



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 26 April 2018

**Venue:** Dublin Castle and by Video Conference (VC)

### Part A – Authority Meeting

#### Attendance

**Authority:** Josephine Feehily (Chairperson), Noel Brett, Bob Collins, Pat Costello, Judith Gillespie, Valerie Judge, Maureen Lynott (VC), Moling Ryan.

**Secretary:** Aileen Healy

**Staff of the Authority:** Helen Hall (Chief Executive), Catherine Pierse, Margaret Tumelty

#### 1. Chairpersons Opening Remarks

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

The Chairperson provided an update on her meetings with the Civilian Complaints Review Board, the Inspector General for the NYPD, the NPYD Internal Affairs Deputy Commissioner, the Police Assessment Resource Center and John Jay College of Criminal Justice. The different models and aspects of oversight in use were noted. The value of interactions with similar organisations in other jurisdictions through fact finding visits and membership of relevant international organisations was discussed and it was agreed that this should be pursued where possible. The Master's programmes offered by John Jay College and the Garda Síochána ('GS') exchange programme were noted.

The Chairperson updated Members on the briefing provided by PwC on the GS Culture Audit the report of which is to be published on 4 May. The quality of the work and the mandate for the new Commissioner in addressing the significant findings was noted. Arrangements for a public event to which key stakeholders would be invited and which will be live streamed were agreed.

A number of items of correspondence were noted, including:

- From the GS Audit Committee, enclosing the Committees Annual Report for 2017;
- From GSOC:
  - enclosing their Annual Report for 2017
  - in relation to a request under s 102 (5) of the Garda Síochána Act 2005;
- From a candidate appointed by the Authority further to a selection process for the senior ranks in the GS; and
- Copy of correspondence from the GS to the Department of Justice and Equality ('the Department') relating to ICT resources.

The Chairperson updated Members on a number of meetings, including with:

- The Effectiveness and Renewal Group for the Department of Justice & Equality;

- The Edward M Kennedy Institute from NUI Maynooth, in relation to ongoing work with the GS
- The Irish Human rights and Equality Commission; and
- The Road Safety Authority.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_036_01</b>	Identify and where appropriate seek membership of relevant international policing and oversight organisations and, where possible, attend events and conferences which are relevant to the Authority's work.	ASAP	Chief Executive
<b>A_036_02</b>	Explore the potential of a deeper relationship with John Jay College	ASAP	Chief Executive

## **2. Minutes and Matters arising**

The minutes of the meeting on 22 March were agreed and cleared for publication. The log of actions was noted and there was agreement to close the items proposed.

It was noted that the Authority's Annual report for 2017 had been submitted to the Minister for Justice and Equality ('the Minister') and would be published once laid before the Oireachtas.

## **3. Chief Executive' Report**

The Chief Executive's report was taken as read.

The Chief Executive provided further updates to Members on the following matters in the context of her report, including:

- Finalisation of the Crowe Horwath discussion document on Governance Structures in the Garda Síochána, which has been provided to the Commissioner and other key stakeholders;
- The status of the Corporate priorities for 2018. The potential impact on the 2018 Corporate Priorities due to the upcoming vacancy in the position of Head of Legal, Policy and Research and other staffing moves was noted.
- A significant improvement in relation to the provision of material requested from the GS by the Authority. The importance of keeping a focus on the provision of material on a timely basis was emphasised. There is ongoing engagement with the GS in relation to drafting text relating to the provision of material requested by the Authority in the Relationship and Support Agreement.

It was noted that an event to engage with Garda Reserves is being planned.

Members requested that a report of GS progress in filling civilian positions approved by the Authority be provided to the Authority periodically.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_036_03</b>	Finalise arrangements for an event to engage with Garda Reserves.	ASAP	Chief Executive

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_036_04</b>	Report on GS progress in filling civilian positions approved by the Authority be provided to the Authority at 6 month intervals.	24 May 2018	Chief Executive

#### **4. Committee Updates**

##### **4.1. Code of Ethics Committee**

The Committee has not met since the last Authority meeting. The Chair of the Committee noted that, as outlined in the Commissioner's Monthly Report to the Authority, over 4,000 GS staff have attended training workshops on the Code of Ethics. It was noted that the Culture Audit reflected some focus group reference to a 'heavy handed approach' by the GS to delivery of the Code of Ethics training and it was agreed that this should be followed up.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_036_05</b>	Follow up with PwC in relation to information relating to Code of Ethics training delivery from Culture Audit Focus Groups.	ASAP	Chief Executive

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

This item was taken in conjunction with Item 7.

##### **4.3. Organisational Development Committee**

The Committee has not met since the last Authority meeting. The Chair of the Committee updated Members on a number of site visits which have been undertaken including a presentation on public order policing, noting the value of site visits to gain an understanding and a real appreciation of issues which are being considered by the Committee.

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

The Committee has not met since the last Authority meeting. The Chair of the Committee updated Members on a number of site visits which have been undertaken including to a Youth Diversion Project.

Members also discussed the GS progress report on the Homicide Review, noting that it was intended that all 41 cases would now be reviewed and raising a number of matters for clarification with the Commissioner. The Chief Executive updated members on a meeting with the GS Analysis Service to provide an overview of the Authority's work in relation to the Homicide issue and this will be followed up with a meeting with the full Homicide review group in early May.

## 5. Audit, Governance and Risk

The Chair of the Audit and Risk Committee ('ARC') updated Members on the recent Committee meeting, noting that the Committee:

- Considered and approved the Chairperson's Statement of internal Controls which is included in the Authority's Annual Report;
- Reviewed the Authority's Appropriation Account for 2017 which has been submitted to the C&AG for audit;
- Reviewed and approved final Internal Audit reports in relation to ICT Controls and the annual review of the Internal Control System.

Members were given an opportunity to comment on the Risk Register and the Committee Chair confirmed that this document continues to be reviewed at each ARC meeting with a view to ensuring that risks are monitored and action taken on a dynamic basis. There was a discussion in relation to the High Risk Report on risk and to emerging risks.

In light of the deadline of 25 May 2018 for compliance with the General Data Protection Regulation ('GDPR') it was agreed that the Committee would provide a report on the Authority's preparations to meet this deadline at the May meeting.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_036_06	Provide report on the Authority's preparations for GDPR.	24 May 2018	Chair of Audit and Risk Committee

## 6. Garda Síochána Appointments

### 6.1. Appointments in the Garda Síochána

The Secretary briefed Members on the outcome of the clearance process in respect of three candidates on the Chief Superintendent panel. Members considered the outcome and two candidates were appointed, with a third appointed subject to receipt of confirmation of a matter from GSOC.

The Secretary briefed Members on the outcome of the clearance process in respect of a number of candidates on the Superintendent panel. Members considered the outcome and appointed one candidate. Further clarification was sought in relation to the GS clearance and the Chief Executive was asked to seek additional information from the Commissioner and to bring the matter back for the consideration of the Authority.

It was noted that all of the Authority's panels for the senior ranks are now exhausted and any further positions that arise will be filled from the panels to be established from the 2018 competitions. A sanctioned increase in the ECF for the ranks of Chief Superintendent and Superintendent was noted. The condition regarding sufficient funding in the Garda Vote to fund the positions was noted in light of the Commissioner's Monthly Report which shows a shortfall in the payroll provision. It was agreed that this matter would be clarified with the GS later in the year when a clearer picture emerges regarding the payroll budget.

The Chief Executive updated Members on ongoing liaison with the Public Appointments Service (PAS) in relation to the process for the recruitment of a new Garda Commissioner. Members welcomed that PAS had been asked to advise the selection panel that, in accordance with the statutory scheme, the Authority reserved the right not to make a nomination. It was proposed that a post completion review of the selection process might be considered as had been done for other competitions in light of the fact that this is the first such process run under the new statutory arrangements.

## **6.2. 2018 Selection Competition for appointment to the rank of Superintendent in the GS**

Members discussed the draft competition documents and recommendations for the selection process for the 2018 selection competition for appointment to the rank of Superintendent, which have been considered by the Garda Appointments Quality Assurance and Selection Governance Committee. The competition will be advertised on 3 May 2018. The process for use of a video shortlisting tool to enhance the shortlisting process was discussed and it was agreed that candidates' responses to the agreed questions would be considered in conjunction with the relevant sections of their application form in reaching an overall assessment in relation to the competencies which were agreed to be assessed at the shortlisting stage of the selection process. Members also recalled the position set out in its Section 62 (O) Report regarding a probationary period to apply to all appointments of candidates from panels to be established for its competitions and it was agreed that this should be explored by the Chief Executive.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_036_07</b>	Further to appointments to the rank of Chief Superintendent and Superintendents in the GS, the Chief Executive to notify the candidates of their appointment.	ASAP	Chief Executive
<b>A_036_08</b>	The Commissioner to be notified of the appointments made by the Authority.	ASAP	Chairperson/Chief Executive
<b>A_036_09</b>	The Chief Executive to seek clarification from the Commissioner in relation to the GS clearance documentation and to bring the matter back for the consideration of the Authority.	ASAP	Chief Executive
<b>A_036_10</b>	Clarify if the 2018 payroll provision in the GS Vote is sufficient in the context of newly sanctioned ECF for Chief Superintendent and Superintendent.	31 October 2018	Chief Executive
<b>A_036_11</b>	Consider undertaking a post completion review of the selection process for the recruitment of the Garda Commissioner.	November 2018	Chief Executive

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_036_12</b>	Explore the possibility of a probationary period to be applied to all appointments of candidates from panels to be established from the Authority's competitions to the senior ranks.	ASAP	Chief Executive

#### **7. Request for consent to dismiss a member of the Garda Síochána in accordance with Regulation 39 of the Garda Síochána Discipline Regulations**

This matter was considered by the Members and there was agreement to consent to the request.

Members requested statistics in relation to GS members currently on suspension and the nature and duration of those suspensions.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_036_13</b>	The GS to provide statistics in relation to GS members currently on suspension and the nature and duration of those suspensions.	ASAP	GS

#### **8. Fifth Report on implementation of recommendations of 'Changing Policing in Ireland'**

The Chair of the Organisation Development Committee outlined the Committee's concerns in relation to the GS Modernisation and Renewal Programme ('MRP') as the vehicle to delivering the recommendations of 'Changing Policing in Ireland, as outlined in the draft fifth report. In particular it is increasingly evident that there are underlying obstacles to reform which are not being addressed, that the MRP is not embedded in the organisation to the extent essential for a change programme, that the MRP is not comprehensive and is distracting the organisation from essential operational improvements.

Members agreed, recognising that while many of the tasks which are being undertaken under the MRP need to continue, some key enablers for change, including the provision of accommodation and training have not been provided. It was noted that it would be good practice in the course of any major change programme to stop, check, challenge and amend the programme after an initial implementation period and that after two years this would appear to be timely for the MRP. Meanwhile the Authority will continue to monitor the pace and progress of reform and to report to the Minister on its oversight.

Members agreed that the fifth report to the Minister on the implementation of 'Changing Policing in Ireland' should:

- Reflect these concerns given the need for a fundamental reorientation of reform in the organisation and prioritisation of the matters that the GS urgently need to deal with;
- Signal the need for the GS to confirm their priorities for the change programme, including to take account of the priorities which the Authority has identified and the recommendations of the Commission on the Future of Policing; and
- Emphasise that this reorientation is not to stop or slow significant ongoing reforms which should continue, rather it is to ascertain whether significant priorities which merit the allocation of

resources have been identified and to determine, and where necessary put in place, the resources required to implement those reforms.

No.	Action point	By Date	By Whom
A_036_14	The draft fifth report to the Minister on CPI to be redrafted to reflect Members discussion and brought back to the Authority for approval.	31 March	Chairperson, Chief Executive and ODC Committee Chair

#### 9. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and agreed the matters to be discussed with the Garda Commissioner and his team.

#### 10. Documents for noting by the Authority - April 2018

The following documents were noted by the Authority:

	<i>Document</i>	<i>Action Required</i>
D_036_1	Statement by Minister regarding the publication of the GS report into the fatal shooting of Garda Tony Golden	For noting
D_036_2	GS report into the fatal shooting of Garda Tony Golden 28/03/18	For noting

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

### **Attendance**

**Authority and Staff:** As above

**Garda Síochána:** John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer ('CAO')), Kate Mulkerrins (Executive Director, Legal & Compliance).

### **11. Provision of Information to the Authority**

There was a brief discussion on the status of provision of material requested by the Authority.

### **12. Other Business**

There was a brief discussion on the progress of the Homicide review. The importance of sharing with the Authority, progress as cases are finalised and signed off by all members of the working group, was emphasised.

## Part C – Authority Meeting with the Garda Commissioner in public and by video Conference (VC)

### Attendance

**Authority and Staff:** As above

**Garda Síochána:** Dónall Ó Cualáin (Garda Commissioner) (by VC), John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer ('CAO')), John O'Driscoll (Assistant Commissioner), Pat Leahy (Assistant Commissioner), Finbarr O'Brien (Assistant Commissioner), Colette Quinn (Chief Superintendent), Declan Daly (Superintendent), Gráinne Shortall (Assistant Principal).

This meeting with the Garda Commissioner and his team was held in public. In accordance with the Authority's Standing Orders, the official record of the meeting is the recording which is available to view at:

<http://www.policingauthority.ie/website/PA/PolicingAuthorityWeb.nsf/page/Meetings-en>

The following matters were discussed during the meeting:

Agenda Item	The principal matters discussed included:
Garda Inspectorate ('GI') Report on Child Sexual Abuse	<ul style="list-style-type: none"> <li>• Delays in dealing with and reporting of cases;</li> <li>• Gap in training for Members and Protective Services Units;</li> <li>• Data Quality, including delayed recording practices, non-compliance with crime counting rules and declines in standards of recording;</li> <li>• Accountability, supervision and provision of information and consequences of non-responding to requests for information;</li> <li>• Indicators of success in GS response;</li> <li>• Notifications from other jurisdictions and identification of victims online;</li> <li>• Timeline for roll out of Protective Services Units and arrangements (including the level of training and expertise) to consistently deal with and investigate these cases in the meantime.</li> </ul>
Youth Diversion Programme	<ul style="list-style-type: none"> <li>• Relationship between the GS and young people;</li> <li>• Training to deal with children and young people;</li> <li>• Developments in the Youth Diversion Programme to deal with young people as perpetrators of crime;</li> <li>• GS response to GI recommendations in their Crime Investigation report and whether a swifter and more focused response would have avoided current issues with the programme;</li> <li>• How high risk offences and offenders are dealt with to prioritise these cases amongst the volume of cases being referred back to Divisions;</li> <li>• Timeline for finalisation of review into Youth Diversion Programme;</li> <li>• Communication with victims;</li> <li>• How consistency of delivery of service, supervision and ethics are ensured across Juvenile Liaison Offices;</li> <li>• Data gathering to support evidence based decision making and justify further investment in investing in diversion programmes.</li> </ul>

<p>Progress on implementation of recommendations arising from the Report of the Special Rapporteur on Child Protection</p>	<ul style="list-style-type: none"> <li>• How the GS are using section 12 of the Child Protection Act;</li> <li>• Governance arrangements in place to oversee implementations of the Shannon report;</li> <li>• Modifications to recommendations and if agreed with Dr. Shannon;</li> <li>• Changes to practices for co-ordination between agencies in December 2017, how communicated to front line and if now satisfied with interagency co-operation;</li> <li>• Access to appropriate resources out of hours;</li> <li>• Publication of statistics and data on no. of cases and regional variations;</li> <li>• Assurance re appropriate and proportionate use of s.12 powers and if instances of its exercise without supervision;</li> <li>• Commissioner’s engagement with CEO of Tusla to give institutional recognition to the importance of interagency working in the interest of children;</li> <li>• Governance risk in relation to authority, the effective operation of the Divisional system and the unfairness inherent in the inconsistency of how cases are dealt with;</li> <li>• Identification and spread of good practices across the organisation;</li> <li>• Ownership of implementation of policies.</li> </ul>
<p>Review of Public Order Incident at An Cosán</p>	<ul style="list-style-type: none"> <li>• If the Commissioner agreed with recommendations of the review;</li> <li>• Lack of urgency in dealing with recommendations in GS response to the Authority;</li> <li>• Timeline for section of report dealing with evidence presented in court;</li> <li>• Concern that policies and procedures don’t address functional inadequacies;</li> <li>• Remedial action to ensure learning from these events, including post event analysis;</li> <li>• Responsibility for risk assessment of planned public events and the absence of use of social media to assess risk;</li> <li>• Lack of evidence of strategic control and communication and why not used;</li> <li>• Need for reassurance that policies will be implemented in similar events;</li> <li>• Training in public order policing and peaceful crowd management;</li> <li>• Lack of formalised approach to investigation.</li> </ul>
<p>Commissioners Monthly Report to the Authority</p>	<ul style="list-style-type: none"> <li>• Need for good financial control and how it is proposed to bring the annual budget, in particular overtime expenditure; back on track</li> <li>• Status of progress in delivering the annual Policing Plan, in particular the low level of Garda redeployed to the front line;</li> <li>• Recruitment of Garda Reserves and Reserve Strategy;</li> <li>• Progress in delivery of training and signing commitments to the Code of Ethics;</li> <li>• Readiness for GDPR;</li> <li>• Adequacy of budgetary provision for estate management;</li> <li>• Opportunity cost of training focus on recruits and affordability of this level of recruitment given lack of resources and supervision.</li> </ul>

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

No.	Action point	By Date	By Whom
A_036_15	The GS to confirm that Dr Shannon is satisfied with the proposed modifications to the recommendations of the Shannon report	ASAP	GS