



AN TÚDARÁS PÓILÍNEACHTA
POLICING AUTHORITY

Minutes of Meeting of the Policing Authority

Date: 25th April 2024

Venue: Strand Hotel Limerick

Attendance

Authority: Elaine Byrne (Chairperson), Anthony Harbinson, Paul Mageean, Donal de Buitleir, Deborah Donnelly (items 1-11), Jane Mulcahy (items 5-17)

Secretary: Aoife Clabby.

Staff of the Authority: Helen Hall (Chief Executive), John Gallagher, Margaret Tumelty, Karen Shelly (item 11), Mark Nother (item 11).

Garda Inspectorate: Mark Toland (Chief Inspector) (items 5-11)

1. Meeting of Members in Private

The Authority did not exercise its option to have a meeting in private.

2. Chairperson's Opening Remarks

The Chairperson updated Members in relation to her attendance at the Garda Representative Association conference that had taken place on 23 April and provided an overview of her engagements at the conference. Members discussed generally the current mechanisms in place for engagement with representative bodies by the Authority. The nature and extent of current engagement on substantive issues at Executive level was considered and the benefits arising were noted.

Members were provided with a detailed overview of matters discussed with the Commissioner as part of the preparatory meeting that had taken place with him on 15 April.

The Chairperson apprised Members of a number of matters that had been the subject of discussion at a meeting held with senior officials in the Department of Justice on 17 April, which both she and the Chief Executive had attended.

The meeting agenda was approved, as drafted. No conflicts of interest were declared by the Members in relation to any of the items for consideration.

Members noted a number of pieces of correspondence including:

- A letter to the Minister for Justice reporting on the Authority's oversight of the implementation, by the Garda Síochána, of recommendations contained in the Garda Inspectorate Report 'Responding to Child Sexual Abuse'. Members noted that the Chief

Executive had advised the Department of Justice of the Authority's intention to issue a publication of its oversight in this area in 2023. Members further noted that this oversight report was scheduled for publication on 25 April.

- A letter from the Commissioner regarding the criminal use of a firearm that had previously been seized by the Garda Síochána. Members noted that the matter was under investigation and the Commissioner's commitment to apprise the Authority of any significant developments. It was agreed that a number of issues arising from the correspondence would be raised with the Commissioner in part b of the meeting.
- A redacted report of a Board of Inquiry, established further to the Garda Síochána Discipline Regulations.
Members noted that the provision of updated information in relation to Appeals Boards determinations on recommendations of the Commissioner in respect of suspension or dismissal of Garda members was still awaited.
- A letter from the Chief Executive to the Commissioner regarding human rights advice received by the Garda Síochána on the use of anti-spit hoods. Members noted the request for the Commissioner to provide credible assurance for the Authority and the public that the use of anti-spit hoods and associated policies, procedures and training provided to members all comply with human rights standards on the use of force. The Chief Executive advised that she had been in contact with the Executive Director, Legal and Compliance on the matter.
- A Letter to the Justice Minister regarding the Policing Authority's Assessment of Policing Performance 2023. The Chief Executive advised that the report had been published on 23 April. The proximity of the publication dates for two significant reports of the Authority was considered. While noting the rationale for the decision, it was agreed that there would be merit in reflection on the matter, from a strategic communications perspective.

3. Consent Agenda Items

3.1. Minutes of Meeting and Matters Arising

The minutes of the previous meeting held on 28 March 2024 were approved and cleared for publication. Members noted that a date was being sought to receive a briefing from Assistant Commissioner, Security and Intelligence.

3.2. Policing Authority and Garda Síochána Actions Logs

The Log of Actions was noted and proposals to close a number of actions were approved. Members considered and agreed that the Garda Síochána to provide clarity on the extent to which Public Order Policing guidance had been human rights proofed should remain open. Members noted that the Garda Síochána action to include thematic categories regarding reasons for the suspension of garda members in future monthly reports to the Authority remained outstanding. It was agreed that the matter would be raised with the Commissioner in part b of the meeting.

4. Chief Executive's Report

The Chief Executive's report was taken as read and further updates were provided to Members on a number of matters in the context of the report, including in relation to:

- A meeting that had taken place with the Garda Síochána's Executive Director Legal and Compliance and members of the Human Rights Unit on 17 April, to discuss progress against the Human Rights Strategy and measures to embed human rights in the organisation. Members were advised that consideration was being given to the development of a new strategy and that the approach to consultation on this had been discussed at the meeting.
- An introductory meeting that had taken place with the newly appointed Chief Corporate Officer (CCO) in the Garda Síochána. Members were apprised of a number of matters discussed at the meeting, including in relation to the capacity for information and technology to enhance the enabling functions. Members also noted the CCO's wish to give further consideration to the Garda Síochána's People Strategy, prior to its consideration by the Authority. A revised organisation chart for the Garda Síochána was provided which reflects changes to reporting structures as a result of the arrival of the CCO and the retirement of DC McMahon.

The Authority considered and approved a proposal to make payment to the University of Limerick of the annual board fee, ordinarily payable to one of the members of the Authority save for the provisions of One Person One Salary. The Authority was satisfied that such an action was appropriate having regard to the extensive statutory functions and responsibilities giving rise to a considerable time commitment associated with being a Member of the Authority. It was agreed that the Chief Executive would engage further with the University of Limerick on the matter.

<i>Action Number</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_136_01	Engage with the University of Limerick regarding fee payment arrangements.	ASAP	Chief Executive

5. Committee Updates

5.1 Garda Appointments Quality Assurance and Selection Governance Committee

The Committee had not met since the last meeting of the Authority.

5.2 Garda Organisation Development Committee

The Committee Chairperson provided Members with an update in relation to the meeting that had taken place on 17 April, advising that it had been a single item agenda on Garda Síochána finance. Members noted that the meeting had been productive and that there was common understanding of the current challenges to the generation of financial information to support decision making by the Garda Senior Leadership Team, and desired outcomes in relation to the capacity and effective operation of the finance function. Members considered the levels of consistent financial planning

detail available at local and national level within the Garda Síochána and the resources and governance required for effective performance.

5.3 Policing Strategy and Performance Committee

The Committee had not met since the last meeting of the Authority

5.4 Audit and Risk Committee

The Committee had not met since the last meeting of the Authority

6. Risk Management Report

Members considered the monthly risk report, provided in accordance with the Authority’s risk management policy, noting that no significant new risks had been identified since the last Authority meeting. Members noted that the Register was under review in terms of risk owners, deadlines and mitigations and that an updated Risk register would be circulated at the May meeting.

7. Appointments

Members considered and approved a request received from the Garda Síochána for an additional Principal Officer position, Head of Data Science and Investigative Analytics in the Garda Síochána. Members authorised the Chief Executive to seek the consent of the Minister for Justice and the Minister for Public Expenditure, National Development Plan Delivery and Reform, to the approval by the Authority of the position.

Members considered and approved a request for an additional Principal Officer position, Head of Garda National Wellbeing Office, in the Garda Síochána. Members authorised the Chief Executive to seek the consent of the Minister for Justice and the Minister for Public Expenditure, National Development Plan Delivery and Reform, to the approval by the Authority of the position.

The Chief Executive updated members in relation to a further meeting that had taken place with the Department of Justice, the Public Appointments Service and the Garda Síochána in relation to the competition process to fill a vacancy at the rank of Deputy Commissioner. Members were provided with an overview of the competition process and were advised that the implications of the commencement date for the Policing, Security and Community Safety Act Commencement on the competition process had been highlighted at the meeting. Members noted that this matter was being considered by the Department of Justice.

Action Number	Action point	By Date	By Whom
A_136_02	Seek the consent of the Minister for Justice and the Minister for Public Expenditure, National Development Plan Delivery and Reform, to the approval by the Authority of a Principal Officer, Head of Data Science and Investigative Analytics, in the Garda Síochána.	ASAP	Chief Executive

Action Number	Action point	By Date	By Whom
A_136_03	Seek the consent of the Minister for Justice and the Minister for Public Expenditure, National Development Plan Delivery and Reform, to the approval by the Authority of a Principal Officer, Head of Garda National Wellbeing Office, in the Garda Síochána.	ASAP	Chief Executive

8. Policing, Security and Community Safety Act-Implementation Update

Members noted the update provided in relation to the implementation of the Policing, Security and Community Safety Act. Members were advised that the Expressions of Interest process for the Chairperson and ordinary members of the Policing and Community Safety Authority (PCSA) had concluded and were provided with an overview of the process for selection and the likely timeframe for its conclusion. Members were also advised that a response to a proposed name and branding for the PCSA was awaited from the Department of Justice.

The Chief Executive apprised Members of the most recent engagement with the OPW in respect of additional accommodation needs for the PCSA and associated budget implications. It was agreed that it would be important to obtain further detailed costings in relation to any proposed fit-out or building works, should they be required.

Members were advised that the confirmation had been received in relation to the proposed budget for the PCSA in year 1 of establishment. Areas of one-off expenditure associated with transition and establishment were considered by the Members.

9. Body Worn Camera Consultation

Members considered a draft Code of Practice for Body Worn Cameras (BWCs), issued for consultation by the Garda Síochána as part of a process for the operation of BWCs as part of a Proof of Concept exercise within five stations across four garda divisions. As part of its considerations, Members also had regard to its previous stated concerns and suggestions on the substantive aspects of the Garda Síochána (Recording Devices) Act, which had been discussed in detail at the 29 February meeting of the Authority and had been the subject of engagement with the Commissioner in public.

Members considered the most appropriate approach to the provision of feedback to the consultation process, having regard to the template provided. Members had a detailed and wide-ranging discussion in relation to the Authority's proposed response including in relation to:

- The need to have public articulation by the Garda Síochána of a set of overarching principles that are device neutral and that will apply irrespective of the individual characteristics of each new technology as it is introduced.
- The capacity for the proof of concept phase to inform the organisation and obtain feedback from frontline members as to the usefulness and practical applicability of the draft Code of Practice.

- The desirability of having a ‘user guide’ both for garda members and for members of the public, in addition to the detailed Code of Practice.
- The need for the draft Code to be re-structured to provide greater clarity in respect of principles and practice, including the desirability of having an overarching set of device neutral principles as discussed earlier, supplemented with specific guidance and principles in relation to the use of particular devices and technologies, as appropriate.
- The lack of centrality of the Policing Authority Code of Ethics for the Garda Síochána in the draft Code.
- The requirement for greater clarity in relation to systems for monitoring compliance with the Code’s requirements for the use of BWCs.
- The extent to which the human rights impact assessment conducted further to the requirements of the Garda Síochána (Recording Devices Act) had been reflected in the draft Code of Practice. Members agreed that it was very useful to have had sight of the assessment as part of the consultation process.
- Data retention and access to footage, including a consideration of the underpinning rationale for the proposed retention timeframe.

In concluding its discussions, Members noted that while the draft Code of Practice contained very useful information, it believes that from both an oversight and public confidence point of view, it is important that there is a short and clear articulation and understanding of the Garda Síochána’s commitments to the public. These commitments need to transparently set out the parameters as to how these technologies will be used and governed and should be easily and quickly understood by garda members using the technology in practice and by the general public who may be subject to their use.

Members also acknowledged that BWCs would often require to be deployed in violent or stressful situations. In that regard Members expressed the view that training, support and guidance for members would be an important facet of the proof of concept phase. It was agreed that feedback would be provided to the consultation process to reflect the Authority’s discussions.

<i>Action Number</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_136_04	Provide feedback to the Garda Síochána in relation to the draft Code of Practice for Body Worn Cameras Proof of Concept.	ASAP	AGS

10. PSCS Act Implementation: Consultation on draft regulations

Members considered new draft Conduct Regulations and draft Standards of Professional Behaviour Regulations, as provided for under the Policing Security and Community Safety Act that had been circulated for consultation by the Department of Justice. Members noted that a further set of draft Performance Regulations were still under development by the Department and as such, any observations made at this juncture would be provisional, subject to seeing how the three sets of regulations intersect with each other.

Members considered and agreed a number of key areas for feedback, in addition to identifying areas of potential risk in giving operational effect to the regulations, as drafted. Members also considered the extent to which various aspects of the draft regulations were grounded in principles of independence, impartiality, transparency, consistency, fairness and the public interest. The extent to which the draft regulations were comparable with other jurisdictions or other bodies was also discussed.

Following discussion, it was agreed that a consultation response reflecting the points raised would be provided to the Department of Justice and reserving the Authority’s position, subject to consideration of the draft Performance Regulations.

<i>Action Number</i>	<i>Action point</i>	<i>By Date</i>	<i>By Whom</i>
A_136_05	Respond to the Department of Justice consultation on the draft Conduct and draft Standards of Professional Behaviour Regulations 2024.	ASAP	Chief Executive.

11. Preparation for meeting with Garda Commissioner

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

Other Business

The Chairperson wished staff member Mark Nother well in his new role in the Department of Education and conveyed the Authority’s appreciation to him for his dedication and commitment to the work of policing oversight and his work in support of the Authority.

Documents for Noting by the Authority – April 2024

There were no documents for noting by the Authority.

Part B – Authority Meeting with the Garda Commissioner in private

Attendance

Authority and Executive: Elaine Byrne (Chairperson), Deborah Donnelly, Anthony Harbinson, Paul Mageean, Jane Mulcahy, Donal de Buitléir
Aoife Clabby (Secretary), Helen Hall (Chief Executive), Margaret Tumelty, John Gallagher.

Garda Síochána: Drew Harris (Commissioner), Shawna Coxon (Deputy Commissioner), Siobhán Toale (Chief Corporate Officer), Jonathon Roberts (Assistant Commissioner), Yvonne Cooke (Acting Executive Director), Niamh O’ Hara, Assistant Principal, PALO

At the outset of the meeting, the Commissioner provided Members with an overview of operational policing and organisational matters discussed at his recent meetings with the Taoiseach and the Minister for Justice.

12. PSCS Bill Implementation Update

Members engaged with the senior garda leadership in relation to their assessment of the organisation’s level of preparedness and capacity, to give operational effect to the PSCS Act. Members discussed the status of consultation and engagement on the draft regulations. Members were advised that work on terms and conditions for new garda staff was progressing. Members noted the status of the process to appoint a new Garda Board and the associated timeframes for completion and announcement of the outcomes of the process.

13. Garda Síochána People Strategy

Members engaged with the Commissioner and his senior colleagues with regard to progress on the Garda Síochána People Strategy. Senior garda representatives provided Members with an overview of work to progress the strategy’s development and the revised timelines for its consideration by the garda senior leadership team and subsequent submission to the Authority. It was noted that the scope of the strategy had evolved significantly since the Authority’s last substantive engagement on the matter and it was agreed that there would be value in have an in-depth engagement on the strategy at a future OD Committee. Members were then provided with a detailed overview of the key components of the new strategy and it was proposed that a further briefing would be provided to members in late quarter 3.

Action Number	Action point	By Date	By Whom
A_136_06	Table the Garda Síochána People Strategy for consideration at a future OD Committee meeting in Q3	ASAP	Chief Executive

Other Business

Members engaged with the Commissioner in relation to a number of matters, arising from the Authority's meetings held with stakeholders and garda divisional representatives in Limerick. In particular, the perceived value among stakeholders of community policing was emphasised and Members sought the Commissioner's insight into how community policing could be prioritised in the context of increased demand for service. The Commissioner outlined the core drivers of service demand, acknowledging that these will typically outstrip available resources, but that the introduction of systems such as RDMS and GardaSAFE will provide greater visibility in respect of resources and the capacity to deploy them. The Commissioner highlighted the ways in which community policing can be delivered by different parts of the organisation in addition to the work of dedicated community gardaí. He also highlighted the value that the organisation places on its relationship with communities and the public generally.

Members discussed the process for requesting additional personnel at divisional level with the Commissioner, including the manner in which business cases are centrally considered and the mechanisms for communicating the decisions made in relation to such cases. The Commissioner noted a number of factors influencing the decision making process.

Members discussed with the Commissioner the criminal use of a firearm that had previously been seized by the Garda Síochána in the context of his correspondence on the matter. Members discussed matters relating to the property and exhibit management and storage (PEMS) system generally with the Commissioner and sought his assessment of challenges and risk pertaining to the current system. Members noted the joint work ongoing with the Garda Inspectorate on a post-implementation review of a recommendation related to the storage of drugs. It was agreed that PEMS would be tabled for discussion in public, once the report arising from the joint work had been considered by the Authority. The Commissioner also advised Members that he would correspond further in relation to seized drugs that had been removed from Carlow Garda station.

Members discussed the verdict of unlawful killing that had been returned at inquests into the deaths of 48 people who died in the 1981 fire at the Stardust nightclub in Dublin with the Commissioner. The Commissioner outlined the work to review files previously submitted by the Garda Síochána to the Director of Public Prosecutions, and the directions received from the Director of Public Prosecutions in light of the recent verdict. The Commissioner also advised Members that a Memorandum of Understanding had recently been signed with the Coroners Society of Ireland and undertook to provide a copy to the Authority.

Action Number	Action point	By Date	By Whom
A_136_07	Commissioner to correspond further with the Authority in relation to seized drugs removed from Carlow Garda station.	ASAP	Garda Síochána
A_136_08	Provide the Authority with a copy of the Memorandum of Understanding signed with the Coroners Society of Ireland.	ASAP	Chief Executive

Part C– Meeting with the Garda Commissioner (in public) 15.00-17.00

Attendance

Authority and Executive: Elaine Byrne (Chairperson), Helen Hall (Chief Executive), Donal de Buitleir, Anthony Harbinson, Jane Mulcahy. Paul Mageean.

Garda Síochána: Drew Harris (Commissioner), Shawna Coxon (Deputy Commissioner), Paula Hilman (Assistant Commissioner), Jonathan Roberts (Assistant Commissioner), Siobhan Toale (Chief Corporate Officer), Fintan Brady (Head of ICT Infrastructure), Derek Smart, (Chief Superintendent), Colm Noonan, (Chief Superintendent), Sean Colleran, (Chief Superintendent).

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 <https://www.policingauthority.ie/en/authority-meetings>

At the outset of the meeting the Authority engaged with the Commissioner in relation to criticism in the media of garda action surrounding protests at the homes of politicians. The Commissioner set out the circumstances surrounding recent protest activity and the consequent requirement for gardaí to adapt their approach and response. The Commissioner also noted that Irish law in the area of public order is clear in terms of how it should be implemented by garda members. However, arising recent criticism the Commissioner advised that a review had been requested of other common law jurisdictions which might have a different set of criminal law available and to consider its potential applicability in an Irish context.

The Authority also engaged with the Commissioner regarding the implications that the Stardust inquiry findings will have on the Garda Síochána in terms of the potential for a new criminal investigation. It was noted that the report of the Coroner was expected in the coming weeks.

The following matters were then discussed during the meeting:

Item Number	Agenda Item	Principal matters discussed
14	Local Policing Challenges	<ul style="list-style-type: none">• Discussion in relation to inconsistencies regarding the handling of domestic violence orders, and the knowledge of serving such orders and the extent of training provided for garda members.• Consideration of the positive relationship with the traveller community in Limerick, particularly in Rathkeale and how this might be replicated in the context of a sometimes challenging relationship with traveller communities across other divisions. The capacity for the Garda National Community Engagement Bureau to have a role in this regard was discussed.• Engagement on the reduction in numbers in community policing and the underpinning rationale, in the context of the perceived vital role

Item Number	Agenda Item	Principal matters discussed
		<p>of the community policing model among communities and the public generally.</p> <p>Discussion in relation to overall resourcing situation in the organisation and the extent of challenge in responding to demands for service.</p> <ul style="list-style-type: none"> • Discussion in relation to management information systems and their capacity to track demand and inform resource allocation. • Engagement on the advantages accruing from the introduction of the Operating Model to the Limerick division and the challenges faced from a resourcing perspective.
15	<p>Progress in Responding to the Crime of Child Sexual Abuse</p>	<ul style="list-style-type: none"> • Consideration of progress made by the Garda Síochána in responding to and investigating child sexual abuse and child sexual exploitation cases. • Discussion regarding initiatives to combat and minimise the exposure of garda staff to the material involved in online abuse and exploitation cases and to support their well-being. • Engagement on the prevalence of child sexual abuse and sexual exploitation and the impact of the recent decision to increase resources within the Nation Bureau on the capacity to respond to these cases. • Discussion regarding specialist child interviewers, and concerns surrounding delays that have been experienced in child victims being interviewed and measures being adopted to address the shortfall. • The benefits of the Barnahus model in engaging with child victims on a holistic, inter-agency basis with a view to minimising re-trauma. The rollout of the two new Barnahus centres was also discussed, including the role of the Garda Síochána in the process. • Consideration given to the extent of inter-agency working in the area of child sexual abuse, including benefits realised and areas requiring further improvement, in particular processes around child notifications. • Discussion on the prevalence of online abuse or exploitation of a child that in most cases is happening in close proximity to a parent or guardian the important role for parents and guardians in being aware and engaging with children on the matter. • Engagement on vulnerable children in the care of the state, and the work that is being carried out to eliminate the danger faced by these children.

16	National Policing Performance	<p>a) Policing Plan Quarter 1 Report</p> <ul style="list-style-type: none"> It was noted that the Quarter 1 performance report was not yet available, and that this agenda item would be discussed at the next Policing Strategy and Performance Committee.
	Garda SAFE implementation update	<p>b) Garda SAFE implementation update</p> <ul style="list-style-type: none"> Discussion regarding the primary benefits accruing from the introduction of GardaSAFE, including service delivery to the public, and its primary benefits were outlined. The types of information and data the system is able to provide were outlined, in addition to the areas of performance the system is able to target in on and improve. Consideration was given to whether the system allows the public to have a better understanding of how the organisation operates, and therefore has a sense of why they should call 999 as opposed to their local garda station.
	National Detections Improvement Plan	<p>c) National Detections Improvement Plan</p> <ul style="list-style-type: none"> An outline was given on what the aim of the National Detections Improvement Plan is, and what the key actions being taken are in order to make such improvements. Consideration was given to how prioritisation is approached in terms of crime types, regions, etc.
	Roads Policing	<p>d) Roads Policing</p> <ul style="list-style-type: none"> Discussion was had on how the requirement for uniformed gardaí to spend a minimum of 30 minutes per shift on policing the roads will work. The intended plans for how to evaluate the impact of this initiative were also outlined. Engagement was had on what measures still need to be taken in order to make further progress in relation to roads policing. Consideration was given to the work being carried out in partnership with other agencies. An outline was given of the four key events within the first quarter of the year that were significant in terms of roads policing, such as St Bridget's weekend, St Patrick's weekend, Easter, and the Go Slow Day.
17	Conduct and Discipline	<ul style="list-style-type: none"> Engagement was had on suspensions, and the types of behaviours that lead to the suspension of garda members. Discussion regard 26 cases open since 2020, and main reasons for the delay in these cases coming to a conclusion. The value of the three -monthly review of cases was outlined. Consideration was given to the suitability of all members in general to be in the service, and the ethical climate of the Garda Síochána. Discussion in relation to the impact of the CAD999 review, and the possible over correction of call cancelling. Consideration given to the changes the Commissioner would like to make to the current Conduct and Discipline regulations. Concerns around a number of serving members were also discussed.

		<ul style="list-style-type: none">• Discussion in relation to the number of garda members the Commissioner has recommended for dismissal at the appeals boards.
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