

DÁIL ÉIREANN

AN COISTE UM CHUNTAIS PHOIBLÍ

COMMITTEE OF PUBLIC ACCOUNTS

Déardaoin, 7 Aibreán 2022

Thursday, 7 April 2022

The Committee met at 9.30 a.m.

MEMBERS PRESENT:

Deputy Colm Burke,	Deputy Paul McAuliffe,
Deputy Matt Carthy,	Deputy Imelda Munster,
Deputy Cormac Devlin,	Deputy Catherine Murphy,
Deputy Alan Dillon,	Deputy James O'Connor,
Deputy Neasa Hourigan,	Deputy Sean Sherlock.

DEPUTY BRIAN STANLEY IN THE CHAIR.

Mr. Seamus McCarthy (*An tArd Reachtaire Cuntas agus Ciste*) called and examined.

2020 Report of the Comptroller and Auditor General and Appropriation Accounts

Garda Síochána Ombudsman Commission

Mr. Justice Rory MacCabe (*Chairperson of the Garda Síochána Ombudsman Commission*) called and examined.

Chairman: I welcome everyone to the meeting. No apologies have been received. In order to limit the risk of spreading Covid-19, I ask that all those in attendance wear face coverings if not engaging with the committee. The service requests people to continue to wear face coverings when moving around the campus or when in close proximity to others and to be respectful of other people's physical space. I ask people to adhere to any other public health advice.

Members of the committee attending remotely must continue to do so from within the precincts of the Parliament. This is due to the constitutional requirement that, in order to participate in public meetings, members must be physically present within the confines of Leinster House.

The Comptroller and Auditor General, Mr. Seamus McCarthy, is a permanent witness to the committee.

This morning we will engage with officials from the Garda Síochána Ombudsman Commission, GSOC, to examine its 2020 financial statements. The meeting will be suspended for an hour at 12.30 p.m. When we resume at 1.30 p.m., we will engage with the Policing Authority to examine the appropriation account for Vote 41 for 2020.

We are joined in the committee room this morning by the following officials from GSOC: Mr. Justice Rory MacCabe, chairperson; Mr. Hugh Hume, commissioner; Ms Emily Logan, commissioner, who has been here many times previously in a different role; and Ms Aileen Healy, director of administration.

When we begin to engage, I ask those who are attending remotely to put their microphones on mute when not contributing so that we do not pick up any background noise or feedback. As usual, I remind all those in attendance to ensure their mobile phones are on silent mode or switched off.

Before we start, I wish to explain some limitations to parliamentary privilege and the practice of the Houses as regards reference witnesses may make to other persons in their evidence. As the witnesses are within the precincts of Leinster House, they are protected by absolute privilege in respect of the presentation they make to the committee. This means that they have an absolute defence against any defamation action for anything they say at the meeting. However, they are expected not to abuse this privilege and it is my duty, as Cathaoirleach, to ensure that this privilege is not abused. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction.

Members are reminded of the provisions within Standing Order 218 that the committee shall refrain from inquiring into the merits of a policy or policies of the Government, or a Minister of the Government or the merits of the objectives of such policies. Members are also reminded of the long-standing parliamentary practice that they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

Mr. Justice MacCabe is very welcome. As detailed in the letter of invitation, he will have five minutes for his opening statement. Lean ar aghaidh.

Mr. Justice Rory MacCabe: I understand the Comptroller and Auditor General may want to speak first.

Chairman: I apologise. I call the Comptroller and Auditor General.

Mr. Seamus McCarthy: GSOC was established under the Garda Síochána Act 2005. As members are aware, the main functions of the commission are to investigate complaints concerning Garda conduct and incidents where it appears that Garda conduct may have resulted in death or serious harm to a person. The commission can also investigate matters relating to Garda conduct when it is in the public interest, even if a complaint has not been received.

The Commission is structured as a non-commercial State body. The commission prepares accruals-based annual financial statements. These are presented together with a governance statement and statement on internal control, as required under the Department of Public Expenditure and Reform code of practice for the governance of State bodies. The commission operates under the aegis of the Department for Justice and its income is derived from the justice Vote. The commission's income in 2020 was €11.3 million, while its expenditure was slightly higher at €11.4 million. Two thirds of the expenditure relates to staff costs and the commission had 127 employees at the end of 2020. The bulk of the other expenditure comprises almost €1.7 million related to rent, upkeep and overheads of premises, and €1.4 million in general expenses, much of which relates to information technology costs. I am glad to report that I issued a clear audit opinion on the 2020 financial statements.

Chairman: I thank Mr. McCarthy. I now ask Mr. Justice MacCabe to make his opening statement.

Mr. Justice Rory MacCabe: I thank the Chairman and members of the committee. This is the first occasion that GSOC has had the opportunity to address this committee. I am accompanied by Hugh Hume and Emily Logan, commissioners., and Ms Aileen Healy, GSOC's director of administration. There are additional members of the staff of GSOC also in attendance as observers. Commissioner Hume has a background in policing at a senior level in the Police Service of Northern Ireland, PSNI, and also served as deputy chief inspector in the Garda Inspectorate. Commissioner Logan was Ireland's first Ombudsman for Children and also served as the first Chief Commissioner of the Irish Human Rights and Equality Commission.

GSOC was established under the 2005 Act and commenced operations in 2007 to provide independent oversight of policing in Ireland. It is a vital interface between the people and An Garda Síochána. Our work is challenging and results depend on the skill and dedication of our staff, each of whom carries a heavy caseload.

GSOC operates seven days a week and 24 hours a day. We deal with complaints from the public concerning the conduct of members of An Garda Síochána, whether criminal or disci-

plinary. We conduct investigations into matters referred to us by An Garda Síochána, the Minister for Justice and the Policing Authority, as well as into matters we judge to be in the public interest to investigate. We make recommendations arising from the results of our investigations. We do not conduct prosecutions, which are a matter for the Director of Public Prosecutions, nor do we or impose or enforce disciplinary sanctions, which are for An Garda Síochána, following the recommendations we make.

GSOC's budget allocation for 2021 was €11.272 million. This paid the salaries and covered the normal day-to-day running costs of the organisation. We have a staff of 135 at present. Our headquarters are in Dublin and we have offices in Cork and Longford. In the course of the year, GSOC sought and received an additional allocation of €300,000 to cover unanticipated additional costs relating to a number of particularly complex investigations that require intensive and extensive resources.

There has been a notable increase in the volume and complexity of our cases year on year. In 2021, there was a 12 % increase in complaints received and a 40% increase in statutory referrals from An Garda Síochána where death or serious injury occurred. It is to the credit of the staff that last year saw a 21% increase in the number of cases that were closed, even in the face of the pandemic, the increase in complaints and referrals, and the loss of some key personnel.

By their very nature, some investigations are straightforward and others are not. Some can be dealt with quickly and others require a commitment in terms of staff, resources and time that we know can be frustrating for all concerned. This is understandable from the point of view of complainants, who are anxious as to the outcome, and members of An Garda Síochána whose careers can be, in effect, on the line.

GSOC is bound by the principle of due process and human rights legislation. These apply to complainants and those we investigate so we cannot and should not prioritise speed at the expense of rigour in completing our investigations.

Some of the challenges we face arise from the mandate under which we operate. This is likely to change by dint of the broad reforms proposed in the Policing, Security and Community Safety Bill. Another related challenge is resourcing. When I came to this job in January, I took the opportunity to be briefed on staffing, resources and on the details of all cases so that I could be sure that cases were being given proper priority. We have engaged with our teams in Dublin, Longford and Cork. As a commission, we took the opportunity to visit our teams on the ground in Longford and Cork. It was apparent that our staffing complement, particularly our complement of investigative staff, falls well short of what is required. High caseloads and staff turnover, including loss of experienced staff due to retirement or normal civil service mobility, have made this worse.

We secured additional funding in 2022 and this will allow us to recruit some additional staff. I sought immediate approval to recruit 22 additional staff and this was granted by the Department of Justice without hesitation. Recruitment is, however, not a fast process, particularly with such a range of regulatory organisations fishing in the same pool as we do. All our staff require special skills to investigate and analyse complaints of negligence or wrongdoing.

The Policing, Security and Community Safety Bill proposes sweeping changes in the law and will change the composition and mandate of GSOC. The commission will have additional powers and functions, which will, by definition, involve more work and more staff if that work is to be carried out properly. It is my belief that the Department and the Minister are alert to the

ongoing resource issues faced by GSOC and will support us. We welcome this draft legislation. It fills a clearly defined and long-signalled gap in Ireland's policing accountability.

My responsibility, working with my commission colleagues and staff, is to oversee the work of GSOC and the transition to whatever new organisational structure is mandated by the committee members and their Oireachtas colleagues. I hope that when they do this, they will be mindful that nothing as complex as investigating wrongdoing in the modern world we inhabit comes cheap. I hope the committee also recognises the service the staff give and the importance of the work they do.

Chairman: I thank Mr. Justice MacCabe. The lead speaker for the committee is Deputy Munster, who has 15 minutes. Everyone else will have ten minutes.

Deputy Imelda Munster: I wish everybody a good morning. How many complaint investigators are serving gardaí? How many are retired gardaí? How many are non-Garda members of the commission's staff? Has Mr. Justice MacCabe a breakdown of that?

Mr. Justice Rory MacCabe: None of our investigators are serving gardaí. I know that seven are retired gardaí and another retired member will join next week.

Deputy Imelda Munster: Are the rest of the investigators staff members of the commission?

Mr. Justice Rory MacCabe: The rest are ordinary, recruited civil servants. All the staff of GSOC are civil servants who have been recruited by a public competition through the Public Appointments Service.

Deputy Imelda Munster: The number of complaints to GSOC has risen by more than 25% since 2019. What was the number of complaints in the first quarter of 2020? What change would the witnesses estimate that represents year on year?

Mr. Justice Rory MacCabe: The Deputy will understand that my mandate arose in January. My two fellow commissioners have been in office much longer and have much more experience.

Deputy Imelda Munster: That is fine.

Mr. Justice Rory MacCabe: If it is okay, I will be asking them to come in from time to time.

Deputy Imelda Munster: That is fine.

Mr. Justice Rory MacCabe: I hope they will be in a position to give the committee more accurate figures than I am at this stage.

Mr. Hugh Hume: Will the Deputy repeat the first part of her question?

Deputy Imelda Munster: The number of complaints to GSOC has risen by more than 25% since 2019. What was the number of complaints in the first quarter of 2020? What change does that represent year on year?

Mr. Hugh Hume: I am not sure I can answer the Deputy's question by quarter. At the end of the last year, complaints had risen by an additional 12%. Some 2,189 complaints were received by the end of 2021. That is a continuous increase, year on year, of approximately 12%.

Deputy Imelda Munster: That 12% increase is continuing, year on year.

Mr. Hugh Hume: It is in and around that figure, yes.

Deputy Imelda Munster: How is that increase represented in the context of inadmissible, unsupervised and supervised cases? Would the increase be weighted in any regard?

Mr. Hugh Hume: It is fairly standard across the spectrum of complaints. In 2021, there were 2,189 complaints, of which 858 were deemed inadmissible, with 1,332 admitted into the organisation. I think the committee previously had some correspondence from Ms Justice Ring that referred to a figure of around 40% for unsupervised complaints in previous years. That figure would be roughly similar for this year. In the year 2021, 523 complaints were dealt with as unsupervised investigations. Those represented about 40% of the total number of complaints.

Deputy Imelda Munster: About 40% are unsupervised.

Mr. Hugh Hume: Yes.

Deputy Imelda Munster: Is that each year?

Mr. Hugh Hume: I do not have the figure per year in front of me. We can produce those figures for the Deputy if she so wishes.

Mr. Justice Rory MacCabe: Yes. We could certainly collate those figures and give them to the Deputy at a later stage.

Deputy Imelda Munster: Thank you.

How do unsupervised complaints from members of the public work? I ask from the point of view of a member of the public's concern. Maybe there is no need for concern, but I am just asking the question. Is it the case that gardaí are given a complaint and go off and investigate it but they are unsupervised by anybody? Is it they who look into the cases individually and make decisions? Is that how it works?

Mr. Hugh Hume: I will take the Deputy through the whole process and explain it. When those 1,332 complaints are admitted, we make a number of determinations as to what happens with each complaint. The first thing we do is look for criminality. GSOC retains any allegation of a criminal nature. Such allegations are never passed on to the Garda Síochána to investigate. There were about 557 such allegations last year. We retain and investigate those through to their completion.

Deputy Imelda Munster: Okay, but what about internal disciplinary matters?

Mr. Hugh Hume: There are three levels to that: unsupervised, supervised, and investigated by GSOC for discipline.

Deputy Imelda Munster: Can Mr. Hume tell me how the unsupervised one works?

Mr. Hugh Hume: We make a determination that it is appropriate for the matter to be dealt with as an unsupervised investigation. That is a lower level complaint, perhaps failure to investigate a road traffic collision with no aggravating factors. We send that to the Garda Commissioner to appoint a Garda senior investigating officer, SIO. The Garda SIO is required to conclude his or her investigation within 16 to 20 weeks. SIOs are at superintendent level and are required to conduct investigations of matters that have been presented to them and to make

determinations. They report back to GSOC on their findings, and the complainant then has an option to have that determination or the investigation reviewed by us. The Garda superintendent will then make a decision as to what sort of discipline, if any, is required.

Deputy Imelda Munster: If the complainant is not satisfied with the initial determination, it can go back to GSOC.

Mr. Hugh Hume: The complainant can seek a review from us. We are limited by legislation in how much we can deliver in that regard, but the complainant can return to us. We have considerably more control over the supervised investigations, which are also led by the Garda.

Deputy Imelda Munster: Does Mr. Hume agree with, understand or even appreciate descriptions in the media of GSOC's investigators' relationship with the Garda? It is deemed they are frustrated with the alleged lack of co-operation from officers. There were references to delays in handing over documents and making witnesses available. Does Mr. Hume accept there is merit to that?

Mr. Hugh Hume: What we certainly accept is that the new legislation is a significant step forward in giving us responsibility-----

Deputy Imelda Munster: I will come to that in a minute but, as it stands, I am saying-----

Mr. Hugh Hume: The discipline process is a very challenging one to work through. Seeking the documents and getting all the information can take time. It is not best suited in terms of our having the Garda investigate in respect of the needs of the victim, the complainant in this case. We would certainly seek a far more timely and effective way of dealing with these complaints.

Deputy Imelda Munster: What is the longest GSOC investigation ongoing?

Mr. Hugh Hume: I cannot answer that question off the top of my head. I would have to get the Deputy the answer that later.

Deputy Imelda Munster: If you could come back to me on it, I would appreciate it.

Mr. Hugh Hume: Certainly.

Deputy Imelda Munster: What is the current total number of cases that have been impacted by the industrial dispute? What percentage of cases is that over the period involved?

Mr. Hugh Hume: The dispute began on or around 4 July 2021. At that point there were 285 unsupervised investigations. At the week ending 3 April 2022, there were 354 unsupervised investigations within the Garda Síochána and 73 supervised investigations. At this stage we are not in a position to say definitively what impact that has had in terms of a delay because the SIOs have 16 to 20 weeks to investigate. Forty Garda SIOs have written to say they were unable to progress cases due to the dispute. We can say definitively that 77 unsupervised investigations and four supervised investigations were affected. However, we do not know the impact of any delay because we were not contacted in every case by the Garda SIOs to understand the delays. It will not be until these cases work through the system that we will be able to identify that delay.

Deputy Imelda Munster: For my own benefit, can Mr. Hume confirm that the crux of the current industrial relations action relates to the Garda not receiving a review of a recommended

increase in allowances for duties outside of their regular working hours?

Mr. Hugh Hume: We are not party to the-----

Mr. Justice Rory MacCabe: We are not party to that, really, and it would not be appropriate for us to comment on it one way or the other.

Deputy Imelda Munster: Do a lot of GSOC's investigations take place outside of regular working hours?

Mr. Hugh Hume: Our staff, as Mr. Justice MacCabe has said, work 24-7, so we do receive a number of call-outs and respond to critical or serious incidents outside hours, at weekends and throughout the night. I would not say that in any way the majority of those investigations are like that, but we do respond outside of hours to serious incidents and to calls for assistance from the public or referrals from the Garda Síochána.

Deputy Imelda Munster: Are a lot of GSOC's investigations that are handled by the Garda done through overtime?

Mr. Hugh Hume: We have no visibility as to how the Garda superintendents conduct these investigations.

I think my colleague, Commissioner Logan, has a comment to make.

Ms Emily Logan: I was just going to mention that protocols between the Garda Commissioner and GSOC are provided for in our current legislation. We did not and do not see ourselves as party to that dispute. In answer to the Deputy's question as to whether staff work on call, as a relatively new commissioner I would say the organisation is a very dynamic one. Our investigators do not sit beside a desk or at a desk where they do their work. They are a very active group of people. The legislative framework to which they operate is our Constitution and the European Convention on Human Rights. Regarding Commissioner Hume's comments on death, when there has been a fatality or serious harm, a group of our investigation teams go out and they are on call at any time, 24 hours a day. In fact, some of our teams have been called out on five occasions in the space of one week. They do everything from managing and preserving a scene and its forensic evidence to trying to support and interact with families who are distressed or traumatised. It is not only the investigatory nature of what we do that is important but the pieces around that too.

In response to the Deputy's original question about the public perception of GSOC, we are very sensitive to the current legislation and the perceived question as to who is carrying out investigations in the organisation. What I will say, as somebody who was an ombudsman for 12 years, is that the dynamic in GSOC is quite different. When we get to the final phase of an investigation, the commission actively participates in the direction an investigation takes. We are not sitting in some ivory tower but have very close proximity to the investigation teams. We are regularly briefed in our supervision of what is going on. We also have policies which recognise, both for ourselves and for our investigation staff, that there may be an occasion when any of us might have a conflict of interest. We have policies to support our staff in making those decisions and we ourselves make decisions where it may not be appropriate, with reference to the Deputy's earlier question, for people who may have a policing background in this jurisdiction, to be involved in certain investigations. That is given very significant consideration. The Deputy's question about the public is something that is constantly on our minds.

Deputy Imelda Munster: I thank Commissioner Logan for that. Just where the Commissioner mentioned-----

Chairman: We are down to a half minute remaining, unfortunately, so the Deputy can have one quick further question.

Deputy Imelda Munster: I will finish up by saying that the Minister had described the new proposals as the most wide-ranging and coherent reform of policing in a generation. I was surprised that the Garda Commissioner had said that that the gardaí do not seem to be in favour of the new reforms and I believe “draconian” was the word he used. What is the commission’s feeling on that?

Mr. Justice Rory MacCabe: We have made our views known on the draft legislation and while we broadly support it we have stated our interest in particular matters and these, I am sure, are being considered. I do not believe that the proposed powers are draconian but that is a matter for an Garda Síochána, and I do not wish to comment further on that.

Deputy Imelda Munster: Just very quickly, Chairman, is the commission itself in favour of carrying out unannounced inspections?

Ms Emily Logan: It might be useful to clarify that the role of GSOC is not necessarily to carry out unannounced inspections. Our role is specifically around the response to the public, to the Minister, and to the Garda Commissioner on any referrals or notifications about serious harm or death, and to investigate those complaints and those referrals. We do not, in fact, carry out any inspections.

Deputy Imelda Munster: Would Commissioner Logan be concerned with the Commissioner’s reluctance to support the new measures?

Ms Emily Logan: It is useful to say that a process has begun. The commission has met with the Commissioner, his staff and his senior leaders within the organisation. We have agreed to set up a working group where we have three representatives from the Garda Síochána Ombudsman Commission and the Commissioner has, likewise, provided people on his side to interact with us to discuss how will we implement and practically apply the legislation as it is currently drafted.

Chairman: I thank Commissioner Logan and call Deputy Hourigan now, please, and she has a ten minute slot.

Deputy Neasa Hourigan: I thank the Chairman and our witnesses this morning, and Commissioner Logan also. There are many moving parts in some of the scrutiny of this and it can be difficult to understand the pathway that we are following here. I want to ask a little bit more about GSOC’s perspective on the proposed legislation but before I do I want to understand the numbers a little bit more in 2019, 2020, and 2021. We saw a large increase in the number of queries handled but I am trying to understand this from the numbers provided to us. The way that the information was delivered to us were those complaints that were determined to be admissible or inadmissible and criminal investigations opened. It is hard for me, however, to glean from that 2021 number of 4,615 how many of those have led to a complaint being upheld and actioned or a prosecution. Is that data available?

Mr. Hugh Hume: From the 2021 figure, it would be unlikely that many of the cases would have worked their way completely through the system because of the time it takes.

Deputy Neasa Hourigan: My apologies as I do not mean to cut across Commissioner Hume but when he mentions the time that it takes, what time does it actually take?

Mr. Hugh Hume: When a complaint comes in - or would have come in in 2021 - if it is a criminal matter, the legislation requires of us that we will then conduct a full criminal investigation into the matter. If the commission, having reviewed the investigation, decides that it may amount to a crime, we will send it then to the Director of Public Prosecutions, DPP, who may or may not decide to prosecute. If that office decides to return the case to us having decided not to prosecute, because it is the Director of Public Prosecutions who prosecutes not GSOC, then we may make a decision to go on to investigate that as a discipline matter. That is part of the convoluted legislation under which we currently operate. That can-----

Deputy Neasa Hourigan: What is the average time that would take?

Mr. Justice Rory MacCabe: It is not a calculation that we would have to hand but we can have that calculation made.

Deputy Neasa Hourigan: I suspect that our witnesses could probably provide a ballpark figure for me. Are we talking six months, 12 months, 18 months or perhaps 24 months?

Mr. Hugh Hume: Our most recent figures show that in 2021, the median time for closure of a complaint of criminal investigation was 311 days. An unsupervised discipline matter investigated by an Garda Síochána was 199 days.

Deputy Neasa Hourigan: When Commissioner Hume says “days”, does he mean working days?

Mr. Hugh Hume: Just days.

Deputy Neasa Hourigan: That is important.

Mr. Hugh Hume: For a disciplinary investigation by an Garda Síochána which is supervised by us, it is 288 days, and for GSOC-led discipline investigations, it is 265 days.

Deputy Neasa Hourigan: I thank Commissioner Hume for those numbers, but within them, I still cannot tell how many complaints were upheld or resulted in a prosecution, as it refers to the ones that were actioned or, shall we say, closed.

Mr. Hugh Hume: They were the ones that were brought in and worked through the system, investigated and then closed. Some would have been discipline, some would have been criminal and some would have been closed without sanction. The Deputy is quite correct in that.

Deputy Neasa Hourigan: Does that data exist somewhere? Would the Minister for Justice, for example, have that data?

Mr. Hugh Hume: We probably have it within our wider system and we could look to see if we could extract that for the Deputy.

Deputy Neasa Hourigan: The point I am making is that for somebody like me coming from the outside and looking at a large increase from 2020 to 2021, I am trying to understand if that is something to do with the relationship of An Garda Síochána with the community or is there some sort of operational issue here? Without knowing how many complaints were actioned and then upheld, or resulted in a prosecution, it is very hard to glean what that informa-

tion in fact means.

Ms Emily Logan: I would just say to the Deputy that we are trying very hard to improve our data. The Deputy will see in our annual report which has just been submitted that there are 60 cases that have been upheld in respect of discipline and we have seven cases where the DPP gave us a direction to prosecute, following a criminal investigation.

Deputy Neasa Hourigan: Out of how many cases and for what year do those figures relate?

Ms Emily Logan: My apologies, but I am trying to explain as I feel that we are not giving the Deputy a specific answer. We are trying very hard and the Deputy will see in our next annual report, that has just been submitted to the Minister and which is just about to be laid before the Houses of the Oireachtas, more definitive statistics on the questions the Deputy is asking.

Deputy Neasa Hourigan: I would hope to glean from these figures when going through them if, for example, referrals to GSOC under section 102 of the Act were considered to have been upheld or actioned? They may be the investigations that were opened in the public interest and if we add in some of those numbers, we are still looking at very low levels of complaints being upheld. If one adds them up, it is less than 1% in some cases.

Ms Emily Logan: Perhaps it might be useful to place what we do in the context of the other eight ombudsman or regulatory institutions in this jurisdiction. Generally, what happens is that between 3% to 5% of all the complaints end up being investigated. What we are clearly not giving the Deputy, and what we are trying to improve-----

Deputy Neasa Hourigan: That a very interesting number. Let us take 2020 and use those numbers. Of the 3,908 complaints, about 5% of those would have been investigated fully.

Ms Emily Logan: Generally, a comparative figure would usually be somewhere between 3% to 5%.

Deputy Neasa Hourigan: In the case of the rest of these, are they held to be inadmissible?

Ms Emily Logan: Some of them can be inadmissible.

Mr. Hugh Hume: I think my colleague is talking about ombudsmen in Ireland rather than GSOC specifically.

Deputy Neasa Hourigan: I take that point but I presume the witnesses are raising the point because they consider GSOC to be in line with that standard.

Ms Emily Logan: As a complaints body that is receiving complaints from the public it is generally understood that not every complaint will reach a threshold for a full investigation after examination by our casework team for a variety of reasons.

Deputy Neasa Hourigan: I have used up all my time on the data issue but the inclusion of that kind of information in the next report would be important, particularly in light of the fact that submissions have increased. I want to turn to the new powers that are proposed. I am particularly interested in moving away from the requirement for a specific complaint. I want to get the witnesses' perspective. Where there were concerns more generally and where there was not a specific complaint, does GSOC envisage that as a matter for a particular station or area? What would those powers mean for GSOC?

Ms Emily Logan: There are two things that stand out and that have been in the political domain. First is the pathway of the complaints and the legislation will simplify that. We have to make a decision when a complaint comes in on whether it is a civil or a criminal matter. Let us take, for instance, Mr. Hume's comments on a criminal matter. We undertake an investigation, we make a decision as a commission and it goes to the DPP. The DPP returns it to us, we have to wait for that decision about whether to prosecute and only then can we sequence a disciplinary investigation if it is required. The Deputy can see how extended that pathway and investigation are. The new legislation allows us to examine and make that decision at a different stage. It means that people on the receiving end of it, who are members of the Garda, are not in a situation where they are immediately under criminal investigation, which is significant. The second difference is in search warrants.

Deputy Neasa Hourigan: I want to get some clarity on that. When Ms Logan mentions a different stage does she mean an earlier stage when GSOC is doing some fact-finding?

Ms Emily Logan: At present, we have to do it at the beginning when the complaint comes in and that creates huge complexity because there is quite a difference in the threshold between a criminal investigation and a disciplinary one, as the Deputy will know. The new legislation simplifies that and allows GSOC to get into and conclude an investigation in a much more efficient way.

Deputy Neasa Hourigan: When Ms Logan says that GSOC will make a decision can she outline what that looks like? How many people are in a room? Who is making that decision? What is the process within GSOC? I know GSOC goes to the DPP afterwards.

Ms Emily Logan: We have strict protocols and we work to constitutional safeguards-----

Deputy Neasa Hourigan: There is no need to describe them for me. I know the protocols.

Ms Emily Logan: Essentially, they are reports that are written by the investigators and then presented. Sometimes, depending on the complexity of it, the commission can be briefed but we get a written report on the investigations and the findings to see if those findings and the evidence reach a level of criminal prosecution.

Deputy Neasa Hourigan: When Ms Logan refers to "we", is that one person-----

Ms Emily Logan: The commission.

Deputy Neasa Hourigan: How many people does the commission comprise of in a room? Is it all three?

Mr. Justice Rory MacCabe: It is one, two or three people. It depends on the complexity of the case and we give a reasoned decision.

Deputy Neasa Hourigan: Under these new powers, if they were being taken to investigate an area where GSOC considered that there was some concern, are the witnesses saying there could be three people in the room deciding to take that action; not just one?

Ms Emily Logan: Yes.

Deputy Colm Burke: I thank the witnesses for coming before the committee and for the work they are doing for all the people working in their organisation. I refer to the details on queries handled. One of the issues I noticed is that in 2019, some 290 people came into the

public office. In 2020 it was 51 and in 2021 it was down to 11. Is there any particular explanation for that sudden-----

Mr. Justice Rory MacCabe: The simple answer to that is it was Covid. A lot of the staff were not on site during that time, certainly not during the early stages of Covid, and it is only recently that we are getting back to the situation of having people in the building full-time. That is also a fast-moving operation.

Deputy Colm Burke: If it is down to a figure of 11 meetings in the public office in 2021, then surely investigations were delayed as a result.

Mr. Hugh Hume: It is fair to say-----

Deputy Colm Burke: That is a huge drop from 290 in 2019 down to 11 in 2021. Was Covid used as the excuse for not meeting?

Mr. Hugh Hume: I refute that. A lot of the engagement moved online and our telephone service was always available for people to make contact with staff, case workers and investigators and some engagement occurred off site. I would not say we used it as an excuse. It was a practical outworking of the pandemic that meant we had to limit our engagement within those roles far more.

Deputy Colm Burke: I am confused. Is Mr. Hume saying that 290 people met in the public office in 2019? Does that mean those people were still communicated with in 2021, even though they might not have been met in the public office?

Mr. Hugh Hume: Yes.

Deputy Colm Burke: The figures are getting confusing and the way they are presented sends up alarm bells. Is that a true and accurate presentation of affairs?

Mr. Hugh Hume: I am not sure of the presentation the Deputy has in front of him is but I assure him that engagement has moved from the public office, which is solely in Dublin and where members of the public can come in and make a complaint, and has gone to the vast majority of our complaints coming in online. Throughout the pandemic our telephone service was maintained and members of the public could contact the telephone service and engage. Staff spoke to those people and continued with the service.

Deputy Colm Burke: I refer to complaints that GSOC is investigating. Is there any litigation pending where applications have been made to restrict GSOC from carrying out an investigation?

Mr. Justice Rory MacCabe: I ask the Deputy to repeat the question.

Deputy Colm Burke: An investigation can be started but is there any litigation pending where someone has made an effort to restrict GSOC from carrying out an investigation?

Mr. Justice Rory MacCabe: Could the Deputy put a context on that?

Deputy Colm Burke: It could be indicated to a person that an investigation was going to be started. Has there been a scenario where someone has gone to the courts looking for GSOC to be restrained from carrying out a further investigation?

Ms Emily Logan: As an organ of the State, any member of An Garda Síochána can make

an application for a judicial review into any action GSOC is taking. We would expect that in the same way that-----

Deputy Colm Burke: But are there current applications pending?

Ms Emily Logan: There are.

Deputy Colm Burke: Can the witnesses give me the number of those currently pending?

Mr. Justice Rory MacCabe: I can give the Deputy the number but I do not have it to hand today. It is a small number. I can communicate with the Deputy but I do not have the figures to hand.

Deputy Colm Burke: But there are a number of cases pending.

Mr. Justice Rory MacCabe: Indicating possible cases.

Deputy Colm Burke: Have a number of cases been determined where orders were made which prevented GSOC from carrying out investigations?

Mr. Justice Rory MacCabe: No. Not to my knowledge.

Deputy Colm Burke: GSOC might give us a briefing note on that issue.

Mr. Justice Rory MacCabe: I would be happy to do that.

Deputy Colm Burke: The issue of judicial review is used and people have that right, which I accept. However, it would be interesting for the committee to know what the level of those applications is.

I will move to a letter we got in December 2021, which related to difficulties because of industrial relations disputes among senior gardaí. What investigations were impacted as a result of those industrial relations issues during 2019, 2020 or 2021?

Mr. Hugh Hume: The industrial relations issue only arose from 4 July 2021 and that is when we became aware of the issue. That is an internal matter within An Garda Síochána relating to superintendents' pay, which as we mentioned, we are not at liberty to discuss. We were informed that a number of the discipline investigations were unsupervised and were not being progressed as a result of that issue. These are only unsupervised investigations. No criminal investigations were passed to Garda investigations. This issue was dealt with solely within GSOC. At that time there were 285 unsupervised investigations and 109 supervised disciplinary investigations in the Garda Síochána. A total of 40 Garda superintendents contacted us to say they were unable to progress cases due to the dispute. We know of 77 unsupervised cases and four supervised cases that were delayed. We do not have the full picture because not everyone contacted us. We are now working our way through that system.

Deputy Colm Burke: That issue is now resolved and no further delay is occurring at this stage.

Mr. Hugh Hume: We understand the Commissioner has put additional measures in place to expedite or deal with some of the backlog. There will be some lag as a result of the delay.

Deputy Colm Burke: What is the effect where there is a delay such as this?

Mr. Hugh Hume: The effect for GSOC is that we had to contact all of our complainants involved in our unsupervised cases and tell them this was happening. We had to place a notice on our webpage. It will have an effect on the reputation of GSOC. It will undermine the confidence of the complainants who are potentially being told their investigations have been delayed. We cannot tell at this stage what the actual outworking is of the delay in investigations. I will not know until later in the year whether there has been a significant delay in the totality.

Deputy Colm Burke: We could be talking about a delay of between six and nine months in some investigations.

Mr. Hugh Hume: We are certainly talking about a delay. Simply because we were not told by the superintendents in all cases, we do not know.

Deputy Colm Burke: After an investigation has started are there delays in getting information from the Garda Síochána? Could a better system be in place to ensure GSOC gets information in a timely manner? For argument's sake, simple issues can arise such as someone being out on sick leave or someone being seconded to a different location or role. Does this affect GSOC getting information when it has an investigation under way?

Mr. Hugh Hume: There is an effective mechanism for gathering information when we are involved in leading investigations. We write to the Garda Commissioner's office and the assistant commissioner with responsibility for governance. They gather all of the information that is held in the Garda Síochána and present it back to us. By and large it works well and it is relatively expeditious. However if the member is somebody we cannot engage with or contact because of sick leave or being unavailable it will inevitably lead to delays. There is a strong-----

Deputy Colm Burke: I understand there was a review in April 2021. What were the results of that review?

Mr. Hugh Hume: I am sorry Deputy, I am not aware of that. I will ask my colleagues-----

Deputy Colm Burke: I understand a high-level overview was carried out in April 2021 to see whether information could come back at a faster pace. Has anything come out of this overview?

Mr. Hugh Hume: I am sorry Deputy, I am not aware of the review.

Mr. Justice Rory MacCabe: What I can say is that in our submission to the justice committee on the general scheme of the policing Bill, we indicated we believe that if constraints are going to be imposed in the Bill on the timeliness of the investigations carried out by GSOC, a similar requirement should be imposed on the people we deal with and State agents should also have timeliness as part of their obligation to co-operate with GSOC.

Deputy Colm Burke: Does Mr. Justice MacCabe think a better system could be in place to ensure GSOC's work is done in a timely manner? Obviously it is very dependent on others providing the information-----

Mr. Justice Rory MacCabe: Yes.

Deputy Colm Burke: -----or responding to the queries or complaints raised.

Mr. Justice Rory MacCabe: Certainly if the legislation mandated the same requirement of timeliness on the organisations we deal with, it would assist us. We have no means of compel-

ling co-operation.

Deputy Colm Burke: Does Mr. Justice MacCabe think that should be part of the legislation?

Mr. Justice Rory MacCabe: It should be and certainly that is in the submission on the Bill we made to the justice committee.

Deputy Catherine Murphy: I welcome the witnesses. My question is on staffing. In 2019, GSOC had 125 members of staff. This has increased to 127. GSOC will have new powers. After a debate in the Dáil on GSOC, we received a letter from the then chair outlining some issues with capacity and staffing. Do the witnesses anticipate there will be significant additional resources to deal with the new powers? Is this in the planning at this stage? What kind of numbers are we speaking about?

Mr. Justice Rory MacCabe: I will invite the director of administration to address the Deputy on this and we can come back in afterwards if needs be.

Ms Aileen Healy: We do anticipate this. At present, we are planning resources and the organisational structure we will need to be fit for purpose to implement the provisions of the new legislation. To be quite honest, it is quite difficult at this point in time to put a number on the staff we need. We are in a process. In the coming weeks, we will do a detailed business analysis with the assistance of some external expertise.

Deputy Catherine Murphy: Even before new powers were added, we were being alerted to the capacity of GSOC. Has analysis been done on existing powers? How does it relate to the additional workload?

Ms Aileen Healy: We got an additional allocation in the 2022 Estimates to allow us to recruit the 22 investigators we reckon we need with our current workload. Given the uncertainties about the Bill and what exactly the powers will be, we do not yet know. In the coming weeks and months, we will undertake this analysis with a view to feeding it into the 2023 Estimates.

Deputy Catherine Murphy: Are we likely to see this? Will it go to the Minister? Is it something we will see in the budget?

Ms Aileen Healy: It is planned that it will go to the Minister in advance of the Estimates process later this year and that we will see it in the budget process.

Deputy Catherine Murphy: I have been a member of the committee for some time. We have seen inadequate planning for additional powers or mergers followed by shortcomings in terms of the outworking. It is very important that the-----

Ms Emily Logan: I assure Deputy Murphy that we are not passive on this. We are aware of it. The timeline the Minister has mentioned publicly is somewhere in 2023. We set up an internal project group in July last year. One of the big things is the change to the governance model, which is relevant to the committee. We started our work last July.

Deputy Catherine Murphy: I ask for a short note on this. We are limited with time and I would like some assurance on it. We have a definition of value for money that encompasses quality of service as well as everything else. The Comptroller and Auditor General helped us to define it.

Ms Emily Logan: Of course.

Deputy Catherine Murphy: I have a question on the details of the number of queries handled. When GSOC opens a case and investigates, have its decisions always been accepted by the Garda Síochána or has any recommendation or finding been revoked by the Garda Commissioner? What is the relationship? Is a decision generally accepted?

Mr. Hugh Hume: We cannot make a determination in respect of discipline. All we can do is send a recommendation to the Garda Commissioner. To the best of my knowledge, all of the recommendations in terms of discipline we have sent across in the past year have been accepted by the Garda Commissioner and passed to a superintendent for examination.

Ms Emily Logan: We are allowed to make what are called systemic recommendations under section 106 of the Act, which relates to practice, policy or procedure. Where we do not find evidence but there is something that causes us concern, we will make a recommendation to the Garda Commissioner that affects that.

Deputy Catherine Murphy: The referrals under section 102 probably have the highest profile. There were 59 such referrals in 2021. This question has been asked before, but what is the standard timeline for dealing with such complaints? Someone might be on suspension, for instance. A case that stands out for me and on which we get queries from time to time is that of George Nkencho. People ask us what the timeline is. This is the type of case that is in the public domain. How does GSOC deal with these cases? What is the standard timeline for recommendations under section 102?

Mr. Hugh Hume: Obviously, we cannot speak about specific cases.

Deputy Catherine Murphy: Yes.

Mr. Hugh Hume: I know the Deputy is not seeking to do that. The time is determined by the circumstances we find. In many cases, we deal with issues very quickly. When the Garda Commissioner informs us, through a superintendent, that there has been death or serious harm and he believes a garda's conduct is likely to have been a factor, the Act requires that we "shall" ensure those cases are investigated. In all 59 cases, there was an investigation.

The first thing we do, in what is called a section 91 investigation, is to examine the circumstances of the case. We may get a referral from the Garda stating someone had died or been injured as a result of actions by gardaí. We may quickly find there is no criminal or disciplinary issue and we can resolve the situation within a matter of days. In one case outlined in our report, gardaí interacted with a man who was intoxicated. They decided to keep an eye on him. He went around a corner. They followed and found he had fallen and hurt himself badly. The case was referred to us. We were quickly able to establish there was no fault on the part of the gardaí – in fact, they had probably saved his life – and we were able to close that case down quickly. Such cases are at one end of the spectrum, but there is a full range and, unfortunately, some take a long time because of their gravity and the criminal allegations involved. I cannot give the Deputy a median time. Some are dealt with very quickly but, unfortunately, others take a long time.

Mr. Justice Rory MacCabe: If I might add a sentence to that, I assure the committee there is no institutional interest whatsoever in having an investigation file on our desks for one second longer than a proper investigation takes.

Deputy Catherine Murphy: What was the longest investigation? Do the witnesses have that information?

Mr. Justice Rory MacCabe: Technically, a section 102 investigation is the longest.

Mr. Hugh Hume: I could not give the Deputy a figure off the top of my head.

Deputy Catherine Murphy: Could we get a note on what has been the longest investigation? We want to see whether this system is working efficiently and if there are sufficient resources to do the job. With the additional powers, GSOC will be able to take on a larger caseload. In the absence of such powers now, GSOC is restricted. When does GSOC anticipate those powers and resources will be in place? Is there a timeline for that? Is GSOC engaging with-----

Mr. Justice Rory MacCabe: If the legislation came into effect in the timeframe envisaged by the Minister, we would like to think we would be in a position to transition to the new body straight away and deal with the additional responsibilities. By statute, we will be required to deal with them in any event.

Deputy Catherine Murphy: Does GSOC have a rough estimate of the timeframe it envisages?

Mr. Justice Rory MacCabe: We are told that it could be the middle of next year.

Deputy Catherine Murphy: Okay.

Deputy Matt Carthy: I thank our guests for attending. We have a remit over value for money and ensuring adequate expenditure of the public moneys allocated to our guests' organisation. It goes beyond general checks and balances and, as Deputy Murphy alluded to, involves a consideration of the length of time investigations take and the results that follow on from them. We cannot do that without reflecting on some of GSOC's previous investigations. The investigation I am a little familiar with is the one that occurred subsequent to the death of Shane O'Farrell. If I understand it correctly, there were two different investigations. What was the distinction between how they operated?

Mr. Hugh Hume: I am not exactly sure, but my understanding is that a number of allegations were made at the start and they were being dealt with slightly differently. At that point, GSOC brought them all under one umbrella and conducted a criminal investigation in respect of 56 separate allegations that had been made. Those 56 allegations were investigated and a determination was made that there was no case of criminality. There was then a disciplinary investigation, to which my colleague, Ms Logan, has alluded. That is a process we currently have to go through where we have to reset and start looking at the case again with a view to potential disciplinary matters. That disciplinary investigation examined 13 separate allegations and a recommendation was sent to the Garda Commissioner, who I believe took some action on the matter.

Deputy Matt Carthy: Was the section 101 report on the criminal investigation?

Mr. Hugh Hume: Such an investigation ends in what is called a section 101 report, which is a report that comes to the commission following a criminal investigation.

Deputy Matt Carthy: And the disciplinary investigation is reported on under section 97.

Mr. Hugh Hume: Correct.

Deputy Matt Carthy: What instigated those investigations? Was it the complaints by the family or a direction by the Minister?

Mr. Hugh Hume: It was a combination of all of those factors. There was information from the Minister and the family had come to GSOC as well. It is quite a while back and I was not in the office at the time, but my understanding is those all came from a number of different sources and GSOC brought them together into one cohesive investigation, which included the 56 allegations.

Deputy Matt Carthy: Let me put it a different way. If the family alone had provided information, would that have been sufficient for GSOC to conduct the investigation?

Mr. Hugh Hume: An investigation had started on the basis of what the family had provided.

Deputy Matt Carthy: In terms of the criminal and disciplinary strands, who conducted the investigations?

Mr. Hugh Hume: A senior investigating officer in Longford conducted the investigations.

Deputy Matt Carthy: Was that a Garda officer or a GSOC officer?

Mr. Hugh Hume: I beg the Deputy's pardon. It was a GSOC officer.

Deputy Matt Carthy: Was that the case for both investigations?

Mr. Hugh Hume: Yes. After they were completed-----

Deputy Matt Carthy: Was it the same individual who carried out both investigations?

Mr. Hugh Hume: It was the same team.

Deputy Matt Carthy: It was an internal GSOC team. The first report, the section 101 report, came six years after the original investigation started. Does Mr. Hume consider that to be an acceptable timeframe?

Mr. Hugh Hume: It is certainly a very long timeframe. There is no doubt about that. I was not there at the time, to understand all the nuances. While I have read the background material in anticipation of the Deputy's question and examined the file, there were 56 separate allegations. It all had to be dealt with criminally across a broad spectrum of activity that preceded the unfortunate terrible accident, and succeeded the incident as well, as the Deputy will be perhaps aware. It was a broad nature.

Deputy Matt Carthy: In terms of going forward, does Mr. Hume consider six years for an investigation of that type to be an acceptable length of time?

Mr. Hugh Hume: I could not comment on all the nuances and the stymies or the opportunities that occurred during that time.

Ms Emily Logan: I want to say, in terms of being fair and giving the Deputy an answer on the standard, but separate to the individual case that the Deputy is speaking about, the answer to the question as to whether six years is acceptable is "No". Mr. Hume is talking specifically. I am not talking about that case. I am just talking about a general standard for this commission.

We would not consider that acceptable.

Deputy Matt Carthy: In terms of the disciplinary aspect of the case, that was even longer again because it was subsequent to the completion of the criminal aspect of the commission's investigation.

Mr. Hugh Hume: It followed on in a relatively short period of time. I have not got the exact time. Within a few months, it followed on from GSOC, I believe, to the Garda Commissioner.

Deputy Matt Carthy: As Mr. Hume mentioned, GSOC recommended disciplinary action in respect of three gardaí following that investigation.

Mr. Hugh Hume: That is correct.

Deputy Matt Carthy: Is Mr. Hume aware that in respect of two of those the disciplinary procedures or penalties that were applied were subsequently withdrawn by the Garda Commissioner?

Mr. Hugh Hume: I am aware there was some sort of court action and the outworkings of that was the setting aside of those proceedings.

Deputy Matt Carthy: After all of that time in terms of the amount of work that GSOC has put in, is Mr. Hume satisfied that there was an appropriate outcome at the end of all GSOC's efforts and the expenditure that was invested in this case?

Mr. Hugh Hume: It is not what GSOC feels about the thing. There are far more important people's concerns in this investigation than GSOC's concerns, in terms of the family themselves and their feeling of hurt. Clearly, we work to try to deliver the best and fairest result for everyone.

Deputy Matt Carthy: Mr. Hume is correct, in terms of the family being an important aspect. Given that they instigated essentially the investigation, why has the family not received the full copies of the reports that were published in this case?

Mr. Justice Rory MacCabe: As the Deputy will be aware, there is a subsequent inquiry going on that is in the hands of retired Judge Haughton. That is effectively a further hurdle that has appeared on this particular long road. The Deputy would have to address his query to Judge Haughton and his inquiry in that regard.

Deputy Matt Carthy: I have to say I do not buy that. GSOC carried out the investigations. GSOC concluded two reports. In respect of the section 101 report, the family have received summaries, not the full report. My understanding is that the same is the case for the section 97 report. These are reports in GSOC's possession. Whatever Judge Haughton is doing in relation to his scoping inquiry, he needs to be let do that but that does not prevent GSOC from providing those reports to the family. In fact, the Garda Commissioner is on the record as saying that these reports have been compiled by GSOC and that publication relates to Mr. Justice MacCabe's organisation alone. My question is, will GSOC provide those reports to the family considering they are the instigators? As Mr. Hume correctly said, they are the most important part of this procedure.

Following this case, I am aware of some of the details and most of the revelations about the fact that the person who killed Shane should have been imprisoned at the time, had been in breach of multiple bail conditions, and had received a custodial sentence that was never pursued

and that he never served. While he was supposed to be signing on at a Garda station on a daily basis for a period of that time, he was in custody north of the Border. It is a litany of failures. The real answers and the causation of all of those failures have never been revealed. GSOC, the organisation that one would have hoped would have been part of finding those answers, instead was subjugated to a significant delay during which time every other actor in this process refused to answer questions. The then Minister for Justice and Equality, the then Department of Justice and Equality, the Garda, the DPP and the Courts Service - everybody who was responsible for failures in this case - stated for almost eight years that they could not answer questions because GSOC was carrying out an investigation. Now GSOC is coming in here and stating that it cannot provide information because there is a scoping inquiry taking place. My question is, when the scoping inquiry is concluded what will be the excuse for refusing to provide this family with answers as to why their son was killed by a man who should have been imprisoned at the time?

Mr. Justice Rory MacCabe: All I can tell the Deputy is that Judge Haughton made 114 requests for information from GSOC. GSOC, in October last, responded to these. Our legal unit is liaising with Judge Haughton at present. I would like to be able to give the Deputy a more positive response than that.

Deputy Matt Carthy: Is there a preclusion on GSOC providing information to any other third party that has been provided to Judge Haughton? Is it the case that the scoping inquiry has said that once GSOC provides it with that information, it cannot then provide it to another person?

Mr. Justice Rory MacCabe: I cannot answer that for certain. We are respecting the work that is being carried out by Judge Haughton. That is the only thing I can say to the Deputy at this stage.

Deputy Matt Carthy: Can Mr. Justice MacCabe not assure us today that GSOC will provide those reports to the family of the late Shane O'Farrell?

Mr. Justice Rory MacCabe: I cannot give the Deputy that assurance as of now.

Chairman: Mr. Justice MacCabe may be on the spot a bit in this regard. Perhaps he would come back to the committee with a piece of correspondence around whether that can or cannot be, and if it cannot be, why it cannot be at this stage.

Mr. Justice Rory MacCabe: Certainly.

Chairman: That would be helpful

Mr. Justice Rory MacCabe: I will certainly give that undertaking.

Chairman: I thank Mr. Justice MacCabe. I call Deputy McAuliffe.

Deputy Paul McAuliffe: I have the responsibility of attending two committees at the same time and I always wonder how I am meant to do that. If I missed GSOC's answer, I apologise.

I heard that 5% of overall complaints were fully investigated. GSOC might clarify that figure for me.

Ms Emily Logan: That is a figure that I gave which was a general rather than a GSOC figure. It was merely a general figure in this jurisdiction for complaints from members of the public to ombudsman institutions generally. It falls somewhere between 3% and 5%. We are

not obliged to investigate everything-----

Deputy Paul McAuliffe: Of course, and one will get all different quality of complaints.

Ms Emily Logan: -----but that is generally where it sits.

Deputy Paul McAuliffe: What is that figure for GSOC?

Mr. Hugh Hume: Of the 2,189 complaints that we received last year, 858 or 39% were not admitted. A total of 1,332 were admitted and were subject to investigation. Some of those did not go far because complainants did not engage or we found early on that there was good reason, but approximately 60% of the complaints received last year were opened as investigations in GSOC.

Deputy Paul McAuliffe: It is difficult for us to comment on specific cases, particularly ones that are active, and what we like to do is comment on patterns that we see. In general, the delay in GSOC's ability to investigate often has a compounding impact on people who perceive that they are victims. In some cases, it will be proved that they were victims. It is hard to say but sometimes people would say that the delay in GSOC is a harder hit than the original incident because they have already been let down by one section of the State and the body responsible for ensuring that that does not happen also lets them down by virtue of the length of the delay. Does GSOC appreciate the impact that has? Is this down to resources? Is this something that we should be going to Ministers about and saying that they need to be giving GSOC more resources?

Ms Emily Logan: There are two key reasons for it. We share the public's frustration. We are not sitting here defending the timeliness.

Deputy Paul McAuliffe: I suppose the question is, how do we fix it?

Ms Emily Logan: There are two ways of fixing it. The first is the current legislation is over-complicated in terms of process. The draft new legislation will simplify the process and we have confidence it will make it more efficient. The second is resources. It is back to Deputy Catherine Murphy's question regarding capability of the staff. We are putting a great deal of investment into training, learning and development to create an organisation where people have the ability to do it.

Deputy Paul McAuliffe: What is the figure that allows GSOC to have a reasonable response to complaints?

Ms Emily Logan: This year we have been given an additional 22 staff to put into our investigation team. The long-term figure depends on the complexity of the legislation or what the Oireachtas is going to ask us to do. However, we need more than we have now.

Deputy Paul McAuliffe: The question is: can I crystallise the request?

Ms Emily Logan: I wish the Deputy could and I wish we could give him a definitive answer to that. At present, it very much-----

Deputy Paul McAuliffe: I will put it differently. What resources would GSOC need to clear the backlog it has at present?

Mr. Hugh Hume: It is very difficult. We have a 12% increase on last year, so our com-

plaints are rising all the time. The complexity and the introverted nature are changing so we are seeing more challenging criminal investigations-----

Deputy Paul McAuliffe: I accept that. I hear Mr. Hume saying it is not acceptable; we all are saying it is not acceptable. It is the Government's job to try to resolve problems. As a Government Deputy, I am asking how we resolve the problem, how many more staff GSOC needs and what requests it has made to the Department. It is hard to accept the view that it is unacceptable to have these delays without seeing GSOC respond and say it needs X number of staff. I appreciate there are internal Civil Service politics and so forth, but it is very difficult to appreciate that GSOC wants to resolve this if it is not crystallising the request. Do the witnesses understand my frustration?

Ms Emily Logan: Totally.

Mr. Justice Rory MacCabe: We understand that, and it is not unreasonable to ask how many staff are required. It must be very frustrating not to get an answer, but I can give an example of the reality of the situation. We have a vacancy in a senior position in the organisation since last September. The recruitment process began as soon as that vacancy arose and it will not be possible to fill that until the end of next month. One is looking at a nine-month delay in recruiting one person. The regulatory business in Ireland in both the public sector and private sector has blossomed or exploded, as it were, over the past few years. When we are looking for investigative staff because those are the crucial people - they are not the only people, but they are the crucial people - we are looking for expertise in a very limited pool, and other people are fishing in this pool. To be perfectly honest, we cannot compete with the private sector.

Deputy Paul McAuliffe: I will put it another way because I am anxious to move to a different topic. When the witnesses are before the committee again and if there are similar delays, it will be harder to accept their response if they have not made a clear request to the Minister, the Department and the system. I will leave it at that.

I am anxious to talk about children, cases GSOC deals with that involve those under 18 years of age. I am anxious because any type of attack or assault on a child is utterly unacceptable in society, and for it to be perpetrated by a member of An Garda Síochána is particularly unacceptable. First, is there a specific policy or piece of work GSOC has done which includes assaults by members of the Garda on children? Second, are there different procedures for dealing with children in investigation cases? Third, I have heard some reports that children who are making a complaint are questioned with no advocate present. There is no member of their family or no solicitor, yet the person about whom the complaint is being made would obviously have somebody there. For a young person under 18 years of age, I would imagine that it is very intimidating to be alone in that situation and I would be surprised if that is a procedure GSOC has for a complainant. Perhaps it might be different for somebody who is the subject of abuse or in that area, but this is a complainant about an assault. This relates to children and I apologise that the witnesses have only three minutes to reply.

Ms Emily Logan: First, we have a dedicated team. At 7.30 every morning we get a list of all the complaints that have come in. We have a dedicated team monitoring every complaint that comes in so we immediately pick up any case that relates to anybody under 18 years of age. We investigate and we have special procedures for interviewing children. Only staff with a certain level of specialist skills can interview children. Our general policy is to interview children with an advocate. Most often in the complaints, children are either victims or are witnesses to a crime. Most often those complaints are made by their parents, and occasionally they are made

by a third party. Occasionally we have children who are in the care system, and that is where things get a little more complicated. They may not be-----

Deputy Paul McAuliffe: For a child who is not in the care system and who is reporting an assault where the child's parent has made that assault, would it be normal to question the child without a family member present?

Ms Emily Logan: It would be normal to question the child with an adult-----

Deputy Paul McAuliffe: Okay.

Ms Emily Logan: -----and an adult of the child's choosing.

Deputy Paul McAuliffe: That is a choice the child has.

Ms Emily Logan: We interact with advocacy organisations-----

Deputy Paul McAuliffe: Of course.

Ms Emily Logan: -----because there are complainants who may not have the wherewithal or confidence to interact with us. We are open to any type of advocacy.

Deputy Paul McAuliffe: In those cases, probably all cases, are members of An Garda Síochána involved in the questioning of people who are reporting a crime or is it only the staff of GSOC who are involved in that questioning?

Ms Emily Logan: Internally, we have a cohort of staff who have that expertise. Recently, we have had more numbers where we have had to go to people who have Garda expertise. In that situation, our staff will sit in on the interview and supervise to ensure we are satisfied there is an independence of questioning of the child in that context. We still have primacy, as it is called, where we are the oversight body for that investigation.

Deputy Paul McAuliffe: Therefore, a child who has been assaulted by a garda may be in a situation where, as part of a GSOC investigation, he or she is being questioned in a room where there is a uniformed garda.

Ms Emily Logan: No, the garda would not be uniformed. We would have that conversation with the child. Just to be clear-----

Deputy Paul McAuliffe: I am not clear why the body about which the complaint is being made is in any way involved in the questioning process.

Ms Emily Logan: I understand the Deputy's question. To be clear, in the context of a section 2 or section 3 assault when a young person has been assaulted, it is very important, and Mr. Justice MacCabe made the point earlier, that the rigour of our investigation will stand up in court. If we are going to do our job properly, the investigation must be rigorous. We must be able to withstand the questioning from a defence lawyer in a court, so anything that we do must have that rigour. If we have the internal capacity and our investigators have that level of expertise, that is our preference. On the occasion when it does not happen, yes, there are gardaí there. However, we, as an independent oversight body, will supervise that entire process.

Mr. Hugh Hume: These are not uniformed gardaí, but gardaí from specialist protective services who are trained explicitly in this.

Deputy Paul McAuliffe: However, they are members of An Garda Síochána, not non-members.

Mr. Hugh Hume: Yes.

Deputy Paul McAuliffe: I know I have run out of time, but if there is specific work or research GSOC has done that it can share with members of the committee in respect of children and patterns of violence against children, I would appreciate it.

Ms Emily Logan: This is something we are specifically working on.

Chairman: We will take a break and resume at 11.10 a.m.

Sitting suspended at 10.58 a.m. and resumed at 11.10 a.m.

Chairman: Regarding case management and complaints, according to the figures supplied by GSOC, I see that 485 criminal investigations were opened in 2019, 572 were opened in 2020 and 557 were opened in 2021. A total of 658 disciplinary investigations were opened in 2019 while 752 were opened in 2021. GSOC corresponded with the committee last year and sent us figures for 2020 last July. If we look at the criminal investigations, we can see that 557 were opened. The total figure for criminal and disciplinary investigations is 1,309. This is heading for 10% of the workforce. If we remove senior management, who would be desk-bound, we are probably looking at a figure way in excess of one in ten of people working in the service. I presume those figures are accurate.

Mr. Hugh Hume: Yes.

Chairman: I do not expect Mr. Hume to be able to give the figures for last year but for 2019 and 2020, out of the criminal investigations opened, how many of the 485 investigations opened in 2019 went to trial? Are there any such figures for the 572 in 2020? When I saw the figure of 572 last July after GSOC sent us that letter, I was really taken aback. The figure flattened off last year at 557 but given the fact that 557 criminal investigations and 752 disciplinary investigations were opened in 2021, we can see 1,309 Garda officers are under criminal or disciplinary investigation. That took me by surprise. Regarding criminal investigations in 2019 and 2020, the figure for 2019 is 485 while the figure for 2020 is 572. How many involved prosecutions?

Mr. Hugh Hume: There was a ball park figure for 2021. Last year, 60 sanctions were imposed by the Garda Commissioner following complaints.

Chairman: Sixty?

Mr. Hugh Hume: There were 60 sanctions by the Garda Commissioner so those are findings of discipline.

Chairman: Was that on the discipline one or the criminal one?

Mr. Hugh Hume: That was on the discipline one. We sent 21 files to the DPP so on 21 occasions, the commission came to the view that the actions may have amounted to a criminal offence as alleged. I do not have the figure for those that translated into trials but on 21 occasions, we sent files to the DPP.

Chairman: This was under the disciplinary one.

Mr. Hugh Hume: The criminal one. There were 60 sanctions by the Garda Commissioner

on the discipline one.

Chairman: Who determines when cases are criminal? Who makes that decision?

Mr. Hugh Hume: Our case workers. When a member of the public contacts GSOC, he or she invariably interacts with our case work team. There are 35 members of staff who deal with a broad range of demands and people suffering trauma and hardship who come to us for assistance. They are an excellent bunch. The commission met with them the other day. They are a very engaged and caring bunch. They received all these 2,189 complaints. Last year, they decided that 1,332 were active complaints. The first thing they look at is whether it is a crime. Is there evidence of a crime? Has a member of the public said a Garda hit him or her? Has he or said that a Garda has stolen money from him or her? Is there a crime in the allegation? They send that to our senior management team composed of our deputy director and director. They then look at that and if they agree, they designate it for criminal investigation. The first thing that is considered is whether it is a crime.

Chairman: The number of complaints opened increased by 12% from 2020 to 2021 while it was an 11% increase on the previous year so there has been a substantial increase. Regarding the allegations in complaints, from 2020 to 2021, that figure increased by 22%, according to GSOC's briefing information. The allegations in the complaints increased year on year between 2020 and 2021 by 22%.

Mr. Hugh Hume: H. Hume might pick the phone but he might say a Garda hit him with a baton and took his property so there could be three allegations from H. Hume regarding one incident.

Chairman: I raised it with the Garda Commissioner last week. I understand that there may be vexatious and false complaints. Obviously because gardaí deal with confrontations and public order, that can happen. Have there been investigations where the Garda Commissioner has rejected the outcome?

Mr. Hugh Hume: We are not aware of the Garda Commissioner not agreeing with our decisions in any of those 60 cases.

Chairman: It is generally accepted by An Garda Síochána. That is good. I do not expect the witnesses from GSOC to comment on the Garda dispute because it is outside their remit but in terms of its effect on the work of GSOC, on 20 March 2022, a total of 355 cases were referred to An Garda Síochána - this is from GSOC's briefing - under section 94(1), that is, unsupervised. There were 73 relating to section 94(5), that is, supervised. When the dispute commenced in July 2021, the figures stood at 285 and 109, respectively. A member asked about the effects of that dispute. If matters were held up from July 2021 until February 2022, that is a delay of seven months so there is a delay at the start of it. In terms of cases held up, if GSOC calculates the figures it has, adding 355 cases to the 73 that were referred to supervised investigations gives a total of 428. As of March 2022, the cases stand at 285. That indicates that 143 cases were held up due to that dispute. Would that be correct, according to the figures Commissioner Hume has given us?

Mr. Hugh Hume: On 4 July we had, as the Chair said, those 285 and 109 allocated to the Garda superintendents. Where we sit now is, as the Chair said, is 354 and 73. That does not mean there has necessarily been a delay. That is additional cases that have come into the system since 4 July. However, that does not take include cases going out of the system.

Chairman: I take on board the point the Commissioner made. As matters roll on, year on year, if the number that is there now is reflective of the increase in numbers year on year and there have been seven months in between - there has been a seven-month delay - these 143 extra cases would be indicative of the net effect of the dispute. It is the only real indication we have, is it not?

Mr. Hugh Hume: The Chair is absolutely right. We have no way beyond that figure of measuring any delay, except for the fact that we know 40 Garda superintendents wrote us and told us they were affected. There were 81 cases in total, 77 of which were unsupervised-----

Chairman: That is a matter for the Garda. I refer to the pay in relation to investigation work it is doing on cases with GSOC.

The figures I have show that in December 2020 there were 32 investigating officers and eight assistant investigating officers. In other words, in December 2020 the Commissioner would have had 40 investigating officers or thereabouts, is that correct?

Mr. Hugh Hume: I believe so. The figures are slightly changed and updated now.

Chairman: The Commissioner mentioned that seven of the staff who do the investigations are retired gardaí.

Mr. Hugh Hume: Yes, at present.

Chairman: Just to better understand, I am trying to get a picture of the organisation of GSOC. Who would the other 33 be? What qualification-----

Mr. Justice Rory MacCabe: They would be investigators from police forces in other jurisdictions, such as South Africa, Australia, New Zealand, Canada, Northern Ireland and the UK. We have people who were employed in the courts and people who came from the panel who basically had no investigation experience and had to be trained from the start in the Civil Service. I believe this is called “sit with Maggie”, which means people are brought in for on-the-job training.

Chairman: “Swim by swimming,” as the Mao Zedong quote goes. Anyway, they would not all be retired police or have a policing background.

Mr. Justice Rory MacCabe: Not at all.

Chairman: That is interesting.

Mr. Hugh Hume: We have a number from the Irish military as well.

Mr. Justice Rory MacCabe: Military police.

Mr. Hugh Hume: Yes.

Chairman: Okay. GSOC is very much dependent on the co-operation of the Garda. I do not want to go back into the case because the GSOC representatives went through it at length with Deputy Carthy, but because GSOC depends on that level of co-operation and assistance from An Garda Síochána, it would seem that it is possible in some cases for the hands of its staff to be tied. In other words, Commissioner Hume used the term on a number of occasions that something was “beyond our control”. Due to the fact that the people involved in a lot of this are one reach away, they could actually hold GSOC staff up and tie their hands if they were

minded to do so. Is that fair to say?

Mr. Justice Rory MacCabe: I will answer that in a slightly convoluted way. Shortly after I came in, I had a one-to-one meeting with the Commissioner. I found him open and candid. In addition, the commission had a meeting with senior officers, including Deputy Commissioner Coxon. The sense I have is that there is an anxiety that there should be co-operation. There is a cultural change happening within An Garda Síochána that is being driven by the Commissioner and Deputy Commissioner Coxon. We have a shared interest in that. Certainly, Commissioner Harris indicated to me that he would welcome regular meetings on a one-to-one basis between the two of us, as well as regular contact. I would like to think that will clarify issues and perhaps deliver a message to An Garda Síochána that it is in everybody's interests that there should be co-operation.

Chairman: I know Mr. Justice MacCabe has to be careful. I take it from what he has said about cultural change that until reasonably recently - perhaps two or three years ago - there were difficulties getting that level of co-operation. Most observers would concur with his suggestion that a cultural shift is happening. Perhaps up to the fairly recent past, there would have been many difficulties.

Mr. Justice Rory MacCabe: That would certainly be the popular view, and it would have been my view before I put this particular hat on.

Chairman: Finally, on the new legislation, Mr. Justice MacCabe said in his opening statement that some of the challenges faced by GSOC arise from the mandate under which it operates, but this is likely to change in the shape of the new broad reforms to be proposed in the policing, security and community safety Bill. It was outlined earlier that the Commissioner has described the new proposals as "draconian", but Mr. Justice MacCabe disagrees with that. Would he say that all of the powers proposed in the new Bill are necessary for GSOC to be able to function properly and more? There may even be amendments required.

Mr. Justice Rory MacCabe: They will allow us to do our job in a better way and perhaps somewhat alleviate the justifiable disquiet at the delays that exist in cases.

Chairman: Just one moment please, while I see who has indicated. This is one of the problems with the hybrid model that we operate. Deputy James O'Connor was online before the break, but I do not see him there now. In that case, does Deputy Catherine Murphy want to come back in?

Deputy Catherine Murphy: I do indeed.

Chairman: She has five minutes, and we will just play it along.

Deputy Catherine Murphy: We will review it. I have a few questions. According to the briefing note, there is a case management system. I assume it is possible to capture how long it takes to conduct investigations and GSOC would be able give an analysis. It is absolutely essential that this is the case in order that it can properly estimate what its needs will be. Is that case management system sufficient to do that work? Is GSOC happy with the case management system that it has or does it need augmentation?

Ms Emily Logan: The case management system is antiquated. The kinds of questions that we have been asked today cannot be elicited from the current system that we have. As part of our transition, the project we talked about starting last year, one of the big things that we will

be doing is investing time, effort and money into a new system. We are talking to sister organisations about how best to do that. That includes everything from equity of access up to some of the more complicated questions about cases, prosecution, disciplinary cases and all of the questions that we have been asked today. It is fair and frank to say that we are not getting the definitive information that we need from the existing system and we need a new system.

Deputy Catherine Murphy: What is the timeline for the new system?

Ms Emily Logan: Our timeline is going along with the legislation, so it will be needed before the new governance model will exist.

Deputy Catherine Murphy: Will the new system collect things such as ethnicity and geographical location - the existing system does not do so - because it is very important that we get a profile of exactly from where the complaints are coming and if there are issues with that kind of data screen?

Ms Emily Logan: The Deputy is right. We have had a number of internal meetings to try to improve in the interim, so we are not sitting on it. Although the system is old itself, we are trying to improve that equality-driven data on the basis of the nine protected grounds and the possible tenth ground of socioeconomic status. We will collate that information from the next couple of months so that we have some data.

Deputy Catherine Murphy: Is it possible to make a complaint about a Garda station rather than an individual Garda? I will use as an example the case of Sergeant Maurice McCabe because there was a culture in a station. Is it possible to make that kind of complaint or should the complaint about the individual be made to the Garda Síochána Ombudsman Commission, GSOC? How would something like that be handled?

Mr. Hugh Hume: Our legislation says it must relate to a named garda who is capable of being subject to criminal or disciplinary proceedings. That does not mean that if there was a wealth of information, the commission itself could not potentially open some sort of an investigation. By and large, however, our legislation says it must be against a named individual who is subject to investigation. A member of the public would have to name a garda.

Deputy Catherine Murphy: In the response, reference was made to systemic issues. I would have thought this would stand out as a systemic issue.

Ms Emily Logan: The Deputy is right. The general scheme as currently drafted has a new head where we are obliged to collect data that would allow us to identify patterns and themes. In the long term, we would not look to depend on an individual complainant. We ourselves should be picking up those patterns and themes so that, if there is a problem in a particular Garda station, we ourselves would find that.

Deputy Catherine Murphy: On the investigations opened in the public interest, in 2021 there were 13, in 2020 there were 26, and in 2019 there were 44, so it is less. There are two questions, and I will deal with that one first. What kind of investigations would be opened in the public interest? What would prompt GSOC to do that? Are there examples the commission can give us where it has opened investigations and what happened to those?

Ms Emily Logan: The most serious investigations under the current legislation are under section 102 that relate to such cases as referred to by Mr. Hume earlier that we are obliged to look at, such as serious harm and death. That is the extreme end of those. The commission

would meet at the beginning of the investigation, under section 91. The investigating team would examine it and then recommend an investigation be opened.

Deputy Catherine Murphy: Would they not automatically be referred? I would have thought the section 102 provisions-----

Ms Emily Logan: They are automatically referred.

Deputy Catherine Murphy: So what are the investigations opened in the public interest? Are they different?

Mr. Hugh Hume: They might be something where there is no complainant, for example. It might be something we have been made aware of, such as through social media. In theory, we might see an incident that is of significant public interest and that we feel warrants investigation, or it might be something that comes into us as part of a complaint and, although the individual is not complaining about it, when we identify it, we feel it is something where we would wish to open an investigation.

Deputy Catherine Murphy: Are there examples of such investigations? I am not sure the public fully understands. We have the same problem here in the Committee of Public Accounts, whereby people may believe that if an issue does not fit somewhere else, they can send a letter to the Committee of Public Accounts. Sometimes it is more about public accountability than public accounts. In the context of understanding GSOC's role and the public understanding of the role, I see, for example, that 855 complaints were determined as inadmissible. In many cases that may well be people inappropriately directing complaints to the commission rather than being vexatious complaints.

Mr. Hugh Hume: Absolutely.

Deputy Catherine Murphy: I am trying to get an indication of what kinds of investigation would be opened in the public interest where there is not a referral. Examples are great at giving a steer to people.

Mr. Hugh Hume: I will give an example. A Garda superintendent may contact us and say he or she wants to bring something to our attention, for example, some very bad behaviour where a prisoner has been assaulted by a member of An Garda Síochána. The prisoner has not made a complaint and the prisoner has not suffered death or serious harm. At that moment, we would have no investigation, but under section 102(4) there may be CCTV from the station or there may be another Garda who would make a statement. We could then open that investigation without a complaint and say it is clearly wrong where a member of An Garda Síochána assaults somebody. That is a very generic example for the Deputy. When it comes to our attention, either from the Garda, from social media or from some other format, where we see clear and blatant wrongdoing but there is no complaint from a member of the public and there is no death or serious harm, then we would use the section 102(4) prerogative to open an investigation.

Deputy James O'Connor: I apologise to Deputy Murphy that I had to step out for one moment, and I thank the Chairman. I welcome the members of the Garda Síochána Ombudsman Commission before the Committee of Public Accounts today. I want to develop a better understanding of the work they all do. Obviously, GSOC is a statutory independent body that is charged with overseeing the Garda, but when it comes to dealing with complaints, does GSOC have any capacity to investigate activity within the Garda on its own suspicion or information

that something may be going on within the organisation that is worrying? Does it always have to be as a consequence of a report from members of the public? I open this question to either of the commissioners, Ms Hogan or Mr. Hume.

Mr. Hugh Hume: This talks to Deputy Murphy's point in that, if we were aware of something that caused concern, the commission would discuss it and we may open an investigation under section 102 (4) in the public interest. This may come about. We have spoken about protected disclosures and we have the powers to open investigations under the protected disclosure legislation also. Even where a member of the public has not contacted us, we may receive information from Garda management, Garda members or other sources and we may open a complaint in the public interest if we believe it is warranted.

Deputy James O'Connor: It is fascinating when looking at GSOC accounts to see the amount of money that is spent on staffing proportional to the operations of GSOC as an organisation. When it comes to the costings of undertaking the work GSOC is supposed to be doing, is there an issue of parity when it comes to that? Looking at the charts available to the Committee of Public Accounts, a very significant portion, which is well over 60% of resources, is spent on staffing. Does this include the legal costs of the work it is undertaking?

Mr. Hugh Hume: I suppose staffing is our operations. That is the people who, day to day, outside of hours, go to fatal traffic collisions, do the interviews, receive the calls inside the building, and supporting us through legal and corporate services. The operation of delivery is, effectively, costed through the staff costs. There are also costs for vehicles and fuel and so on.

Deputy James O'Connor: I will just ask the question again, to be direct about it. Essentially, if GSOC is undertaking a major investigation into wrongdoing in the Garda, obviously this would entail substantial legal costs. Are these included in the figures provided for the staff costs of the organisation? That is a direct "Yes" or "No" answer.

Mr. Hugh Hume: We have our own in-house legal team that would be included in the staffing costs, but we also have a legal budget. I will ask our director of administration to come in on that. We do have a separate legal budget.

Deputy James O'Connor: Okay. How big is the legal budget?

Ms Aileen Healy: Last year our legal costs outside of the costs of our own staff was €79,000.

Deputy James O'Connor: Was that €79,000 for the entirety of GSOC's legal budget?

Mr. Justice Rory MacCabe: That is for outside legal services.

Ms Aileen Healy: We have our own in-house legal team. This would relate to engaging external counsel, in addition. That figure was for 2020. Expenditure for 2021 was closer to €90,000 or €100,000. It changes from year to year.

Deputy James O'Connor: That is odd. Those numbers sound quite low. I am not being overly critical. The commission has its own in-house legal team. From an external point of view, however, 127 staff sounds a small complement for an organisation that is charged with oversight of the Garda.

The Garda Commissioner was before the committee last week and a number of important issues were raised with him. Respecting the separation between the Garda and GSOC arose. "Without referring to any specific case, there is a degree of concern about the culture of leak-

ing within the Garda. There seem to be a consistent issue with leaking within the organisation. What work has GSOC undertaken to try to bring about reform and change in order to deal with that issue? It is causing concern for GSOC. There are a number of investigations under way. I am not asking our guests to comment on those cases but I am asking them to comment on the culture of leaking confidential information, relating particularly to PULSE files. Is GSOC doing anything to actively shut that down and maintain people's data privacy?

Mr. Hugh Hume: The Deputy is right that there have been cases in which information from members of the public or our own information has required us to conduct investigations into the leaking of information. There are ongoing investigations in that regard. We have in the past made recommendations of criminal and disciplinary consequences for the misuse of such information. Systemic recommendations have also been made to the Garda Commissioner around the access of information on PULSE. A number of other bodies have conducted reviews of the Garda and identified the ways in which the PULSE system has failed to be an effective management system. The Garda Commissioner has accepted a recommendation to change certain aspects of PULSE to allow for a more proactive capability to monitor leaks. Work is ongoing to procure such a system.

Deputy James O'Connor: I will turn to the efficiency of the work that is undertaken by GSOC, which is highly complex. Many of the cases undertaken by GSOC are extremely controversial. Is there anything that can be done to address the length of time it takes to investigate controversial cases? An investigation in Templemore has been going on for five years, which is an awfully long period. It is difficult to understand why that has taken such a long time. Are there, in general within the organisation, resourcing issues? Is there a shortage of legal personnel to do that work? The primary question I asked earlier related to budgeting for legal costs and external assistance. Is that something that needs to be worked on within the organisation?

Mr. Justice Rory MacCabe: Many of these investigations include a mixture of process and resources. We must look at both those issues in determining how to allocate staff. At the moment, we have a fixed number of case workers and investigators. We have sanction to recruit an extra 22 staff. An investigation begins once the case is admitted for investigation and resources are then allocated. Some investigations take wing and others do not. Some can be resolved relatively easily although they still consume time and resources. Some cases are like peeling an onion. When you peel off one level of skin off, there is another level beyond it. It is probably a truism to say that members of the Garda who are being investigated are well resourced and familiar with the system. They are better resourced than the people who would ordinarily be investigated by the Garda. They are aware of the rights to which they are entitled. We must respect due process.

Deputy James O'Connor: I completely respect that. It is uppermost in all of our considerations. How much of a backlog of investigations has GSOC at the moment? Is there an issue in terms of investigations that have been held up?

Mr. Justice Rory MacCabe: There is a general issue of staff mobility whereby we lose people in key positions through retirement and the ordinary mobility of the Civil Service. Our staff are entitled to be mobile within the overall operation. It is often difficult to replace the key members of staff we lose. People who are recruited do not become effective until they have been properly trained. I have already dealt with the difficulty in recruiting people who are trained.

Deputy James O'Connor: I understand that.

Mr. Justice Rory MacCabe: I cannot argue with the case the Deputy is making. It is difficult.

Deputy James O'Connor: That is a systemic issue across all sectors of the Civil Service and State agencies. What do our guests see as the solution to resolve that issue? Is it a salary issue? Do the conditions need to be addressed? Are employees finding the workload difficult to manage? I am trying to get a sense of what our guests feel the State needs to do to improve the organisation's capacity to undertake the work it has been tasked to do.

Ms Emily Logan: The three strands we have spoken about previously are: the simplification of the legislation: an improvement in resources, as our chair has spoken about; and recruitment. On the issue of mobility, and on a positive note, the people we are losing are in the main being promoted. That is a sign of the expertise within the organisation and the quality of the staff we have. The people we are losing are not generally disenfranchised. The majority are going because they are being promoted out of the organisation. That is not good for us.

Chairman: I ask any members who have not come in already and would like to do so to indicate by using the raise the hand signal. I call Deputy Hourigan for her second round of questioning.

Deputy Neasa Hourigan: I am okay.

Chairman: In that case, I will continue on the new Bill. Our guests have outlined that they welcome the Bill because it will help GSOC to be more independent and will strengthen the organisation. At the moment, what one power that it does not have and which it most needs to be able to do its job will GSOC have if the Bill, as it is drafted, passes? Are there one or two such issues on which our guests could put their fingers?

Mr. Justice Rory MacCabe: It would be easier for us to identify matters in the Bill about which we have concerns. We have already made that submission to the Joint Committee on Justice. We are generally happy with the Bill. We have certain reservations about two particular matters that I raised with the Minister some time ago. One of those relates to search warrants. We believe it would be more appropriate that search warrants would be issued under judicial oversight rather than by a member of the commission. There is also a proposal in the Bill that GSOC would have the power to review its own decisions, and I believe that proposal should be reconsidered because it may prove vulnerable to challenge on the basis that an organisation should not be reviewing its own decisions. That is a complaint that has been made in the context of a perception that gardaí should not be investigating gardaí. It is the same situation, as far as we are concerned.

Chairman: Mr. Justice MacCabe welcomes the Bill generally. What is the single biggest change it will bring about to strengthen GSOC?

Mr. Justice Rory MacCabe: It is making the system more streamlined so that we can get into the investigations quicker. The more fences there are on a racetrack, the more chances that the horse will fall. Removing fences would make it simpler.

Chairman: What is the biggest fence GSOC has to jump at the moment?

Ms Emily Logan: It is the process. The obligation that we have to make that decision early complicates things from an early stage for everybody, including the complainant, the family, the guards and our staff.

Chairman: For members of the public making a complaint, GSOC has to decide whether it is admissible or not. Where should they go in the first instance with a complaint?

Ms Emily Logan: Members will have heard that over 90% of our complainants come to us online but we are aware of and sensitive to the fact that there are complainants who may never come to us. A Deputy referred to groups or communities who may not know we exist or have the confidence or capacity to come to us. We are trying to collect equality data to make sure we are identifying equity of access to GSOC. We have some work to do but are identifying things we will do. One of those is interacting with advocacy organisations who have proximity to and trust with communities and can signpost them to us.

Chairman: On the 10% who do not come to GSOC, would some go to a Garda station first?

Ms Emily Logan: They might.

Mr. Justice Rory MacCabe: There are people who assume, because of the title or for whatever reason, that we are part of An Garda Síochána. That may be a communications deficit on our part and we are looking at that.

Ms Emily Logan: Over 16.5% of our population comprises people who may have come from jurisdictions where they do not have trust in policing or their experience of policing is very different. We are cognisant of that. Our staff and case workers, as Mr. Hume referred to, are alive and sensitive to the occasions when we need advocacy organisations to assist us in helping people understand they can trust us as an organisation and as a place to come to make a complaint.

Chairman: Going back to the PULSE system, has GSOC identified examples where members leaked information from that system?

Mr. Hugh Hume: We have identified examples where members inappropriately accessed PULSE information.

Chairman: Has GSOC not identified any cases where they leaked information?

Mr. Hugh Hume: I do not think we have any cases pending where we can prove that it was passed on, at this stage.

Chairman: Have there been investigations into it?

Mr. Hugh Hume: Yes. Investigations are ongoing.

Chairman: On the cancellation of 999 calls, what role has GSOC had there? Are there investigations into gardaí or have any gardaí of any rank been held accountable for that?

Mr. Hugh Hume: The Policing Authority, which is up later, is aware and did the scoping exercise involving external experts. From our point of view, there is not a current investigation.

Chairman: Is Mr. Hume saying the Policing Authority is looking after that?

Mr. Hugh Hume: The Policing Authority is looking after the systemic issues, as I understand. I think the Commissioner talked to it the other day before this committee.

Chairman: It is more of a systemic problem, as opposed to maybe-----

Mr. Hugh Hume: We have not involved in the detail, at this stage, of that matter.

Deputy Catherine Murphy: In relation to the meeting with the Garda Commissioner, I understand there needs to be a working relationship. It is an independent organisation and there needs to be respect for that independence. Has there been a difficulty with the division of labour? Has there been conflict between the guards and GSOC in relation to who should have responsibility for particular investigations?

Mr. Hugh Hume: “Conflict” is probably a strong word. There have been occasions when the same incident has attracted two approaches. For example, in a public order instance, as the Chair alluded to, a member of the public might complain that he or she was assaulted by An Garda Síochána while that body might be prosecuting that person for a public order situation. In those circumstances we have clear protocols around ensuring the court with jurisdiction over the matter has all information, whether it is sitting in GSOC or An Garda Síochána. We exchange information regularly to ensure we both know what stage we are at in an investigation.

Deputy Catherine Murphy: For example, there will be disciplinary issues that will be dealt with by the guards but they could ending up being something that a protected disclosure is made about. Does that kind of conflict happen? Has GSOC identified things in relation to which there should be greater understanding of boundaries?

Mr. Hugh Hume: The new legislation makes it clear that all complaints have to be referred to GSOC. In the future, An Garda Síochána will not have the opportunity to investigate matters but must refer them to us. That will resolve that matter, I think.

Deputy Catherine Murphy: I am not looking for details of protected disclosures but has GSOC got such disclosures? Do they come internally from GSOC or from An Garda Síochána? What tends to be the profile?

Mr. Hugh Hume: We have a protected disclosures unit comprising, I think, seven investigators currently, whose role is to investigate protected disclosures from within An Garda Síochána to us. We have 69 cases on hand of such disclosures from within An Garda Síochána to us.

Deputy Catherine Murphy: The fact GSOC has seven people on it suggests it is an ongoing stream of work.

Chairman: Investigations into disciplinary cases is supposed to be wrapped up in 16 to 20 weeks. Is that happening?

Mr. Hugh Hume: That 16 to 20 weeks refers to the unsupervised investigations to be passed back to us. There are a number of cases from the 4 July period we discussed where the dispute was notified to us and with regard to which we have written escalation letters to senior management in the guards saying the timelines have not been met. I do not have a figure. The cases we talked about earlier were existing on 4 July and are still subject.

Chairman: There is seven months lost. We will take that. Outside of that, will Mr. Hume cast his mind back to pre July last year? Are those investigations being completed in the 16- to 20-week period. I refer to the disciplinary investigations not supervised by GSOC but carried out internally by An Garda Síochána of officers. Was that happening?

Mr. Hugh Hume: I know anecdotally that a number were but on some occasions we had to escalate it. I could not give the committee any integrity-----

Chairman: GSOC had to go up the ranks in An Garda Síochána and someone more senior, maybe a chief superintendent, would have to intervene.

Mr. Hugh Hume: That is correct.

Chairman: Or an assistant commissioner.

Mr. Hugh Hume: Or assistant commissioner, or the Commissioner. That is our agreed protocol for escalation of complaints that are not dealt with in the 16 weeks.

Chairman: Without putting Mr. Hume on the spot to come up with an exact figure, what would the longest one be? Would cases drag on for six months or a year?

Mr. Hugh Hume: I would not have that knowledge.

Mr. Justice Rory MacCabe: We can get the committee that detail.

Chairman: Will the witnesses come back to us with that?

Deputy Catherine Murphy: On protected disclosures, does GSOC have a profile it could give us? I ask it to provide the committee a note on the number of protected disclosures. I assume some of them are closed at this stage. I am looking for a broad outline of what they are about. I suspect they are equally to do with culture within an organisation because sometimes if one can deal with a matter by raising it internally, it does not attract a protected disclosure. Such disclosures are made when one cannot get to a resolution. Are they to do with culture or individuals within a particular station or things like that? What is the nature of the disclosures that have already been dealt with, for example? It would be useful to get an indication of that because it will tell us something about-----

Mr. Justice Rory MacCabe: We will do that.

Chairman: As regards complaints, is there a red flag system if an above-average number of complaints are emanating from a particular Garda division or station in whatever area? To qualify that, I acknowledge some of the complaints made are not admissible, as can be seen from the figures presented by GSOC. There are many vexatious complaints but there are also some genuine complaints. If there are several admissible complaints in respect of a particular area, division or station, does that trigger investigation by GSOC as there may be a more serious matter at play?

Mr. Hugh Hume: It has not done so to date. By and large, we are dealing with complaints from members of the public about individual Garda members. All those complaints are passed to An Garda Síochána, so it is aware of all the complaints by member, unit, station and district. That is all available to the internal affairs section of An Garda Síochána.

Chairman: To clarify, GSOC has not had situations where there are a particularly large number of complaints relating to a particular station or division.

Mr. Hugh Hume: To my memory, we have not had situations in the past year where we have opened a complaint based on that.

Chairman: Okay. That is clear enough.

Ms Emily Logan: The Chairman should bear in mind that some stations have a greater population and one would naturally expect to have more complaints from them just by virtue

of demographics.

Chairman: I understand that. It is about the ratio of population and the size of the district and all that. There are new divisions now as well. It is to be hoped they will work well.

That completes the questions. I thank our guests from GSOC for attending and its staff for the preparation and briefing notes for the meeting. I also thank the Comptroller and Auditor General and his staff for their attendance and assistance. I wish Mr. Justice MacCabe well in his new role. He was appointed in January.

Mr. Justice Rory MacCabe: I convey our gratitude for the opportunity the committee has given us this morning. This is a learning process for us as well. We would welcome the visit to GSOC of a deputation from the committee to give members an opportunity to speak to the people involved and look at the way the work is done. That might be useful. It would also be good for our staff.

Chairman: That is good.

Mr. Justice Rory MacCabe: The committee should feel free to communicate with us about that.

Chairman: I thank Mr. Justice MacCabe for that offer. I acknowledge we received correspondence from GSOC in July and December and more recently, and it is normally informative and clear. I thank GSOC for that.

The witnesses withdrew.

Sitting suspended at 12.04 p.m. and resumed at 1.31 p.m.

Deputy Catherine Murphy took the Chair.

2020 Annual Report of the Comptroller and Auditor General and Appropriation Accounts

Vote 41 - Policing Authority

Ms Helen Hall (*Chief Executive of the Policing Authority*) called and examined.

Vice Chairman: We will briefly go into private session at the end of this afternoon's engagement to address some housekeeping matters before the committee adjourns. Is that agreed? Agreed. This afternoon we will engage with officials from the Policing Authority to examine the 2020 appropriation accounts for Vote 41. We are joined in the committee room by the following officials from the organisation: Ms Helen Hall, chief executive; Ms Margaret Tumelty, director; and Mr. Cormac Keating, director. They are all very welcome. As usual, I remind those in attendance to ensure that their mobile phones are either on silent mode or switched off.

Before we start, for the benefit of this afternoon's witnesses, I will explain some limitations to parliamentary privilege and the practice of the Houses as regards reference they may make to other persons in their evidence. As they are within the precincts of Leinster House, they are

protected by absolute privilege in respect of the presentation they make to the committee. This means they have an absolute defence against any defamation action for anything they say at the meeting. However, they are expected not to abuse this privilege and it is my duty as Cathaoirleach to ensure that this privilege is not abused. Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction.

Members are again reminded of the provisions of Standing Order 218 that the committee shall refrain from enquiring into the merits of a policy or policies of the Government, or a Minister of the Government, or the merits of the objectives of such policies. Members are also again reminded of the long-standing parliamentary practice that they should not comment on, criticise, or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

I call on the Comptroller and Auditor General to make his opening statement.

Mr. Seamus McCarthy: The Policing Authority was established on 1 January 2016 under the Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015. The primary role of the authority is to oversee the performance by An Garda Síochána of its functions relating to policing services. The authority comprises a chairperson and eight members, who are supported by a staff that numbered 36 whole-time equivalents at the end of 2020.

The Policing Authority functions as one of the central Government offices, funded directly by the Oireachtas through its own Vote. The chief executive, who is not a member of the authority, is responsible for the presentation of the annual cash-based appropriation account, which records the financial transactions associated with the authority's activity. The 2020 appropriation account for Vote 41 recorded gross expenditure of €2.8 million. This was almost identical to the gross expenditure in 2019. Almost 75% of the expenditure was related to payment of salaries, wages and allowances, which totalled €2.1 million in 2020.

All of the Policing Authority's expenditure is classified as administration expenditure, presented under standard subheads used across the Votes. At the end of the year, the amount of the budget provided that remained unspent was €615,000. This full amount was liable for surrender. I issued a clear audit opinion in relation to the appropriation account.

Vice Chairman: Ms Hall is very welcome. As detailed in the letter of invitation, she will have five minutes for her opening statement. I will give her a reminder after four minutes. I call Ms Hall for her opening statement.

Ms Helen Hall: I thank the committee for inviting me and my colleagues before it today to discuss the authority's 2020 appropriation account. The Policing Authority is an independent agency established by the enactment of the 2015 Act and we commenced functions on 1 January 2016. Our key role is to oversee the performance by the Garda Síochána of its functions relating to policing services. The oversight approach of the nine-member Policing Authority, supported by the executive, prioritises meaningful engagement with the Garda Commissioner and senior Garda personnel through regular public and private meetings as well as a comprehensive programme of fieldwork and stakeholder engagement. They all inform policing performance oversight across a wide range of themes.

Our net estimate provision in 2020 was €3.3 million and a net surplus of just more than €615,000 was returned. Having conducted his annual audit, the Comptroller and Auditor Gen-

eral issued a clear audit certificate in respect of our 2020 appropriation account, with no findings or recommendations issued in respect of that year. The year 2020 brought challenges that no one could have foreseen. The authority recognised early in the pandemic that policing and its oversight held huge importance during this time of increased Garda powers, and it responded with agility to the Covid-19 crisis. It was a very full and demanding year with more authority meetings than ever before, 63 senior Garda appointments, and a programme of oversight work engagement to inform oversight across a range of topics, including anti-corruption, the adult cautioning scheme, the Garda review of DNA samples, and the policing of children and youth. Members will find a one-page overview of our work and achievements for that year in their briefing pack.

At the request of the Minister for Justice in April 2020, the authority embarked on what would be a series of 16 reports published across 2020 and 2021 on policing during the Covid-19 pandemic. Since we recognised that the proportionate use of powers through the graduated approach adopted by the Garda Síochána was very important for public confidence, the authority's executive attended at checkpoints and met with community organisations, NGOs and statutory organisations throughout 2020 to listen to the lived experience of policing during Covid from those being policed, as well as from Garda members. This informed our engagement with the Commissioner and senior management, which continually emphasised the need for the Garda Síochána to respect the human rights of those it was policing, while exercising the new powers afforded to it during the emergency.

It is the authority's position that restrictions to our rights must be shown to be necessary, legal, proportionate and non-discriminatory. It is also important for public confidence that the policing service is held to account for the use of these powers. An ongoing challenge to the authority and to the Commissioner is knowing whether policing during Covid or at any time is non-discriminatory in the absence of information about the distribution of policing or, in other words, who is being policed. For example, because ethnic indicators are not collected or recorded, one would not know whether members of a particular community were policed or restricted during Covid to a greater extent than others. This requires legislative change and remains of continued relevance to our work. The authority recognised the importance of this consistency and engaged continually with members of diverse communities to enrich our reporting to the Minister. These 16 reports were considered by the Cabinet and provided information and, at times, assurance, as to the manner in which the Garda was using its increased powers.

In 2020, we saw the emergence of an issue concerning the inappropriate cancellation of 999 calls. The independent report to the authority from phase 1 of this work was published in November 2021 and we are currently overseeing the implementation of the recommendations arising. Phase 2 is currently planned and is intended to take place in late May. It continues to be dealt with as a high priority matter for the authority and provides an example to the committee of how the authority's proactive oversight of the Garda Síochána has brought transparency to an issue that is crucial to public confidence in the policing service. It stands along other critical issues we have dealt with that have arisen in the lifetime of the authority, such as mandatory intoxicant or alcohol tests, commonly known as breath tests, fixed charge notices, governance in the Garda training college in Templemore, youth diversion, and the review of homicide investigations.

The 2015 legislation that established the authority was intended to make a difference. We believe that it has, in that it has created a public, independent, external oversight arrangement for the Garda Síochána where none had ever existed before. The legislation also sought to,

and did, create an appropriate distance between politics and policing through the creation of a greater structural distance between the Department of Justice and the Garda Síochána. In 2018, the Government published A Policing Service for our Future and the Department of Justice is currently drafting legislation to implement that report. Under this plan, the existing Policing Authority and the Garda Inspectorate will come together to form a new body, the policing and community safety authority, in the coming years. We welcome this development. It is our intention to work to ensure that any changes in our functions brought about by this new legislation will not in any way diminish the robust public, independent, external oversight that has been provided by the authority to date and which the Oireachtas saw fit to establish in 2015. We have identified some potential risks in the new legislation that may slow and inhibit, rather than support and encourage, the programme of change to which the authority and the Garda Commissioner are committed. These have been shared with the Department of Justice to facilitate its further development of the legislation. Until such time as the new policing and community safety authority is established, the Policing Authority's existing statutory functions will continue, along with policing performance oversight that is robust, proactive and independent.

In conclusion, I thank the Comptroller and Auditor General, Mr. Seamus McCarthy, and his colleagues for the work that they do each year. I also thank committee members for taking the time to listen to this opening statement. We look forward to providing any further information that might facilitate the committee's consideration of the 2020 appropriation account.

Vice Chairman: The lead speaker this afternoon is Deputy Hourigan, who has 15 minutes. The next speaker is Deputy Colm Burke who, along with all other members, will have ten minutes. I will allow members in for a second round if time allows. We may take a break. We will see how we go. We will evaluate that around 3 p.m.

Deputy Neasa Hourigan: I thank our witnesses today. Even with the 15 minutes, I have a lot of areas I would like to cover so I hope Ms Hall will excuse me if I cut across her every so often. It is inevitable in these sessions.

I will begin with the issue of the computer-aided dispatch, CAD, incidents. I am aware that the review process is not complete but, of the 2,316 incidents that have been reviewed for invalid closures, it was found that 134 crimes had not been recorded. Is Ms Hall satisfied that this is a fair and reasonable reflection of the level of unrecorded crimes in the context of what we know about domestic violence, when you may be going back to people many days or weeks after an incident has occurred? Is she satisfied that the figure of 134 represents a true reflection of the impact of those CAD calls?

Ms Helen Hall: It is important to understand the process of the review. The review looked at a certain period and the number of calls within that period was 1.4 million. Of that number, 200,000 were cancelled. As it was not possible to look at 200,000 cases, An Garda Síochána rightly looked at the priority 1 calls or emergency calls as the top issue. Emergency calls involve a threat to life and priority 1 calls involve other very serious threats of harm. Things like domestic violence fall into that category. An Garda Síochána took the category of priority 1 and emergency calls as the first piece. Within that, there were approximately 23,000 or 24,000 calls that needed to be looked at. It then rated the calls for risk and looked into those 23,000. Health calls, domestic violence calls and missing persons were taken. These amounted to approximately 5,000 calls, which were then looked at. Of that, it was found that approximately 3,000 were inappropriately cancelled, which represents quite a high percentage. An Garda Síochána then looked at those calls for further information and drilled down. That is where the figure of 134 has come from. To answer the Deputy's question, no, I am not satisfied. There is

more work to be done. While the approach was appropriate, it involved looking at a subset of the 200,000 cancelled calls. If you look at Mr. Penman's report, you will see that there are still unanswered questions and that, while we do not want to tie An Garda Síochána up with looking into these 200,000 calls for the next ten years, we have to ask how much we have learned and focus on what will happen in the CAD call room tonight and in the future. That must be the approach. Having said that, there are still questions in my mind. What about the other priority 1 calls? What about looking at the other 175,000 priority 2 and priority 3 calls? Are we sure they are classified properly? You are never going to get to a point-----

Deputy Neasa Hourigan: I take Ms Hall's point about nuance and the volume but, even if we take the data provided as a subset and a percentage of calls looked at, is she happy that the percentage is reflective of the level of crimes that were not recorded but which should have been?

Ms Helen Hall: Last year, the authority said it needed to get an independent expert to look at the process because we were not going to try to second-guess every single case. We did that and, if you look at Mr. Penman's report that was published in November, you will see that he was satisfied with the process An Garda Síochána undertook so, yes, the authority is satisfied that this might be the number of items that were not crimes. Let us go back to the residual concern. What are we concerned about here? Of course, crimes may not have been recorded but the bigger concern and my personal worry, particularly in the context of domestic violence, is that, if something does not get into the system, that may have an impact on the ability to record on the system a risk against a woman who is potentially in danger. It also means evidence is not being gathered for barring orders and so on. That is not being built up. There are other adverse impacts outside of crime not being recorded and prosecutions not getting across the line.

However, I will say that An Garda is very seized of this matter and that it is investing a lot of time in trying to remedy it. We are dealing with 13 recommendations as part of phase 1. We also had a concern about the tone of the responses given to people. We hope that will be the next phase. There has been a little bit of a legal difficulty in that. We hope that will be resolved and that we can do that next phase towards the end of May.

Deputy Neasa Hourigan: I thank Ms Hall for that answer. I am now going to move onto another topic. At the end of February 2022, there were 227 sworn members of An Garda Síochána at the rank of superintendent or higher. Of these, 38 were women while 189 of their counterparts were male. The Policing Authority is responsible for carrying out selection competitions for the senior ranks of An Garda Síochána. What efforts are being made to address that imbalance?

Ms Helen Hall: We carry out the appointment and selection processes for superintendents, chief superintendents and assistant commissioners and are part of the Public Appointment Service's process in respect of deputy commissioners and the Commissioner. At the very senior ranks, women are reasonably well represented but we do have concerns, particularly with regard to the rank of superintendent. You cannot force a decision but, looking at the statistics on our website, we have found that, when women do apply, they perform. That is common to many organisations. Women perform a lot better if they can be encouraged to put applications in. That is the first step. During the last competitions that were run, in 2021, we spoke to An Garda Síochána about encouraging people to put their names forward. However, there is a larger issue with regard to the culture of the organisation that needs a lot of work.

Deputy Neasa Hourigan: Would Ms Hall say that changing the culture of an organisation

is even more difficult when we are not seeing women come through at senior levels?

Ms Helen Hall: Yes, you need to see it. It is absolutely more difficult. We have done a number of things. I believe Deputy Commissioner Coxon was before the committee last week. She and the acting director are looking at a gender strategy and have talked to the authority about that. It is something that we and An Garda Síochána are seized of. We are not seeing results coming through yet but the situation has improved. Some 28% to 30% of the entire service is female and the percentage at the senior level is even higher at 40%. Is that good enough? No, it is not good enough. Correcting that will help to change the culture by increasing diversity. It is not necessarily just about gender. We have another concern about the wider situation. While we do not run the competitions at the more junior level, we have a responsibility to oversee them. I refer to the new Garda competition and promotion competitions for sergeants and inspectors. We are constantly asking An Garda Síochána what it is doing to encourage people from diverse communities to apply. I refer to socioeconomic diversity as well. It is not just about gender, although that is also a problem. Does that answer the Deputy's question?

Deputy Neasa Hourigan: That answers my question. I am glad Ms Hall cited that issue. I am a Deputy for an inner-city area and we have lots of new communities in Ireland. It would be fantastic to see more diversity.

Ms Helen Hall: There have been some good initiatives. An interim programme was brought in this year. Is it enough? One of the things we often say, which is borne out if you look at the matter, is that the best way to encourage people to apply for a position in An Garda Síochána is to ensure their experience of the service as either a victim of crime or a potential suspect is positive. One of the things we saw through our oversight role during the Covid pandemic was that young people, as a cohort, did not really experience the great improvement in policing. We have brought this to the attention of the Commissioner. Attention has to be given to how the service provided across the organisation to people who are young, that is, children and young people in their 20s.

Deputy Neasa Hourigan: In my remaining time, I will move on to the Department of Public Expenditure and Reform spending review and the key performance indicators, KPIs, in policing. It is something that might not be especially exciting to talk about but it is incredibly influential in both decision-making and policy-making. It would be helpful for the authority to set out what it considers when it sets annual policing priorities and performance targets for An Garda Síochána. We will also bring data collection into that discussion. Looking at the information before us, there has already been consideration of quantitative reviews or KPIs that are more about activity than outcomes.

Ms Helen Hall: Definitely. I will also ask my colleague, Ms Tumelty, to speak on this in a moment. Looking at spending first, the role of the Policing Authority in legislation is relatively limited in terms of the money given to An Garda Síochána. Our role is really just to advise the Minister annually. We do not have a very strong role. That said, we have nudged our way into trying to be more influential in that. We have been pressing the Commissioner to cost the policing plan and say what can be done for the money. It is difficult. There are very few police services that do that sort of activity-based thing. I do not think any do.

The second is clear from some of our performance reports, which we do twice a year. We have found that historically there has been a real lack of investment in the management information system in An Garda Síochána that would allow the Commissioner, or even the head of finance, head of HR or senior gardaí to have at their fingertips knowledge of where people are

and what the cost is of deciding to engage in a particular operation. That is just not there.

Deputy Neasa Hourigan: When Ms Hall says that she means data about the organisation itself.

Ms Helen Hall: Exactly.

Deputy Neasa Hourigan: It is not so much data about crime or -----

Ms Helen Hall: The data on crime is there. There is a very strong focus on that.

Deputy Neasa Hourigan: Is that in the authority's remit? Is it what we measure?

Ms Helen Hall: Absolutely. That is front and centre to what we do, as I see it.

Deputy Neasa Hourigan: Can we move to that? My time is nearly up, and I want to hit on the data issue a little. I think it overlaps with the KPIs perhaps, but I am trying to understand how and why we collect certain data. I might submit a parliamentary question and the response that comes back is that the Department does not have that data or does not know the information. I am wondering what the process is. Who decides what we measure? Is there a process in the Policing Authority, for example, where there is a new undertaking? I will give an example. Last year An Garda Síochána formally established the organised prostitution unit. Sex work in general is a matter that I am very interested in. It would be interesting to have information regarding violence against sex workers. It seems that data is very hard to get. At what stage does the process kick in? Who decides what we measure and how do you get things measured? Does the authority have a role in saying that we need to have certain data? I am also a member of the Joint Committee on Health. Access to disaggregated data in health is also a major issue in this State. Is it something that is on the Policing Authority's horizon?

Ms Helen Hall: It is front and centre to what I would see as our role. We approve the priorities each year. We approve the policing plan. Within policing plans there are quite specific performance indicators, some of which would require the collection of specific data. We have a role there. Every month, we receive reports from the Commissioner as part of our holding the organisation to account for the performance of those.

Returning to the specific question, all the data to which the Deputy refers would be housed within the PULSE system. It would be a matter of getting the appropriate data fields in there. That can take a little time but we have made a change in some of the requirements. For example, hate crime has started to be recorded. We are also demanding, and the Garda are very positive, things in the area of sexual assault. There is a lot of data that can be gathered and we are pressing for that.

I will ask Ms Tumelty to talk about some of the KPIs.

Ms Margaret Tumelty: Since 2016 there has been an iterative process with An Garda Síochána to look at its policing plan and see what it is setting as targets and how does it know it has been successful. There has been a mix of crime statistics, milestones for the achievement of individual pieces of work and a public attitudes survey. These are very useful, but on their own they do not give a full picture. Crime statistics can be affected, as happened during Covid when the number of burglaries went down. That was not because of any action by An Garda Síochána, however.

Similarly, with milestones, it is a question of whether an activity or an input happened but

also whether either of these had an impact on someone's experience of policing on, for example, any given Wednesday. I do not know the answer to that. While useful, the public attitudes survey arguably does not hit enough people in particular cohorts in order to be able to give a real sense of what their experience is. This year, we have been pushing An Garda Síochána and having really good engagement around having new reporting that would place better emphasis on outcomes for people. This is something we are doing in our engagement work.

The Deputy mentioned sex workers. We met with the sex worker organisations twice in the past year, because it is about the lived experience. The policing plan does have a tick beside whether a certain policy has been implemented. We will then go out and listen to gardaí and ask them if a policy has been rolled out. Have they the resources to do it? What is their experience at station level? We will then go and talk to the domestic abuse organisations and ask if it is happening in practice. Those things in concert give a picture. The big emphasis in what we are trying to do is see what is of value to the public in terms of people's confidence in the police service and confidence to report. If I am in a certain part of Dublin, say, will I report? If I am a member of a particular community, have I any confidence in reporting my crime or that I will get a response? The tone of policing is important to people, as is how it is done. It is also in terms of legitimacy. Is there corruption in An Garda Síochána? What about the recording of the use of force? We are trying to recognise that those tangible, quantitative measures have a place but so does bringing in the lived experience of policing and what people tell us is impacting them as suspects, as victims or as people who just engage with the police. That is what we are trying to do. We are trying to talk to gardaí about how they are listening to communities and how do they know they are being successful. What are their measures of success beyond the quantitative? There has been really positive engagement on that in recent months. We hope that reporting will have good outcomes.

Deputy Neasa Hourigan: I know I am out of time. It is very hard for us to ensure KPIs are met in circumstances where we do not have the data to back it up.

Ms Helen Hall: Exactly. Yes.

Deputy Matt Carthy: The Policing Authority commissioned a report, the Toland and Byrne report, on Garda compliance with human rights standards in homicide investigations. The report has been completed. What did it cost?

Ms Helen Hall: It was approximately €10,000. Actually, it was €5,000 because they did two pieces of work for us at €5,000 each.

Deputy Matt Carthy: Can Ms Hall distinguish between the two separate pieces of work?

Ms Helen Hall: No, there is just one piece of work from Toland and Byrne on Article 2. We did a particular piece of oversight which ran across 2016 to 2019, namely, the homicide review. At the end of that, there was a residual question around Article 2 and the right to life, but, more particularly, the right of those left behind to have a death appropriately investigated. The report stemmed from the homicide investigations. The authority wanted legal advice on the position around what would be expected for the future in terms of the safeguards to make sure that the Garda had the right things in place. It was really to facilitate our oversight of these investigations in future. It was not to look at a specific case but it was just a piece of legal advice.

Deputy Matt Carthy: So it was just general information.

Ms Helen Hall: It was just legal advice to help us. We have shared that advice with the

Garda Commissioner because it is interesting and in order that he can be aware of the advice we have. We try to operate on a transparent basis with him in terms of no surprises. We also ask what he intends to do in terms of making sure those safeguards are in place. Many good changes happened as a result of the homicide review. I can talk to that, if that is of interest to the committee.

Deputy Matt Carthy: Was it the internal Garda homicide review?

Ms Helen Hall: Yes.

Deputy Matt Carthy: Ms Hall mentioned transparency. Is it the intention of the Policing Authority to publish that report?

Ms Helen Hall: No. Legal advice would never be published. It is not a report, as such. It is legal advice and it is not our intention to publish that. We published the homicide review which is available on our website. It details overall recommendations arising from the review, of which there are a number. That is part of our ongoing oversight. A number of recommendations still have to be implemented and we will follow those up with the Garda Commissioner this year.

Some of them relate to changes that need to be made to the PULSE system. One of the important things in homicide, for example, is to have peer reviews and double check whether everything has been looked at. We are anxious for peer reviews on homicides and to have the right support in divisions to look at homicides going forward.

Deputy Matt Carthy: With regard to the specifics of this case, Ms Hall describes it as legal advice. How many reports of this nature does the Policing Authority generally commission in a year?

Ms Helen Hall: Very few. We get legal advice on a variety of things. We might get legal advice on a data protection or freedom of information matter. To be honest, I characterise this as legal advice on Article 2 of the human rights side of things but with a particular focus on that. It is not about specific cases. That was part of the homicide review.

Deputy Matt Carthy: The language is important here----

Ms Helen Hall: Of course.

Deputy Matt Carthy: -----because every organisation gets legal advice. This committee gets legal advice. We would not define that as a report, which is what this is defined as. It is clearly in the public interest. Other than the fact the Policing Authority does not generally do it, are there specific reasons as to why it will not publish this?

Ms Helen Hall: This is legal advice. Maybe the naming of that is inappropriate, rather than the other way round. However, something characterised as a report, such as homicide review or reports on youth diversion and mandatory intoxicant testing and mandatory alcohol testing, is published. They are reports. Maybe the naming of it might have been inappropriate.

Deputy Matt Carthy: Regardless of its naming and even if it is legal advice, is there a reason it would not be published?

Ms Helen Hall: The advice I have always been given is that one does not share one's legal advice with anyone. It is very unusual to open legal advice and that is common enough. It is

just not-----

Deputy Matt Carthy: Generally, that is because there could be other parties and one is not revealing one's legal strategy. Does the Policing Authority expect legal challenges on this issue?

Ms Helen Hall: We do not expect legal challenges. It is advice. We have not given any consideration to it. We can take it away to consider.

Deputy Matt Carthy: I take it this legal advice was a document the Policing Authority received-----

Ms Helen Hall: It was.

Deputy Matt Carthy: -----for its €10,000.

Ms Helen Hall: It was €5,000.

Deputy Matt Carthy: Which is it?

Ms Helen Hall: I said-----

Deputy Matt Carthy: Ms Hall mentioned there were two distinct €5,000-----

Ms Helen Hall: Two different pieces of work were done by the same firm. When I used the word ten, I reminded myself that one piece of work was to do with ethnic indicators. There is a considerable gap in the data the Garda and the Policing Authority have to show that policing is fair and proportionate. We got one piece of advice on whether legislation was needed to allow the Garda to collect ethnic indicators. The answer to that was that legislation was needed. The second piece of advice we got from this firm was on Article 2. It was €5,000.

Deputy Matt Carthy: I take it the media coverage of it is wrong.

Ms Helen Hall: It is.

Deputy Matt Carthy: An opening paragraph in the *Irish Independent* for which I do not have a date-----

Ms Helen Hall: It was last Sunday.

Deputy Matt Carthy: -----stated: "A substantial report by the Policing Authority into garda compliance with human rights standards during homicide investigations has been completed, following a major controversy over the misclassification of killings".

Ms Helen Hall: That is inaccurate.

Deputy Matt Carthy: Is anything in that paragraph correct? In terms of a substantial report, Ms Hall said it was essentially a letter.

Ms Helen Hall: Several substantial reports were given to the authority. I think it was six, in total. They are definitely not for publication. One has to remember there are individuals on the other side of each of these. The Garda reviewed 41 cases. Those six reports were provided. We got the Garda to do a composite review. If one followed the topic of homicide, available on our website, it was very important to make sure that the quality of investigations on homicide were followed through. There were many recommendations for change which are in the public

domain. The article to which the Deputy referred is inaccurate.

Ms Helen Hall: The legal advice was not a substantial report.

Deputy Matt Carthy: The advice was not into Garda compliance-----

Ms Helen Hall: It was not.

Deputy Matt Carthy: -----with human rights standards, as Ms Hall indicated.

Ms Helen Hall: It did not look at those cases, at all.

Deputy Matt Carthy: It did not relate to the misclassification of killings.

Ms Helen Hall: It did not.

Deputy Matt Carthy: The advice was sought on the back of a tender process.

Ms Helen Hall: It was.

Deputy Matt Carthy: What did the tender ask for?

Ms Helen Hall: It asked for a review. I can come back to the Deputy on that because we had terms of reference. I think they may have been published as part of it.

Deputy Matt Carthy: Did it ask for someone to commission a report or legal advice?

Ms Helen Hall: My terming of the word could also be a flaw in the terms of reference. We would have wanted a report to the authority. When one gets legal advice, the advice is reported. It is not a substantial report into homicide. That is not what was asked for.

Deputy Matt Carthy: I am trying to clarify what, precisely, it was. Public bodies, especially those that hold other bodies to account, should be transparent-----

Ms Helen Hall: Absolutely. I agree.

Deputy Matt Carthy: -----and there should be definitive reasons as to why a document is not published. I do not hear that today.

Dr. Cormac Keating: The advice was given to us in a report format. It was not like the typical advice one would get from senior counsel. That was in order that it could be read, digested and considered by the members properly. In terms of whether we can make it public, we can take that away and look to see whether it could be published or published in a redacted format.

Ms Helen Hall: To be honest, we did not consider publishing it because I would never routinely publish my legal advice. That being said, I hear the Deputy and get the idea. We are transparent. However, the substantial report that was published at the end of the review is very important and that is where the critical issues are. That is the piece we routinely follow up in terms of what is being done by the Garda. However, I am happy to take that away.

Deputy Matt Carthy: I welcome that. It would be useful.

Ms Helen Hall: That is published.

Deputy Matt Carthy: A very high standard is needed for the maintenance of a document

that is confidential. That would need to be clear because, as I understand it and as Ms Hall has said, the Policing Authority has shared it with the Garda Commissioner. I expect that is in the expectation that the Garda will then adhere to the advice, as it pertains in the document. There needs to be a way for the public to know whether that happens. The Government cannot, if it does not know the proposals of the report suggest.

Ms Helen Hall: With regard to the questioning, the minutes of the authority's interactions are all public. Five meetings per year are streamed live. We have taken the approach, almost exclusively, with homicide that it be dealt with in public. I hope those sorts of things give the Deputy assurance. However, I hear the Deputy. Our default is publication. With legal advice, to be quite frank, it did not occur to us that we would publish legal advice. We would almost have to consider that we would not set a precedent for other legal advice.

Vice Chairman: I will let the Deputy back in, if there is time. Will the Policing Authority come back to us on that point, after it has had consideration, in order that we will have an outcome?

Ms Helen Hall: Yes.

Vice Chairman: When the Garda is asked for statistics, it says it does not publish statistics and that one has to go to the Central Statistics Office for them. At the same time, the CSO publishes the crime statistics with a disclaimer that they are under revision. We have already heard from Ms Hall about very serious crimes that have been misclassified. What is her view on the status of crime statistics? It is incredibly important that if a policing plan is to be put together, it considers the very many elements that are required, including the crime statistics.

Ms Helen Hall: Absolutely. First of all, even in our very early days, when we first got our functions in 2016, we thought that information and data were incredibly important not only for public policy but also for the oversight of the Garda. This goes back to Deputy Hourigan's earlier questions about indicators and so on. We are responsible for appointments of very senior Garda staff as well as other Garda members. We recommended the appointment of a chief information officer, who has been in place for a number of years.

As for the matter of homicides I was talking to Deputy Carthy about a few moments ago, some of that came to light initially, back in 2016 and 2017, through the classification of homicides as to whether incidents were being appropriately classified and whether that had an impact on the quality of investigations. That was an element of it and it was a very concerning one. We had a deeper concern about the quality of the investigations. The argument is that if a sudden death is not treated as a homicide, will it get the resources it should get in respect of investigation? The matter of homicides was a critical part of and a really important link into the data.

We meet regularly with the CSO. Going back to the Vice Chairman's original question about whether we are concerned about the reservation, I think the Garda has made a significant number of changes and improvements in the past three or four years, particularly on data. It has invested heavily in the Garda information services centre, GISC. It receives the data in Ballina, records the data on PULSE and owns the quality of that, taking some of the burden off gardaí who are out in the middle of the night. They can dial into GISC. That is one area where we want to make sure there are sufficient resources. I think it will take a number of years for that reservation to disappear, but our interaction with the CSO would indicate that it is quite satisfied that the Garda is making good progress in the right direction. Something like the CAD 999 issue last year might push things back a little because there are concerns there about clas-

sifications and things not getting on PULSE. If I were sitting in the CSO, that might make me a little wary. I will ask my colleague, Ms Tumelty, to chip in on this. The plan, as I understand it, is that the CSO, before it lifts that reservation, will do a detailed review of quality. Could Ms Tumelty add when that will happen?

Ms Margaret Tumelty: They have been doing work on that as they have gone along. There is a data quality improvement plan between the Garda and the CSO. As Ms Hall said, the CSO has expressed satisfaction with the pace and the investment the Garda has been making.

As for calls having to go through GISC, it has review teams there now. There have also been merger teams because there was an issue with multiple identities on PULSE. Another key part is the Garda's information technology vision, which is very much not about kit and hardware but about how we deliver information that will allow for information-led policing. The Garda knows its data reach. The difficulty over the years has been the ability to rely on those data, to access those data and to generate the type of reporting that can improve policing. There is a lot within that vision. I refer to the mobility project and the improvement in accuracy achieved through gardaí being able to put fixed charge notices, FCNs, directly into their mobile phones. Data quality comes up across most the big areas we have dealt with.

Vice Chairman: I have been a regular reader of policing plans over many years. Part of the reason I have been interested in them is that I have looked at the distribution of resources, which of course is the responsibility of the Garda Commissioner. If you do not have a sufficient number of gardaí, you get a reactive type of policing. It has a real impact. There are particular types of crimes that do not show up if road checks and things like that are not being done. I was looking at the ingredients of the policing plans over the years. I looked at them before and after the most recent census of population. We have just taken a new census of population. I do an update every couple of years on the distribution of resources. I raised this with the Garda Commissioner last week. The same pattern keeps on cropping up and has cropped up for the past 15 years, and that is only since I have been looking at this. The pattern is that the areas that are growing rapidly in population consistently have a lower ratio of gardaí to population. It is important then to factor in things such as the reliability of data because population will not be the only metric. There will be crime statistics, but can you rely on the crime statistics? Then the Garda is not detecting some crimes, so the crime statistics are lower than they would otherwise be and you are almost at a kind of revolving disadvantage. Does the Policing Authority address that resourcing issue, or can it address it, with the Garda? Does the authority look at the policing plans? The quality of the public experience was mentioned. The quality of that experience relies on visibility as well as everything else. Having a sufficient number of gardaí is important, but gardaí also have to be safe in their workplace rather than going out to do their jobs on their own as opposed to in pairs. There is the reactive element, safety and so on, but what does the Policing Authority do in interrogating those policing plans in respect of the distribution of gardaí?

Ms Helen Hall: We have a very direct role in that in respect of, first of all, the adequacy of resources, on which we advise the Minister, but also in respect of effective policing. That people experience is the bottom line of the service, as the Vice Chairman rightly said. I share some of her questions about the distribution but, obviously, that is a matter for the Commissioner. Sometimes you hear local joint policing committees, JPCs, or local councillors say they do not want a reduction in the number of gardaí, but that should be a moving thing because it should be dependent on need, priority and, as the Vice Chairman said, population. That is important. I tend to be an optimist. One of the big things I see as positive is that the Commissioner intro-

duced in late 2019 - it has got a little delayed due to Covid but it is getting back on track - the biggest change in the structure of the Garda since 1922, which is what is called the operating model. That is changing the way the Garda will resource and manage the organisation. Where there were 98 districts which rolled up into 28 divisions, now there will be 19 divisions. Some divisions will cut across two counties. They will have their own resources but it will be on a needs basis. That is looked at. The decisions around those divisions were made based on population, crime and things like youth and socioeconomics. There was a whole decision on that. I think that will help because if a district is run by just a superintendent and the resources are not shared across the division, that becomes a little tricky. That is one positive thing.

I go back to Deputy Hourigan's point about having the data. One of the things we have been concerned about and one of the things we have pressed in our advice to the Minister is that there needs to be significant investment in IT. It is hard sometimes. This is an organisation of 18,000 people, and the Commissioner needs to know at his or her fingertip where people are, what they are doing and what they are assigned to in order that some of those operational decisions can be made and the force is not, as the Vice Chairman said, being reactive but planning ahead, looking at particular areas that have, for example, population explosions and therefore more young people, looking at the risks in that regard and the socioeconomic indicators and saying we need to take gardaí away from certain areas. Those are hard decisions that will also not be popular politically, but they are necessary at times.

Vice Chairman: I have had meetings over the years with senior officers of the Garda who told me that the outlook of divisional officers was, essentially, "what we have, we hold".

Ms Helen Hall: Culturally, that must change. It should be around need and priority.

Vice Chairman: I hope Ms Hall's optimism works out. Some of the ways the divisions were realigned lead me to have serious doubts.

Ms Helen Hall: It is the Policing Authority's full-time job to look at this issue, and, if nothing else, we are persistent. I assure the Vice Chair that high on the list is the appropriate allocation of resources to ensure it is based on evidence-led and information-led decision-making. Ms Tumelty mentioned this earlier. It is a work in progress, though.

Vice Chairman: Okay. Several retirements are due at the same time. We talked to the Garda Commissioner about this matter last week. It is not an ideal situation from the perspective of workforce planning or institutional memory, etc. I asked the Garda Commissioner about another aspect where he said he was not seeing a pattern. Anecdotally, however, I am hearing about people retiring before they are due. Additionally, there have been some cases where people have been suspended and they have retired in that period, before their retirement date. Is the Policing Authority examining this aspect?

Ms Helen Hall: Yes, to some extent. Workforce planning, certainly, is central to the work we do. The running of the senior grade competitions is our responsibility, so we must constantly have an eye on this issue. One of the concerns the Vice Chair might be alluding to is that this time next year seven of the eight current assistant commissioners will no longer be in place. We are very much aware of this issue and a competition is ongoing to fill these posts. Therefore, we are aware of this issue in respect of the competitions we are responsible for. We also approve the numbers of Garda staff and make the senior appointments. If the Vice Chair looks back at some of our reports, she will see that workforce planning has been an issue we have been like a scratched record on. I refer to getting workforce planning details from An Garda Síochána.

This subject again goes back to some of the systemic aspects, but progress is being made in this area and we await a current workforce plan.

Concerning things like discipline and suspensions, we do not get involved in the detail of individual cases. We would, however, want to see that such matters are being dealt with appropriately and independently and that they are being appropriately referred to GSOC. We do not want to see themes arising from complaints that might indicate the presence of systemic issues we should be following up on from an organisational oversight perspective. Therefore, we certainly would be cognisant of these matters.

On early retirements, we think this is common and we factor it in. One provision of the contractual arrangements of members of An Garda Síochána is that they can retire after 30 years' service, in contrast to those working in other sectors, and probably rightly so. This means that there are people who could continue to work until they are 60, but who choose to retire at 50 because they can. Personal choice comes into this context, but this arrangement has also always been a feature of the force. Those of us who have friends and family members in the force, or who know gardaí, know that some choose to go and have a different career, while others wish to continue their service up to the maximum permissible age. It is an aspect that must be factored in and it makes Garda workforce planning a little difficult, but no more than any other organisation facing issues with retirement dates.

Vice Chairman: Regarding suspensions, I have some responses to parliamentary questions on this issue. One of the longest suspensions was for eight years, which seems extraordinarily long. The people suspended have issues in this regard, but, equally, there are also questions here regarding what kind of a process would allow something to go on for that long. It seems like an inordinately long suspension, although there were much shorter suspensions as well. If it is not possible to resolve issues of this kind in a timely way, that screams out to me that there is a problem here.

Ms Helen Hall: The Policing Authority has an oversight role in this regard, but the system deals with these individual cases. Obviously, I would not even have the information to comment on an individual case. I am concerned as well that something is up here. To be fair, there has been a recognition in the Department of Justice, GSOC and An Garda Síochána that significant work needs to be done and there must be an improvement in this regard. I heard some of the interactions with our GSOC colleagues this morning, when they were talking about this aspect and the new legislation. A change is needed to the disciplinary regulations, and it is something the Department of Justice is considering. This is overdue to simplify the system.

One of the areas we examine, and one of the areas of emphasis for our work this year, concerns what the Garda do. Talking in the broadest terms possible, I refer to any information or third-party recommendations that come to the attention of members of the force and how they would act on them. Deputy Commissioner Coxon is doing some work from the Garda's perspective on how the force can be assured that things are happening fast enough in this context. I refer to something like a complaint or a grievance, and whether that is being handled. I comment on this point because we had concerns, in the context of our clearance processes over the years, that sometimes the handling of internal procedures was inefficient. Much work remains to be done in this area. We want attention to be given to this matter, and we have already discussed with the Garda Commissioner how this aspect can be improved. That said, we would not know sometimes if a person undertakes a judicial review of a process, because that is his or her prerogative, and it can take time. I point that out just to be fair.

Vice Chairman: Yes, and that is fair enough. It is not always straightforward. Turning to the Policing Authority itself, it is holding another organisation to account. To do that, the Policing Authority's own board must have the authority to do that, and that is why is it important that it is above reproach. Late last year, there was an issue with a board member concerning the handling of a disciplinary issue in Northern Ireland in respect of an individual who had a degree of protection in the workplace and then that protection was removed. Regret was expressed about the handling of that matter at the time. Is that sufficient? Has what happened undermined the Policing Authority? How can that kind of situation be avoided in future? I think it is the Minister who makes the appointments.

Ms Helen Hall: Yes, it is the Minister. I may not get this completely right, but it is the Minister who makes the recommendations and then the appointments are made by the Government. Ratification by the Houses of the Oireachtas then follows. I certainly do have anything to do with the appointments to the Policing Authority. Equally, the focus of some of the members of the Policing Authority at the time was very much on, and our focus now is on, ensuring appropriate treatment in respect of domestic sexual assault and any matters of that kind. It is front and centre. It would be inappropriate for me to comment on appointments to the Policing Authority. It would also be inappropriate for me to comment on something that went on in another jurisdiction. I do not, however, think it undermined the Policing Authority.

Vice Chairman: Okay. I call Deputy Hourigan.

Deputy Neasa Hourigan: I am sorry, but I am going to return to the issue of performance evaluation.

Ms Helen Hall: That is no problem.

Deputy Neasa Hourigan: This question will possibly overlap with data issues. The Policing Authority has a role in developing and agreeing policing plans, and that is an annual process.

Ms Helen Hall: Yes, absolutely.

Deputy Neasa Hourigan: The Policing Authority examines situations where those plans are being put in place again, and not novel or new contexts. What happens in that process or what is the role of the Policing Authority in this regard? What mechanisms and tools does it have in cases where performance targets have not been met and, equally, in those situations where the Policing Authority does not believe the performance targets were appropriate or have proven to be inappropriate?

Ms Helen Hall: The important thing in respect of the work of the Policing Authority, as I see it, is that the oversight of those performance targets happens in public. It is important that the plan is published. Then members of the public can see the Commissioner being questioned on the performance, challenges and targets. Anybody who is accountable for performance will know that one may not always get 100% green, but the conversation about what went wrong and having that conversation in public is also important.

As Ms Tumelty mentioned, we do this every year so we learn. For example, if we say we did not do something for a particular reason, we are going to be asked again and there would be a different target, so if that did not work, we could refine that. I would say it is very much a co-creation, and that is important, because the work the Garda does is extremely challenging and difficult. It is about making sure what is signed up to by the Commissioner - it is his public commitment to all of us as to what he is going to do in a year - is agreed as being appropriate.

That does happen, there would be a little bit of a discussion on it, and even the fact that discussion happens in public is important.

Deputy Neasa Hourigan: I hope that the chief executive does not mind me saying but that sounds like an iterative process. If there is a point of conflict where the authority simply does not agree with a performance indicator, has it a mechanism to follow up with the various individuals or the particular policing plan and say more work needs to be done?

Ms Helen Hall: With the policing plan, essentially we establish the performance targets. If there is a disagreement, we can still establish them, and that has been the case. I know it was something that was discussed the last time we were before the committee a number of years ago. As long as we maintain our independence and, at the end of the day, we are establishing the targets as an authority, you do not really want to impose something, and yet there have been times when we have said something is very woolly. Those discussions happen and there are tough discussions around it. That independence piece is very important and then looking into the so what, as it were. We do a critical assessment twice a year, which is published, and then there are changes to the plan for next year or a challenge as to why something should be remediated and questions relating to that. Is there anything else Ms Tumelty might want to add?

Ms Margaret Tumelty: There would be many times when there would be a green on some aspect of the policing plan and we would say “No”. We would see if that policy is in place, if it has been resourced, if it is actually happening in stations and if that is the experience of people. That is what I talked about a bit earlier. There would be good robust engagement on that. In the Garda annual report, it would report on the progress against the various milestones. Also, in our twice yearly report, we would have quite robust commentary at times as to where failings have been.

What we have also done this year, because we have a statutory obligation to determine the targets, in addition to what is in the policing plan, is to take the policing priorities and put our targets in there because we want the Garda to see this is what we expect. When we say, for example, the first policing priority this year is around protecting and supporting victims when they are vulnerable, we would expect to see at the end of this year increased reporting, increased detections, the recommendations on the child sexual abuse report in place, the maintenance of the service in terms of domestic abuse that was established over the past two years, increased cybercrime capability to address the existing backlog of devices, and consolidation of the divisional protective services unit.

We have been very clear that there are targets in the policing plan to do with public attitudes, measures or crime statistics but we want to see these outcomes. Those targets have been put in with the policing priorities this year to make it very clear it is not just a list of priorities but tangibly this is what we need to see in order for us to say the force has been successful.

Ms Helen Hall: One of the things we have learned is that in some of the policing plans, such as the ones before our time or even the early policing plans in the life of the authority, there was, for example, an indicator to develop a diversity strategy, but the question would then be whether it had changed anything. We are trying, as best we can, to challenge that so what, as it were. There has been learning on our side as we are a relatively new body, but it is a challenge to the Garda now as well, and Ms Tumelty referred to the fact the Garda, I believe under Deputy Commissioner Coxon and Deputy Commissioner McMahon, is looking at trying to get more towards being outcome-based and dealing with the so what. It is both. One wants to do several things but ultimately it is a question of whether it makes a difference.

Deputy Neasa Hourigan: That is very encouraging. It sounds as if, if that innovation happens this year, we might be in a better position to interrogate it next year.

Ms Helen Hall: Exactly, yes. Hopefully.

Deputy Neasa Hourigan: In terms of the softer outcomes, such as perception by the public and engagement with the public, especially when we are, I hope, moving into dealing with particular communities or vulnerable groups, if the witnesses are saying there would be a critical analysis of that and checking those outcomes are correct, how do they envisage their organisation will do that? Is it through particular sessions of justice and policing committees, JPCs? How will the authority communicate with people experiencing the policing?

Ms Margaret Tumelty: We did a lot of that over the past two years and it was a great learning experience for us. In doing the Covid reports over the past two years, we met more than 50 different organisations, which ranged from family resource centres to those representing different minority groups. We met sex workers and commercial entities. We also maintained the relationship, so it was not a one-off talk. We met them a number of times and, by talking to them, we built up relationships and trust. In some cases, for example, we would have had two or three communities where groups of people said they wanted to bring more to the meeting. A number of our board members sat in on those meetings on a few occasions as well.

These are listening exercises. We are not trying to present them as mad scientific things. They are the particular, so we are not trying to make generalisations, but they are still very valid as the particular. If an inner city group tells us what is happening for them, we bring that back. It helps us to have a more informed conversation with Garda management but also to feed back to them and say that while they are saying it is one thing, this is what we heard in this area. There was a good geographic spread. We did not explicitly state at those meetings or within the Covid reports that it was a group from a specific place, so I think that gave people confidence as well. We would have said we met a group representing Travellers, students or migrants, an inner city group, an urban group or a group representing young offenders in a particular area.

Ms Helen Hall: The engagement Ms Tumelty has talked about is critical. Another area on which we have done a little bit of work is getting research done. We have recently advertised for some research to be done on the way diverse communities experience policing, and I give a little shout out for that.

Deputy Neasa Hourigan: We would very much like to see that research.

Ms Helen Hall: We would love some respondents and it is still open.

Deputy Neasa Hourigan: When is the closing date?

Ms Helen Hall: It is in September and the details are on our website. We try to triangulate information and we have done that since the very beginning. As Ms Tumelty said, we have learned during Covid how the particular can lead to a very meaty question, so that it can be said, while there is a diversity strategy, what we are hearing from young people or young black men is as follows. It is very interesting.

Deputy Neasa Hourigan: What Ms Hall has explained is very much the Policing Authority going out into communities and double-checking that work is being implemented as envisaged. I know, in the short time in which the authority has operated, there has been a discussion around the relationship with Garda representatives. How is that relationship right now? Does that kind

of work pose issues? How is that working out?

Ms Helen Hall: We do not have a direct relationship. Is the Deputy talking about the representative bodies like the Garda Representative Association, GRA, the Association of Garda Sergeants and Inspectors, AGSI, and the associated unions?

Deputy Neasa Hourigan: Yes. I am also interested in communications between senior members.

Ms Helen Hall: There are a couple of strands to our relationship with the organisation. We have a very direct productive relationship with the Commissioner and his senior team. I have nothing but praise for the access we are given and being able to go wherever we like. Somebody asked a question about unannounced visits and that sort of thing. Certainly in recent times, there has never been a constraint put on the information we get. Sometimes it takes time, and that is frustrating, but in terms of the relationship, I would say it is positive and appropriately robust.

Deputy Neasa Hourigan: That is carefully worded.

Ms Helen Hall: Yes. I would not say we are the most loved, but then is anybody who is overseeing loved? Do we love, for example, when the auditors come to us? Mr. McCarthy would probably share the same pain.

Mr. Seamus McCarthy: No offence taken.

Ms Helen Hall: It is human nature. The relationship is appropriately robust but yet productive, so I have no cause for complaint in that regard. Sometimes there is an expectation, in relation to the representative bodies, that we are somehow a conduit to the Commissioner. I suppose we have resisted that because we believe the relationship is between the unions and associations and their employer, the Garda Commissioner. That is not a popular position. We do try, however, and it is funny the way these things happen. Covid taught us a lot. We have done a lot of engagement within the service. For example, when we were going out to assess how people were experiencing policing, we went to checkpoints back in May 2020. I stood at the side of the road myself and we talked to members of the Garda about the fear, about the difficulty of these regulations and about their own personal situations. It was about understanding. Maybe we have not done enough of that. It is something I would like us to do more of in terms of that engagement with the Garda service. We have not been restricted in any way and we have had nothing but positivity from the service throughout. I commend the committee on its comments last week about using the word “service” rather than “force”. It has been there since 2005 but it is not a Garda force or a police force. It is a police service. I like that kind of language from the committee. It is very welcome.

Deputy Neasa Hourigan: I want to pick up on some of the issues the Vice Chairman raised around the turnover of staff. That kind of senior-level turnover can affect business continuity. What role does the authority have in ensuring continuity and a continuity of skill sets?

Ms Helen Hall: Statutorily, we are the ones who make the appointment, and that is our primary role. We focus as best we can on there being no gaps and I think we have done a very good job of that. For the last five years there have rarely been gaps, whereas in previous times there might have been vacancies for months or years. For example, with regard to the seven assistant commissioners who will be gone, our priority will be to try to get them in place, or at least put a panel together that the Commissioner can have at his disposal. It is about encourag-

ing good workforce planning. A lot of good work is being done but we are not yet there. I can think of a particular example where the Commissioner asked us to do an early appointment to allow for a handover and that kind of continuity. The authority acceded to that even though there were a few months of overlap, because it was important. We try to be as helpful as we can, where it is within our remit.

Deputy Neasa Hourigan: I have one final question. I thank the Vice Chairman for her leeway. We spoke to GSOC this morning about the new legislation coming through and the expansion of some of its remit. One of the areas of expansion is the inclusion of the laypeople and non-Garda people who work in Garda stations. Will that change the way the Policing Authority operates, or will it have any impact on the work it does?

Ms Helen Hall: Is the Deputy talking about having a mixture of Garda members and civilians or staff?

Deputy Neasa Hourigan: Yes, civilian workers will now come under GSOC and it seems it can include them in its work. Will that have a knock-on effect on the Policing Authority's work?

Ms Helen Hall: It is something the authority has been in favour of since the beginning. Those who are at the disposal or in the service of the people should be a coherent workforce. It should not matter whether somebody is a sworn Garda member in uniform or a Garda staff member doing analysis, photographing a crime scene or doing tests on things. There has been a huge shift in the Garda in the six years we have been overseeing it and we have encouraged that. It is moving towards the professionalisation of certain areas that could be covered by non-sworn members and it is prioritising that and giving funding and positions to it. There are now a little over 4,000 Garda staff members. We have several very senior people enrolled in areas like finance, HR, ICT, which were previously Garda roles. That is a positive thing. A cultural shift is beginning to happen within the organisation to accept those people as peers. However, it is only beginning; it will take time.

Going back to the operational model, the chief superintendent having a senior person at his or her disposal who will look after all the business services is crucial. They can work together with a superintendent who is involved with all the serious crime across the division, not just silos in each district. It is about having somebody who is looking at the performance and accountability and somebody who is really focused on community policing. That is potentially a game changer and should be encouraged. It is a change. The idea that Garda staff members are not just typing up the notes and making the tea but are sitting peer to peer is a huge cultural change. I know the Commissioner feels this as well. There are policing roles that can be undertaken by Garda staff. Do not tell me a 25-year-old cybercrime expert is not just as much a part of that policing investigation team. The Garda members value that now. It is about that mingling. We have a role in that workforce mix, in encouraging diversity and having the right people in the right places.

The one thing the public, and the committee as Oireachtas Members, can do is not to automatically say they want more gardaí in the street. A lot of crime now comes into private spaces. It comes in behind closed doors in the form of violence, child sexual abuse happening online or elder abuse happening online. Having a Garda walking down the street may not solve that. It may be somebody sitting behind a computer with the right skills. As a public we need to be careful and acknowledge that. The committee should not get me wrong; there is an element of visibility making people feel safer. That is also important but that is not the only thing and it is

not always about more boots on the street. It might actually be better to invest in the ICT that could save time so that when those boots are on the street, they are much more effective.

The Garda has made considerable progress with the mobility devices it has put into the hands of members but it is not just a question of handing someone a phone. It is a question of the ICT and the stuff behind that, which costs money. Our latest resource advice to the Minister related to this issue. We sent a second letter in 2021, so seized was the authority of the matter of investment in ICT. It is critical. It needs to be ring-fenced, invested in and prioritised above all else. I have no doubt it is a hard political decision to say we will not bring in 800 gardaí this year but will bring in 600 and use the extra 200 worth of money to do something else. These are hard decisions that will need to be made. That non-visible policing has to happen if we are going to keep pace with the crime that is actually happening behind closed doors.

Vice Chairman: I will just come back in on a few things. On the 14% of emergency calls that were not responded to, were the automatic recordings preserved? Was the Policing Authority able to listen to those?

Ms Helen Hall: This is the second phase that I alluded to when I was talking to Deputy Carthy earlier. There were some legal impediments to Mr. Penman listening to those calls. That fact is in the public domain. We have said this already. We are hopeful now that that will happen towards the end of May. That is the second phase and that will happen. The Garda is very positive about allowing that to happen. We are positive that it should happen but there are some steps that need to be taken. A lot of that hinges on data protection and assuring the privacy of the individuals that one might be listening to. That will happen but it has not happened yet.

Vice Chairman: That will be essential.

Ms Helen Hall: It is essential. It is one thing to remember when members are thinking about the new legislation. It will be critical to make sure the new policing and community safety authority, PCSA, is beyond doubt in terms of what information and data can be accessed by it. This has been a big issue across 2020 and 2021 and it still endures, in terms of our oversight.. I have concerns about the 200,000 cancelled calls, which I expressed that earlier, and there is still more work to be done there. However, it is important to clarify that it is not that the 999 calls were cancelled or knocked off. When a call comes in, a computer-aided dispatch, CAD, incident needs to be created. Some 200,000 of those were cancelled. That will often happen and there are perfectly valid reasons for cancellation. For example, if five of us see a road traffic accident and we dial in, there will then be five CAD incidences. It would be appropriate to delete four of those and have just one so that double-counting does not take place. That being said, the bigger concern is around where there is a domestic violence call that should have had a response. I am not diminishing the issue but I am just saying that in respect of the numbers, there were still a great number of them that should not been cancelled.

Vice Chairman: The audio recordings will be critically important in telling whether there was something more than that involved in some cases.

Ms Helen Hall: It is not just that but it is also the tone of how people were responded to, and whether there is more to that, which is very important.

Vice Chairman: Absolutely. It takes courage to make such a call. It used to be the case that people would not come to a public representatives with issues of domestic or sexual violence but that is not the case anymore. People will come forward. Very often, they lack confidence

and not having confidence in a service that is responding has really doubled down on-----

Ms Helen Hall: I wonder about the adverse impact that appeared in Mr. Penman's report. He talked about this and Deputy Carthy or perhaps Deputy Hourigan talked about the 100-plus cases that were criminal matters. I have a concern that goes back to what the Vice Chairman has just said, which is that if I have taken the courage to ring and I do not get a response or feel I have got one, will I ring again? That is an adverse impact, which is just as serious as it not being recorded as a crime.

Vice Chairman: In a domestic violence incident, there is also normally in good policing a follow-up.

Ms Helen Hall: If it does not get into the system, however, there will not be one.

Vice Chairman: That follow-up is equally important because, very often, pressure is applied to tell the authorities to go away and that it is all sorted.

Ms Helen Hall: It can also impact on court appearances. If one does not have, for example, those four calls to the Garda about this incident and this particular premises, it may make it more difficult to get a protection or a barring order or anything else. It is not just necessarily about the crime that has been committed. One of the things that we are encouraging An Garda Síochána to do is on that adverse impact, which is wider than just the prosecution. It is about the follow-up, as the Vice Chairman has correctly said, but is also whether the person would be happy to call the Garda again, if that person had already managed to pluck up the courage to dial 999.

Another residual concern on this is that many people in rural areas do not dial 999 but dial their local Garda station. That is one of the challenges for An Garda in that we may not know, as the Garda stations are not linked into the CAD 999 service. That is another risk that we know the Commissioner is looking at and is trying to resolve in a way that will reduce the incidents where somebody dials into their local Garda station and it is not then recorded. A great deal of work has to be done on our side and on the Garda side in that regard.

Vice Chairman: Ms Hall expects then more work to be done in the not-too-distant future, hopefully. We will take a note of that point in respect of the legislation because we are likely to be making a report on this and that kind of detail is of value.

On the legislation, we have seen at the committee over the years mergers and amalgamations and very often systems do not talk to each other. Mergers are more complicated than anticipated, sometimes, and the preparation for it is not there. What work is going on at the moment before that merger that would make it work more smoothly? There is obviously some degree of overlap, in any event, and the last thing that we need is duplication and a lack of boundaries as to who does what. Has the authority identified such issues?

Ms Helen Hall: As I said in the opening remarks, we welcome the merger of the authority and the Garda Síochána Inspectorate to become the new policing and community safety oversight authority. From the beginning when the Commission on the Future of Policing made its report in 2018, and it was one of the things it noted. To be fair, it was an issue we had been trying to do in any event, and we decided that on an administrative basis that there would be plenty of scope for us and the inspectorate to work closely, without needing to have legislation in place. Myself and the chief inspector, Mark Toland, have been working closely together over the past number of years.

I will give the committee examples of such work as in anti-corruption, where the inspectorate would have done the report, would have kept us informed of what it was, and we would have then been pressing the Garda on implementation, would have had a public meeting on that, and would have received briefings from the Commissioner. There has been a great deal of close working. We have taken some of the reports, such as the report on child sexual abuse, and I will defer to Ms Tumelty on that, where we have worked quite closely with the inspectorate. The recent custody report that was published by the Garda Síochána Inspectorate was taken at our meeting last week. That work is a first step.

The second and more practical step is that the inspectorate is an office of the Department of Justice and the authority has been set up as an independent agency with its own Vote. Myself and the chief inspector have already recognised that there will be some easy ways to do a merger in respect of this aspect. We will start the talks and I am aware that the Department is leading out on that this year in looking at a stream of the things that are needed so that we are ready for much of it. When we were developed in 2015–16, much of the legwork was done in creating an agency and in having just the basics such as having the lights on, an office, and all the financial statements. We have started conversations on those issues but it is more important to look at ways in which we can work together in respect of the staff of both agencies.

One of the positives is that we are both relatively small agencies. Our staff number is 39 in total and the inspectorate has ten to 12 staff. The organisations are not very big and I hope that that will make it a little bit easier. Talking to people and planning for that is ongoing and is top of our business planning for this year.

Vice Chairman: What timeline is the authority working to with the Department of Justice?

Ms Helen Hall: We understand that the legislation will be published and will be going through the Oireachtas, where there were hopes that this might happen before the summer but it looks like it might be the autumn now and I cannot cite anything more accurate than that. We understand that the commencement will be in the middle of next year or on 1 January 2024. That is the timeline that we are working to and we are trying to get many of our ducks in a row this year so that we are ready. We are trying to work together more closely and the chief inspector and myself meet almost weekly, which is very positive.

Vice Chairman: This is a left field question in a small way, but in the anti-corruption, I am quite critical of how fragmented it has been over the years where, for example, white-collar crime has not been treated as seriously as it requires to be. We have the Office of the Director of Corporate Enforcement, ODCE, for example, which will become new agency, the Corporate Enforcement Authority, CEA. There are members of the Garda embedded there and there is a memorandum of understanding to position members of the Garda within the new authority. There has been a great deal of criticism from the ODCE in respect of the non-provision of members of the Garda and delays in respect of inquiries, and so forth. This is an area of policing but it does not have the same kind of oversight. Should that area come under or is it even one that is considered to come in under the remit of the body such as the Policing Authority?

Ms Helen Hall: There are two aspects to this. As I understand this, and I will not comment on another agency, but the CEA will be about corporate crime and company law. It has Garda members on secondment to the authority but they work under the director of corporate enforcement. I understand that the interaction mentioned is about getting sufficient Garda members and having them there, which is one piece of this issue.

There are also the areas, which are directly under our oversight, of serious crime, fraud, economic crime and cyber crime. There is also the review carried out by Mr. Justice Hamilton, which is something that we are also overseeing. I will go back to something that I said a little earlier, which is this is very much a case in point of having the right technical and professional resources at the disposal of the Garda Commissioner. One might actually want forensic accountants rather than gardaí in uniform for something like that, or, again, to go back to those ICT specialists. That sort of crime is quite complex. There will be a pass-over between the CEA and something that then comes into An Garda Síochána, but there is a line for that there, which is the economic crime, the fraud, and the elder abuse which the committee has discussed earlier is financial crime and is directly within the remit of An Garda Síochána. It has its own resources. Is there enough of these? The answer from the Hamilton review is “No, not yet”, and that is something that there has to be a plan for. Part of the workforce planning is getting the right skills in there to support both investigation and prosecution. Is that helpful?

Vice Chairman: Yes.

Ms Helen Hall: There is a lot more work to be done.

Vice Chairman: Absolutely. It is just that when I look at the people who robbed the banks from the inside and the damage that was done to society and our ability to deliver services, with huge national debt, etc., it is quite obvious that this is an area we have not----

Ms Helen Hall: It is an area of focus, from both a legislative and an investigative perspective.

Vice Chairman: Deputy Colm Burke has ten minutes. He is very lucky. We were nearly going to wrap up.

Deputy Colm Burke: My apologies for not being able to join earlier. Forgive me if I go over areas that have already been covered. I was caught on some other issues during the day. I thank Ms Hall for her presentation, which I have read.

I compliment the Garda on the work that has been done from 2020 onwards in dealing with the issue of Covid and the way in which it worked with local communities in providing help and support, especially to people living on their own. It was an extremely important contribution. The Garda also worked with other people, getting them to assist as well. As for the issue of policing and the work of the Garda, I wonder about community involvement. I have seen it in my area. I do not live that far from University College Cork, and there is very good co-operation between the local community and local gardaí. However, in areas where we have a high level of drug use and where cocaine and other drugs are now more prevalent - I suppose that applies everywhere but it is higher in some areas than in others - do the witnesses think a lot more could be done to have more gardaí at street level than is currently the case? Do we need to focus a bit more on policy and getting more gardaí to areas where that is prevalent? It is about getting gardaí more involved with the community and working to resolve those issues.

The other issue I want to deal with is the challenge we face of having a growing elderly population and how we can change mechanisms. I know it is not the responsibility of the Garda to provide the level of support it provided during Covid, and it went way beyond its call of duty in that regard. It is about getting more co-ordination between the relevant State authorities, including the Garda, in dealing with issues like this. Has that been looked at? Have we looked at other jurisdictions in respect of that issue?

Ms Helen Hall: I will start. I may ask my colleague, Ms Tumelty, to chip in as well. I could not agree more with the Deputy that the idea of multi-agency co-operation is key. I echo what he has said, and other Deputies have said the same. The job the Garda Síochána does for us in the middle of the night, in very difficult circumstances, is not to be underestimated. Sometimes gardaí deal with issues of addiction and mental ill health in the middle of the night. They are the ones left trying to deal with that. The new legislation is predicated on community safety. It is in the Bill. The new policing and community safety authority will have a role in overseeing that. One question I have about the Bill is whether it goes far enough in delivering on the ambition of the Commission on the Future of Policing in Ireland, which was about requiring real inter-agency co-operation, working in inter-agency teams, but also that there would be money for that in order that it becomes real at a community level. That is one potential for the future.

We have spent quite a bit of time on drugs policing in respect of oversight because we hear about that from communities suffering from the effect of dealers on the streets they are living on, with their children not being able to go out safely. That feeling is not just a feeling of a lack of safety; they are not actually safe, and there is a sense and a concern that the Garda cannot resolve that for them. There have been a lot of discussions with the Commissioner and his team about the fact that the Garda has made very good inroads at a very senior level in cracking organised crime gangs, but does that make a difference to the communities on a day-to-day basis? One of the strategies the Garda has is to try to look at that. The other thing that is important is the new emphasis on community policing. That is a really important part and should not be considered a softer end of policing. The Commissioner and the team are giving a new emphasis, and that is something we will be pressing for and encouraging. There are things in the policing plan to ensure that that happens apace.

As for rural crime and people feeling safe, we have joint policing committees and there are some pilots out there for what will happen under the new legislation. They are the community safety partnerships. It is a matter of making sure that the initiatives that come from those community safety partnerships, or indeed the joint policing committees, truly come from the needs of the community and that they can see that as a way for them to be able to hold not just the gardaí but also perhaps the local authorities or the local health service to account, looking at how, as a public or a community, we can encourage and engage the multidisciplinary piece.

I do not know if Ms Tumelty wishes to add anything.

Ms Margaret Tumelty: I will just echo what the Deputy said about the experience of policing during Covid for an awful lot of communities. We talk about Garda visibility; they talked about Garda presence. Very often, having large numbers of gardaí does not actually guarantee a sense of presence of gardaí in one's community. I remember one conversation in an inner-city area outside of Dublin. The person talked about how the Garda station was within 100 yards but many of the gardaí had never come into their community unless it was for enforcement reasons. The person said that to have the gardaí interacting with them on a positive basis was a very new thing and something they relished. There is also the tone of policing. We heard phrases such as "Community policing got back to where it should have been". The operating model will be important in that regard and for the community hubs. The community policing framework is being rolled out at the moment. Our emphasis in overseeing that is that it cannot be just an allocation-of-numbers job; it must be asked whether presence is being delivered for communities.

As for drugs, we have heard very strongly from communities that they know that work is going on where there are large hauls of cash, guns and drugs but that this is not impacting their existence from Monday to Friday or from Monday to Sunday in their communities. This year

the Garda located drugs policing not in the section of the plan that typically deals with organised crime but in the community. It is interesting that this can be seen as a small administrative thing or something that actually has meaning. We have had a great deal of engagement with the Garda Commissioner and his team over the years on the need for the drugs policing side to look at the impact on communities. We were hearing very strongly that, in respect of the type of policing, the emphasis on guns and tonnes, which is a phrase we have heard, was not necessarily delivering impact for people in terms of their fears about drugs and intimidation of their kids. We heard from those communities that what we need is good, solid community policing, that gardaí need to be in the community, not just for enforcement, and that they are needed to develop relationships with the young people.

To come to Deputy Burke's point about multi-agency work, that affects not only drugs policing but also elder care. What has come across strongly from our talking to the organisations that work with the elderly is that the gardaí are very often the first people to encounter the vulnerability and have the job of trying to discern where there is risk but that, after that point, there needs to be that multi-agency working and that safeguarding in respect of elderly abuse. During Covid, we heard of people signing over permission to their relatives to collect their pensions. Was that ever signed back? Where was the safeguarding in that regard? The Garda cannot do everything. That is where the multi-agency competence and capability have to come in. The community safety partnerships offer a way of doing that, but it is also a matter of that development of multi-agency working at a local level.

Deputy Colm Burke: I will go back to the multi-agency approach. I was involved in a project in Blackpool, Cork, with the local gardaí. This is going back 15 or 18 years, when local gardaí worked very closely with the community, such as, for example, in respect of instances where young people dropped out of school. When we did a survey of the people who had come through the training schemes there, we found that 70% of them were in full-time employment five years later. It was the gardaí who initially started it in getting them into the programme. The people might have committed a minor offence and the gardaí could have taken them through the court the system or try to put them through the centre. Putting them through the centre was a far more effective way of getting the young people back onto the system so that they could earn a living for themselves. I am wondering whether we are doing enough of that especially for young people who, for some reason or other, do not fit in to the educational system and end up on the street, starting illegal activity. Should we be doing more on that? In my area, the gardaí are doing a huge amount of work and I wonder if we are doing enough in other areas in that regard.

Ms Helen Hall: It is a critical issue. We would have seen it in our own work in overseeing the youth diversion programme, where there were some difficulties with there not being a consistent referral of people, and the importance of diverting people into precisely what Deputy Burke is talking about. Sometimes we hear from the gardaí and communities that it actually needs to go further and extend to primary school children in some areas because the organised crime gangs are becoming more directed at and are targeting younger children, particularly those who cannot be prosecuted, to do some of their running. Children need to be diverted and I would say that the gardaí are doing an immense amount of work.

During Covid some of the youth services closed, which in a way is a learning. In the second phase of Covid lockdown, they were considered more of an essential piece because there were some children who were not getting into those sort of programmes. They were stuck at home in situations where they should not have been. That is where I see the ambition of the new Bill

in terms of community safety and trying to get people much further upstream. Why is someone in the court now? Is it something that could have been addressed by investment in education or investment in the poverty situation he or she is in? It is a complex issue but if agencies work together they could support children who are quite young and divert them into education before they ever get near that, or support a family so that they do not live in poverty. Much more is involved.

The gardaí are picking up the impact of some of the societal pieces downstream. Going back to the Bill, the multi-agency piece could be a very significant change. Personally, I do not believe it fulfils the ambition for community safety that was envisaged by the Commission on the Future of Policing but - going back to me being an optimist - I believe it will help. When looking at the Bill, it is something to keep an eye on. Is that powerful enough to make the sort of changes the Deputy is suggesting?

Deputy Colm Burke: The other issue that needs to be taken into account is the cost issue. For instance, when I was chair of the board, I remember having to spend a lot of money that I did not have and being rapped on the knuckles for spending it. It was costing us approximately £600,000 at the time to provide services for about 50 young people. If four of them were in custody, that £600,000 would be spent to keep them in custody over a 12-month period. Sometimes we do not measure that, whereas we were looking after the 50 young people. I am not sure whether we have grasped that issue yet, especially for young people who have dropped out of the system. We might be better off spending much more money at an earlier stage to make sure they can be accommodated-----

Ms Helen Hall: If one does not have that multi-agency approach, the budgeting piece that comes across and that information, it is quite difficult to say to somebody “you need to give up your money in order for that person to get an intervention earlier”. The legislation will be important there to have the true multi-agency piece. The Deputy is right. One can save when looking at the cost of probation services, prison services and court services. If they are measured against an investment at preschool, it would be a no-brainer in terms of cost benefit.

Vice Chairman: I am conscious we did not have a break and that the witnesses have been here for quite a while. I thank them for joining us and the staff of the Policing Authority for the work involved in preparing for the meeting. I also thank the Comptroller and Auditor General and his staff for attending and assisting the committee. Is it agreed that we request the clerk to the committee to seek any follow-up information and carry out actions agreed at the meeting? Agreed. Is it agreed that we note and publish the opening statements and the briefing provided for today’s meeting? Agreed. We will go into private session before adjourning until 28 April, when we will examine the appropriation accounts with the Department of Justice and the Prison Service.

The witnesses withdrew.

The committee went into private session at 3.16 p.m. and adjourned at 3.26 p.m. until 9.30 a.m. on Thursday, 28 April 2022.