A) The Authority may	This function has not been used to date.

Table 2: Additional Roles / Responsibilities as provided for in the Garda Síochána Act 2005 (as amended)		
Areas	Functions	Key actions and achievements
	recommend to the Minister that a directive concerning a specified matter relating to policing services be issued under subsection (1)...	
Views of Public	27.— (1) The Commissioner and the Authority, having regard to the respective functions of the Commissioner and the Authority under this Act, shall make arrangements for obtaining the views of the public about matters concerning policing services. (2) Before making any arrangements under this section, the Commissioner shall consult with the Authority about the proposed arrangements and the Authority may approve the arrangement...	<p>The Authority has engaged in a wide range of activities in terms of obtaining views from the public. These include;</p> <ul style="list-style-type: none"> • Oversight of the Garda Síochána’s Public Attitudes Survey; • Consultation processes to elicit the views of its stakeholders, for example public consultations on Policing Priorities and the Code of Ethics; • A comprehensive programme of stakeholder engagement which is used to gather feedback on the lived experience of policing performance from a range of groups and organisations including NGOs, business interest groups and groups representing minority communities. This feedback and any available data is then used to inform the oversight work of the Authority; • Holding annual public conversation events to raise awareness on policing matters. These events are generally attended by an invited audience of key stakeholders, and live-streamed on the Authority’s website; • Monitoring social media and traditional media for emerging and prevailing views in the public domain relating to policing matters;

Table 2: Additional Roles / Responsibilities as provided for in the Garda Síochána Act 2005 (as amended)		
Areas	Functions	Key actions and achievements
		<ul style="list-style-type: none"> • Taking calls and receiving correspondence from the public on key policing issues; and • In 2020, the Authority was granted funding by the Public Sector Innovation Fund for prioritisation deliberation software, which will be used to engage with individual citizens on policing priorities. A pilot was completed in September 2020.
Special Inquiries Garda Síochána	42.— (1) The Minister may, with respect to any matter considered by him or her to be of public concern, on his or her own initiative or, in the case of a matter relating to policing services, either— (a) having consulted with the Authority, or (b) on the request of the Authority, where the Authority is satisfied that an inquiry should be ordered, by order appoint a person to—	<p>The Authority has conducted a number of reviews to date, including:</p> <ul style="list-style-type: none"> • Review of MIT/MAT tests and FCNs; • Review of the Adult Cautioning Scheme; and • Review of Public Order policing
Have regard for security services	62 (1). The Authority shall, in performing its functions under this Act and in addition to all other matters to which the Authority may properly have regard, have regard to the importance of the functions of the Garda Síochána concerning security services.	Biannual meetings are held with the Assistant Commissioner for Security and Intelligence to discuss key security issues as they relate to policing services.

Table 2: Additional Roles / Responsibilities as provided for in the Garda Síochána Act 2005 (as amended)		
Areas	Functions	Key actions and achievements
Other investigations by Ombudsman Commission	102.— (1) The Commissioner shall refer to the Ombudsman Commission any matter that appears to the Commissioner to indicate that the conduct of a member of the Garda Síochána may have resulted in the death of, or serious harm to, a person. (4A) The Authority may, if it appears to it desirable in the public interest to do so, request the Ombudsman Commission to investigate any matter relating to policing services that gives rise to a concern that a member of the Garda Síochána may have done anything referred to in subsection.	One case was referred to GSOC in 2019.
Investigation of matters relating to the Commissioner by Ombudsman Commission	102 B (1A) The Authority may, if it appears to it desirable in the public interest to do so and subject to the consent of the Minister, request the Ombudsman Commission to investigate any matter that gives rise to a concern that the Commissioner may, in the performance of his or her functions relating to policing services, have done anything referred to in subsection (1)...	No such referrals were made.

Table 2: Additional Roles / Responsibilities as provided for in the Garda Síochána Act 2005 (as amended)		
Areas	Functions	Key actions and achievements
Recommendations in Inspectorate Report	117A.(1) The Minister or the Authority, as may be appropriate, may monitor and assess the measures taken by the Garda Síochána in relation to the recommendations contained in a report prepared by the Garda Síochána Inspectorate and submitted to the Minister or the Authority under section 117(2)(b).... after a request to it.	As previously referenced, The Authority has reported on; <ul style="list-style-type: none"> • Changing Policing In Ireland; and • Submitted a letter to the Minister on the Implementation by the Garda Síochána of the recommendations in the Garda Inspectorate report on 'Responding to Child Sexual Abuse'
Requests to the Inspectorate	117.—(2) The functions of the Inspectorate are— (a) in furtherance of its objective to carry out, if it considers it appropriate to do so or at the request of— (i) the Authority in respect of a matter relating to policing services, or (ii) the Minister, inspections or inquiries in relation to any particular aspects of the operation and administration of the Garda Síochána, (b) to submit to the Authority or the Minister, as the case may be— (i) a report on those inspections or inquiries, and (ii) if required by— (I) the Authority in relation to policing services, or (II) the Minister, as the case may be, a report on the operation and administration of the Garda Síochána during a specified period and on any significant developments in that regard during that period.	The Authority requested the Inspectorate to carry out the following reports: <ul style="list-style-type: none"> • Policing with Local Communities Report; and • Public Order Policing Report.

The Policing Authority

Five Year Report – Stakeholder Engagement Element

Version 1.0 – Final – December 2020

**RA Consulting
39 Fitzwilliam Square
Dublin 2**

Ph: (01) 602 4744

Contents

Executive Summary	1
1. Assignment Context & Methodology	2
2. Departments, State Bodies & State Institutions	4
3. Garda Representative Associations	7
4. IHREC & Non-Governmental Organisations (NGOs)	11
<i>Appendix A – Stakeholder Interview Agenda</i>	14

Executive Summary

- Consistent with its obligation to report on the general performance of its functions, the Policing Authority selected RA Consulting to undertake a stakeholder consultation exercise which will form part of its forthcoming report to the Minister. A total of nineteen stakeholder organisations were invited to participate, and in-depth interviews took place with senior representatives from thirteen. Reflecting the diversity of its mandate and responsibilities, the Authority's stakeholders range from Government departments, bodies and State institutions, to representative associations and non-governmental organisations.
- As might be expected, stakeholders' perspectives can vary in accordance with their own organisations' objectives, and the extent to which these align with those of the Authority. Healthy tensions should exist between oversight bodies and those which are subject to scrutiny – such a relationship dynamic is important for governance, accountability and continuous performance improvement.
- The expectations of those observing the Policing Authority–Garda Síochána relationship can vary significantly and knowledge asymmetries mean that opinions and perspectives do not always reflect the realities. Accordingly, the Authority has a difficult role to play in simultaneously: (i) ensuring effective oversight, (ii) meeting the expectations of stakeholders with diverging agendas and (iii) maintaining the confidence of all.
- Notwithstanding such challenges, the consultative findings indicate that the Authority has established and is maintaining the 'healthy tension' referred to above, i.e. while largely meeting the expectations of a wide ranging body of NGOs and others. Representative associations were somewhat more critical but concerns related largely to a view that in highlighting institutional reform requirements, their membership was being criticised.
- All stakeholders indicated that the Authority had been successful in promoting transparency, monitoring performance and increasing Garda accountability. Internal promotion and selection processes were considered to have improved significantly, with the majority also indicating that associated integrity had been enhanced. Particular reference was made to an improvement in the culture of policing and NGOs suggested that the Authority engages proactively with them and works to systematically identify and pursue relevant priorities.
- The Authority was said to be challenged by data and information/ICT gaps within An Garda Síochána (impeding responsiveness), as well as by its own decision making protocols (meeting/deliberation requirements of a part-time membership). Limited resources and a future loss of functions were also seen to leave the organisation hamstrung. Despite improvements in the culture of policing, stakeholders felt that resistance (to oversight as well as change) and inertia, would continue to create obstacles for the Authority.
- Notwithstanding such challenges, stakeholders generally felt that the Authority's 'professional commitment' and 'proven track record' positioned the organisation to build upon its successes and effect lasting change.

1. Assignment Context & Methodology

- 1.1 Following a call for tenders, RA Consulting was selected to support the Policing Authority in undertaking a focused stakeholder consultation and engagement exercise.
- 1.2 The findings emerging from the stakeholder consultation and engagement exercise will constitute an important element within the Authority's Five Year Report to the Minister of Justice. The submission of this Report is required under Section 62(O)(4) of the Garda Síochána Act 2005 (as amended) and the Act states:

"At the end of each 5 year period commencing with the establishment day of the Authority, the Authority shall submit to the Minister a report reviewing the general performance of its functions in the preceding 5 years."

- 1.3 Consistent with the requirement to undertake detailed consultations, the assignment methodology included:
 - Interviews with the Authority's senior management team (x3)
 - An interview with the Authority's Chairperson
 - The development and refinement of a stakeholder interview agenda (*cf.* Appendix A)
 - Circulation of the agenda to stakeholders for their consideration in advance of interviews
 - Interviews with the Authority's key external stakeholders
 - The drafting of the present report
- 1.4 A total of 19 external stakeholders/stakeholder organisations were invited to participate in the consultative process as follows:
 - Departments, Bodies & State Institutions
 - Department of Justice
 - An Garda Síochána
 - Department of Public Expenditure & Reform
 - The Public Appointments Service
 - The Garda Síochána Ombudsman Commission
 - The Garda Inspectorate
 - Former Authority Member & Former Road Safety Authority CEO
 - Representative Associations
 - Association of Garda Chief Superintendents
 - Association of Garda Superintendents
 - Association of Garda Sergeants & Inspectors
 - Garda Representative Association
 - IHREC & Non-Governmental Organisations (NGOs)
 - The Irish Human Rights & Equality Commission
 - The Irish Council for Civil Liberties

-
- Safe Ireland
 - Women's Aid
 - Point Traveller & Roma Centre
 - Irish Society for Prevention of Cruelty to Children
 - ALONE
 - Irish Network Against Racism

1.5 Of the 19 stakeholders/stakeholder organisations which were invited, 13 participated in the consultation exercise as follows:

- Departments, Bodies & State Institutions
 - Department of Justice
 - An Garda Síochána
 - The Public Appointments Service
 - The Garda Inspectorate
 - Former Authority Member & Former Road Safety Authority CEO
- Representative Associations
 - Association of Garda Chief Superintendents
 - Association of Garda Superintendents
 - Association of Garda Sergeants & Inspectors
- IHREC & Non-Governmental Organisations (NGOs)
 - The Irish Human Rights & Equality Commission
 - The Irish Council for Civil Liberties
 - Women's Aid
 - Pavee Point Traveller & Roma Centre
 - Irish Network Against Racism

1.6 The majority of consultations took place over a five week period from October 2nd to November 6th – one was delayed until December 3rd. Interviews were completed with thirteen external stakeholders and as internal stakeholder (Chairperson and Senior Management Team) contributions were undertaken for the purpose of providing background context and assignment orientation, associated findings are not included in the present report.

2. Findings – Departments, State Bodies & State Institutions

2.1 Inputs on behalf of Departments and State bodies/institutions were received from the following and related perspectives are as outlined below:

- The Department of Justice
- An Garda Síochána
- The Public Appointments Service
- The Garda Inspectorate
- Former Authority Member & Former Road Safety Authority CEO

Key Wins & Challenges

2.2 The relevant organisations pointed to key wins arising in respect of:

- a) the Authority's establishment – from legislation to operation over a short time period
- b) brand, identity, role/positioning as an important institution and its recognition
- c) transparency and public confidence in holding An Garda Síochána to account
- d) Garda reform and a greater focus on performance and efficiency (incl. civilianisation)
- e) objectivity, trust and Garda faith in internal promotion and selection processes
- f) operational issues and critical incidents e.g. the homicide review, breath tests, etc.
- g) the Authority's role in promoting accountability and associated culture change

2.3 By contrast, challenges were said to relate to:

- a) the Authority's own protocols for decision making – requiring meetings, deliberation and Authority approval (from part-time members with diverse backgrounds)
- b) data/information gaps and decision making/authorisation processes within An Garda Síochána itself – making responsiveness difficult
- c) difficulties in agreeing the Policing Plan and some misunderstanding of the Authority's role in same
- d) perceptions of unfair criticism (and media interest in issues of concern) on the part of the various Garda representative bodies – as well as a sense that the Authority could do more to 'celebrate' Garda successes
- e) a future loss of functions/erosion of power – with the establishment of a Garda Board²⁹

Oversight of Policing

2.4 The Authority was considered to have demonstrated a 'strong and dogged public presence' in the face of some inertia and resistance. Despite discomfort, embarrassment and some resistance in certain quarters, this perseverance on the part of the Authority was said to have

²⁹ Which the Department described as a change to system architecture, rather than a criticism of what the Authority has achieved

been evident in much of its work and resulted in associated successes. It was described as a ‘game changer³⁰’ and ‘performing really well in overseeing policing’ – resulting in greater transparency and openness, despite a sense that Garda targets, plans and strategies are still evolving.

- 2.5 The Authority was considered to have been established in response, at least in part, to crisis and scandals. As such, it has an important (and difficult) role to play in providing direction and responding impartially to issues arising. To this end, it was suggested that it was equally valid to celebrate the good, while highlighting bad practices, i.e. as a ‘critical friend’.
- 2.6 With over 130 targets, the Policing Plan was considered to be inappropriately focused, with too many KPIs at the level of activity and/or input (rather than driving outputs and outcomes). Other successes were also said to fall outside the Plan and hence received insufficient attention. Given the level of detail in the Plan, public meetings were said to: (i) be all-encompassing (too broad) and (ii) necessitate a very significant amount of time (in preparation as well as operation). There was some sense that the Authority can assume a lot of responsibility, i.e. rather than allowing Garda management to pursue agreed objectives themselves.

Appointments

- 2.7 Poor process planning/logistics and a lack of fairness in internal (recruitment and promotional) competitions were believed to have been substantial problems which have now been rectified by the Authority. By contrast, workforce planning on the part of An Garda Síochána was generally considered to be poor. There was some suggestion of resistance to civilianisation and the use of the Garda Reserve – though it was said that the Authority should continue to seek to influence improvements through strategy rather than any operational involvement.

Public Awareness & Engagement

- 2.8 Arrangements for the operation and effectiveness of the Joint Policing Committees (JPC) were said to require improvement and while some JPCs were considered to be better than others (where community representation is strong), feedback, leadership, funding and related questions were seen to be important. Community outreach was also believed to be important generally – whether through JPCs or less formal arrangements which, it was felt, local Superintendents should be responsible for organising. Notwithstanding this, it was said that the Authority has developed stakeholder engagement (particularly with civil society), public outreach and JPCs beyond the levels which existed previously²¹ (DOS). Scope for future development was said to exist in areas relating to community safety and local area partnerships
- 2.9 There was some sense that the Authority could play a greater role in visiting Garda stations to gain a better appreciation of issues and that this would be mutual benefit.

³⁰ With the suggestion that: ‘this was not done before, certainly not in public’

²¹ When responsibility rested with the Department.

Research

- 2.10 Research bursaries were said to be useful in targeting research but it was suggested that the emphasis should be placed on leveraging associated knowledge. Operational knowledge (practical insight and experience) was believed to be required to understand and apply best practice. To this end, it was felt that the Authority should be judicious about what is proposed, its relevance within the jurisdiction, unintended consequences, etc.
- 2.11 A focus on what works well in other common law jurisdictions – particularly once tested against ECHR requirements – was said to be more appropriate than broader international practices which might work e.g. under federal systems.
- 2.12 The Department indicated that the Authority played a constructive role in the provision of reports and oversight of policing powers³¹ in response to COVID related pressures. This was believed to have ‘been particularly helpful in the circumstances’.

Authority’s Values

- 2.13 The Authority was said to display its values and particular reference was made to: ‘high levels of integrity’, ‘commitment’ and ‘transparency’. Authority members and staff were also considered to be good, but there was a belief that the Board would benefit from more policing experience and a need to develop an inspectorate wing in future. There was also a suggestion that the Authority might engage more with the GRA and AGSI for the purpose of relationship building. Courage was said to be a hallmark of their contribution – together with listening and independence. The Department noted the Authority’s commitment to meeting its internal governance requirements – whether in respect of standing orders, its strategy statement or governance more generally.

Other

- 2.14 Cooperation between the Authority and the Inspectorate was said to be good and it was considered that there was scope to reduce duplication and further develop the relationships/engagement – with the Inspectorate concentrating on operations and the Authority on oversight.
- 2.15 The Garda Commissioner was critical of internal (Garda) resistance to the Code of Ethics³² and considered that the Authority had been correct to keep the matter on its agenda. The Department noted associated success (within twelve months) and that the Authority was ‘doing governance work which was not done previously’. Despite this, challenges were said to arise due to Authority members’ part-time role and it was suggested that there was scope to delegate more to the organisation’s executive personnel.

³¹ Powers which An Garda Síochána may not have wanted and would be at variance with the prevailing approach to policing

³² Which he saw as an issue he was responsible for addressing to conclusion

3. Findings – Garda Representative Associations

3.1 Inputs were received from the following Garda representative associations and related perspectives are as outlined below:

- Association of Garda Chief Superintendents
- Association of Garda Superintendents
- Association of Garda Sergeants & Inspectors

Key Wins & Challenges

3.2 The representative bodies pointed to key wins arising in respect of:

- a) transparency (public meetings) and an increase in accountability associated with same
- b) efficiency in the organisation and timeliness of promotional competitions

3.3 By contrast, challenges were said to relate to:

- a) the availability of data/information/statistics generally, and to inform decision making
- b) changing political priorities and associated pressures (albeit a normal feature of policing)
- c) the establishment of oversight where the organisation is not used to this way of operating
- d) strong personalities (all parties) during establishment phase with associated resistance

Oversight of Policing

3.4 Views in respect of the Authority's progress since establishment varied amongst the representative bodies with some suggestion that policing plans and targets have always existed and cascade through the organisation. While the Authority was seen to play a role in 'casting the rule' over the policing plans, one representative body felt that the Garda organisation was already sufficiently ambitious and that while it provides a level of independence, the Authority's inputs have become somewhat predictable over time.

3.5 Another considered that inputs into policing plans were solicited via community engagement – though there was a question in respect Garda versus Authority understanding of priority issues. There was also some suggestion of political interference in agenda setting for policing plans³³.

3.6 There was an acknowledgement that 'governance issues' persist within the Garda organisation, but that the role is broad and complexities arise due to dual policing and state security responsibilities. In this context, it was suggested that the Authority had selected 'low hanging fruit' in pursuing certain issues (or symptoms) which were easy to highlight, whereas underlying problems (resource challenges, workforce planning ability, accommodation and

³³ Though not stated explicitly, the inference being that certain interest groups operate a local (community) level to attempt to influence the dialogue and deployment of resources.

data/ information/ICT deficits) should be addressed. Important questions were therefore said to relate to resources, investment and Governmental/Departmental accountability for same.

It was felt that the Authority could have a greater impact in these and related areas if it was wholly independent of the Department, and the Chairperson was appointed, for example, by the President.

- 3.7 There was a suggestion that that Authority could do more to highlight the challenges of policing during a pandemic. Support was said to be lacking on the issue of ‘spit hoods’ (as PPE) with a view that the Authority was overly sympathetic to the ICCL’s views, i.e. at the expense of Garda protection. Similarly, concerns were expressed about the deployment of trainees without Garda powers. A sense that middle ranking personnel were not ‘supported’ by the Authority represented a key concern for the AGSI.
- 3.8 The AGSI also considered that the Authority should play a greater role in highlighting training gaps in fundamental areas (such as driving patrol cars³⁴) together with associated risks – both to members and to the public. Routine divisional level training was said to be outstanding in many instances due to a combination of operational demands and budget constraints.
- 3.9 Of most concern to the AGSI was the suggestion that representative bodies do not have a right of audience with the Authority. Quarterly meetings were said to be necessary to ensure that relevant issues may be highlighted, and so that the Authority can operate on a fully informed basis.

Appointments

- 3.10 Despite positive sentiment expressed in respect of promotional processes and timelines, criticism related to individual cases where it was suggested that: (i) candidates²⁶ who were ‘panelled’ after interview in 2018 were not shortlisted for interview in a subsequent competition, (ii) others were shortlisted for interview on one occasion but not on the next, (iii) post-interview feedback could be generic on occasions and (iv) there were internal (Garda Síochána) challenges in managing HR strategically, and delays in proactively identifying impending vacancies.
- 3.11 While promotional/appointment experiences could point to an improvement in standards, and the relative strength/number of applicants will influence shortlisting decisions, it can be challenging for any representative body to convey such messages to its membership. More effective communication in respect of the rationale for (best practice) changes to promotional competitions was said to be required in order to promote confidence and address information vacuums.
- 3.12 While the Authority’s role in the promotional process was generally considered to have resulted in a greater level of professionalism and objectivity, it was noted that associated benefits were applicable to senior grades.

³⁴ At various levels of competence from routine transport to ‘blue light’ and active pursuit.

²⁶ Said to have occurred on two separate occasions (different individuals)

-
- 3.13 Any future requirement for senior officers to complete a Strategic Command Course (or equivalent) was considered to be reasonable, but criticisms arose in respect of a promotion which was said to have been secured by an officer who did not pass the aptitude test for entry onto the UK SCC. Regardless of the particular circumstances, associated perceptions were believed to 'undermine the rank' and suggest that the previous 'serving time' arrangement (minimum of two years at a rank before qualifying for promotion) might be preferable.

Public Awareness & Engagement

- 3.14 Though Joint Policing Committees were considered to be valuable for the purpose of gaining insights and understanding relevant issues, JPC effectiveness was said to be contingent upon local level organisation, leadership and engagement.
- 3.15 Public meetings were said to be useful in promoting awareness but there was some suggestion that they could be 'predictable'. Related social media updates were also seen to be of benefit.
- 3.16 It was said that more should be done to highlight successes during public meetings as both questioning and commentary was considered to be overwhelmingly negative.

Research

- 3.17 While research, best practice and related insights are obviously important in promoting continuous improvement, there was a sense that UK/PSNI/US comparators were of limited relevance given prevailing cultural factors and differing approaches to policing.
- 3.18 The survey of local authorities was viewed, in some quarters, to be an evaluation or assessment of police management, i.e. as results would inevitably reflect on Chief Superintendents in a particular area. As such, it was not considered to be completely anonymous.

Authority's Values

- 3.19 The Authority's values were considered to be evident in their work and positive commentary was received in respect of the organisation's integrity, transparency and ability to listen. By contrast, independence was said to be tempered by the requirement to be answerable to the Minister. Two representative bodies alleged that one Authority member had a tendency to make critical/negative comments via Twitter and for this reason, impartiality had to be questioned.

Other

- 3.20 The Code of Ethics was said to have existed (always) in practice and one representative body felt that the Authority was right to press for its formal adoption. Fault was said to rest with the previous Minister and Commissioner for not acting sooner. Notwithstanding this, implicit criticism was believed to have been levelled at the organisation, i.e. due to a perceived failure to have adopted the Code in a timely manner. This point was a source of considerable dissatisfaction for the AGSI as it was felt that: (i) most signed the Professional Values and Ethical Standards booklet at an earlier stage in their careers and (ii) buy-in was lost when members felt compelled to sign the Code³⁵.
- 3.21 It was suggested that the composition of the Authority could be enhanced with the appointment of a member with Republic of Ireland policing experience. While PSNI experience was valuable, it was not considered to be quite as relevant.
- 3.22 Senior Command training (combining practical and theoretical elements) was said to be of critical importance in positioning the organisation for further development and change. While the benefit of the University of Limerick programme was recognised, there was a sense that the Authority could play a more active role (consistent with its research function) in promoting continuing professional development, reviewing international best practice and supporting syllabus development.

³⁵ When applying for promotions, transfers, training programmes, etc.

4. Findings – IHREC & Non-Governmental Organisations (NGOs)

4.1 Inputs were received from the following NGOs and the IHREC. Related perspectives are as outlined below:

- The Irish Human Rights & Equality Commission (IHREC)
- The Irish Council for Civil Liberties
- Women’s Aid
- Pavee Point Traveller & Roma Centre
- Irish Network Against Racism

Key Wins & Challenges

4.2 The IHREC and NGOs pointed to key wins arising in respect of:

- a) public meetings, performance monitoring and accountability dividends
- b) the thematic work undertaken by the Authority, e.g. on public order
- c) the proactive identification and pursuit of relevant issues
- d) active engagement with relevant NGOs
- e) the promotion of human rights in policing – though related work continues
- f) the Authority’s professional commitment and track record – with limited resources

4.3 By contrast, challenges were said to relate to:

- a) the reform process within An Garda Síochána
- b) the integration of human rights across policing – rather than existing in a silo
- c) a perception of cultural inertia and the degree to which change can be effected
- d) a diminution of the Authority’s responsibilities or ‘winding down’ of democratic oversight

Oversight of Policing

4.4 Despite the benefit associated with public meetings, there was a sense that data/ information should be more readily accessible and not contingent upon the Authority asking the right questions. Quantitative KPIs were also considered to have limitations – particularly when assessing performance in qualitative areas such as e.g. consistency and equality in policing as well as community safety outcomes. It was suggested that the Authority could play a more active role in the development of appropriate measures and that human rights metrics might be developed in conjunction with the IHREC.

4.5 The Authority’s role in oversight was considered to be critically important and the organisation was said to play a valuable role in ‘communicating robustly’ and having ‘difficult discussions’ when required. There was a sense that the Authority should have ‘been given more time’ and political support to do its work. The independence of the Chair (and Authority) was seen to

be critically important³⁶ and was said to be evident in the organisation's work. The Authority was believed to have achieved the difficult balance between 'rigorous independence and collaboration' in its work with An Garda Síochána.

- 4.6 More constructive engagement on the part of the present Commissioner³⁷ was believed to be in evidence. It was suggested that there was an associated shift from accountability to the Authority; to accountability to the public, i.e. as well as the Authority.
- 4.7 The Authority was considered to have worked proactively with NGOs, not only to identify issues of concern on a proactive basis³⁸, but to raise and exhaust them with An Garda Síochána. Issues raised by NGOs were said to be treated with the 'upmost seriousness' and the Authority was described as engaging, with a 'determination to fulfil a difficult task', and as having an open door on relevant issues.

Appointments

- 4.8 The Authority's role in the appointments process was seen to be an important lever in the reform process and delivery of culture change, though the extent to which this might be appropriate in future (even in the absence of legislative change) was questioned³¹.

Public Awareness & Engagement

- 4.9 Public awareness of the JPCs and their role was considered to be sub-optimal and there was some sense that more could be done, by all relevant actors, to enhance community engagement.
- 4.10 The Authority's own engagement with NGOs was considered to be proactive, meaningful and relevant. Engagement was believed to be at the appropriate (senior) level, serving to inspire confidence and a recognition of the importance associated with issues of mutual concern. There was a strong sense that this provided a solid foundation for further engagement, interaction and collaboration into the future.
- 4.11 There was some concern that smaller NGOs, network members and their front line staff might not be sufficiently well aware of the Authority's role. It was suggested that a 'roadmap' or 'pathways' illustrating: (i) the various channels for accessing the Authority and (ii) how it can help, would be of benefit.

³⁶ Both for the public and An Garda Síochána

³⁷ Compared with predecessors

³⁸ Specific examples were provided and related to proactive meetings, engagement, follow-up and reporting back to NGOs

³¹ For reasons relating to organisational autonomy as well as potential challenges where the Authority is scrutinising the work of senior personnel they had a role in promoting.

Research

- 4.12 It was considered that the Authority's research work would increase over time and there was some sense that tendering processes may need to be reviewed to encourage expressions of interest from smaller organisations.
- 4.13 Research was said to be very pertinent and conducted to the highest standards. The website was identified as an important tool for determining the nature and value of available reports, etc.

Authority's Values

- 4.14 There was a general sense that the Authority did display its values in undertaking its responsibilities and was committed to promoting a human rights ethos across policing in Ireland. One stakeholder did emphasise that such values should be displayed by public sector bodies as a matter of course. Another suggested that while they were generally displayed, progressive and appropriate to the Authority's work, values can tend to be aspirational. Notwithstanding this, listening was said to represent a hallmark of the organisation's approach and work.

Other

- 4.15 Garda resistance to the Code of Ethics was considered to be an industrial relations issue rather than relating to any fundamental objection to the core content. It was suggested that the Authority was right to 'hold its line' on this important matter – particularly in light of the requirement to inculcate a greater focus on human rights across the force. The Code was also said to be one of the Authority's key achievements.
- 4.15 It was felt that the combined (Authority/Inspectorate) organisation would have a particularly important role to play in future. Caution was expressed in respect of merger challenges (as they exist for any organisation) and a need to ensure that these would not undermine the combined organisation's value. One stakeholder suggested that it would be 'a big pity if the Authority was disbanded'.
- 4.16 There was a sense that the Authority plays a role in supporting change within An Garda Síochána by highlighting areas for continuous improvement. As such, it should be seen as an ally to Garda management. To ensure that insights are fully informed, it was suggested that more might need to be done to ensure that inputs from junior and middle ranking personnel are actively solicited and heard.

Appendix A
Stakeholder Interview Agenda
Policing Authority

5 Year Review – Performance of Functions
Stakeholder Interview Agenda

General Observations

- Key 'wins' and achievements since establishment
- Particular challenges in the Authority's operating environment

Progress Since Establishment

Progress and performance against the Authority's functions & objectives

1. **Oversight of Policing** – policing priorities/targets, approve strategy/policing plan, meetings, performance assessment & governance, recruitment/T&D, deployment reviews
2. **Appointments** – nominations, competitions, appointments, staff complement & workforce planning
3. **Public Awareness & Engagement** – meetings, consultations, engagement, reports, etc.
4. **Research** – benchmarking, best practice, standards, projects, bursary, network building, etc.
5. **Other** – Code of Ethics, Joint Policing Ctes., continuous improvement, advice to Minister, etc.
6. **Authority's Values** – Awareness of and extent demonstrated in the Authority's work?

Strengths

- Strengths in the provision of services to stakeholders
- Authority's impact & track record in driving change/improvement

Weaknesses

- Areas in which the Authority is weaker – scope for enhancement
- Requirements which remain outstanding

Opportunities

-
- Future or emerging priorities for the Authority – consistent with its mandate

Threats

- Other challenges/factors which may impact on the Authority's role/mandate etc.

AOB