



AN TÚDARÁS PÓILÍNEACHTA  
POLICING AUTHORITY

## Minutes of Meeting of the Policing Authority

**Date:** 26 July 2018

**Venue:** 90 North King Street

### Part A – Authority Meeting

#### Attendance

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

**Secretary:** Aileen Healy

**Staff of the Authority:** Helen Hall, Margaret Tumelty

**For Item 7:** Mark Toland (Chief Inspector), Pauline Shields (Inspector), Hugh Hume (Inspector) and Tom Maguire (Principal Officer), Garda Inspectorate

#### 1. Chairperson's Opening Remarks

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

A number of items of correspondence were noted, including:

- From the Minister for Justice and Equality ('the Minister') regarding the appointment by Government of the new Garda Commissioner;
- From the Oireachtas Committee on Justice and Equality, enclosing their July 2018 'Progress Review of Garda Oversight and Accountability'; and
- From the Road Safety Authority.

The Chairperson noted the recruitment of a new Head of Legal, Policy and Research who is expected to take up the position in the Autumn.

#### 2. Minutes and Matters Arising

The minutes of the meeting on 28 June were agreed and cleared for publication. The log of actions was noted and there was agreement to close the items proposed.

#### 3. Chief Executive's Report

The Chief Executive report was taken as read. Further updates were provided to Members on the following matters in the context of report, including an update on a visit to the HR Directorate in the Garda Síochána and restructuring of the Garda HR function. Recent media reports in relation to the proposed legislation to bring the GS under the Workplace Relations Commission were noted and, in light of the importance of establishing an IR function within the HR structure, Members indicated their willingness to approve any necessary positions to facilitate the early recruitment of experienced IR professionals.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_041_01</b>	The Chief Executive to convey to the GS the Authority's willingness to approve positions for IR professionals and to encourage the GS to prioritise this matter.	ASAP	Chief Executive

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

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

The Committee Chair updated members on the recent Committee meeting. He expressed disappointment that the GS had not achieved their Q2 target of training on the Code of Ethics and emphasised the importance of training being rolled out in full by year end. Concern was again expressed regarding the numbers signing the Code and it was noted that this is being examined to identify and address the reasons. It was noted that new hospitality guidelines are in place in the GS.

There was a discussion about GS progress in relation to addressing the findings of the Culture Audit and it was noted that a formal response to the findings is awaited from the Commissioner after which the Authority will consider the most appropriate manner of oversight of the implementation of the plan.

##### **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**

This update was taken together with Agenda Item 10.1.

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

The Committee Chair updated Members on the Committee's recent meeting noting that officers responsible for actions in the Policing Plan which were 'at risk' were being asked to attend at the Committee. Concern was expressed at the perceived lack of urgency around an action plan to address the recommendations of the Crowe Horwath report. It was agreed that the Commissioner should be asked about the emerging risks associated with the high numbers of Garda members with access to firearms.

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

The Committee Chair updated members on the initial findings of the internal audit of the Risk management system which is currently being undertaken and noted that a draft risk management policy and the revised Risk Register will be considered by the Committee in September. Members discussed emerging risks and noted the current status of risks in the July High Risk Report.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_041_02</b>	The Risk Register to be updated in light of the discussion on risk.	ASAP	Secretary

## **6. Meeting with Garda Inspectorate to discuss draft report to the Authority on Local Policing**

The Members met with the Garda Inspectorate ('GI') to discuss progress on work on Local Policing which the Authority requested the GI to undertake on its behalf following a request by the then Tánaiste and Minister for Justice and Equality to the Authority to oversee a review of the boundaries of Garda districts, the dispersement of Garda and deployment and rostering arrangements with a view to enhancing community policing units on foot of a commitment in the Programme for Government.

The GI outlined the work undertaken to date and the findings and actions arising. Members discussed expectations with the GI regarding the report having regard to the agreed Terms of Reference, emphasising the need to identify recommendations which could have impact in both the short and longer term. The importance of adding value through innovative approaches to meeting changing demand for policing and broader public services in the context of limited resources was noted. There was particular reference to the changing environment to take account of modern communications, greater mobility and the changing nature of crime which is giving rise to shifts in citizen expectations about which policing services they require and how and where they expect them to be delivered.

A draft report is expected to be completed in a number of weeks, after which it was agreed that the draft will be provided to the Authority. An opportunity will be provided to the GS and other stakeholders to review elements of the draft which require fact checking and it was agreed that there would be further engagement with the Authority prior to finalising the report.

The possibility of referring further work to the GS was discussed briefly and it was agreed that this would be explored further at Executive level.

<i>No.</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
<b>A_041_03</b>	The Chief Executive to engage with the GI to determine the process for finalisation of the GI report on Local Policing.	ASAP	Chief Executive
<b>A_041_04</b>	The Chief Executive to engage with the GI to explore the referral of further review work to the GI	ASAP	Chief Executive

## **7. Garda Síochána Appointments**

Members discussed the establishment of a panel of candidates for appointment to the rank of Superintendent in the Garda Síochána (GS). It was decided that a panel of 30 candidates would be established in light of the likely number of positions to be filled, having regard to the Commissioner's forecast of expected vacancies to end July 2019 and to allow contingency in the event of further vacancies arising over the life of the panel, which will expire twelve months from establishment. It was noted that there is no guarantee that all candidates put on the panel would be appointed when the panel expires on 25 July 2019.

The report of the selection board and the order of merit for the Superintendent selection competition were then circulated to and considered by Members. The panel of candidates for appointment to the rank of Superintendent was established in accordance with the regulations in the order of merit determined by the selection board and the Chairperson signed the formal establishment order. The confidentiality of the panel was emphasised and it was agreed that their results will be notified to candidates only.

It was noted that there are a number of Superintendent positions to be filled immediately and the Executive was requested to commence the clearance process with a view to bringing the outcome to the Authority as soon as possible so as to avoid any unnecessary delay. As a general principle, members agreed that appointments made by the Authority would be made on the basis that they will take effect on the date of taking up the assignment directed by the Garda Commissioner.

Members recorded their appreciation to the Executive team for the professional manner and pace in which the competition was delivered.

Members considered the proposal to hold a selection competition for appointment to the rank of Chief Superintendent and approved the competition documents subject to drafting.

Members considered and approved a request from the GS for a temporary acting up assignment to an Executive Director position and Members agreed that the Chairperson would make the appointment of the proposed candidate subject to the consent of the Minister and the Minister for Public Expenditure.

Correspondence from a candidate for an Authority Selection Competition in 2017 was noted.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_041_05</b>	The results of the 2018 Superintendent selection competition to be notified to candidates.	ASAP	Chief Executive
<b>A_041_06</b>	Future appointments by the Authority to take effect on the date of taking up duty as directed by the Commissioner.	Immediate	Authority
<b>A_041_07</b>	The clearance process for candidates to be commenced with a view to bringing the outcomes back to the Authority to facilitate consideration of appointments to a number of positions to be filled.	ASAP	Chief Executive
<b>A_041_08</b>	Finalise the competition documents and advertise the competition for appointment to the rank of Chief Superintendent.	8 August	Chief Executive
<b>A_041_09</b>	Seek the consent of the Minister and the Minister PER for a temporary acting-up assignment to Executive Director in the GS	Immediate	Secretary
<b>A_041_10</b>	The Chairperson to appoint the proposed candidate to the temporary acting-up position of Executive Director in the GS on receipt of consent from the Minister and sanction from DPER	ASAP	Chairperson

## 8. Mid-year Report on Policing

Members considered the draft mid-year report on Policing and agreed that it be finalised subject to drafting in line with the discussion. It was agreed that the finalised report would be published along with the fifth quarterly report on 'Changing Policing in Ireland'.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_041_11</b>	The mid-year report on policing to be finalised subject to drafting and published.	ASAP	Chairperson and Chief Executive

## 9. Draft reports to the Minister

### 9.1. Implementation of 'Changing Policing in Ireland'

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

### 9.2. Advice under s. 62H.(2)(b) of the Garda Síochána Act

Members considered the draft advice to the Minister under s. 62H.(2)(b) of the Garda Síochána Act 2005 and, subject to minor drafting, approved it for submission to the Minister.

### 9.3. Progress on implementation of the recommendations of the Interim Audit of financial matters in the Garda College.

Members considered and approved the draft report to the Minister in relation to the implementation of the audit recommendations and agreed to submit the report to the Minister. As the recommendation have been substantially implemented, it was agreed that this would be the final report to the Minister, with any residual items being addressed as part of the Authority's ongoing oversight activities.

<b>No.</b>	<b>Action point</b>	<b>By Date</b>	<b>By Whom</b>
<b>A_041_12</b>	The sixth report to the Minister on CPI to be finalised and submitted to the Minister.	ASAP	Chairperson, Committee Chair and Chief Executive
<b>A_41_13</b>	The Chairperson to communicate the Authority's advice under s 62H.(2)(b) of the Garda Síochána Act to the Minister.	ASAP	Chairperson
<b>A_41_14</b>	The final report on the implementation of the Interim Audit recommendations on financial matters in the Garda College to be finalised and submitted to the Minister.	ASAP	Chairperson

## 10. 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.

## 11. Documents for noting by the Authority - July 2018

The following documents were noted by the Authority:

<i>Document</i>		<i>Action Required</i>
<b>D_041_1</b>	Annual Report of the Irish Human Rights and Equality Commission	For noting
<b>D_041_2</b>	DPER Paper - Overtime Spending in the Garda Síochána (July 2018)	For noting
<b>D_041_3</b>	DPER Paper - Policing Civilianisation in Ireland - Lessons from International Practice	For noting
<b>D_041_4</b>	Clarke Report	For noting
<b>D_041_5</b>	Minister's Statement in Dáil re appointment of Garda Commissioner 4/7/18	For noting
<b>D_041_6</b>	Report of the Effectiveness and Renewal Group in the Department of Justice and Equality	For noting
<b>D_041_7</b>	Dermot Walsh Article in Modern Law Review - 'Adapting the Police Authority Concept to a Centralised National Police Service - Appearance over Substance in the Republic of Ireland'	For noting
<b>D_041_8</b>	Minute of the Minister for Finance and PER Report Sep-Oct 2017	For noting
<b>D_041_9</b>	Garda Síochána Public Attitudes Survey Bulletin Quarter 1 2018	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), Michael O’Sullivan (Assistant Commissioner), Gerry Russell (Chief Superintendent), Gráinne Shortall (Assistant Principal).

### **12. Commissioner’s Monthly Report to the Authority**

Members expressed concern that overtime continues to feature prominently, noting in particular the extent of overtime relating to the Garda College. The CAO agreed that this was no sustainable and that action was being taken to reduce expenditure on non-priority requirements. A number of other exceptional drivers for overtime during the month were identified.

Members again expressed concern at the pace of civilianisation and the Commissioner confirmed that he was satisfied that the numbers reported did not reflect the real level of redeployment of Garda members from administrative duties. It was confirmed that staff assignments are being monitored to ensure that Garda members are not being deployed back to administrative positions. Members referenced the Government decision to increase staffing overall by 4,000 by 2021 which would not be achieved at the current and the importance of incremental progress if this target is to be achieved. The CAO noted that the GS is committed to meeting the target and a plan will be provided to outline how the target is to be achieved, however this was dependent on budget provision. Members noted that a range of initiatives to increase staff could be put in place.

There was a brief discussion on the results of the Public Attitudes survey and the GS confirmed that clarity is being sought regarding the appropriate presentation of ‘Don’t know’ responses.

Members again queried progress with finalisation of the HR Strategy and the GS confirmed that the HR Operating Model has been approved and staff assigned to roles. Members emphasised the need for senior IR expertise in light of the GS coming under the WRC and indicated willingness to approve staffing requirements in this regard in order to facilitate preparations and respond to these changes in an agile manner.

Members acknowledged the Commissioner’s personal commitment to embedding the Code of Ethics but expressed disappointment that this had not progressed to the extent expected. In particular underlying reasons for the levels of not signing the Code were queried. The Commissioner confirmed that training continues to be a priority and that renewed efforts will be made to address this. Members noted that persons appointed by the Authority would be required to confirm their commitment to the Code and their expectation that the Commissioner would require a similar commitment in the case of all Garda promotions, as previously agreed by him.

### **13. Handling and Safeguarding of Firearms**

The GS provided an update to the Authority on a recent incident involving the loss of a firearm on Harcourt Street, and the Authority noted that it is now the subject of a GSOC investigation. There was a wide ranging discussion in relation to firearms and the policies and governance in place in the GS for the control, storage, carrying, training and use of firearms, and related challenges. The risk associated with the level of officers holding or licenced to use firearms, the training overhead and the policy changes that are

underway arising from planned 24/7 Armed Response Unit coverage nationwide by end 2018 which will reduce the need for access to firearms were also explored and Members expressed the view that this should be reflected in the 2019 Policing Plan. The availability and challenges associated with less lethal options were also discussed. It was agreed that the Authority would revisit this issue in 2019 to review the status of implementation of new policies which were expected to be in place early in 2019.

#### 14. Brexit Preparations

There was a high level discussion on planning and preparations for Brexit. It was agreed that the matter would be revisited later in the year.

#### 15. GRA Survey on Wellbeing

There was a discussion about welfare supports available to staff in light of the report. The GS outlined the supports that are available, however details on the level of use of these supports was not available. It was noted that the report was being considered by the Chief Medical Officer and Members encouraged the GS to respond with an early message to staff, reminding them of the services and supports available.

#### 16. Other Business

The GS confirmed that the review of the Juvenile Diversion Programme was on target.

Further to a matter arising from the June meeting with the Commissioner in public, the Deputy Commissioner sought to correct the record, clarifying that there had been no meeting between the CEO of Tusla and the previous Commissioner as had been mistakenly asserted at that meeting.

The Chairperson advised the Commissioner that the Authority had established a panel of candidates for appointment to the rank of Superintendent and that the clearance process would be commenced with a view to filling positions in the coming weeks. A selection competition for appointment to the rank of Chief Superintendent would be advertised in the coming weeks.

Members expressed their appreciation to the Commissioner on the occasion of his last meeting with the Authority before his retirement in September, acknowledging his professionalism, openness and willingness to engage with the Authority and his very significant leadership and personal commitment to the Garda organisation and to building a constructive relationship with the Authority.

No.	Action point	By Date	By Whom
A_041_15	GS to develop a job specification for a senior position to lead the development of IR processes in the GS and submit a request for staffing to the Authority.	ASAP	GS
A_041_16	GS to provide revised firearms policies when in place and to update the Authority on progress in implementation of planned changes in 2019.	July 2019	GS
A_041_17	Include item on agenda for meeting with Commissioner on preparedness for Brexit.	Oct 2018	Secretary

No.	Action point	By Date	By Whom
A_041_18	The GS to provide statistics on take up of wellbeing services.	ASAP	GS
A_041_19	The Chief Executive to engage with Amárach Research to further understand the methodology used in preparing the Public attitudes survey and how data (including 'Don't know' responses) is presented.	ASAP	Chief Executive