



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 24 May 2018

Venue: 90 North King Street 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 updated Members on the following meetings and events since the last meeting:

- The Chairperson and Chief Executive's met with the Minister for Justice and Equality ('the Minister');
- Members met with the Chairperson and Members of the Commission on the Future of Policing; and
- A presentation on GRECO (EU Council Group of States against Corruption) from Dr. Vicky Conway. It was noted that GRECO would be carrying out its evaluation of Ireland in 2019 including in relation to policing oversight.

A number of items of correspondence were noted, including:

- Letter from Deputy Paul Murphy; and
- An invitation to attend the Oireachtas Justice Committee on 30 May to discuss the private members bill on Garda accountability. It was noted that the Authority's views on the matters to be discussed were as set out in the report to the Minister under Section 62.O of the Act in December 2017.

Members discussed the outstanding section of the review of court outcomes relating to the incident at An Cosán and it was agreed that this matter would also be raised with the Director of Public Prosecutions to discuss the quality of evidence which is received from the GS.

No.	Action point	By Date	By Whom
A_038_01	Consider the issue of corruption and preparation for GRECO inspection in the context of the 2019 Corporate Priorities.	ASAP	Chief Executive

2. Minutes and Matters arising

The minutes of the meetings on 26 April and 15 May 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 correspondence has been received in relation to the record of the Authority's meeting with the Commissioner in public on 26 April which is being followed up by the Chief Executive.

3. Chief Executive's 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:

- The status of requests for approval of civilian staff;
- A meeting with the GS Homicide Review team, noting the suggestion that there be an interim report on an initial set of cases completed and the need for a timeline for the provision of reports;
- Meeting with the Department, the GS and the Garda Inspectorate ('GI') re the Garda Síochána Divisional model;
- The provision of information by the GS on foot of requests from the Authority which is improving slightly;
- Meeting with the GS in relation to the clearance of candidates under consideration for appointment to the senior ranks. It was agreed that the Authority's expectations regarding its clearance requirements would be communicated to the Commissioner in advance of 2018 panels being established.
- Concerns raised with the GS regarding the approach to advertisement of the ongoing Garda recruitment campaign in relation to effectiveness in attracting applicants from diverse backgrounds.

The status of work being undertaken at the Authority's request by the GI on the dispersment of Garda resources discussed. Members also noted that the GI report on lateral entry to the GS, which is being undertaken at the request of the Minister, was also awaited and reiterated their concerns in relation to this issue in light of the unique nature of the restricted entry routes to different ranks of the GS, as outlined in the Authority's submission to the GI in April 2017.

In relation to approvals of civilian staff it was noted that the Authority's approval for civilian staff for CPD training positions should take account of the required skills for these positions and that adequate supports and investment in training should be in place to ensure that these staff can effectively replace Gardaí currently undertaking this role.

It was agreed that work to be undertaken by the Authority in relation to Garda discipline be scoped in a way that takes account of the timing of the CFP report and the work about to commence in the Workplace Relations Commission. If appropriate, a more detailed review can be considered when resources allowed.

It was noted that the meeting with the Commissioner in public at the June meeting with the Authority would address a number of issues on the theme of diversity.

No.	Action point	By Date	By Whom
A_038_02	Communicate the Authority's expectations regarding its clearance requirements to the Commissioner in advance of 2018 panels being established.	ASAP	Chief Executive
A_038_03	Establish with the Garda Inspectorate the timeline and status of its work on dispersement of Garda resources.	ASAP	Chief Executive
A_038_04	Communicate to GS that approval for civilian CPD trainers is conditional on provision of proper training for these staff.	ASAP	Chief Executive
A_038_05	Refocus scope of work on GS discipline	ASAP	Chief Executive

4. Committee Updates

4.1. Code of Ethics Committee

The Committee Chair reported that the regional launches of the Code of Ethics are due to take place in the coming weeks and it was agreed that the Authority will be represented where possible. GS training on the Code is on target for completion by the end of June. It was noted that there is as yet no evidence that a requirement has been put in place for GS staff to sign the code on promotion.

The Committee Chair complemented the knowledge, enthusiasm and level of engagement of the Authority staff observed at a recent site visit.

4.2. Garda Appointments Quality Assurance and Selection Governance Committee

The Committee has not met since the last Authority meeting.

4.3. Organisational Development Committee

The Committee has not met since the last Authority meeting. The Chair of the Committee updated Members on work undertaken to complete the Fifth Quarterly report to the Minister on *Changing Policing in Ireland* ('CPI').

4.4. Policing Strategy and Performance Committee

The Committee Chair updated Members on the Committee's recent meeting, which was the first meeting attended by Mr. Ronan Nolan who is a new external Committee member. Items discussed included:

- Performance under the Policing Plan, noting that while a lot of analysis of data and trends are provided, they are more tactical in nature and do not contribute to strategic planning;
- A presentation for the Department of Public Expenditure and Reform (DPER) on budget planning; and
- An organised crime briefing.

No.	Action point	By Date	By Whom
A_038_06	An update from the Authority meeting to be included on all Committee agendas to inform external Committee members.	ASAP	Chief Executive

5. Audit, Governance and Risk

The Chair of the Audit and Risk Committee ('ARC') updated Members on the recent Committee meeting, reporting on its review and consideration of the following:

- The Risk Register and recommendations to ensure that the assessment of risk and mitigating actions are reflected on the register on an ongoing basis;
- The Authority's preparations for GDPR, noting the high quality of preparation and level of readiness in advance of the effective date of 25 May; and
- Expenditure on legal services and procurement of legal services using the OGP Framework.

Members discussed the report on GDPR readiness. Emerging risks, including risk associated with the GDPR were noted.

6. Garda Síochána Appointments

Members were updated on the recruitment process for the position of Garda Commissioner which is underway with the first two stages of the competition complete. Two Authority members (the Chairperson and Bob Collins) are on the selection panel.

A request for appointment of a civilian candidate to the position of Principal Officer in the GS was noted and it was agreed that a decision on the matter would be deferred to the June meeting in light of the discussion with the GS under Agenda item 21 relating to progress in recruitment to fill civilian positions.

7. Meeting with the Chair of the Garda Síochána Audit Committee

Members welcomed the Chair of the Garda Síochána Audit Committee ('the Committee') to discuss the Annual report of the Committee for 2017 and related matters, including:

- The relevance to the Authority's work of a number of the matters addressed in the Annual Report, including the interim internal audit on financial matters in the Garda College, ICT procurement, civilianisation and redeployment and the roll-out of risk management;
- The importance of appropriate attendance of key staff at Audit Committee meetings;
- Engagement with Garda Management in relation to significant matters and emerging risks and to discuss internal audit findings and recommendations;
- The relationship between the Audit Committee and the Authority as set out in the Audit Committee Charter;
- The 2018 Work Programme and the importance of framing the Internal Audit work programme in the context of the high risks to the organisation identified in the risk register including emerging high risks;

- Corporate Governance Structures in the GS including in relation to the role of the Audit Committee and Professional Standards Unit ('PSU'); and
- Audit Committee and Internal Audit resources.

The Members appreciated that the Chair of the Audit Committee elaborated on the Audit Committee's work in 2017 and brought the Authority up to date beyond the timeframe of the Report.

No.	Action point	By Date	By Whom
A_038_07	The matter of attendance by key Garda personnel at Audit Committee meetings to be raised with the Commissioner and further action considered if the matter remains unresolved.	28 June	Chairperson
A_038_08	The Secretary to formally convey matters discussed with the Chair of the GS Audit Committee in correspondence to the Committee.	ASAP	Secretary
A_038_09	Published PA reports to be provided to the GS Audit Committee on an ongoing basis.	ASAP	Chief Executive

8. Garda Síochána Annual Report 2017

Members noted disappointment that the GS Annual Report for 2017 had not yet been received in light of the deadline of 30 April for its submission to the Authority.

9. Policing Priorities 2019

It was agreed that a pragmatic approach be taken to the preparation of the 2019 policing priorities by revising the 2018 priorities and to consider if a fresh approach is needed for 2020 in light of the recommendations of the CFP. The draft Policing Priorities will be discussed at a meeting with the Chairs of JPCs in July.

10. Garda Síochána Professional Standards Unit Annual Report 2017

Members noted the 2017 Annual Report of the GS Professional Standards Unit and raised several questions for discussion with the Commissioner and through ongoing work with Assistant Commissioner Governance.

11. Progress on implementation of the recommendations of the Crowe Horwath report on MIT/FCN

The update received from the GS was discussed and members expressed dismay that this was a report on activity rather than progress against an action plan which sets out how the recommendations would be implemented and responsibility for those actions.

12. Fifth Report on implementation of recommendations of 'Changing Policing in Ireland'

The fifth report to the Minister on the implementation of 'Changing Policing in Ireland' was approved, subject to drafting.

No.	Action point	By Date	By Whom
A_038_10	The fifth report to the Minister on CPI to be finalised and forwarded to the Minister.	15 June	Chairperson

13. Preparation for meeting with the Garda Commissioner

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

14. Other business

Members expressed their appreciation and best wishes to Catherine Pierce, Head of Legal, Policy and Research and Richard O'Neill, on the occasion of their leaving the organisation to take up new roles in the public sector, recognising in particular their contributions relating to the establishment of the Authority.

15. Documents for noting by the Authority - May 2018

The following documents were noted by the Authority:

	Document	Action Required
D_038_1	PwC publication <i>Policing in a Networked World</i>	For noting
D_038_2	GSOC Statement on the fatal shooting at Cherrywood, Co. Dublin on 20 May 2018	For noting
D_038_3	Garda Síochána (Amendment) Bill 2017	For noting

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Staff: As above

Garda Síochána: Dónall Ó Cualáin (Garda Commissioner), John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), John O’Driscoll (Assistant Commissioner), David Sheehan (Assistant Commissioner). John Barrett (Executive Director), David Gilbride (Executive Director), Brian Sutton (Chief Superintendent), Gráinne Shortall (Assistant Principal).

16. Commissioners Monthly Report to the Authority

A number of matters were raised by Members in relation to the Commissioner’s report, including:

- GS accommodation, in particular an assessment of where it is not fit for purpose, and the cost and approach to remedying this. The GS noted difficulties with regard to budgets (both in the GS and OPW) and changing requirements for accommodation and confirmed that there is ongoing engagement with OPW in regard to improving the situation. Members noted that they would revisit this issue in July in the context of advising the Minister of their consideration of the adequacy of resources for the GS in 2019;
- The number of members suspended, their rank and the duration of suspensions and processes in place to progress these cases;
- Dissatisfaction with the pace of civilianisation, projections for numbers of additional civilian staff and associated redeployments of Gardaí to front line duties by end 2018 and concerns regarding a lack of a focus on more strategic needs;
- Concerns regarding the diversity of the Garda workforce and actions being taken in regard to recruitment of Gardaí and civilians to encourage applicants from diverse backgrounds; and
- The expected availability of the Public Attitudes Survey 2017 and the Quarter 1 2018 module. The Commissioner agreed that, if possible, data on previous comparative periods would also be provided to give a broader picture on longer term trends.

17. Homicide review

The GS provided an update on the current status of the Homicide review. Members noted that they were keen to be informed on the outcome of instalments of cases as they were completed and to have a timeline and milestones for completion of the review. The GS committed to providing an interim report in advance of the Authority meeting on 28 June, with information on the number of completed cases that this would address by 14 June.

18. Domestic Violence Act 2018

There was a discussion on the implications for the GS of this legislation which is likely to be commenced in the Autumn. The GS outlined the additional powers that the Act confers and confirmed that a new Domestic Abuse Policy, which will be reviewed every two years, has been introduced. Protective Services Units and Garda recruits have received training and this will be rolled out to all other Garda members using a train the trainer approach. Members raised the need for data on these offenses and sought assurances that adequate baseline data would be captured to facilitate crime counting. GS assurances that the relevant PULSE update to coincide with the commencement date will incorporate the new offences under the Act

were noted. The importance of being mindful of the impact in the workplace of issues arising from domestic violence was also discussed

19. GDPR readiness

There was a discussion regarding GS readiness for the GDPR and the Law Enforcement Directive ('LED') which came into effect on 6 May. The GS confirmed that they have established a new Data Protection Unit which is undertaking a major task to ensure that the organisation's processes are compliant with the new requirements. In addition work is underway to raise staff awareness and to provide training. There was discussion of the risks arising from the new requirements and the GS undertook to provide further information to the Authority regarding activity in relation to the LED.

20. Governance of HR and Internal Affairs Processes

Members raised concerns regarding processes for dealing with for example discipline, bullying and harassment and other complaints, with particular regard to the delay in bringing cases to a conclusion and the impact on all of the parties involved. The Authority noted in particular the impact on its ability to complete its clearance processes for candidates under consideration for appointment to the senior ranks where ongoing cases were not being progressed in a timely manner. It was noted that processes are too complex, are unworkable in practice and are in urgent need of reform. Members suggested that simpler processes which could conclude more quickly, as in the broader public service, and the use of an external panel with a remit to investigate cases could be effective to overcome the delays and difficulties currently faced in bringing cases to a conclusion. The nature of sanctions available in the context of disciplinary matters, in particular whether steps are taken to ensure that they are appropriate and are consistently applied was also discussed.

21. Progress report on sanctioned civilian positions

The GS provided an update on the progress of recruitment to fill civilian positions approved by the Authority in addition to other vacancies arising in the normal course, noting that the vast majority of outstanding recruitment related to recent approvals. In relation to more senior posts it was noted that there had been a good response to invitations for expressions of interest from existing civil servants but that this did not guarantee that successful applicants would be in place quickly. Members expressed concern that ICT positions which were sanctioned in 2015 were still not filled. In the context of delays in recruitment, members queried why the option of direct recruitment was not used and the GS confirmed that this was still being considered.

22. Other Business

Members reiterated the need for the Authority to be informed of significant incidents in a timely manner and raised a number of matters arising from recent incidents including:

- The fatal shooting by a Garda member in Cherrywood, Co. Dublin;
- A van apparently parked on Garda premises promoting one side of the referendum campaign, which the GS confirmed is under investigation;
- An incident where Gardaí were seriously injured when a suspect was followed into a house; and
- Whether there are patterns in relation to a number of similar incidents noted and the GS response to them.

The Chairperson updated the Commissioner on the Authority's meeting with the Chair of the GS Audit Committee and raised a matter in relation to attendance of key Garda personnel at Audit Committee meetings.

There was a short discussion in relation to the Annual Report of the PSU, including with regard to determination of the annual work programme for the unit, the impact of PSU recommendations on policy, follow-up of implementation of recommendations, working together with Internal Audit and the mechanisms for ensuring awareness by the Commissioner of issues arising from the work of PSU, Internal Audit or Internal Affairs. The benefits of PSU staff returning to operational duties after a rotation in PSU were discussed in terms of the capacity for self-inspection that this would bring across the organisation over time.

Members received an update on progress in relation to:

- The Juvenile Liaison Review. The GS agreed that an interim report would be provided which would give a sense of a timeline but noting that the timeline was difficult to predict;
- The outstanding issue from the review of the incident at An Cosán. The GS have confirmed this examination has commenced although a timeline for completion is unknown; and
- The approach to addressing the findings of the Culture Audit.

No.	Action point	By Date	By Whom
A_038_11	The GS to provide the recent inventory of accommodation.	ASAP	GS
A_038_12	The GS to provide an indication by 14 June of the number of cases that are expected to be completed by end June in the Homicide review and to provide an interim report in advance of the June authority meeting	21 June	GS
A_038_13	The new Garda Domestic violence policy to be requested	ASAP	Chief Executive
A_038_14	The GS to provide further information to the Authority regarding activity in relation to the Law Enforcement Directive in the period 6 – 25 May 2018.	ASAP	GS