

Opening remarks by the Chairperson of the Policing Authority to the Joint Oireachtas Committee on Justice and Equality - 21 March 2018

Chairperson, Members of the Joint Committee

You have invited us here today to discuss four topics. Thank you for the opportunity to make these opening remarks and it may be helpful if I touch on each topic briefly.

**1. Issues surrounding ICT specifically GIAS-ICT Directorate Payments Process Audit Report 2017**

The Policing Authority does not receive Garda Internal Audit Service (GIAS) Reports on a routine basis. They are mandated, undertaken and overseen by the Garda Síochána Audit Committee, whose members are appointed by the Authority. We are aware of media reports about this particular audit but it is appropriate to allow the Audit Committee perform its statutory functions in the first instance. We will shortly be receiving the annual report of the Garda Audit Committee. The Chair of that Committee will be attending a meeting with the Authority to discuss the Report and we will have an opportunity to raise any related matters.

**2. Report from the Chief Administrative Officer in the Garda Síochána regarding the history of email usage in the Garda Síochána and the mechanisms for protecting security.**

I understand the Committee has a copy of the relevant Report and I believe you heard evidence on this matter recently from Garda senior management which corresponds with the information supplied to the Authority. The roll out of the new Enterprise Content Management System is underway and is an important step as it enables the secure remote access of files from mobile devices and thus negates the need to send files via email. We would now like to see the key commitment to have in place a policy on internet and email usage being met.

**3. Progress since the Committee's report in relation to Garda oversight and Accountability in December 2016**

By way of the update which you requested, I have circulated to you two important documents that the Authority has prepared and published. One is the Authority's statutory report on its effectiveness and the adequacy of its functions at the end of two years. Committee members had several questions on this matter when I last appeared before you. The second is the Authority's submission to the Commission on the Future of Policing in Ireland. Between them, these reports address and set out the Authority's position on many of the key matters discussed in the Committee's Report. For example, we call for:

- the removal of duplication and ambiguity as to who does what in Garda oversight and accountability;
- steps to be taken to ensure that there is a "single pair of eyes" on Garda performance either by including security in the remit of a future Policing Authority or having Authority members included in a security oversight body;
- much greater transparency by the Gardaí, including the extension of Freedom of Information Acts to a broader range of Garda functions, and
- a future Authority to have significant oversight competence in relation to the use of resources, both people and money.

We also raise concerns about training and formation, culture and integrity.

#### **4. Review of Domestic Homicides**

Turning to the matters raised by the ongoing review of domestic homicides, as I said at the Authority's recent meeting in public, in many ways this has been the most frustrating and most troubling piece of work in which the Authority has engaged. We began to examine the matter in March of last year. We are still not finished and we are still not fully satisfied.

From the outset, the Authority has made it clear that its key concern was the risk that wrong classification could have affected the quality of the Garda investigation. We have emphasised time and again the importance of good data for intelligence, for public policy, for risk assessment and crime prevention. This is not confined to domestic violence risks.

Related to that, we, in the Policing Authority are concerned not to prematurely or unnecessarily alarm families. For that reason, and for reasons of practicality much of the Authority's detailed work has been carried out, outside of public fora, through our Committee structure or between officials. Before the most recent meeting in public about the homicide review, we pressed the Gardaí for assurances that in the 12 cases where they were reclassifying a death "upwards" into or within the homicide category, family liaison had been put in place and families had been contacted.

The Authority's approach to assessing any significant aspect of Garda performance is to gather data and information from a broad range of sources. We then compare and critically examine the information, use it to inform ourselves and develop our oversight approach to a particular matter. With the Gardaí, we persist in private and public, until we are satisfied or until we report to the Minister for Justice and Equality. Our approach to the homicide data was no different. For example in addition to the Gardaí, Authority officials engaged with the Central Statistics Office and the Road Safety Authority. We had the benefit of Garda Inspectorate reports and of a Report from a Department of Justice and Equality Working Group on the Crime Counting Rules.

Since late March of 2017, we had intelligence in addition to the official Garda documentation. Since then, there have been at least 20 formal Authority meetings on the topic at either in plenary or Committee and as many or more engagements at official level. Several documents received from the Gardaí were rejected as inadequate, beginning with the correspondence received for our meeting in public on 27 April 2017 where watchers would I think have been left in no doubt that the Authority was not best pleased. Certainly, the media reports the following day got the drift! The paperwork which we received did not merit the title of "Report" and I believe I made that publicly very clear.

Professional tensions within the Garda organisation regarding this matter were very clearly visible to us at the April 2017 public meeting, after which we had four key concerns:

- Despite assurances, was there an Article 2 compliant investigation in each case?
- Were there arrangements in place to speak to families?
- Had the Pulse records been updated with sufficient information to mitigate risks to potential victims?
- Had the Garda Analysis Service been fully involved and signed off on the work?

Chair, I wish to address the concerns regarding the role of the Policing Authority and your witnesses, Ms. Galligan and Ms. West from the Analysis Service. I am taking it, based on the Committee's discussion in public session and related comments, that Ms. West and Ms. Galligan have given their permission for certain matters relating to their contact with the Authority to be discussed with you. I believe the Chief Executive's letter yesterday to the Committee included that point.

At the outset I would like to say that their evidence about how they were treated in their workplace sounded deplorable and is very concerning. It speaks to issues of culture and speaking out, matters which the Authority raises continuously. Differing perspectives and professional tensions are healthy and are to be expected and ought to be welcomed. Although it is an employment matter, their experiences seem in this instance to have made this whole review more contentious than it needed to be.

Returning to the homicide review, the position is that the Authority has many sources of intelligence and information regarding this homicide review – perhaps more that Ms. West and Ms. Galligan realise – and has done a huge amount of work. The concerns which they brought to the Authority’s attention were already known to us before their contact. At a point where the analysts seemed to be having difficulty getting access to certain information, Authority members and staff were being offered opportunities to review investigation files (which we declined) and be briefed in detail on cases. In fact having reviewed their evidence to you, I can honestly say that there was very little of substance in it about the review which we didn’t know or have ground to believe since late March /early April of last year.

Far from being misled, the Authority rejected the document submitted by the Garda Síochána to our 27 April 2017 meeting in very strong terms. In addition to expressing serious disappointment at the late arrival of the correspondence at 8.30 pm the night before, we wrote to the Garda Commissioner to express significant concerns “... about its tone, content and accuracy.....” This was subsequently covered by the media.

The analysts’ professional concerns were widely known and the fact that they were in contact with the Policing Authority could not have been considered by the Authority to be confidential. For example, the analysts indicated that it was a member of senior Garda management who gave them the personal contact details of the Authority staff member who was first telephoned in April 2017. In the interests of transparency, Garda management gave us a copy of the letter of 11 May from the analysts addressed to the Garda Commissioner and others. This set out their concerns and their disquiet.

The analysts were advised by Authority staff that we had their letter of 11 May. They were given an assurance that the Authority was live to all of their concerns and would be following up. And we did follow up. That letter underlined further for the Authority the professional tensions around this whole matter, which were already visible to us.

So their names and the fact and detail of their disquiet was a matter of record and in no way confidential. However, the content of the analysts’ direct communication with the Authority was recognised as sometimes sensitive and was and is treated as confidential. They explicitly declined to allow later correspondence to be shared with Garda management and that was fully honoured.

### **Where are matters now?**

The Committee is aware that the Policing Authority received a Report dated 21 September. This differed so much from the April correspondence that initially we couldn’t accept that either. Following robust engagement over the period from October to January, the Authority has reached a position in very recent weeks where it accepts that a police investigation did take place in each of the 41 cases which are the subject of this review. It is important that I say this for the information of the community. However, we have not yet been reassured about the quality of those investigations. At an Authority Committee meeting on 3 November 2017 we pressed for and secured agreement from the Gardaí for a peer review of the investigations in a number of cases and the Gardaí gave evidence to you recently about their approach to this work.

Regarding classification, the Garda Síochána have reclassified 12 of the 41 cases upwards either into the homicide group or between classifications within the homicide group. We understand how they reached those positions. From the Authority’s work, we would say that a further 16 cases had some change made to

their classification, meaning that only 13 are unchanged. Authority staff have personally confirmed that the PULSE system has been appropriately updated in these cases which is really important from the point of view of risk to any potential victims.

The Gardaí have given assurances that in those 12 reclassified cases, the families had been contacted before the Authority discussed this matter in public.

Our fourth concern related to the role of the Analysis Service. We have been assured, as has this Committee at your recent hearings, that the Analysis Service signed off on the Report given to the Authority in September, and that it will be fully involved in the next phase. The Authority intends to meet the Working Group charged with the next phase, which I understand includes Ms. Galligan and Ms. West, to ensure that it fully understands the Authority's concerns. It is important to us that this Working Group is managed in a way which allows all voices to be respectfully heard and considered. It is also important for us that it proceeds with some pace, that it reaches conclusions which we can interrogate, and we will want interim reports.

In the meantime, the homicide review remains a standing item on our agenda and given the time-lines outlined for this next phase, it will clearly be there for some time to come.

### **Conclusion**

Chair, the Authority takes its statutory responsibilities to oversee Garda performance very seriously. Our work is broad ranging and complex. I hope I have given you a flavour of the approach we have adopted— an approach which uses external performance indicators where they exist, and intelligence or information from a broad range of other sources in addition to that we receive from the Gardaí. Crime Classification, PULSE, data quality and performance management are by now enduring themes for us and the 2018 Policing Plan contains some important actions in this regard.

At all times the Authority is mindful that it must strike a careful balance between challenging and undermining the Garda Síochána, and between transparency and concern for victims and families.

Thank you