



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 27 July 2017

Venue: 90 North King Street

Part A – Authority Meeting

Attendance

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

Secretary: Aileen Healy

Executive: Helen Hall (Chief Executive), Catherine Pierse, Margaret Tumelty

Apologies: Valerie Judge

1. Closed Session – Authority members only.

The following actions arising from the meeting of the Authority in closed session were noted:

No.	Action point	By Date	By Whom
A_025_01	The Authority to pursue an opportunity for a private meeting with the Garda Commissioner on her return from annual leave.	ASAP	Authority
A_025_02	The Authority to seek appropriate opportunities to continue to avail of Dr. Conway's expertise.	Ongoing	Authority

2. Chairpersons Opening Remarks

The Chairperson noted Dr. Conway's intention to resign from the Authority in case of perceived conflicts of interest arising from her appointment to the Commission on the Future of Policing and expressed deep appreciation for the enormous contribution made by Dr. Conway to the Authority's work to date. Members expressed the desire to explore ways of availing of her experience and advice in the future.

The Chairperson updated Members on her meeting, along with the Chief Executive, with the Commission on the Future of Policing on 13 July. The Chairperson briefed Members on the discussion, which focused on how the Commission could add value to the work of the Authority and explored views on a range of issues relating to policing and the Garda Síochána (GS) organisation.

The draft agenda was discussed and approved.

The Chairperson declared a conflict of interest in relation to the appointment of Chief Superintendents in the GS under Item 7 in view of membership of the selection board for the competition.

A number of items of correspondence were noted including:

- From the Minister for Justice and Equality ('the Minister') in relation to the Garda Síochána Annual Report for 2016;
- An invitation to the Chairperson to appear before the Oireachtas Justice Committee in September;
- From the Chair of GSOC in relation to body worn cameras; and
- From the Commissioner in relation to the appointment of Chief Superintendent and Superintendents.

3. Minutes and Matters arising

The minutes of the meeting on 29 June and 13 July 2017 were agreed subject to minor drafting changes and cleared for publication.

It was noted that a member proposed that the Appointments Quality Assurance and Selection Governance Committee might consider in the future whether changes to the regulations might be examined in relation to panels for senior Garda appointments.

It was noted that the Authority had been advised that the GS report on MAT/FCN which had been expected to be received in advance of the meeting has been delayed.

The log of actions was noted and there was agreement to close the items proposed.

4. 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 light of events since the report was prepared:

- Receipt from the Garda Síochána of the awaited request for the position of Chief Data Officer at Executive Director level;
- An update on requests for civilian appointments, appended to the draft Quarterly Report to the Minister on CPI. The Chief Executive noted that a number of business cases for approval of civilian positions have been received but that it has been necessary to revert to the GS for further information, clarification etc. to assist in understanding the rationale for the requested staffing in the majority of cases. This is impacting the Authority's ability to consider these requests in an efficient manner. It was agreed that there is a need for a quality assurance process in the GS to ensure that business cases address the material required by the Authority, the Department of Justice and Equality ('the Department') and the Department of Public Expenditure and Reform and are supported by appropriate evidence and justification and approved at an appropriate level prior to submission to the Authority.
- Confirmation from the GS that certain concerns about the flow of material between the GS and the Authority highlighted by the Commissioner at the meeting on 29 June did not refer to any inappropriate Authority action.

5. Mid-year review of Corporate Priorities

There was a discussion on the progress at mid-year on the Authority's 2017 Corporate Priorities. Members noted and were appreciative of the work and achievements with the majority of items on track, particularly given that a considerable number of additional priorities being added over the period. The Chief Executive registered her appreciation of the hard work of staff. The need for planning for contingency in 2018 was noted in light of capacity concerns and the unsustainable level of effort that is required to deal with unforeseen events that add to the Authority's workload. It was noted that the report on boundaries being undertaken by the Garda Inspectorate was unlikely to be complete by year end and that this would be brought to the Minister's attention in due course.

6. Committee Updates

Code of Ethics Committee

The Committee Chair updated Members regarding the last meeting of the Committee, noting that a draft plan has been received and a finalised timetable is expected to be received shortly. The need for distinct, focussed and clear training on the Code of Ethics to be rolled out across the GS on Ethics was emphasised.

Garda Appointments Quality Assurance and Selection Governance Committee

The Committee has not met since the last Authority meeting, however it was noted that it was planned to carry out a review in the Autumn of the three selection competitions held in 2017 to provide assurance in relation to the process and to identify any improvements for future processes.

Organisational Development Committee

This update was taken together with Agenda Item 13.3.

Policing Strategy and Performance Committee

The Chair of the Committee updated members on the last meeting which was on the theme of victims. It was noted that progress on the homicide review which has been expanded to include a further aspect had been discussed with the GS and Committee members had expressed their frustration with the difficulty in obtaining information.

The Chair of the Committee noted concerns in relation to the recording of detections, which had also been referred to in the recently published CSO report. Member's expressed concern that, despite the Authority's role and the concerns it has continued to express in relation to data quality issues in the GS, the Authority had not been consulted in relation to the draft report of this review.

It was noted that the theme of the next meeting in public with the Commissioner in September would be in relation to the chapter of the Policing Plan on Confronting Crime.

7. Appointments in the Garda Síochána

The Chief Executive briefed Members on the current position regarding the number of positions to be filled in the ranks of Chief Superintendent (3 positions) and Superintendent (9 positions) in the GS and the clearance process that had been undertaken in relation to the next candidates on the respective panels to fill these positions.

Members considered the outcome of the clearance process in respect of candidates on the Chief Superintendent panel. Two candidates were appointed to the rank of Chief Superintendent. Members requested that the Chief Executive make further enquiries in relation to an outstanding matter in relation to the clearance process in relation to one candidate and, subject to the Chairperson and Chief Executive being satisfied as to the outcome, approved the appointment of this candidate.

Members considered the outcome of the clearance for candidates on the Superintendent panel and agreed the following:

- To accede to a request by a candidate to defer their appointment for a specified period in light of their unavailability to take up the position immediately, subject to the Authority reconsidering this candidate in the context of any positions arising at the end of that period and a clear understanding that there was no guarantee that any positions would arise between then and the expiry of the panel;
- In light of a matter arising in the context of the clearance process for a candidate, and to ensure fair procedure, requested the Chief Executive to afford an opportunity to the candidate to provide clarification and an explanation for the matter and to report back to the Authority for consideration at a future meeting;
- That as a general rule, the completed GS clearance forms required as part of the clearance for GS candidates under consideration for appointment should be signed off by the Garda Commissioner; and

It was acknowledged that there will sometimes be good reasons why the clearance process will take longer for some candidates than others. In those circumstances the Authority agreed that it may appoint candidates lower down on the order of merit, as long as a position remains available so that, in the event of clearance being satisfactorily completed, any such candidate may be considered for appointment.

The Authority appointed seven candidates to the rank of Superintendent.

The Authority considered a request from the GS for approval of a civilian position of Executive Director – Chief Data Officer and approved the position subject to the Executive engaging with the GS to ensure that the specification for the position meets a range of conditions required by the Authority in particular with regard to reporting arrangements and responsibility for all data ownership in the organisation.

No.	Action point	By Date	By Whom
A_025_03	Further to appointments to the ranks of Chief Superintendent and Superintendent in the GS, the Chairperson and Chief Executive to notify the candidates of their appointment.	14 July	Chairperson and Chief Executive

No.	Action point	By Date	By Whom
A_025_04	The Commissioner and the Department of Justice and Equality to be notified of the appointment of Chief Superintendents and Superintendents.	14 July	Chairperson
A_025_05	The Chairperson and Chief Executive to consider further and if appropriate to confirm the appointment of one further candidate to Chief Superintendent.	Immediate	Chief Executive & Chairperson
A_025_06	The Executive to make further enquiries in relation to an outstanding matter in relation to the clearance process in relation to a candidate for appointment to Superintendent and to revert to the Authority at its next meeting with the outcome of those enquiries.	28 September 2017	Chief Executive
A_025_08	Further to a request by a candidate on the panel for appointment to Superintendent, the Executive to notify the candidate of the Authority's decision to defer consideration of their appointment pro tem on the understanding that there was no guarantee that any positions would arise between then and the expiry of the panel.	28 September 2017	Executive
A_025_09	The Executive to seek the consent of the Minister for Justice and Equality and the Minister for Public Expenditure and Reform for its approval of the position of Executive Director – Chief Data Officer in the GS.	Immediate	Executive
A_025_10	The Chief Executive to convey the conditions set by the Authority in relation to the specification of the role for the Chief Data Officer position.	ASAP	Chief Executive

8. Draft Customer Service Charter and Customer Service Action Plan

The draft Customer Service Charter and Customer Service Action Plan were formally adopted and cleared for publication.

No.	Action point	By Date	By Whom
A_025_11	The Executive to communicate the Customer Service Charter and Customer Service Action Plan to staff and publish it on the Authority's website.	ASAP	Executive

9. Audit, Governance and Risk

The Chair of the Audit Governance and Risk Committee outlined proposed changes to the Audit Committee Charter which were recommended by the Committee to reflect its role and responsibilities and the revised Charter was approved by the Authority.

Members were updated on the draft report of the recent internal audit of ICT security considered by the Committee which provides assurance regarding the adequacy of the controls in place. It was noted that preparatory work is underway to implement the requirements of the General Data Protection regulation.

The Committee Chair reported on the Committee's review of the Risk Register, reporting that there were no significant risks arising and noting some recommendations to refine the assessment and quantification of risk. Members considered the principal risks and agreed that there were no changes to the risk register required. Member's noted the review undertaken by the Committee of governance matters in a comparable policing authority.

Proposed revisions to the Authority's Code of Conduct and Standing Orders were considered and approved subject to minor drafting changes.

The Authority formally appointed Ms. Aileen Healy as Secretary to the Authority.

10. Approach to Report to the Minister on the Act under Section 62O(2)

Members considered and agreed with the proposed approach.

11. GSOC Annual report

The Authority noted the Annual Report of GSOC. In particular Members noted continued concerns expressed in the report about response timelines from the GS, also referred to in the Report of the Committee of Public Accounts, suggesting potentially deeper cultural aspects at play. It was agreed that the report contained information pertinent to a range of issues which will inform the Authority's work and that the Executive should continue to develop its relationship with GSOC.

12. Financial Procedures at the Garda College in Templemore

Members considered the Report of the Committee of Public Accounts in relation to Financial Procedures at the Garda College. It was agreed that the findings of the report and the Garda Internal Audit Reports further elaborate matters of significant concern to the Authority in relation to the management of public funds and the governance of the Garda Síochána. Members considered that the governance failures were very serious and that remedial action ought to have commenced much earlier.

It was noted that further internal audits are underway and that the Comptroller & Auditor General is completing his statutory audit of the Garda Vote. Members were also mindful of the statutory relationship between the Accounting Officer and the Committee of Public Accounts, that the Committee has now formally reported to Dáil Éireann and that in due course the recommendations will be officially responded to by the Minister for Public Expenditure and Reform in the normal way.

In the circumstances where such considerable work is still underway, it was decided for the present to approve and submit the Authority's report on those recommendations to the Minister for Justice & Equality

as requested by the Minister and to continue oversight of the implementation of the recommendations of the GS Internal Audit, noting the following ongoing activities:

- Prioritisation of the advancement of a business case with the GS for increased resources for the Internal Audit function;
- Commissioning of a review of certain elements of the governance of the GS and, in this context, to discuss matters raised by the PAC regarding the structures and coherence of senior management with the Garda Commissioner.

No.	Action point	By Date	By Whom
A_025_12	The Chairperson to finalise and submit the Authority's report on implementation of the recommendations of the GS Interim Audit report to the Minister and seek clarity in relation to requirements for future reports.	ASAP	Chairperson
A_025_13	The Authority to consider, in light of developments, whether there are specific oversight gaps which it may wish to pursue arising from the GS Interim Audit Report on financial matters in the Garda College.	October Authority meeting	Authority

13. Draft reports to the Minister

13.1. Recommendations of the Fennelly Report

Consideration of this matter was deferred to a later date in light of late receipt of material which there has been no opportunity to examine.

13.2. 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. The report was cleared for publication after allowing sufficient time for its consideration by the Minister.

13.3. Implementation of Changing Policing in Ireland

The Chair of the Organisation Development Committee updated Members on the work of the Committee in relation to monitoring the progress by the GS in implementing the Garda Inspectorate ('GI') report 'Changing Policing in Ireland' ('CPI'). Members considered the draft report and approved it for submission to the Minister subject to final drafting by the Committee Chair and the Chairperson. It was agreed that this third report to the Minister will be published when the Minister has had an opportunity to consider it.

It was agreed that it should be proposed to the Minister that the timing of the delivery of the next report would be towards the end of 2017 in order to allow detailed work to be undertaken in preparation for the Authority's assessment.

No.	Action point	By Date	By Whom
A_025_14	The Chairperson to communicate the Authority's advice under s 62H.(2)(b) of the Garda Síochána Act to the Minister.	ASAP	Chairperson
A_025_15	The Chairperson to finalise the Authority's third quarterly report on CPI in conjunction with the Chair of the Organisation Development Committee and to submit the report to the Minister, proposing submission of the next report by year end 2017.	ASAP	Chairperson and Chair of Organisation Development Committee

14. Preparation for meeting with the Garda Commissioner

Members discussed the agenda for the meeting and agreed the matters to be discussed with the Garda Síochána representatives.

15. Other Business

The Chairperson formally proposed a vote of thanks to Dr. Vicky Conway and commended her level of knowledge and quality of engagement with the Authority's work.

Best wishes were extended to Mr. Pat Costello, who will continue to serve on the Authority, on the occasion of his retirement from the position of Chief Executive of Chartered Accountants Ireland

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Executive: As above

Garda Síochána: Dónall Ó Cualáin (Deputy Commissioner), John Twomey (Deputy Commissioner), Joseph Nugent (Chief Administrative Officer), Michael Finn (Assistant Commissioner), John Keegan (Superintendent).

Apologies Nóirín O’Sullivan (Garda Commissioner)

16. Commissioners Monthly Report to the Authority and progress on the 2017 Policing Plan

The GS confirmed that their Work Force Plan to end 2017 has been approved internally and would be formally submitted to the Authority in the coming days.

There was a discussion in relation to crime figures and changing trends in response to Garda activity and a greater focus on prevention. Similarly, there was a discussion in relation to the factors contributing to falling detections including the risk of inaccurate recording of detections and the balance between prevention and detection. The GS confirmed that there have been efforts to improve recording of detections and to promote understanding of the crime counting rules, as recommended by the recently published report of the Expert group on Crime Statistics and that work is ongoing to make further improvements.

Members requested inclusion of information on financial matters and quantitative data in relation to progress on civilianisation and redeployment of Gardaí in the Commissioner’s monthly report to the Authority.

17. Data Quality issues in the Garda Síochána

The Chairperson expressed the Authority’s frustration, dismay and dissatisfaction that the expected reports on MAT/FCN had not yet been received. The GS outlined practical and governance factors which are affecting finalisation. Members also noted that the absence of a timeline for a completed report in relation to homicide data is increasingly difficult to understand. The GS confirmed that the review was finalised in relation to the majority of the cases concerned but that a number of issues remained to be addressed. The Authority advised that it had approved the Civilian position of Executive Director – Chief Data Officer subject to certain conditions including cross-organisational authority and responsibility for data so as to ensure a single focal point of responsibility for data quality.

18. Recent unsuccessful prosecutions and GS review of “Jobstown” case

There was discussion in relation to a number of recent unsuccessful prosecutions and of the GS review of the ‘Jobstown’ case. Members noted the importance, as a matter of good practice, of the GS conducting a review to learn what went wrong when prosecutions fail. Mindful of cases still before the Courts, the

Authority was keen to understand the full scope of the lessons-learned review being undertaken by the Garda Síochána in relation to the 'Jobstown' case. It was noted that the review would encompass the incident on the day, the investigation and the evidence. The Review will consider the events in the context of the rule of law, human rights, the Code of Ethics established by the Authority, and Garda policy. The GS were requested to update the Authority on with the review as it proceeds. The Authority encouraged the Deputy Commissioners to ensure that learning from Inquiries, GSOC cases and internal Garda reviews feed into the training curriculum in order for the lessons learned to be embedded and the GS confirmed that these findings and those of reviews undertaken after the conclusion of trials will feed into reviews of policy and training.

19. Update from GS in relation to its consideration of the use of body cameras

There was a discussion about the work being undertaken in the GS in relation to the possible future use of Body Worn cameras and the range of practical issues including data protection being considered in regard to informing a policy decision on this matter.

20. Other Business

The Authority welcomed the publication of the Garda Síochána Public Attitude Survey on a quarterly basis for the first time.

The Authority confirmed that at its next scheduled meeting with the Garda Commissioner in public on 28th September the agenda will include a thematic examination of the 'Confronting Crime' chapter of the 2017 Policing Plan.

No.	Action point	By Date	By Whom
A_025_16	Information on financial matters and quantitative data in relation to progress on civilianisation and redeployment of Gardaí to be included in the Commissioner's monthly report to the Authority.	September 2017	GS
A_025_17	The GS to formally submit its workforce plan as at 30 June 2017.	Immediate	GS
A_025_18	The GS to provide the report of its review on MAT/FCN to the Authority on completion.	ASAP	GS
A_025_19	The GS to keep Authority updated with 'Jobstown' review at an appropriate level.	ASAP	GS
A_025_20	The GS to keep Authority updated with their work in relation to developing a policy in relation to the possible use of body worn cameras.	ASAP	GS