

DÁIL ÉIREANN

AN CHOMCHOISTE UM DHLÍ AGUS CEART AGUS COMHIONANNAS

JOINT COMMITTEE ON JUSTICE AND EQUALITY

Dé Céadaoin, 25 Aibreán 2018

Wednesday, 25 April 2018

The Joint Committee met at 9 a.m.

MEMBERS PRESENT:

Deputy Colm Brophy,	Senator Martin Conway,
Deputy Jack Chambers,	Senator Niall Ó Donnghaile.
Deputy Clare Daly,	
Deputy Peter Fitzpatrick,	
Deputy Jim O'Callaghan,	
Deputy Mick Wallace,	

In attendance: Deputies Donnchadh Ó Laoghaire and Alan Kelly, and Senator Colm Burke..

DEPUTY CAOIMHGHÍN Ó CAOLÁIN IN THE CHAIR.

BUSINESS OF JOINT COMMITTEE

Business of Joint Committee

Chairman: I remind members to switch off their mobile phones as they interfere with the broadcasting equipment. The committee will now go into private session to deal with house-keeping matters.

The joint committee went into private session at 9.05 a.m. and resumed in public session at 9.25 a.m.

Garda Oversight and Accountability: Discussion

Chairman: The purpose of today's session is to meet with An Garda Síochána to discuss two main issues and other issues that have been signalled. I will indicate, as I have already to committee members, that those present should put their phones on silent. Their phones will interfere with the recording equipment in the Houses.

The first item is to revisit the committee's report of December 2016 on Garda oversight and accountability and to consider what progress has been made in this area in the meantime, including on the implementation of the committee's recommendations. Second, we will discuss issues surrounding the recording and classification of Garda homicide figures, including, in particular, the review being conducted by An Garda Síochána into the classification of homicides and the reasons for the delay in publishing the findings of that review and furnishing a report to the Policing Authority. Third, we will discuss some ancillary issues which I will not name but which have been flagged to the witnesses and of which An Garda Síochána has been given notice.

I welcome Assistant Commissioner Michael Finn, Assistant Commissioner Orla McPartlin, Assistant Commissioner David Sheahan, Chief Superintendent Brian Sutton, Mr. Joseph Nugent, chief administrative officer, Mr. Liam Kidd, executive director of ICT and Mr. Niall Kelly, head of Garda internal audit service. Seated behind them are Mr. Andrew McLindon, director of communications, Superintendent Marie Broderick and Ms Gail Malone.

Before we begin, committee members should be aware that under the salient rulings of the Chair, members should not comment on, criticise or make charges against a person outside the House or an official, either by name or in such a way as to make him or her identifiable.

Most of the witnesses will be familiar with the privilege reminder. I draw the attention of our witnesses from An Garda Síochána to the situation with regard to privilege. They should note they are protected by absolute privilege in respect of the evidence they are to give to the committee. However, if they are directed to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable. Before inviting Mr. Finn to make his opening statement it is important, for clarification, to point out that the team presenting this morning is not led by the acting Garda Commissioner, which would have been our expectation. We only received notification yesterday of the make up of the delegation here this morning. We understand some media are referencing the acting Commissioner, Mr. Ó Cualáin, in this morn-

ing's press but I am not personally privy to it. It would be important to state this at the outset, because this is the second time we have addressed the very important issue of the homicide review, and the acting Garda Commissioner has not been in attendance on either occasion. I know it is matter of concern to members of the committee and, at the outset, it would be important to clarify whether the acting Garda Commissioner and the deputy Garda commissioner, Mr. Twomey, are indisposed. We also note the fact Mr. Singh is not here this morning either. Will the witnesses clarify this for the sake of settling down to the work we have indicated that we would like to address this morning?

Mr. Joseph Nugent: On behalf of an Garda Síochána I will explain that the acting Garda Commissioner, Mr. Ó Cualáin, is out of the country and, therefore, unable to attend this morning. At the same time as this meeting, we have a conferring ceremony in Templemore for students who are receiving their bachelor of arts in policing. The deputy Garda commissioner, Mr. Twomey, is attending that on behalf of the acting Garda Commissioner, so I am attending here to represent the acting Garda Commissioner. I hear what the committee is saying. It certainly was not his intention to avoid questioning here. It was literally an issue of scheduling conflicts.

Chairman: I appreciate the clarification. It is important. I have no doubt Mr. Nugent will appreciate that it has been the historic practice, with regard to presentations before the committee, that the Commissioner or acting Garda Commissioner would indeed be the lead officer in attendance. Concerns have been expressed to me by committee members and I would be very remiss if I did not open by seeking that clarification. I accept what Mr. Nugent has indicated and I thank him for it.

I now invite the assistant Commissioner-----

Mr. Joseph Nugent: I will make the presentation.

Chairman: It is Mr. Nugent who will deliver the opening statement on behalf of the acting Garda Commissioner.

Mr. Joseph Nugent: I thank the Chairman and reiterate the apologies of the acting Garda Commissioner, who is out of the country and unable to attend today. Certainly I will communicate back to him the concerns of the committee in this regard. The committee has asked that we cover a number of items today and the breadth of topics requires a larger attendance than normal. Given the time constraints for this opening statement, I will provide an overview of each matter and my team with me are more than happy to take further questions on the detail in each of the areas.

As previously stated, An Garda Síochána takes the investigation of each and every suspicious death very seriously. All members of An Garda Síochána understand that any death, regardless of whether it is ultimately deemed to be from natural causes, accidental or premeditated, brings significant pain for the deceased's loved ones and, as such, it is vital they are investigated fully and professionally so families can be provided with all of the answers to their concerns.

It is also important that each death is recorded accurately on our computer system, PULSE, to ensure An Garda Síochána, our stakeholders and society at large has the most up-to-date information available on natural, accidental and suspicious deaths recorded throughout the country at any particular moment in time.

As previously outlined to the committee in December 2017, a review team was established under an assistant commissioner and includes experienced detectives and civilian members of

the Garda analysis service to further examine all homicide incidents between 2003 and 2017. Under this review, priority has been given to the 41 cases from 2013 to 2015 that were the subject of discussion between An Garda Síochána, the CSO and the Policing Authority. To progress this review, a senior investigating officer has been appointed and an incident room has been established. The review team's terms of references have been previously outlined to the committee and they effectively have two bodies of work. These are to review the classification of each homicide incident in line with the crime counting rules and PULSE data quality, and the review of the standard of investigations carried out, particularly to ensure compliance with Article 2 of the European Convention of Human Rights and the Garda Síochána Act 2005.

Each of the 41 cases is being subjected to a stringent and robust thematic review looking at a range of issues, including initial response, post mortem, main lines of inquiry, exhibits, charge process and family liaison. To date, 12 of the 41 cases have been reviewed and two of the 41 cases are before the courts with trial dates set. Certain commonalities have been identified in the cases reviewed to date, such as the revisiting and upgrading of investigative actions and crime classification on PULSE, which had been overlooked. The review team has also consulted with a number of external bodies to ensure independent data quality. These include the Office of the State Pathologist, the Courts Service and coroners' inquests. As a result of findings to date, the review team has made a number of recommendations for changes to PULSE.

Due to the volume of work involved in the in-depth review of the 41 cases, unfortunately it will not be possible to have the work completed by the end of April 2018 as previously outlined. The review team is committed to completing its work as quickly as possible, while very conscious of the need for each individual incident to be thoroughly and comprehensively reviewed. We will keep all stakeholders advised on progress on these issues.

The Garda ICT department has successfully delivered a number of major projects, such as the TETRA radio communications network, e-vetting, and an automated number plate recognition system to assist the delivery of policing and security services. This would not have been possible without a comprehensive approach to governance and project management. In relation to ICT procurement, our focus has always been on procuring IT services that support policing and national security activity in a cost-effective manner. In line with other public sector bodies, the annual Garda ICT budget is approved by the Office of the Government Chief Information Officer. In addition, it is subject to review by the ICT governance board, which is chaired by myself as chief administrative officer, and includes representatives from the Departments of Justice and Equality and Public Expenditure and Reform. The ICT governance board meets on a quarterly basis.

When talking about ICT investment in An Garda Síochána, it is important to put this in context. Due to the economic downturn and the subsequent decision of successive Governments to reduce funding to the Garda organisation and put in place an embargo on civilian recruitment, the ICT budget was reduced significantly. Capital expenditure reduced by 50% and operational expenditure reduced by 43%. In addition, the number of people employed in ICT is significantly lower than in similarly sized public sector organisations across the public service at large. As a result, in order to maintain critical policing and national security ICT systems on a 24-seven, 365 days a year basis, it was vital that the ICT department had access to external skilled resources. By their nature, given the range of ICT services to be provided and supported, contracts with suppliers can be very complex. The skilled resource contract with a company we have referenced previously, namely, Accenture, commenced in 2009. Initially, it ran for two years with the option to extend for a further two years, which it was. The contract

was further extended since 2013 to ensure the continued operation of ICT services and because the complex nature of the contract meant retendering would be difficult due to the lack of a permanent resource to design and run a procurement competition. However, over the duration of the contract, the average cost per resource has decreased by 8%.

The report by the Garda internal audit service raised a number of issues, which have been addressed or are in the process of being addressed. As of 1 September 2017, all Accenture staff working under the skilled resource contract are subject to the Garda electronic time recording system. In December 2017, An Garda Síochána received approval from the Department of Public Expenditure and Reform to use the Office of Government Procurement to tender for a new skilled resource contract through open competition. This contract has been broken into four tenders for different services, namely, service desk provision, IT operations, security and support for the strategic transformation office. These tenders are at different stages of the procurement process. Over the past 12 months, the number of in-house skilled resources in ICT has increased, and it will increase further in the coming years. Increased numbers and skills, combined with new structures in the ICT department, will reduce the level of dependency on external contractors. On the matter of agreed rates, all rates are contained in the master services agreement and annual project documents. There are no verbally agreed rates. In addition, the internal audit service raised the issue of pre-payments. The decision to apply prepayments is in line with the overall Garda budgeting process and has resulted in a 5.5% discount.

On the matter of the use of email service in the organisation, as was raised by the Policing Authority, An Garda Síochána provided a report to it. Following the issue being raised at this committee in early December 2017, this report was provided to the committee later that month. It is important to state that this report related to organisational use of email and not email use by any individual within An Garda Síochána.

An Garda Síochána takes the issue of ICT security very seriously and operates a robust and secure e-mail service. Every year, there are approximately 48 million emails sent and received securely on our internal systems. It was the case, however, that in order to use certain mobile devices provided to personnel, there was a requirement to sign up to an account from a commercial provider to gain security updates for the phone. It is a standard process operated by the telecommunications industry. There was not, though, any obligation to use the email account. Restrictions on the sending of large files over the Garda email system also led to some people, for operational reasons, occasionally using commercial email services.

It is clear that our usage policies relating to email had not kept pace with technological developments. We have taken a number of steps to address this issue. Users cannot auto-forward emails from Garda email accounts to commercial email accounts. Garda desktop users cannot access external email systems. An updated policy on Internet and email usage is being finalised. The introduction of a new enterprise content management system will enable the remote access of files from mobile devices via secure access protocols, reducing the requirement to send files via email. Our mobility project, which is being piloted in Limerick, will securely provide mobile users with access to a range of Garda systems and information.

On the committee's report on Garda oversight and accountability aspects that are under our control, we have implemented a number of measures. In the context of reducing service level complaints to GSOC, pilots have been run in the Carlow-Kilkenny division to reduce the level of such complaints and in the Pearse Street division to examine ways to resolve such complaints without formal recourse to a GSOC process. Both pilots have proven successful. In this regard, Ms Justice Ring has cited the Carlow-Kilkenny pilot as an example of how An Garda Síochána

and GSOC can work together to improve public confidence in policing. It is intended to extend the Carlow-Kilkenny pilot to all divisions in the south-east region by the end of quarter 2 of 2018 and the Pearse Street pilot to other divisions by quarter 3.

An Garda Síochána has improved the process for Garda personnel speaking up about issues in the organisation. We continue to encourage and support anyone who wishes to speak up in the future. To strengthen our approach in this area, we are currently reviewing our protected disclosures policy in conjunction with our colleagues from the PSNI, and additional protected disclosure managers were appointed by the Commissioner in December 2017. There are now four protected disclosure managers in the organisation, with a mix of Garda and civilian personnel, male and female, to include staff outside HR to ensure any staff seeking to bring a protected disclosure have a number of managers available to them. In addition, we are working with Transparency Ireland in respect of training and assistance to protected disclosure managers and the policy holder. Transparency Ireland is also assisting with the review of An Garda Síochána's existing practices. In addition, members of the Garda senior leadership team have completed an integrity-at-work training course on whistleblowing and the Protected Disclosure Act 2014, facilitated by Transparency Ireland.

I thank the Chairman. Given the breadth of issues to be considered, colleagues will probably take the lead in individual areas if that is acceptable to the committee.

Chairman: Mr. Nugent may field questions as appropriate.

Mr. Joseph Nugent: Yes.

Deputy Jim O'Callaghan: I thank Mr. Nugent for attending again this morning. I am conscious that he was present in mid-February when we asked questions on the homicide review. I will not ask any questions I asked previously. However, I want to ask others on the homicide review because of developments since the delegates were last here. Since Mr. Nugent is the face and voice of An Garda, I will address my questions to him in the first instance. Did he hear the evidence given to the committee by Ms West and Ms Galligan?

Mr. Joseph Nugent: Yes.

Deputy Jim O'Callaghan: What did he think of it?

Mr. Joseph Nugent: If we step back from the particular issue, we note that it is certainly very worrying that individuals with concerns about their treatment in the organisation would have been subjected to what they were subjected to. It was of major concern to me, the Commissioner and others in the organisation.

Deputy Jim O'Callaghan: Does Mr. Nugent believe that the content of the evidence they gave to the committee was accurate?

Mr. Joseph Nugent: I do.

Deputy Jim O'Callaghan: Does he believe it was reliable?

Mr. Joseph Nugent: I do.

Deputy Jim O'Callaghan: Does he believe that this committee should rely upon it and act on what those witnesses said to us?

Mr. Joseph Nugent: The purpose of accountability is to hold the organisation to account regarding the evidence it has seen and what we are doing in regard to homicide data that exist and in respect of providing the assurances that committee and the public at large should have. In that regard, my answer is “Yes”.

Deputy Jim O’Callaghan: The evidence they gave to the committee was that, in effect, they were tasked with the job of conducting a review. They brought it to the attention of the Garda executive in November. After that, up to September 2017, they were virtually ignored. Is that acceptable?

Mr. Joseph Nugent: It is not acceptable. Assistant Commissioner McPartlin can talk about the current process and representatives of the analysis service are involved in the process that is under way today. That is a reflection, on both sides, of the fact that we have seen that there were difficulties with what occurred in the past and we are seeking to remedy them.

Deputy Jim O’Callaghan: Why does the delegation believe that the work of those to whom I refer was not given sufficient attention by Garda management?

Mr. Joseph Nugent: I do not know.

Deputy Jim O’Callaghan: As a civilian within An Garda Síochána, does Mr. Nugent believe that there is a certain disregard for civilians within the force who are doing work?

Mr. Joseph Nugent: I have not seen it. I have been with the organisation since August 2016 and it has not been an issue that I have encountered. Others in the organisation have different experiences. The broader point is that we work as a single organisation. We will have 4,000 civilian members by 2021, in addition to 15,000 Garda members and 2,000 reserves. Everybody who works in the organisation should feel part of it. It is my responsibility, as part of the Garda executive, to ensure that is the case.

Deputy Jim O’Callaghan: Does An Garda Síochána now accept that the work that was being carried out by Ms West and Ms Galligan was being carried out in a professional capacity?

Mr. Joseph Nugent: Could the Deputy explain what he means by that?

Deputy Jim O’Callaghan: I mean work that has been carried out professionally by them.

Mr. Joseph Nugent: I would have no issue with that.

Deputy Jim O’Callaghan: Is there no explanation as to why their work was ignored as they said it was ignored?

Mr. Joseph Nugent: Again, the word “ignored” has a particular meaning. I believe others felt that they perhaps had a better perspective on the issue. I am not saying that is right or wrong; I am saying there was a difference in perspective around the issues. However – this is the critical part from where I am sitting – the two individuals felt they were being ignored. That is important in itself and it should not be the case.

Deputy Jim O’Callaghan: As well as being ignored, they said they were, in effect, pressurised to sign off on a report they had not approved. Does Mr. Nugent believe that is appropriate?

Mr. Joseph Nugent: I think that we, as an organisation, have learned the lesson that there

should have been a far greater level of engagement in respect of signing off on that report and reports of that nature. The involvement of the analysis service in the work that is going on is a testament to the fact that we want a more inclusive process in any of these issues, this being one of very serious and significant concern.

Deputy Jim O’Callaghan: Where we are now regarding the homicide review – Mr. Nugent may correct me if I am wrong – is that the methodology that was initially promoted by Ms Galligan and Ms West has been accepted by An Garda Síochána as the correct methodology. Is that so?

Mr. Joseph Nugent: Maybe I will ask Assistant Commissioner McPartlin, who is heading up this, to talk about that, if that is acceptable.

Ms Orla McPartlin: The methodology being used at the moment is based on the methodology recommended by Ms Galligan and Ms West originally. There have been some tweaks and additions to it since the review group was established, but it is basically much the same as they recommended.

Deputy Jim O’Callaghan: Are they part of the review process referred to by Mr. Nugent in his report when he says that, in December 2017, a review team was established under an assistant commissioner? Are they part of that review team?

Ms Orla McPartlin: Absolutely. The two ladies are members of that review team.

Deputy Jim O’Callaghan: When does Ms McPartlin believe we will have finality in respect of the homicide review?

Ms Orla McPartlin: I suppose there are different strands to it. The current strand that is being followed concerns the original 41 cases in respect of which we were requested to do a peer review. That is the body of work that is being carried out at the moment. It is being led by Chief Superintendent Sutton. As was said in the opening statement, 12 of those cases have been reviewed, two are before the courts and the rest are being reviewed by the members of the review team. It is taking somewhat longer than expected, as is often the case in these matters, but it is the review team’s view that it is better that we carry out a thorough and careful examination and make sure everything is concluded to finality to the satisfaction of every member of the review team.

Deputy Jim O’Callaghan: Earlier, Mr. Nugent stated, “Certain commonalities have been identified in the cases reviewed, such as the revisiting and upgrading of investigative actions and crime classification on PULSE, which had been overlooked.” Is Assistant Commissioner McPartlin in a position to elaborate for the committee on the commonalities involved? Does the sentence mean that there have been cases of homicide which have not been thoroughly investigated by An Garda Síochána?

Ms Orla McPartlin: No. It is more to do with the classification in that if something started off as a serious assault, for example, and the person died subsequently, the senior investigating officer may not have upgraded it. While the investigation into the death was carried out to a finality and went to court, the officer may not have updated the court outcomes at the end. We had a PULSE upgrade in October 2015 which addressed some of those matters in advance of the new management investigation system coming on stream later this year whereby members’ investigative actions can be recorded on PULSE. Even though PULSE probably was not set up to record data like that, it does so now and has increased that. For example, regarding those

commonalities, we would have made a recommendation, which has already gone to the college, that people on senior investigating officer courses would be told of the importance of updating actions and the classification of a particular crime as they go along through the investigation. That is the sort of thing we are talking about.

Deputy Jim O’Callaghan: In respect of the review team, do I take it that the analysis service and the investigative part of An Garda Síochána are working together on this matter?

Ms Orla McPartlin: Absolutely. The review team is based in a south Dublin Garda station due to accommodation issues at Garda headquarters. The members of the team work out of that station and they meet once a week to have a conference on matters that arise. All members are invited and can attend that conference, and they do.

Deputy Jim O’Callaghan: I am conscious that other bodies, and Assistant Commissioner McPartlin never said this, were informed by gardaí that there was this co-operation between both sides, but can she give a personal assurance to the committee that there is co-operation between the analysis service and Garda management on this issue relating to the report team?

Ms Orla McPartlin: Absolutely. In the context of the review I am in charge of at the moment, there is total co-operation. As I said, the two ladies, Ms Galligan and Ms West, are members of the review team.

Deputy Jim O’Callaghan: When does the assistant commissioner believe the Garda will be able to produce a final report into the homicide review?

Ms Orla McPartlin: As the Deputy knows, on completion of the 41 cases, we will be meeting the Policing Authority and also the Central Statistics Office, CSO, to discuss the outcomes of those 41 cases and how we might progress the 2003 to 2017 cases as well. It was intended originally to dip sample the 41 cases. However, we decided subsequently that we would review all 41 cases. That will give us a better view of how we will approach the rest of them when we are finished, which will give us a view on our final report and when it will issue.

Deputy Jim O’Callaghan: I thank the assistant commissioner. I have one further question. It is not on the homicide review and I do not know if any of the witnesses will be able to answer it but I have been contacted by individuals from Bruff who are concerned about the fact that they were told they were getting a superintendent. They have not yet got a superintendent. Do the witnesses know when a superintendent will be appointed to Bruff?

Mr. Joseph Nugent: I cannot give a specific answer to that question other than to say there will be a meeting of the Policing Authority tomorrow. Part of its process includes the appointment of individuals. It may be that there will be appointments to that rank but I cannot make a specific commitment on the matter today. However, I am happy to come back to the Deputy on it.

Deputy Jim O’Callaghan: Their concern is that they had been informed that a superintendent had been appointed. It is not like some areas where they are waiting on that. There had been an appointment that had not proceeded.

Mr. Joseph Nugent: I will happily come back to the Deputy with the detail on that.

Deputy Jim O’Callaghan: I thank Mr. Nugent.

Deputy Mick Wallace: My questions are for Mr. Nugent. Is it correct that he is the chief

administrative officer of An Garda Síochána?

Mr. Joseph Nugent: That is correct.

Deputy Mick Wallace: That means he has overall responsibility for the finance directorate and ICT, among other areas. As such, the executive directors of ICT and finance report to him.

Mr. Joseph Nugent: That is correct.

Deputy Mick Wallace: I want to start with the ICT governance board. One of the main roles of the board is to ensure that ICT projects and the contracts relating to them are consistent with the public spending code. The public spending code is a 200 page document but one of the main requirements of the code is that contracts over €25,000 be tendered for. The board has been up and running since November 2016 so, technically, if the board is doing its job, every ICT contract agreed after November 2016 should be in line with the public spending code. Can Mr. Nugent tell me the number of ICT contracts the Garda has agreed following the setting up of the board and if all those contracts were tendered for?

Mr. Joseph Nugent: Apologies, but I did not hear the last part of the question. How many-

Deputy Mick Wallace: How many ICT contracts has the Garda agreed since the board was set up and were all those contracts tendered for?

Mr. Joseph Nugent: I cannot give the Deputy a number *per se*. What I can speak to is the report Mr. Kelly presented in which he comments critically on the procurement process around a range of areas. There are projects across a variety of aspects of ICT roles and, as part of our processes, most of those contracts have been the subject of public procurement. There are four broad areas in which public procurement issues have surfaced. Mr. Kidd, who is the executive director of ICT, can talk to those, and they are in various stages of procurement as they currently stand.

It is important to reference the broader governance role around ICT. Projects are managed at an individual project board level. The role of the ICT governance board is more strategic in its nature. I take the point the Deputy is making about the terms of reference but they tend to be at the broader strategic level. There certainly would be discussions at those levels at that board on the broader approach as opposed to getting down into the different elements of individual projects. Updates would be provided but the overarching governance board has tended to look at that. The board is meeting as we speak. Unfortunately, Mr. Kidd and I are not in a position to attend today. Mr. Kidd might want to provide some greater detail but we might have to come back to the Deputy with a list if it would help him in that regard.

Mr. Liam Kidd: As Mr. Nugent highlighted, there is an ICT governance board which meets every quarter. The board comprises a representatives at assistant commissioner level for each of the programme boards, myself, the director of finance and representatives at assistant secretary level from the Department of Justice and Equality and the Department of Public Expenditure and Reform. In terms of the role of the board, all ICT projects and expenditures are reviewed at every board meeting. A report goes to the board showing all of the ICT work and projects and all of the budgets and spending in hand. Everything in regard to projects and spending, therefore, is governed by the board. Separate to the board, there are programme boards at the business level under the strategic transformation office and they drive the Commissioner's modernisation and reform programme. Does that answer the Deputy's question?

Deputy Mick Wallace: With regard to my question, if the witnesses do not have the information now can they get back to us with the information.

Mr. Joseph Nugent: I want to make sure the Deputy gets the level of detail he requires. There could be 90 plus projects running at the moment.

Mr. Liam Kidd: We have about 40 projects running at the moment. Six of them are in regard to the Commissioner's modernisation and reform programme. I have the report here but I have not counted the number of projects. The remainder are maintenance projects involving the upgrading of existing systems or replacement and upgrading of software and hardware across the Garda.

Mr. Joseph Nugent: I have been given a note. Since 2016, 44 contracts have been up and running covering a variety of areas from resources to software development and specific technical projects associated with those areas. We provided detail on that in a parliamentary question, reference 13079/18, which gave a list of all the projects that were in place at that time. That can be referenced here or we can happily provide the Deputy with greater detail on that if that would help.

Deputy Mick Wallace: For example, the AFIS support 2017-2019 project is to do with biometric specialists to support the Garda fingerprint system. It was agreed in 2017, and Accenture was given the contract. Was that tendered for?

Mr. Liam Kidd: That has not been tendered for. That was a proprietary solution. Accenture is the lead agency and MorphoTrak, the other company involved in that, provides the proprietary solution. That solution is based on a proprietary product that is provided by MorphoTrak. Accenture is the lead agency for that and it provided the original solution. This specific project is a bit like an Oracle or a Microsoft. We pay annual licence fees for the use of the system and that is part of that solution.

Deputy Mick Wallace: So there was no tender.

Mr. Liam Kidd: It was tendered for originally and the original solution included the support and maintenance of the system beyond delivery.

Deputy Mick Wallace: I know the audit done was for 2016 but it highlighted that many of these were rolling contracts and not tendered for. There was criticism of that so has it been addressed and are things being done differently?

Mr. Liam Kidd: It is being addressed. The key issue was the ability of ICT skilled resources and the people we had to run complex tenders such as this. There were a number of tenders with Accenture and the big one was the ICT skilled resources example. Another would be the automated fingerprint identification system, AFIS, integrated with the Garda National Immigration Bureau, GNIB. There were some other tenders with Accenture. They would originally have been won by Accenture through a competitive procurement process. The big one that we currently have to tender for - it is currently being prepared and some of it is out in the market - is the ICT skilled resources example. That was mainly highlighted in the audit report. Owing to its size and the lack of people in my organisation, I took the tender back to my office approximately 18 months ago, and I ran a mini-tender through my office to get a procurement person or company to assist the preparation of the new tenders and get the tender to the market. That company was hired 18 months ago. My team and I have come up with four tenders out of that complex original skilled resources tender. One will be for the ICT help desk and it has gone to

the Office of Government Procurement in order to go to the market. One is for ICT security, another is for ICT operations and the other is for the strategic transformation office. All of those tenders should be with the Office for Government Procurement within two weeks.

Mr. Joseph Nugent: I have a general comment that may be helpful. The organisation is very well aware that we have been excessively dependent on a single provider. Aside from the issues even of procurement and expenditure, which are very legitimate concerns, the over-reliance on a single provider is not good for an organisation relying on ICT services. It is certainly my desire and that of the organisation to broaden the process and bring in different voices, thoughts and ideas. It has been the case through procurements that we have run over the course of the year. I am not saying it is the case that one provider should not have complete access but being overly reliant on one provider is not good. It is our intention by bringing in this expert to assist us in procurement to ensure we have the best opportunity to bring in different companies to the organisation as a whole.

Deputy Mick Wallace: The witnesses' statement argues the ICT complement in An Garda Síochána is significantly lower than those of similarly sized public sector organisations, such as the Revenue Commissioners and the Departments dealing with agriculture and social protection. The witnesses are responsible for how the money has been spent and what has gone on with Accenture is absolutely incredible. Aside from the fact that there have been rolling contracts and it could charge what it liked, the personnel did not even have to clock in. I know that has been changed. It has been paid in advance to get a 5% discount. It probably added 10% to take off 5% in order to get paid in advance. It is very unusual in any industry.

The buck must stop. The witnesses are saying it does not have enough money for ICT in comparison with other Departments but there was practically no control over the money being parted with to Accenture. Does the buck stop with the witnesses?

Mr. Joseph Nugent: There are a couple of issues. The number of permanent ICT staff that were approved and available within An Garda Síochána is way below that available in other similarly sized organisations. As a result of issues associated with getting approval to bring on board permanent head-count, the organisation has been excessively reliant on contractors. In that regard I have said that I absolutely agree that the over-reliance on a single provider must change. To ensure there was the best opportunity for competitive processes, Mr. Kidd brought on board a specialist company to assist him in the development of tender documents that would provide us with the best opportunity to get other companies in. That process is running and we have seen the benefit of that through the procurement process we have run to date.

Deputy Mick Wallace: The chief executive of the Policing Authority, Ms Helen Hall, told the committee that she had concerns about what happened at the ICT governance board and, in particular, with much of its project reporting as there is not any clear sense of what is value for money. What do the witnesses say about that?

Mr. Joseph Nugent: It is not something the chief executive said directly to me so I do not know exactly what is being referred to. The Policing Authority is invited to observe the governance board and I have no issue with that happening. We provide an update to the Policing Authority around the processes we have in this regard and we will continue to do that. We are in the process of bringing in more permanent staff to the ICT area and the procurement process we are running will bring us a greater breadth of experience from contractors into the organisation as a whole.

Deputy Mick Wallace: Is the witness aware the Policing Authority has serious concerns about what is going on? Ms Josephine Feehily said that it frustrates her authority colleagues that when the Garda wants to hire a clerical officer, it must get approval from the authority, but if the Garda wants to spend €10 million on ICT, it does not need approval. She argues the authority has very narrow competence in respect of money and believes it should be broader. Are the witnesses conscious that the Policing Authority is not happy with the *status quo*?

Mr. Joseph Nugent: As I said, that concern has not been relayed directly to me or Mr. Kidd. I am not disputing it.

Deputy Mick Wallace: It was relayed to the committee.

Mr. Joseph Nugent: I am just saying it has not been communicated directly to us. I am saying I am concerned about the excessive reliance on external resources and a single provider. We are doing something to address that.

Deputy Mick Wallace: Moving on, Accenture has received 41 contracts since 2009. The witnesses might correct me if I am wrong. My figures come from Superintendent Helen Deely, the head of freedom of information matters at the Garda. I have raised the audit on numerous occasions. A particular part of it that was overlooked is the reference to the EU Commission. The audit states that the lack of expenditure controls may not satisfy the European Commission. Accenture has a few contracts concerned with European Union issues. These include the EU-RODAC project agreed in 2016, the Prüm project agreed in 2017 and the Schengen information project agreed in 2016. I do not have the value of those projects so will the witnesses tell me how much they are worth?

Mr. Joseph Nugent: In some of those contracts there are specific security derogations that are required and have been obtained. The procurement process is of a slightly different nature. For most of what the Deputy described, there are specific processes used by the organisation in getting approvals. Mr. Kidd has the detail for the costs of the contracts.

Mr. Liam Kidd: I do not have the total project costs. The Schengen information system was subject to restricted tender 141/2006. It went to tender and it was completed in 2009 or 2010. We went to the Office of the Chief State Solicitor to confirm, once money became available, that we would still use that procurement and the office confirmed that. With the crash that happened after 2009, I was given specific instructions to reduce all ICT expenditure and to cancel and suspend any major projects. At the time it included the Schengen project, major investigations management, command and control systems and a number of other major projects. The funding would not have been available for them.

Deputy Mick Wallace: The witness can get back to me with the figures for the projects.

Mr. Joseph Nugent: At the end, we will confirm the specific contracts we have so that we can make sure the Deputy is getting all of the information he needs, if that is okay.

Deputy Mick Wallace: Okay. Mr. Kidd stated the Schengen one was put out to tender.

Mr. Joseph Nugent: Yes.

Deputy Mick Wallace: Were the other two put out to tender?

Mr. Liam Kidd: Which of the other two?

Deputy Mick Wallace: The Eurodac project agreed in 2016 and the Prüm project.

Mr. Liam Kidd: They were developed inhouse using the skilled resources tender. They would have responded to the requirements and demands that came from the Department in terms of having these systems developed and built and in place for An Garda Síochána.

Deputy Mick Wallace: Were they tendered for?

Mr. Liam Kidd: No.

Deputy Mick Wallace: They were not tendered for. Has any entity associated with the European Union contributed money to these projects?

Mr. Joseph Nugent: We get funding for certain projects from the European Union.

Deputy Mick Wallace: Have they had a role in the projects?

Mr. Joseph Nugent: It is a funding piece. We would confirm, through European operations, the successful completion of the projects themselves. They do not get directly involved on a daily or periodic basis. It is a start-end process.

Deputy Mick Wallace: My understand is when one breaches procurement guidelines in Ireland, one only seems to get a slap on the wrist but if it the EU has any skin in the game, it can issue fines. Is that the case?

Mr. Liam Kidd: To come back to the procurement issue, the procurement issue relates to one contract and one contract only. That is where we draw in skilled resources to help us to do work inhouse as opposed to outsourcing it. The rosters and duty management system, which is probably not a good example, is the most recent tender that was run within the organisation. Accenture won that as a competitive tender. It was not a surprise. It is competing. Other than that, we have a number of tenders where we draw in skilled resources but the big one that is in question in terms of the audit report is the Accenture contract that went back to 2009. That is the one that is now going back out to tender and that we got support to do. The other procurements are mostly either developed inhouse through existing tenders or pushed out to tender to be developed by an external supplier.

Mr. Joseph Nugent: I will add that many of the larger projects, those that require substantial amounts of money, are subject to peer review by external representatives to ensure that we are following through processes as a whole. For some of those projects that we had, before they were initiated there would have been discussions with the peer review team about the approach being adopted.

Deputy Mick Wallace: Mr. Nugent said in his statement that “In December 2017, An Garda Síochána received approval from the Department of Public Expenditure and Reform to use the Office of Government Procurement to tender for a new skilled resource contract through open competition.” This includes support for the strategic transformation office, STO, and I want to touch on it. The STO was set up to help implement the modernisation and programme of the former Garda Commissioner. The costs associated with the STO are included in the overall ICT budget but the Policing Authority’s quarterly report states that nobody is willing to take responsibility for this budget. The authority’s report states ICT “could give no greater clarity since they have no line of sight or responsibility for this budget despite it appearing within their budget lines”. The STO states, according to the report, “their understanding was that this

was part of the ICT budget and therefore not the responsibility of the STO”. Accenture was paid €2.8 million in 2015 to set up the STO. The contract states that Accenture is to support the set-up and running of the strategic transformation office. The authority’s quarterly report states there will be close to a 100% overspend of the STO budget for 2017, €4 million instead of €2.1 million. Can the witnesses shed some light on this issue? Why is no one willing to take responsibility for the STO?

Mr. Joseph Nugent: Responsibility rests with the executive director in that area. It sits with him. Reports on that are dealt with by the executive director for finance. There is an executive director with responsibility for strategic change within the organisation and he has line of sight in that space. We are in the process, as Mr. Kidd outlined, of running procurements in a variety of areas, including that area, and those contracts will be in place this year.

Deputy Mick Wallace: Has the STO budget overspend been discussed by the ICT governance committee?

Mr. Joseph Nugent: Specifically, no. However, the operations and the services that are delivered by the STO are discussed at each meeting of the ICT governance board, which includes representatives of the Departments of Public Expenditure and Reform and Justice and Equality.

Deputy Mick Wallace: Mr. Nugent is the chief administrative officer. The buck for finance and ICT issues stops with him. Mr. Nugent is also the chairperson of the ICT governance board. Since September 2017, Mr. Nugent has been a member of the Garda audit committee that audits ICT expenditure. Ms Josephine Feehily told the committee that it “is a conflict of interest” but her hands are tied. Does Mr. Nugent think it is a conflict of interest?

Mr. Joseph Nugent: The legislation, as provided, in the circumstances that we find ourselves in, made it difficult for an appointment to the committee at deputy commissioner level. Had the appointment to the audit committee been to Deputy Commissioner Twomey, there would have been other conflicts associated with this area. There is no right. We would like to see that issue resolved and clearly the appointment of a Commissioner, and, one assumes, the appointment of a new deputy commissioner, will resolve that issue. We accept that this is not ideal. We have specifically had conversations with the audit committee and with Mr. Kelly to ensure that conflicts do not arise. That approach is the best we can do at present. The legislation requires that Commissioner’s nominee must be at deputy commissioner level or equivalent, and that leaves us as it presently stands between one of two of us. As I have said, whichever way we cut that there were going to be conflicts in that regard.

Deputy Mick Wallace: Does Mr. Nugent agree or disagree with her statement, that it “is a conflict of interest”? Does Mr. Nugent leave the room when the audit committee is discussing ICT issues?

Mr. Joseph Nugent: I would not contribute in that fashion. I do not leave the room but the audit committee is aware of the conflicts and we make a declaration. We make a comment at the start of the meeting about conflicts where they arise. I do not get involved in discussions where such matters arise. I agree it is not an ideal situation but it is a measure that has to remain in place until such time as we have a further deputy commissioner in that space, at which stage, clearly, I will step out of the role and a different deputy commissioner will take responsibility for the area.

Deputy Mick Wallace: Moving on to the issue of public procurement, in 2016, there

were 94 breaches of public procurement amounting to €27.8 million. In 2015, there were 73 breaches. Can Mr. Nugent tell me how many breaches he expects for 2017?

Mr. Joseph Nugent: I do not have that figure to hand but I will come back to the Deputy with that detail. The issues are primarily in a broad range of contracts in some high-level categories. They primarily relate to issues associated with towing contracts, cleaning services, translation services and medical services. To describe them in that way, the 94 and 73 breaches, respectively, reflects the number of individual contracts as opposed to the range of services involved. Clearly, the Accenture skilled resources piece fits in that space. We have made considerable progress, for example, in the area of medical services in the past few months where, if contracts have not been awarded they are in the final stages of being signed. I expect there will be a considerable reduction in that number over the course of the year.

There are some complexities in this space. Without getting into discussion about individual areas, certain companies have sought challenges against the award of contracts in the space which has delayed the awarding in certain areas.

I will certainly come back to the Deputy with a list of the 94 or the list for last year and we will comment on where we stand on each of those after this meeting.

Deputy Mick Wallace: As a matter of interest, when can we expect that information?

Mr. Joseph Nugent: I can get that within the next few days. I will have it for the Deputy next week.

Deputy Mick Wallace: I thank Mr. Nugent.

Finally, on the emails, Mr. Nugent states today that a report was sent to the Policing Authority on the use of email but that “this report related to organisational use of email and not email use by any individual within An Garda Síochána.” Last year, Mr. Nugent told me:

I do not know if I did a specific report. I certainly looked at emails about 12 months ago. Can I remember if it was sent to the Department? I do not know. It is more than 12 months ago since the issue occurred, and I do not remember. Mr. Nugent continued:

I am saying that I do not believe I did a report. I said that I had a look at emails that were there but I do not recall producing a report [...] I am fairly sure I did not send a report to the Department of Justice and Equality. My point was that I do not believe I produced an actual report. That was my point.

We now know that Mr. Nugent did produce a report.

Mr. Joseph Nugent: May I correct the Deputy? He has only quoted some of what was said. His question to me on the day, which he did not quote, was:

When the Department of Justice and Equality officials were before the committee this week, I raised some questions with them. Mr. Nugent compiled a report on the use of a Gmail account by the former Garda Commissioner. Has Mr. Nugent given that report [in other words, a report on the use of a gmail account by the former Garda Commissioner] to the Department of Justice and Equality?

As the Deputy has said, I stated that I had no recollection of producing a report on the use of gmail by the former Commissioner, Ms O’Sullivan. That was the point I was making. To put

it in context, this was not a topic that we had intended to discuss on the day, so I was not fully prepared on the issue. Afterwards, we provided the report that was produced for the Policing Authority. That is what has been provided. To be fair, it is important to reflect that I was answering a question about a specific report as opposed to a generic one.

Deputy Mick Wallace: Today, Mr. Nugent is telling us that he did not examine specific emails, but last year he told us that he had looked at specific emails.

Mr. Joseph Nugent: No, I said that I had not produced a report on specific emails.

Deputy Mick Wallace: Did Mr. Nugent not say in his contribution today that he had not examined specific emails?

Mr. Joseph Nugent: No. I looked at former Commissioner O'Sullivan's emails. I looked at her gmail account at that time. I am saying that I did not produce a report in respect of that.

Deputy Mick Wallace: Is Mr. Nugent telling us today that he did not examine specific emails?

Mr. Joseph Nugent: Just to be clear, what is the Deputy asking me? I looked at emails that were in former Commissioner O'Sullivan's gmail account at the time. That is what I am saying I looked at. Perhaps I am missing the Deputy's question. I am saying that I looked at emails that the former Commissioner had in her gmail account. That is what I said I looked at.

Deputy Mick Wallace: I thank Mr. Nugent.

Chairman: Just before I invite Deputy Daly, who is next, I wish to indicate that the following is the order in which members have indicated: Deputies Chambers, Ó Laoghaire and Kelly. If anyone else wishes to have his or her name added to the list, please so indicate.

Deputy Clare Daly: The last response sets the tone for some of this meeting. Mr. Nugent is making a great deal of play out of the word "report". He has confirmed that he examined emails and stated that his previous response was in the context of a report, in that he was not asked about emails, but about a report, when the intent of the question was clear. Mr. Nugent was, at the least, economical with the answer.

I wish to echo the points that the Chairman made at the outset. I apologise, though, as I will not be as polite as him. The absence of the acting Commissioner and deputy commissioner has been noted by the committee. I do not know when the acting Commissioner decided to go abroad. Had it been organised for some time, I do not know why that could not have been communicated to the committee secretariat then. I do not know if it is traditional for deputy commissioners to attend the type of ceremony that is supposedly under way this morning in Templemore. It is an early time for a ceremony.

Nonetheless, I assume that Mr. Nugent is saying that deputy commissioners always go and that Mr. Twomey was in the book for that. There are other deputy commissioners and I do not know why they are not present either, but this will not happen again. There is no point in us listening to an opening statement from the acting Commissioner when information it contains is subsequently challenged by evidence given to the committee and he does not appear to answer questions on it. That makes our job difficult and it will not happen again. The next time a meeting is organised, we will attend at any time of the day or night.

Regarding homicides, is it correct that Mr. Nugent told Deputy O'Callaghan that he and

the acting Commissioner were concerned at the evidence given to the committee by the two analysts?

Mr. Joseph Nugent: Yes. To be clear, it is important to point out that there are no other deputy commissioners. There is just one, namely, Mr. Twomey. Only he and I are at this rank, as it were. The normal practice is for the Commissioner to attend the conferring ceremony. He is overseas and, therefore, is unable to attend the ceremony or this meeting. As a result, Mr. Twomey has attended the ceremony. However, I hear what Deputy Daly is saying and I will bring the committee's concerns back to the acting Commissioner. My apologies for interrupting.

Deputy Clare Daly: Thanks a million. It will not be happening again. We will ensure that, if people are not attending, we know up front.

Mr. Nugent confirms that he and the acting Commissioner were concerned by the evidence given to the committee by the two analysts.

Mr. Joseph Nugent: Yes.

Deputy Clare Daly: Why were they only concerned after the meeting?

Mr. Joseph Nugent: I do not believe that is the case. We were concerned when the concerns of those individuals were brought to our attention.

Deputy Clare Daly: When was that in Mr. Nugent's case?

Mr. Joseph Nugent: I would not have been directly involved in this matter. That service does not report directly to me, so I would only have been aware of the issue late on and close to when it was raised with the committee. The concerns would have been brought to the acting Commissioner's attention shortly beforehand, that is, in the weeks and months leading up to the appearance at the committee.

Deputy Clare Daly: The concerns would have been brought to the acting Commissioner's attention more than a year beforehand.

Mr. Joseph Nugent: I accept the point.

Deputy Clare Daly: They were not brought to Mr. Nugent's attention.

Mr. Joseph Nugent: No. I would have been aware generally of the individuals' concerns about the issue. I understand that a process was under way. I was not aware of their subsequent evidence until very close to the days in question.

Deputy Clare Daly: Mr. Nugent will understand the difficulty for the committee, in that the acting Commissioner had that evidence more than a year before the analysts appeared before us, yet he appeared before us, gave evidence that a thorough review had been commissioned by the analysts' service and remained silent on the issue of associated problems.

Mr. Joseph Nugent: In hindsight, we as an organisation failed the individuals concerned. We should have done more for them. We were not as aware of the extent of their concerns. We understood that the process under way was meeting their needs. Clearly, that was not the case. We have had to reflect on that. What we have done-----

Deputy Clare Daly: Does Mr. Nugent not agree that it was not just about failing them or

not meeting their needs, but about ignoring their scientific and professional evidence and work input?

Mr. Joseph Nugent: We have recognised that the process that is under way must have their direct involvement. The involvement of the acting Commissioner in resolving the issue has resulted in their direct involvement in this space.

Deputy Clare Daly: If the Garda has recognised that the job is done better based on their professional input, who is being called to account for the fact that that was not the case in the preceding year?

Mr. Joseph Nugent: The acting Commissioner has examined the issues as a whole and has sought to bring confidence to the public around the process by ensuring that the right processes are in place to address those issues as they stand. That is the current situation.

Deputy Clare Daly: We have had a year's unnecessary delay, possibly endangering domestic violence victims in the meantime. We do not know, given that this did not happen. It is undisputed that a report relating to the homicide review was formally requested by the Policing Authority via request 210. Ms Lois West furnished that report to senior Garda management, but it was not forwarded to the Policing Authority. A procedural document that, under the legislative and regulatory relationship between the Policing Authority and An Garda Síochána, was required to be handed over to the authority was not provided to it. Does Mr. Nugent know who took the decision not to hand it over?

Mr. Joseph Nugent: No.

Mr. Michael Finn: I do not know who made the decision not to hand it over, but I was aware that Ms West had handed in her document to the team that was examining the matter at the time. I am sure that it factored in consideration of the document. However, that document did not necessarily form part of the response provided to the Policing Authority, even though a response was provided to the Policing Authority.

Deputy Clare Daly: Sorry, but I do not understand that point. What does Mr. Finn mean? He does not know who was responsible for not including the document but he knows that a group of people discussed it.

Mr. Michael Finn: If part of the analysis service submitted a document, that specific document would not necessarily be the report that went to the Policing Authority.

Deputy Clare Daly: Who decides what goes-----

Mr. Michael Finn: A report might go to the Policing Authority.

Deputy Clare Daly: Who decides that?

Mr. Michael Finn: Whoever is responsible at the time for writing down to-----

Deputy Clare Daly: Is there a group-----

Mr. Michael Finn: If I were in executive support at the time and the request came to my section, I would provide a report. I might not provide the material from everyone who contributed to the report, but a report would be prepared and would go to the Policing Authority-----

Deputy Clare Daly: Perhaps Mr. Finn could narrow it down-----

Mr. Michael Finn: I do not think it is fair to say that Ms Lois West's report was excluded deliberately. Not all documentation is included when one prepares a report. One does not include every bit of every submission when one is preparing the final document that goes to the Policing Authority. One combines all the facts and makes a report-----

Deputy Clare Daly: I absolutely understand that and the-----

Mr. Michael Finn: -----so it might be unfair - and I am not try to defend anyone - to say that Ms West's document was excluded deliberately. It would not necessarily form part of the submission to go to the Policing Authority. I have no doubt but that if the Policing Authority sought a report from the analysis service specifically, it would have been provided.

Deputy Clare Daly: Everyone would accept that one cannot include every document in a report to the Policing Authority. I am sure the input of the person who cleans the offices is not required. However, the input of the senior professional analyst who was charged with the task that the Policing Authority was considering was a pretty important in terms of inclusion. Mr. Finn says he does not know who decided not to send it on, and perhaps he or she had a good reason not to do so. I am not saying otherwise. I am just asking who the person was. Mr. Finn seems to be indicating that there is a group of people that would take in all the inputs and decide who these people are. Is it one person or two persons?

Mr. Michael Finn: I am trying to give the Deputy a generic answer to the question. I do not know specifically what report Ms West is referring to.

Deputy Clare Daly: Is it always the same group of people that deals with the material that goes to the Policing Authority?

Mr. Michael Finn: There is an office through which all our material goes, and that material is fed on to the Policing Authority.

Deputy Clare Daly: How many people work in that office? Who is the senior person in charge of it?

Mr. Michael Finn: It will depend on what section it comes from. If it were a roads policing matter and I were in roads policing, it would come from me and I would send it back to-----

Deputy Clare Daly: We know what area it comes from. We all know it is the analysis service in this case. Who would that be?

Mr. Michael Finn: That would come through the head of the analysis service and over to the deputy commissioner of operations, who would forward it to the Policing Authority through the policing liaison officer.

Deputy Clare Daly: Who is the deputy commissioner of operations?

Mr. Joseph Nugent: Deputy Commissioner Twomey.

Mr. Michael Finn: I ask the Deputy to bear with us a second. We will try to put the matter in context. If the organisation were to ask for a response to the homicide figures, a number of parties would contribute to that. The analysts would have been part of the team that responded to it. I cannot remember the full acronym we use, but there is a professional development section that prepared the report in conjunction with the analysis service. A number of parties would contribute to the preparation of any of the reports the Policing Authority seeks. It would

not specifically come from the analysis service. That is the point I am trying to make.

Deputy Clare Daly: I got that point perfectly clearly. However, my question relates to who decides, out of all that input, what is filtered down and given to the Policing Authority and what is not.

Mr. Michael Finn: Whoever prepares the report. If I were executive-----

Deputy Clare Daly: Yes, and who is that?

Mr. Michael Finn: It depends on the section to which we are referring. As I said, if it was to go to policing, it would come from me.

Deputy Clare Daly: Is Mr. Finn saying it is Mr. Singh?

Mr. Michael Finn: He would have contributed to it. He was not the main-----

Deputy Clare Daly: Is it just me, Chairman?

Mr. Michael Finn: My recollection might have been-----

Deputy Clare Daly: The organisation is not that big at that level, so-----

Mr. Michael Finn: My recollection at the time was that it was an Assistant Commissioner Corcoran, who has since retired, who was there at the time and who was preparing the report.

Deputy Clare Daly: Assistant Commissioner Corcoran is the person. That is all I was asking. I thank Mr. Finn. It just shows the difficulty in not having the acting commissioner and so on here.

I know we are pushed for time. I wish to raise just a few more disparate matters. One is ICT. I was not clear on the answer to Deputy Wallace's question. Have we been given an assurance - this is a "Yes" or "No" answer - that since the ICT governance board was set up, every ICT contract is in line with the public spending code? Have we been given that assurance?

Mr. Joseph Nugent: We have not given the committee that assurance.

Deputy Clare Daly: I thought so.

Mr. Joseph Nugent: The assurance I am giving the committee is that all the contracts will have been regularised this year.

Deputy Clare Daly: It is a bit discomfoting, though, is it not? There are not exactly millions of them.

Mr. Joseph Nugent: There are not, but they are very complex in nature. They are not about buying widgets. As I said to Deputy Wallace, we want to change this, and the commitment I am making is that we will have those issues regularised this year.

Deputy Clare Daly: Mr. Nugent made the point that the Garda has stood over a number of successful ICT projects and so on. He referred to the automated number plate recognition system. It is well known that there were huge problems with this system which led to an enormous number of wrongful convictions that had to be corrected in or around 2015 or 2016. I am not sure of the exact date. Do we know the cost of that debacle? I have heard a figure of €6 million or so mentioned. Is that wide of the mark? Is it accurate?

Mr. Joseph Nugent: I honestly do not know.

Deputy Clare Daly: How much did it cost?

Mr. Liam Kidd: I am sorry but I do not have those figures with me. The ANPR system begun in 2009 is the one we have, but I do not have a figure for the original cost of that system when we brought it out.

Deputy Clare Daly: Can the witnesses get us the figure for the cost of the errors in respect of the wrongful convictions and so on?

Mr. Joseph Nugent: We do not have the figures here-----

Deputy Clare Daly: Yes, but the witnesses can get them for us.

Mr. Michael Finn: We will get them for the Deputy. To be fair, I do not think the ANPR contributed in any way to the FCN issue.

Deputy Clare Daly: The problems with the information were not due to-----

Mr. Michael Finn: They had nothing to do with the ANPR system.

Deputy Clare Daly: -----a flaw in the recognition system-----

Mr. Michael Finn: No.

Deputy Clare Daly: -----and wrong numbers being taken and inputted.

Mr. Michael Finn: They had nothing to do with the ANPR system.

Mr. Joseph Nugent: I was not aware of that issue. If the Deputy has some specific-----

Deputy Clare Daly: I refer to problems in the system which needed to be corrected and which led to wrongful convictions.

Mr. Michael Finn: They had nothing to do with the ANPR contract. I can confirm that for the Deputy.

Deputy Clare Daly: With the contract or with the system that was introduced?

Mr. Michael Finn: Or the ANPR system.

Deputy Clare Daly: The system has always been perfect and has never been corrected. Really?

Mr. Michael Finn: I am familiar with the FCN debacle. It had nothing to do with the ANPR contract or the ANPR equipment. They did not contribute in any way to the debacle.

Deputy Clare Daly: I was going to move on to the matter of the fixed-charge notices. I was not actually talking about that. That was a slightly different matter, which is another IT issue, so perhaps when the witnesses are answering the two questions, they can answer both points because-----

Mr. Joseph Nugent: Perhaps I could talk to the Deputy afterwards. I am not aware of the specific matters to which she is referring. Perhaps we can get more information from her on

them. I am certainly not aware that ANPR has caused issues in court. If there is something specific we can look into, we will happily do that for the Deputy.

Deputy Clare Daly: Perfect. Given that Assistant Commissioner Finn raised the issue of the fixed-charge notices, that is obviously another linked issue in that we were told, from the analysis of the summons and so on, that it was largely an IT problem or that the IT problem was a huge part of it, meaning the system did not prevent a summons going out, even though a fixed-charge notice had not been issued and that that had subsequently been corrected. Where are we with the court cases and the rectification of all those wrongful cases? How many Garda hours or resources are tied up in undoing those core decisions? How much has it cost the organisation so far? Is the Garda near the end of it? Where is the position at present?

Mr. Joseph Nugent: Mr. David Sheahan, who is now also assistant commissioner for roads policing, may be able to answer that, but I do not know if we have-----

Mr. David Sheahan: It was not on the agenda for this morning, so I really do not have that level of detail for the Deputy.

Deputy Clare Daly: Right, but the cases are ongoing.

Mr. David Sheahan: Yes.

Deputy Clare Daly: Does Mr. Sheahan have an idea of how much staff power is tied up in that or how many cases have been dealt with?

Mr. David Sheahan: I would be misleading the Deputy if I were to give her a figure because it was not on the agenda-----

Deputy Clare Daly: Mr. Sheahan can get that information, though.

Mr. David Sheahan: -----but I can get that to the Deputy.

Deputy Clare Daly: If that could be furnished to the committee, I think it would be helpful. I note also, regarding discipline for the members found in breach of the fixed-charge notice system, which is a slightly separate issue but is obviously linked to the same system, that over the course of the past six years only nine gardaí have been disciplined in respect of fixed-charge notices, six of them of Garda rank, and they were pretty minor disciplinary procedures. Has there been any change in that? Is there any explanation for it?

Mr. Michael Finn: I am not aware of any significant number in that regard. Getting back to the fixed-charge notice issue, predominantly the issues there were IT-related. It was not a case of members engaging in an act of commission. Errors occurred primarily because our systems allowed duplicate entries. I do not believe anything was done deliberately.

Deputy Clare Daly: That is precisely why I raised the issue under information technology. Claims were made in the opening statement about successful ICT projects.

Mr. Michael Finn: Yes.

Deputy Clare Daly: Much of the work done by this committee and a great deal of public discourse has centred on the fact that the absence of good IT systems in An Garda Síochána has generated a significant cost for the organisation in terms of prosecutions. While the issue of discipline is a separate matter, I raised it under the IT heading for that reason.

Mr. Joseph Nugent: I will comment on that issue because it is important. I recollect that Assistant Commissioner Finn, in his role as the assistant commissioner for roads and policing, commented on the complexity of our road traffic legislation. Translating this highly complex business process into a technology system in itself causes challenges. What occurred in this case was the result of that complexity. In that regard, the technology system did not address a fine issue in the space. By the term “fine issue”, I mean an issue that is not related to the majority of issues that arose. It would be unfair to argue that this was reflective of a poorly designed technology system. While we accept that the system did not meet or keep pace with the complexities of road traffic law, it is extremely challenging to develop systems that require such a level of change in this element.

Deputy Clare Daly: The Garda has a similar problem with the homicide figures in that the analysts flagged 16 categories of death. This excessively complicated approach to categorisation caused IT problems. What is being done to address that issue?

Mr. Joseph Nugent: Information technology complications resulted in data quality problems. Having met some chiefs of police from around the world at a conference in the past week, it is clear that we have a highly complex categorisation regime. The more granularity one builds into categorisation, the more difficult it becomes and the more problems one can experience. I am not excusing the problem.

Deputy Clare Daly: No, but what is the Garda doing about it?

Mr. Joseph Nugent: We have to try to work with all the various agencies to build the relevant technology systems to meet the legislative need. Equally, we must do more to impress on legislators the results and complexities of trying to develop systems when such a level of granularity is required.

Deputy Clare Daly: Some of the complexity is not attributable to legislation. The 16 death categories on PULSE that caused a problem were flagged by Garda analysts. This is perhaps a simpler example but it involves 16 rather than hundreds of categories. In the case of a death, this is too many and the issue was flagged a long time ago. What has been done to address that complication in the IT system?

Mr. Michael Finn: We have put in place a number of measures to change how we categorise crimes on PULSE, etc., and where we input the crime. We have centralised the whole process to ensure all crimes will be recorded at the Garda information services centre. The current project will have covered half the country by next week. We have already completed two regions and a further two regions will be completed next week. As a result of this project, we will have a system in place that will allow us to lock down classification. There will be one central location for classification of crimes. This will be done in our centre in Castlebar and we will be able to lock down the rest of the system.

Deputy Clare Daly: Are there still 16 categories for deaths?

Mr. Michael Finn: If I may finish, one of the issues raised by the analysts was that a resolution was needed to the way in which we record people as being deceased on the PULSE system. I have submitted a change request on this matter, which I hope will be addressed by the time of the next PULSE release. This will mean that anyone logging onto PULSE will see immediately that a person’s death was recorded on a specific date. There is a change request.

Deputy Clare Daly: There are still 16 categories for deaths on PULSE.

Mr. Michael Finn: That is correct. I have outlined the types of IT solutions we are working towards with the analysts and other users. In my time working in that section, we developed a process under which users who had issues with PULSE had a facility to come to us. I represented the business side and I worked with colleagues on the ICT side. My approach was that we sat down together to resolve issues. We have expertise coming in from a centre to make the changes required. That is the system we have put in place and we are working on that issue.

Deputy Clare Daly: Mr. Nugent stated that An Garda Síochána had improved, with personnel speaking up and being encouraged to come forward and so forth. How many gardaí have spoken up? How many protected disclosures are in the system? Does Mr. Nugent know?

Mr. Joseph Nugent: I do not know.

Deputy Clare Daly: Does he have a ballpark figure?

Mr. Joseph Nugent: That information is not provided to me or Deputy Commissioner Twomey. The nature of the process is that to protect the individuals in question we do not have that information. I will revert to the Deputy with the global figure for the end of year. I do not have the figure to hand.

Deputy Clare Daly: Mr. Nugent made a claim that the organisation had been enriched by people speaking up. He must, therefore, have idea of the content of what they said or the areas where improvements were made.

Mr. Joseph Nugent: It has been reported to me by the protected disclosures manager that that is the case. I will get the rich data for the Deputy.

Deputy Clare Daly: How many people who have made protected disclosures are on sick leave?

Mr. Joseph Nugent: I do not know.

Deputy Clare Daly: Will Mr. Nugent get that figure for the committee?

Mr. Joseph Nugent: We are straying into the area of protection of individuals and we need to strike an appropriate balance that allows people to make disclosures. If I can get the information the Deputy seeks, I will do so.

Deputy Clare Daly: While confidentiality is important, we discussed previously with Mr. Nugent how absences are recorded. This matter has been before the courts on at least two occasions and An Garda Síochána has been required to pay out large sums of money to gardaí in cases of work-related absence. There have been at least two such cases in the past month or two. In one recent case, a garda was classified as being on sick leave and denied certain payments, despite having suffered an injury on duty which should have resulted in the absence being described as work-related.

When Mr. Nugent appeared before the joint committee in December, he stated that there was no specific category for work-related stress and that this matter needed to be addressed. What has been done in this regard, particularly in the context of large sums of compensation being paid out? Given the hardship experienced by the individual gardaí in question and their families, it is appalling that they had to go to court to secure justice. The money involved is substantial. How many similar cases have been taken? Is there a team examining this matter? What is the position in that regard?

Mr. Joseph Nugent: In correspondence with the Deputy, we explained that the sick leave absence management system will be replaced over time by a new system that is about to go to trial. The modifications, including the stress leave element, will be part of the new system.

Deputy Clare Daly: When is the new system likely to be delivered?

Mr. Joseph Nugent: It is due to be piloted in one of the regions in the coming weeks. It will start in that space.

Mr. Liam Kidd: It is the rosters and duty management system. The pilot is commencing in the western region. My apologies, it is commencing in DMR East.

Deputy Clare Daly: The system would not necessarily ensure that someone was accurately returned. Last year, 1,050 gardaí were absent for prolonged periods in excess of 28 days. Of these, 317 were defined as an injury received while on duty, 713 were defined as ordinary illness and 83 were defined as critical illness. The courts have stated in several instances that some cases of leave that were recorded as being due to ordinary illness were in fact attributable to an injury received while on duty and some of these were cases of work-related stress.

Mr. Joseph Nugent: As the Deputy will appreciate, I do not propose to discuss the specific cases she raises. However, I am aware that there are, on occasion, disputes between the medical side of the organisation and the medical side representing the member about the nature of an injury or illness and its root cause. That is not ideal but it does happen. As a result, invariably where such disputes arise, we get into conflict. Unfortunately, the resolution of that process is in the courts. I hear what the Deputy is saying but it is difficult on occasion to make absolute calls around the nature of-----

Deputy Clare Daly: Unfortunately, as a result of the systems problem, some of the cases have ended up in court. Given that problems with the system have been identified in this regard, is Mr. Nugent aware that it is not just random individuals? It has been highlighted that this may be a systems problem inside the organisation.

Mr. Joseph Nugent: If by “system” the Deputy means technology, I am not sure that is the case. If she means the process by which we identified it, I would accept that criticism. We have to do better in that regard. There is a chief medical officer in place in the past six to nine months and he is very aware of the issues associated with injury on duty and illness and it is a matter to which he is giving consideration.

Deputy Clare Daly: So it is being looked at.

Mr. Joseph Nugent: Yes.

Deputy Clare Daly: Unfortunately, acting Commissioner Ó Cualáin is not here, but Mr. Nugent might ask him to pass this information on to us. He made a number of public statements around the time of the expulsion of the Russian diplomat to the effect that he had been involved in security assessments with the Defence Forces that led to evidence that this person should be expelled. Were any of our witnesses involved with the meetings with the Defence Forces or does anybody know how many meetings took place?

Mr. Joseph Nugent: I think we will have to take that issue of-----

Deputy Clare Daly: How many meetings took place with the Defence Forces, what was the nature of the interaction and the security threat there?

Mr. Joseph Nugent: I can say I certainly was not nor should I have been. I will take the issue across. I do not know. I will have to get a security assessment on it.

Deputy Clare Daly: He has made a lot of public statements but it is very hard to get the substance of where the actual assessment took place.

Mr. Joseph Nugent: I will take the questions away.

Deputy Clare Daly: I thank the witness.

Deputy Jack Chambers: I welcome the witnesses. My colleague, Deputy O'Callaghan, tried to get some clarity regarding the two witnesses who came before us. I want to ask a couple of questions around that. What was the reason for submitting the report to the Policing Authority so late prior to 27 April? When Ms Josephine Feehily came before us, she had difficulties with the submission of the reports and the time at which they arrive. Will the witnesses provide information on why that report was received at such a late stage on 27 April?

Mr. Michael Finn: My understanding is that it is related to how we responded to that internally. We went back out to the operational field for all of the 41 areas. It took some time to complete that process internally and I think that was the reason for the delay in getting a response to the Policing Authority initially.

Deputy Jack Chambers: They referenced repeatedly in their interactions and statements that they felt pressure was imposed on them. Does Mr. Finn accept that?

Mr. Michael Finn: I would say that the pressure came from us as an organisation in trying to respond to the Policing Authority and from elsewhere in terms of trying to bring these matters to a conclusion. It was very public and was having an impact on public confidence. On the one hand, we were anxious to try to resolve the matter as speedily as possible. Maybe our quest to do that resulted in our rushing it and not doing it properly, as has now unfolded. We have learned that lesson. I think that pressure came from all of us in terms of asking if we could get it done and if we could satisfy the Policing Authority and the public. There is no issue with our homicides. I think that may be where the pressure came from or where the perception of pressure came from on their side.

Deputy Jack Chambers: Does Mr. Finn accept that imposing pressure without them seeing the report should not occur again?

Mr. Michael Finn: If we were to wind the clock back and ask how we could do it better, certainly we could have. Yes, will we bring them on board and show them the final report we are submitting and ask if they are okay with it, rather than rushing it and giving it to the Policing Authority without their having had sight of it or without them feeling comfortable that all their views were taken on board.

Deputy Jack Chambers: At the committee meeting of 21 March, Ms Josephine Feehily said that an interim report would be expected from the new working group this month. Mr. Nugent mentioned that it has been delayed. When will it be progressed?

Ms Orla McPartlin: As I said earlier, it will not be completed by the end of this month as expected. Twelve cases, plus two that are before the courts, have been completed, so the remainder are being looked at by the teams that are out in the field. Even as we speak, they are in different parts of the country dealing with these various investigations. Our aim is to ensure

that it is a very thorough investigation and we would rather be slow in coming up with the final report, particularly after what my colleague has just said, to ensure that we have everything correct at the end and agreement between all members of the review team, including the two ladies from the analysis service, that the classification is correct and that the investigations that were carried out are correct as well. We will endeavour to get it done as quickly as possible, and we have undertaken to update the Policing Authority on these issues, which we have done.

Deputy Jack Chambers: My next questions are for Mr. Kelly. Regarding the internal audit report and some of the follow through, we have mentioned some of the issues around ICT. The report published in 2014 received rolling updates. Is Mr. Kelly satisfied with the current tendering process for issues like cleaning, towing and all the other aspects of the tendering process through the Office of Government Procurement, OGP? Will he give us an update?

Mr. Niall Kelly: The issue of procurement is a recurring theme across a lot of the audit work we do. Some of it is explicable in that some of these contracts are very complex. I would cite the medical contract, which has been under discussion for five or six years and is nearing completion, to my understanding. Some are very complex contracts and it does take time to get them to comply. Generally, I would have concerns around the control of procurement across the organisation, that we are not up to speed with putting contracts in place at the right time and that we are not able to think back from a certain point. If a contract is due to be completed in six months, we should be looking to work on it six months prior to that because of the lead time it takes to get these contracts over the line and through all the procedures.

Deputy Jack Chambers: Who is the lead person in procurement?

Mr. Niall Kelly: There is a central procurement section in HQ but it is for the individual managers to progress. If they want to buy something, they have to make the case, go to the procurement section in HQ and do all the management bit to make sure they comply with the requirements.

Deputy Jack Chambers: It would be a chief superintendent in a particular division. Is that it?

Mr. Niall Kelly: Or a principal officer or assistant principal.

Deputy Jack Chambers: Mr. Kelly said it can take six years for some complex procurement contracts. Is the pre-existing contract being repeatedly rolled over? How does that work?

Mr. Niall Kelly: In the case at hand, in my report dated August 2017, that is what happened in respect of some of the ICT contracts. They were extended or rolled over. At some stage, we have to say there is no contract at all because we have rolled it over so many times. Effectively, there is no legitimate contract in existence but we are still using the same supplier.

Deputy Jack Chambers: Are we rolling over other contracts as well in other areas? There is cleaning and towing, medical services and so on.

Mr. Niall Kelly: Yes.

Deputy Jack Chambers: What does Mr. Kelly see as the main reason for the delay?

Mr. Niall Kelly: There are numerous reasons for it. Sometimes it is complexity and sometimes it is an issue which necessitates us going through the Office of Government Procurement, and there can be delays at that stage. There are a variety of reasons that procurements cannot be

put in place. The legislation is complex and it is exacting. It originally comes from European legislation that was brought into Irish law by statutory instrument. There are a lot of complex requirements that have to be observed to be compliant.

Deputy Jack Chambers: When does Mr. Kelly expect compliance to occur?

Mr. Niall Kelly: We will probably never be fully compliant. There will always be issues and there will always be complications we have to get over. I expect a significant improvement on the number of cases of outstanding non-compliant contracts or procurements. I hope we can reduce those significantly. At the moment, procurement is the area with one of the highest number of outstanding audit issues.

Deputy Jack Chambers: Is that because there is reliance on external bodies and the complexity of the situation? Is that part of the reason?

Mr. Niall Kelly: It is internal, it is external and it also complexity. It is the full remit. If we looked at cases where we are offside in respect of procurement, we would probably find a mix of those reasons.

Deputy Jack Chambers: That is okay.

Mr. Joseph Nugent: What we may do, to assist the committee, and as Deputy Wallace said, is give a list of the areas where there are difficulties. We would be sensitive around not identifying individual companies *per se*. It might help the committee to understand the issues involved.

Deputy Jack Chambers: I know it is a complex area with the Office of Government Procurement and the interaction that occurs with organisations. It is important that a line is drawn under this and the organisation is projected toward full compliance. That should be an aim. I would be disappointed if we were to say here as a committee or as an organisation of the State that we will never be compliant. Legacy matters are being dealt with, but I hope that the witness's organisation could strive for full compliance.

Mr. Joseph Nugent: We want to do that, and putting words into Mr. Kelly's mouth in some ways, the areas where we will end up being non-compliant will be where there is an impediment to us running a competition and where the service must be delivered. I refer to the example where there was a challenge to the award of a contract while a service, such as towing or translation, had to be delivered. It is in those areas where I think it would be more understood. We are clearly in a space at the moment where we have to address the broader range of issues. I am committing to addressing those so that we are as compliant as we possibly can be.

Deputy Jack Chambers: I will now move to fixed charge notices. I refer to the process of rectifying those with the people affected. I know that up to 146,000 people were affected. Is that correct?

Mr. Michael Finn: I do not think we had that many cases appealed. It was more in the low thousands. I am confident but I am just trying to recall from my time there. I think we had something like 2,000 appeals before the courts before Christmas. Some probably adjourned into April but most of the appeals, from my recollection, should have gone through the courts at this stage. They are all the people we could contact and who were willing to go through the process with us. We wrote to everybody and tried to engage with everybody but not everybody came back to us. There were people we were not able to contact.

Deputy Jack Chambers: What percentage would Mr. Finn say engaged and sought follow through? I refer to the people who were affected.

Mr. Michael Finn: I would say 20% to 25%. I am hazarding a guess. I will come back to the Deputy with figures on that. We did not have a massive uptake in respect of people coming in. Many people decided it was something that happened ten years ago. They were fined for not wearing a seat belt, or whatever it was at the time. They did not want to be bothered. Some perhaps were nervous that they were going to end up being named in public or something like that. Many people just did not engage with us. We certainly did write and try to contact and encourage everybody. We admitted it was our mistake and said we would rectify it in the courts and get the fines refunded.

Deputy Jack Chambers: Has there been a projected cost of that yet?

Mr. Michael Finn: I do not have the projected costs yet. I did have projected costs at one stage where, if all the appeals we had flagged to the Courts Service had to be repaid, we were looking at somewhere in the region of €1 million. However, many people never came back to us. We would have to go to the Courts Service and find out from it the exact amount of money that had to be repaid as a result of appeals going through the courts, but I guesstimate that it would be only a fraction of that amount of money.

Deputy Jack Chambers: Is there any civil action being taken by anyone?

Mr. Michael Finn: There were some pending in my time. I do not know if any of them have gone through the courts. I certainly did not have to go down to the courts before I left there in February. Some people had been in communication with our legal section in respect of issues they had.

Mr. Joseph Nugent: There is a level of detail which would be helpful to get to the committee. It is some time since we have discussed this issue. I have asked Assistant Commissioner Sheahan, who has responsibility for roads policing, to prepare a report for the committee. We will do that over the next couple of weeks and have it sent to the committee. It will answer some of the mathematics around the issues.

Deputy Jack Chambers: I am aware of a case where someone was contacted and he or she agreed to have it appealed. However, nothing more was ever heard. With the agreement of the person concerned, I can give details of the case to the witness. I would like to see a further follow through or trawl of the people, or an attempt at doing so. If there is a figure of 25% and 75% have a wrong conviction, there should be a further follow through or an attempt to do so.

Mr. Joseph Nugent: If the Deputy gave me the case information, we would use it to establish the reasons for that and to see if there was a more generic element associated with that.

Deputy Jack Chambers: In this example, someone called in person. I think that was the procedure. The person agreed to it being appealed on his or her behalf, but he or she has not heard anything since. Perhaps it is going to court.

Mr. Michael Finn: We can follow up on that.

Deputy Jack Chambers: I would be concerned if the figure is only 20% to 25%, even if that is a ballpark figure. We will not have 100%. That is a given. However, it should be higher than 25%. I expect it to be higher than that. Perhaps there could be a further follow through

after the appeals made have been completed at the end of the year.

Mr. Michael Finn: At the time there was a lot of publicity about it. We got an initial surge because it was in the media and people were aware of it. Many people contacted us afterwards to tell us that they had received our letter, they admitted they had done something wrong five years previously and they did not want to go through the hassle of going to court again. Some people were possibly nervous that they might be named in court. In fairness, all those appeals went through the courts very quickly. They were not contested and the matters were done and dusted in a short time. The Courts Service paid back the fines.

Deputy Jack Chambers: I refer to the delay in the promotion of sergeants. What is the update on that?

Mr. Joseph Nugent: Interview boards are running as we speak. We hope to be appointing sergeants at the back end of the summer. That is the last estimate. It is an issue of major concern to us as an organisation. The executive leadership team discussed the matter yesterday. We are looking to make some short-term temporary moves to try to help fill some gaps where there are critical vacancies. It is a major risk for the organisation. The Commissioner has commented publicly on that. We want to see it resolved. The interview processes are running as we speak. There was a period where the interview boards were not running. They are up and running again now and I hope we will be making appointments before the back end of the summer.

Deputy Jack Chambers: I thank the witnesses.

Deputy Donnchadh Ó Laoghaire: I thank the representatives of An Garda Síochána present. The witnesses stated that they accepted the evidence given by Ms Lois West and Ms Laura Galligan and that it could be relied upon. Is it the same case with the evidence given to this committee by the head of the Policing Authority, Ms Josephine Feehily?

Mr. Joseph Nugent: Yes, I have no reason not to. I did not see Ms Feehily's evidence but I have no reason to dispute what she said.

Deputy Donnchadh Ó Laoghaire: I refer to what was stated by Ms West when she appeared before this committee. She said the report, which I think is the same as that referred to by Deputy Daly, that she drafted in respect of the homicide review was submitted on 11 April for onward transmission to the Policing Authority. Will the witnesses confirm that is the case? I understand it was also discussed at a meeting of senior Garda personnel on 13 April. Will the witnesses confirm that?

Mr. Michael Finn: I cannot possibly confirm that as a fact.

Mr. Joseph Nugent: I do not have the dates.

Deputy Donnchadh Ó Laoghaire: My understanding is that senior Garda management were aware of the concerns of Ms Galligan and Ms West from, at the very latest, 13 April. Is it fair to say senior management were aware of concerns that existed within the Garda data analysis service at that time or earlier?

Mr. Michael Finn: I would say that there was an awareness in April that there was a difficulty. There was no meeting of minds between the analysts and the work that had been done.

Deputy Donnchadh Ó Laoghaire: Would that extend to those who represented An Garda Síochána at the public meeting of the Policing Authority on 27 April?

Mr. Michael Finn: I am reluctant to say yes or no and cannot give a definitive answer. In April, there was no meeting of minds between what the analysts were saying and the work that had been done. It was discussed at a Policing Authority meeting and, while the representatives were satisfied as to the work they had done on the classification of incidents and the investigations that had been done, it transpired that the analysts were not happy with the level of detail.

Deputy Donnchadh Ó Laoghaire: My understanding is that Ms West and Ms Galligan formally informed senior Garda management on 11 April of their concerns and that it was discussed on 13 April. At the last meeting, at which Mr. Finn was present, he said about the meeting on 27 April:

I accept that concerns were raised about this [lack of consultation with the analysis service]. In the report presented to the Policing Authority in April somebody had reviewed the investigations and clarified that an investigation had been carried out in each of the 41 incidents. The error, however, was made in that we did not sit down with the analysts and raise or surface the issue of whether the investigations had all been properly classified.

Would it be a fair comment to say this presents the situation as, essentially, an oversight?

Mr. Michael Finn: I would not categorise it like that, no.

Deputy Donnchadh Ó Laoghaire: How would Mr. Finn categorise it?

Mr. Michael Finn: The analysts were not happy that the classification was correct, based on the information they had got from their engagement with the Office of the State Pathologist. They saw the crimes classified on the PULSE system-----

Deputy Donnchadh Ó Laoghaire: I do not think Mr. Finn understands me correctly. I quoted Mr. Finn's answer to my question on that occasion on why the Garda data analysis service was not asked for a sign-off on the document presented to the Policing Authority. Is his answer that it can be categorised as an oversight?

Mr. Michael Finn: I do not understand the question.

Deputy Donnchadh Ó Laoghaire: On 27 April, at the public meeting of the Policing Authority, a document was presented to the authority and the impression was given that it was a full and considered opinion. There was no indication given that the data analysis service had not been consulted and it was not contradicted at the meeting in any way. At our meeting approximately two months ago, I asked Mr. Finn about that and I have quoted what he said. I asked how it happened and why the Garda analysis services was not consulted and asked to sign off on the document. Mr. Finn said:

I accept that concerns were raised about this. In the report presented to the Policing Authority in April somebody had reviewed the investigations and clarified that an investigation had been carried out in each of the 41 incidents. The error, however, was made in that we did not sit down with the analysts and raise or surface the issue of whether the investigations had all been properly classified.

In light of this, is it fair to say Mr. Finn is categorising this as an oversight?

Mr. Michael Finn: I would not use the word "oversight" and I do not know where the Deputy is coming from in that context. I have no problem repeating what I said on that day.

Deputy Donnchadh Ó Laoghaire: I am trying to understand how it happened that they

were not consulted.

Mr. Michael Finn: It is hard to explain that. There was consultation and the analysts were raising issues. They gave us the knowledge they had gained from their engagement with the State Pathologist's office. They said they did not think we had put the correct classification on those incidents. The people who looked at the incidents at the time said they had consulted the operational people and believed they were properly classified and investigated. I do not think a meeting took place where they sat down and went through it all in detail, in the way Ms McPartlin is doing now by going through every case from A to Z and taking on board all the information from the State Pathologist. We did not show them the full investigation files and explain that there was a logical explanation for what happened, and that probably led to much of the confusion and the suspicion that we did not do this properly.

Deputy Donnchadh Ó Laoghaire: I am still not satisfied. The key point about the meeting on 27 April was that the impression was given to the Policing Authority that there was no disagreement relating to the document presented at the public meeting. It is a crucially important point. It was clear that the Garda data analysis service was not satisfied with this document and that it had not been run by it. They had not signed off on it and pressure was put on them, at a much later stage, to sign off on it.

Mr. Michael Finn: I do not believe that was clear. I was at the meeting and I was not of the impression that there was a significant issue over the classification of the incidents.

Mr. Joseph Nugent: I was equally unaware of the concerns. Going back in time, it is apparent that the individuals should have been shown a copy of the finalised report before it was sent.

Deputy Donnchadh Ó Laoghaire: This is what my question is about. Was this an oversight?

Mr. Joseph Nugent: One can put on it whatever word one wishes to. It should not have happened and we have certainly learned a lesson. It is something that would not be repeated. If the Deputy wants to classify it as an oversight, that is fine by me.

Deputy Donnchadh Ó Laoghaire: It was extraordinary that the document was presented at a public meeting. The document was relevant to the work of the analysis service but it did not have the chance to sign off on it. I believe this to be a very serious error. I asked Ms West and Ms Galligan whether they thought the statement that it was an oversight was credible. Ms West responded that she was not sure she could conclude that it was just an oversight and that, going by what she had been told and looking at it through her own lens, she would find it difficult to believe. I also put the question to Ms Josephine Feehily on 21 March and she responded that it was an inadequate document and inaccurate in several respects. She also said:

I can see where the Deputy is going with it, but I am trying to be fair and think what was in somebody's mind in sending us a piece of paper at 8.30 p.m. I do not believe, however, that it was an oversight.

We are trying to understand how this happened, how this document ended up in the public domain at that meeting and presented as though there were no difficulties with it, and how the key office was not consulted and asked to sign off on it. Ms Galligan and Ms West do not believe it was an oversight and Ms Feehily does not believe it was an oversight. It has been clearly documented that enormous pressure was put on these two individuals and on Dr. Gur-

chand Singh to sign off on it over a period of two or three days. Their work was also being contested, so I want to understand why they were not consulted. If it was not an oversight, what was it? What was the basis for not consulting them?

Mr. Joseph Nugent: I cannot speak to the motivation for that.

All I can say is that it should not have happened and that the two of them should have been consulted on the report. I can say now, under the stewardship of the Assistant Commissioner McPartlin, that the individuals are directly involved, and I do not believe that would occur again. Beyond that, I cannot give the Deputy the answer to the question he is seeking to have answered.

Deputy Donnchadh Ó Laoghaire: It seems there are two possibilities. There is the possibility that it was an oversight. I will allow people to judge whether that is a likely possibility. It is difficult perhaps to put ourselves in that situation. It was either a conscious or an unconscious decision. If it was an unconscious one, it was an oversight. If it was a conscious one, there was a deliberate decision not to consult the Garda data analysis service. I am not sure what third and further possibilities exist beyond that. Does Mr. Nugent have any response to that?

Mr. Joseph Nugent: As I said, I do not know. What I am saying is that they should have been consulted. I do not know why they were not consulted. I cannot answer that question for the Deputy.

Deputy Donnchadh Ó Laoghaire: It goes to the heart of the matter. I will move on to the pressure that was put on them. It came somewhat after that. They had not all signed off on the document at that stage. I am referring to the Garda data analysis service on key data issues. My understanding is that at 12.20 p.m. on a date in May of last year, Mr. Singh was furnished with a document and the data analysis service was expected to sign off on that within two or three days. Significant pressure was put on the service. According to Ms West's statement with respect to the nature of the pressure, she said:

It is my view that we were subjected to severe pressure to withdraw our concerns, to ignore our professional standards and to agree with the views of the sworn members of the review team. Our integrity, both personal and professional, was undermined and attacked. We do not know what the motivation of the review team was in disregarding our views, seeking to minimise the importance of the issues and then seeking to force ... [their] report on us and having us sign off on same, inclusive of the scant and inadequate recommendations contained therein.

Does Mr. Nugent accept it was wrong that level of pressure was put on the service and particularly on those two individuals to sign off on that document? Would he agree with that?

Mr. Joseph Nugent: The way in which we have constructed the review at present recognises that we have to do things differently. As I said, Assistant Commissioner McPartlin has changed the process. I would like to believe the two individuals concerned would see that there is a change in the approach, that they are directly involved and that they are considered important and equal members of the process, with their contributions being hugely valuable to the work that is going on.

Mr. Michael Finn: I would add, from my experience, as there were traffic related deaths included, that I can honestly say I engaged with them. I brought them in. We had meetings with them. That certainly formed part of our review from the traffic side with respect to what they saw in terms of the data and what they knew from their engagement with the Office of the

State Pathologist. There was certainly engagement with them at that level. I speak from my own experience in that regard.

Deputy Donnchadh Ó Laoghaire: Whatever about from here on in, and people can have different views of different engagements and conversations, but certainly it was felt severe pressure was put on them and clearly there was a request, at the very least, for the analysis service to sign off on a document with which they were not happy, within a period of two to three days of having sight of it. Obviously, that is not a proper way to do business. Would Mr. Finn agree?

Mr. Michael Finn: We have learned from that. They acknowledged the difficulties and the pressures under which they were put. In hindsight we would look back and say that if we were to do it again, we would do it differently. The evidence is there in terms of what is happening now, and that we have learned from it.

Deputy Donnchadh Ó Laoghaire: I will move on from this matter. It is in the context of the pressure that was felt, that for some reason, which we cannot quite establish, they were not consulted for a statement even though their concerns were widely known. When this issue was first debated in the public domain, nobody came back and checked with them if they were okay with this. They certainly felt at a later date that pressure was put on them. I find those two things difficult to reconcile, that it could be simply an oversight, or whatever way one would want to categorise it, and that the pressure continued. Their beliefs and approach was not accepted until at least September 2018. I understand there was to be a meeting on 15 March on the progress of the review. Was such a meeting held and, if so, is it possible to get an update on that?

Ms Orla McPartlin: I do not have specific dates. There have been quite a number of meetings since the review team was established. We have had meetings of the review team. We have informed the deputy commissioner of policing and security of updates and we have also informed the Policing Authority. I attended a subcommittee of the Policing Authority on, I believe, 8 March and informed it of how the work was going and what was happening. There have been several meetings of the review team. It has weekly conferences, as we call them, where members of the team discuss updates from the previous week as well as what is happening, what jobs have been done and what remains outstanding.

Deputy Donnchadh Ó Laoghaire: With respect to the progressing of the ongoing review, Ms McPartlin referred to an interim report being available relatively soon, if I understood her correctly, but that it is not yet possible to put a date on the final conclusion of the report.

Ms Orla McPartlin: On the full review, it encompasses a number of issues, as the Deputy knows. The first tranche of work is the peer review of the original 41 cases. That is ongoing at present. That is just one part of the issues with which we are dealing. As we are going along, we are giving interim reports, in that we are updating on issues that are arising that we believe can be addressed or need to be highlighted. It was envisaged that the review of the original 41 cases might be finished by the end of this month. That is not going to happen. I am loath to give another end date because we want to do a thorough examination of all the files and to have it correct and agreed by all the members of the review team. If that takes a little bit longer, that it is a better result to have in the end.

Deputy Donnchadh Ó Laoghaire: It accept that it is important that this is done right, rather than rushed. We need to have this concluded as soon as possible but it is important that it is done correctly. In the context of a big concern in this regard, at our last meeting the wit-

nesses were firm in trying to put people's minds at ease that, in so far as they are aware, all the cases that had been potentially incorrectly misclassified had been properly investigated. In the hearings we have had since then, some of the correspondence between members of the analysis service and the Garda flagged issues. I will quote from the transcript of one of those hearings. It states: "The deceased victims have not been given the respect and duty of investigation into their deaths that they deserve." It further states: "However, I cannot continue to identify instances of homicide as we continue in 2017 that are not recorded correctly or not knowing whether there is an adequate investigation been carried out into that person's death." Is Ms McPartlin satisfied that nothing has come to light as yet to suggest that any of these investigations were not Article 2 compliant?

Ms Orla McPartlin: Absolutely. I might hand over to Chief Superintendent Sutton who heading up this on the ground

Mr. Brian Sutton: I wish to raise a few issues with the Deputy. Ms Lois West and Laura Galligan, who are key people of my team, are doing these 41 reviews. They have been tasked with and given plenty of work in line with their skills base. They attend the meetings and they give us feedback. On the classification of the 41 cases, everybody is happy where they sit at the moment with respect to classification of those 41 incidents in line with the crime counting rules and in line with the analysis service, pending the outcome of the review we are conducting at present.

With regard to the investigation process, there are 12 cases that we are happy have been done. We are happy those 12 cases were fully investigated. There are data quality issues. Small issues have come to light that we are addressing in terms of fast-tracked methods such as people not being recorded as dead even though they were dead. There were other issues. When one lifts the rock, unfortunately, more than one worm appears underneath it. We are addressing those as we go along. In respect of when the 41 will be finished, we can do it quickly or we do it correctly and we will do it correctly and it will take that little bit longer. Does that address the Deputy's question?

Deputy Donnchadh Ó Laoghaire: Is Mr. Sutton satisfied that of the 12 that have been concluded-----

Mr. Brian Sutton: The 12 that have concluded-----

Deputy Donnchadh Ó Laoghaire: They are-----

Mr. Brian Sutton: There is that equality issue and smaller issues but nothing would impact the outcome of the investigation.

Deputy Donnchadh Ó Laoghaire: During the middle part of 2017, a number of documents were produced month by month that showed there were ongoing issues with the recording of homicides and that there were still data quality issues. Does Mr. Sutton believe there are data quality issues relating to the recording of any homicides relating to February or March 2018?

Mr. Brian Sutton: That is one of the jobs with which we have tasked the analyst service. We have asked it to go back to its original methodology to compare the results from the State pathologist's office with the issues as they are recorded on PULSE. The analyst service is tasked with comparing the investigation issues that are recorded on PULSE versus what the State pathologist is saying. The service has not yet come back to us. It is a work in progress.

Deputy Donnchadh Ó Laoghaire: So it is not possible to say definitively but there definitely could still be data quality issues?

Mr. Brian Sutton: We are awaiting the result. It is still a work in progress for 2018.

Deputy Donnchadh Ó Laoghaire: To finish off on that particular issue, my next question concerns ICT staff. I am still not totally satisfied with the explanation as to how things transpired. Particularly for that first meeting but also subsequently, I do not understand how these people were not consulted about how this transpired.

There was a discussion on “This Week” on Sunday about documentation. I do not have that documentation but my understanding is that a business case on behalf of An Garda Síochána said that the number of ICT staff had fallen by almost 40% since 2008. I think the figure was 37%. We are talking about skilled ICT staff. I am not quoting verbatim because I do not have the document but according to some of the language in that document, this presented a very serious threat to An Garda Síochána’s ability to deal with serious crime and manage security. How serious a threat is the lack of ICT staff? I understand that the recruitment embargo impacted upon this fairly significantly. Is it fair to say that the recruitment embargo was applied in this way as rather a blunt instrument and that An Garda Síochána did not have the kind of discretion it would have needed to recruit?

Mr. Joseph Nugent: Again, I did hear the piece but I do not know what specific piece of correspondence it was referring to. That is an aside. Garda ICT staff numbers have fallen very significantly. In many ways, that has led to an over-reliance on contracted resources to fill that gap. The risk has been mitigated to a very significant degree by that use of resources but we recognise that this is not the way we want to run the operation and that the mix as it stands is too heavily leveraged towards the contracted resources. For that reason, it is a source of some frustration that the process of getting approval for ICT staff has been quite cumbersome. There are complexities. In providing competitions for positions in ICT, we must provide for a mixed competition between Garda members and civilian members. The regularisation of the terms and conditions of appointment from that have resulted in a significant delay around that issue. Thankfully, the matter in general terms has been resolved within the last month. Mr. Kidd and I are meeting our HR colleagues this afternoon to progress the issue of running competitions for posts that are critically needed. Mr. Kidd might want to talk about it. In particular, the senior leadership ones have been such a critical-----

Mr. Liam Kidd: I think I should. In terms of the overall staffing needs for ICT, we completed a comprehensive review of our staffing needs that was published just over two years ago. That went into the process of getting approvals for staff and we did get approval for recruiting four additional staff at principal officer level and nine additional staff at assistant principal officer level or Garda equivalent. The Policing Authority has taken the decision that those posts should now be filled by Garda staff as opposed to Garda members so they will be principal officer or assistant principal officer posts. The comprehensive review set new structures and the exact numbers we would need. Reconfiguring our organisation into those new structures is what we have been in discussion with the Garda associations and unions. I believe all of those have been agreed so it is now up to us. This is what I am meeting Mr. Nugent about this afternoon. It concerns how we commence the recruitment process for those senior leaders and start restructuring by branch into those new functions and structures.

Mr. Joseph Nugent: At the same time, we need to recognise the very significant amount of work that has been undertaken by the ICT area to maintain the systems very successfully over

that period of time. We have not had the kind of outage that has happened in other areas. That is reflective of the commitment of both the permanent staff working within Mr. Kidd's team and the contracted resources that are also in place. The Deputy asked about risk. In fairness, I think we have managed the risk as best we can in the context of an over-reliance on contracted resources. As to whether this has provided value for money, I would argue it has not. We certainly would have been better using permanent resources. We will progress the question of recruiting staff into ICT starting with our meeting this afternoon.

Deputy Alan Kelly: I have a number of different topics to cover. The Commissioner or Deputy Commissioner are not here to hear what is being discussed. We must accept what their colleagues here are saying but I think it is, frankly, a laugh. I say this straight, call a spade a spade. It is not acceptable that this could not be communicated to the committee in advance. We are the elected representatives of the people and this is about accountability. In fairness, Mr. Nugent is trying his best. I have listened to all the questions from colleagues. Mr. Nugent is getting back to people. He cannot answer them directly so it breaks the thread of questioning. It means we have to chase information and wait for An Garda Síochána to get back to us. I have been through this before and have seen some of the answers that have come back. They are quite short. There is no way of continuing the questioning. I think it is disrespectful and it is wrong.

Mr. Joseph Nugent: I explained at the start why the Commissioner and Deputy Commissioner are not here. I have also said that I would take back the concerns of the committee. In terms of the invitation that was sent to us, the Commissioner or a nominee was invited to a meeting. I just want to put that on the record.

Deputy Alan Kelly: Fair enough but the Commissioner or the Deputy Commissioner are not here.

Mr. Joseph Nugent: All I am saying is that the-----

Deputy Alan Kelly: The Commissioner is outside the country and the Deputy Commissioner is, and I represent Templemore, at a certificate graduation for examinations in Templemore.

Mr. Joseph Nugent: He is representing the Commissioner in the role the Commissioner would normally perform. I am at the same level as the Deputy Commissioner. Many of the issues about which we are talking, particularly in the procurement space, sit in my space. That was the decision made.

Deputy Alan Kelly: In fairness, there are other issues. I have looked at all the questioning. There are so many questions Mr. Nugent has to get back to people. He will be fairly busy getting back whereas if either or both of them were here, we would be able to get through them fairly quickly. The event to be attended by the Commissioner is at 12 p.m. I understand it is usually the chief of the college who gives out these certificates. Can we go back to the last five occasions on which these certificates were given out and see who has actually given out the certificates? Fair play to all those who are getting the certificates for passing the exams and graduating but if it is a choice between giving out those certificates and coming here for an accountability exercise on behalf of the Irish people, the latter is a bigger priority.

Mr. Joseph Nugent: I am the same grade as Deputy Commissioner Twomey. We would all like-----

Deputy Alan Kelly: Mr. Nugent is not a ranking garda.

Mr. Joseph Nugent: That is an important point. We are in a position where we are trying to highlight to the organisation at large the responsibility of civilian members within the organisation. It does not always have to be the case that somebody in uniform has to sit here. I would like to think the committee would agree with that. I have explained why the deputy commissioner cannot attend. I have explained that there are other responsibilities including the responsibility for attending the event on behalf of the Commissioner this morning. I have also told the Chairman I will relay the concerns of the committee to the Commissioner and I will do that.

Chairman: I do not know if the Deputy picked up on my commencement point. Unusually, I raised this issue directly with the delegation.

Deputy Alan Kelly: I am aware. I am just offering a personal opinion.

Chairman: I did not only say it as the Chairman reflecting the committee's view. Other colleagues have made it very clear following reports of the meeting that it is not something we will accept continuing. That is for sure.

Deputy Alan Kelly: On the last five occasions on which these certificates were given out, who gave them out? There is no one attesting in Templemore today.

I will not go over some of the questions because some have been asked forensically. Deputy Wallace earlier went through a lot of my questions on IT tendering, IT systems and IT procurement processes and the issue of IT personnel. I have been through this in the Committee of Public Accounts and I believe it needs an independent investigation to look at what has been going on over the past number of years. The volume of money is absolutely incredible. It is warranted and necessary. It is necessary for the taxpayers of Ireland and also to ensure single points of failure, over-dependence on certain contractors and the processes around that are addressed. I will not go through all of that because Deputy Wallace has asked many of my questions forensically. I want to put on the record that I believe it to be the case and I will not stop until it happens because it is absolutely necessary.

I am glad Mr. Nugent is here. I agree with him that the attendance of a high-ranking civilian in An Garda Síochána is necessary at a committee like this. The issue we raised before and which came up again with the Policing Authority related to Mr. Nugent's statements regarding his investigation of the previous Commissioner's email and I am still confused about it. I will give Mr. Nugent the chance to look back on what was said here at the previous meeting, which he attended, and at the Policing Authority's comments which are available in the transcript. I will ask him to look at both of them and see if there is a contradiction or anything he would like to correct. From what I understand now, the differentiation is on the basis of a couple of words, in other words on language. I understand that Mr. Nugent looked at the emails of the former Commissioner. Is that not correct?

Mr. Joseph Nugent: I did.

Deputy Alan Kelly: Mr. Nugent did a verbal report.

Mr. Joseph Nugent: I did a verbal report.

Deputy Alan Kelly: Mr. Nugent subsequently did a written report.

Mr. Joseph Nugent: I did a written report on generic email usage.

Deputy Alan Kelly: To clarify, Mr. Nugent did a verbal report on the previous Commissioner's Gmail account and usage and a general written report on the overall use of private email accounts for the Policing Authority.

Mr. Joseph Nugent: I answered questions at the Policing Authority on those issues.

Deputy Alan Kelly: Let us look at that. On the verbal report, given everything we now know in the public domain and the evidence Mr. Nugent gave the last time that there was no evidence of official emails of a sensitive nature or something like that, does he still believe that to be the case? Is it the case that when he looked at the former Commissioner's private email account he did not see one thing that was in any way official or of a sensitive nature?

Mr. Joseph Nugent: I did not see any issue that was official and of a sensitive nature, as opposed to "or" of a sensitive nature.

Deputy Alan Kelly: Let us deal with the "or" bit. Did Mr. Nugent see anything that was official?

Mr. Joseph Nugent: I saw a single email, which was one email out of the hundreds of emails I looked at, which, from memory, was a draft press statement that the Commissioner had intended to make. That is the only email I saw.

Deputy Alan Kelly: Mr. Nugent did not make us aware of it the last time at the committee.

Mr. Joseph Nugent: I was asked a question about whether I prepared a report on the use of a Gmail account. I hear the point the Deputy is making about the difference between written and verbal. I also explained the context that it was not an issue that was down for discussion. I was caught unawares of the question. If the issue is about the word "verbal" versus "oral", I will accept there is a contradiction in what I said.

Deputy Alan Kelly: Let us just clarify it once and for all. Mr. Nugent looked through the emails. We have a lot of information in the public domain. Mr. Nugent saw one email that was of an official nature.

Mr. Joseph Nugent: Yes, but I did not determine it to be sensitive. It was something that would be a public statement made in the next day or so. That is the only piece I saw.

Deputy Alan Kelly: Mr. Nugent saw nothing else.

Mr. Joseph Nugent: That is correct.

Deputy Alan Kelly: Let us separate the sensitive and official bit. Did Mr. Nugent see anything that was not official but was of a sensitive nature?

Mr. Joseph Nugent: No. What I saw was, in general terms, the sort of subscription type material any of us have in our personal accounts. I saw subscriptions to-----

Deputy Alan Kelly: There was no official documentation or emails from PR agencies. There was nothing like that.

Mr. Joseph Nugent: The one email, the press release one, was from Terry Prone. That is the one email I saw. I did not see any other emails from any other entities.

Deputy Alan Kelly: There was no Garda documentation whatsoever.

Mr. Joseph Nugent: That is correct.

Deputy Alan Kelly: With regard to the report Mr. Nugent is doing for the Policing Authority on general email policy, the Policing Authority was very dissatisfied with how far that has gone. Where is it at now?

Mr. Joseph Nugent: The matter is being data-protection and human-rights proofed as we speak.

Deputy Alan Kelly: Does Mr. Nugent expect it to be discussed at the next Policing Authority meeting?

Mr. Joseph Nugent: It will not be discussed tomorrow, which is the next meeting, but I expect-----

Deputy Alan Kelly: I know that.

Mr. Joseph Nugent: -----it should be available for discussion for the following meeting.

Deputy Alan Kelly: I have done this previously and I would like to do it again. I would like to ask a double-barrelled, quick-fire question to all the witnesses. We can start at the front. It requires a "Yes" or "No" answer. Did the witnesses in their work for An Garda Síochána ever send or receive any official Garda documentation to or from a Gmail or private email account? Did the witnesses ever send any official documentation to any colleague's private email accounts or did they ever receive from a colleague any official documentation from a private Gmail account? I will start at the front.

Chairman: There could be a situation-----

Deputy Alan Kelly: They can explain that.

Chairman: -----where members-----

Deputy Alan Kelly: If they want to-----

Chairman: -----may not know or remember or whatever the case may be.

Deputy Alan Kelly: They may want to explain an anomaly of some kind. That is fine. It is not to catch anyone out.

Chairman: That will do. Okay.

Deputy Alan Kelly: We need to get to the bottom of what has been going on over the past number of years.

Mr. Brian Sutton: I am not in a position to answer because I do not know.

Deputy Alan Kelly: Chairman, how-----

Chairman: In the situation the chief superintendent is indicating he cannot recall. Is that the interpretation I should put on what Mr. Sutton is saying?

Deputy Alan Kelly: Will the chief superintendent respond to the committee in writing within whatever the Chairman regards as a reasonable timeframe?

Chairman: I presume that can be done collectively through Mr. Nugent.

Mr. Joseph Nugent: If there is a broader question that Deputy Kelly has asked-----

Deputy Alan Kelly: With all due respect and fairness I am entitled to ask the questions. There are ten witnesses here. If that happens that is fine, they should just explain it. I do not want the details, just an explanation of what is going on. I am entitled to ask this question. I have asked it previously at this committee of other people who are not here today and it was answered. All I want is to get everyone on the record on this question.

Mr. Joseph Nugent: For the purposes of being helpful, any email that is sent into the organisation from an external provider or from the organisation out is recorded within our broader systems.

Deputy Alan Kelly: I do not mind if the witnesses want to respond as a collective or as individuals. If they want to add information to explain certain circumstances that is fine too. I just want an answer to the specific question: did the witnesses in their work ever have an opportunity or situation where they had to send an email with official Garda documents to any colleague's private email address or did they ever receive official documentation from a colleague's private email address, whether civilians in the force or ranked gardaí? I would like each witness to answer that and they can respond in writing within two weeks.

Mr. Joseph Nugent: I answered the question before to say "Yes" in both cases and I am saying equally for the assistance of the committee that all the emails sent into or out of the organisation are retained and are available to the organisation if they have to be disclosed at some future date.

Deputy Alan Kelly: I just want to know if official documentation, from the security and sensitivity points of view, is being transferred in this way. If so how long has it been going on, who has been doing it and why, because the public wants to know? As a public representative I want to know that. There are people here who have had different jobs and have moved on in their careers, congratulations, well done and all that. There are people who worked in the Garda Commissioner's office. Did they ever send or receive official documentation to or from private email accounts of colleagues in any way, shape or form?

Mr. Liam Kidd: The email system in An Garda Síochána was introduced in 2008 or 2009 and has been developed and progressed since then. My understanding of the original policy, which would have come from my section, was that no Garda business should be dealt with through commercial organisations. We do need to use a commercial email account for configuring some technological aspects. Since the question of the Commissioner's email arose the policy on when commercial email accounts can or cannot be used could be misconstrued. We are hardening the policy now and taking legal advice on that and it should be published in the next week or so.

Deputy Alan Kelly: I thank Mr. Kidd for that and for hardening the policy. I was an IT manager but that is not relevant to the question I asked. All policies have to be improved. I understand that. I have asked a very specific question and have asked it at this committee before and would like an answer from each witness. I do not mind if it is collective but I want answers in respect of each of the individuals within the group here today. If there are examples they should say what documentation would have been provided or received using private email accounts and why. There may be explanations for it but there may not.

Chairman: We will put Deputy Kelly's question.

Deputy Alan Kelly: On the homicide issue, I commend Ms West and Ms Galligan who were here a month or so ago. They were the two best witnesses I have ever seen in my political career. As the most senior person here, does Mr. Nugent believe when he sees their evidence and the way they answered the questions – and I have no doubt he either watched it or read the Official Report – that An Garda Síochána treated them appropriately or fairly?

Mr. Joseph Nugent: I do not believe it did. I said that earlier.

Deputy Alan Kelly: What does he believe was done wrong and how should they have been treated better?

Mr. Joseph Nugent: We talked earlier about this. They were not involved in the sign off of the report when it should have been provided to them. They certainly felt they were under pressure. Irrespective of whether they were, the organisation should have picked up that they felt they were under pressure. They were let down in that regard. In many ways we as an organisation have learned that we must do things differently.

Deputy Alan Kelly: Ms McPartlin is now in charge of the review of homicides. How has the treatment of these two ladies changed in the recent past?

Ms Orla McPartlin: I was not involved in any of the-----

Deputy Alan Kelly: I am not saying Ms McPartlin was.

Ms Orla McPartlin: I am just putting it in context. I was appointed in late December and Ms Galligan and Ms West have been involved with our review team since I was appointed in charge of that. They are part of the review that is being headed up by Chief Superintendent Sutton. They get jobs like other members of the review team and attend the conferences, as we call the weekly meetings, held to progress the review.

Deputy Alan Kelly: If we were to bring them back in here next week does Ms McPartlin feel that the way they have been treated has improved dramatically?

Ms Orla McPartlin: I would like to think so, yes.

Deputy Alan Kelly: The evidence given here was incredible. Has the Commissioner or deputy commissioner been in touch with them to discuss what happened and how they engage with the Policing Authority?

Ms Orla McPartlin: I am not aware of that.

Deputy Alan Kelly: Can Mr. Nugent answer that?

Mr. Joseph Nugent: I do not know but I am pretty sure that at least Deputy Commissioner Twomey has spoken to them.

Deputy Alan Kelly: Are they happy with that engagement?

Mr. Joseph Nugent: To the best of my knowledge yes.

Mr. Brian Sutton: Chief Superintendent Helen Hall from the Policing Authority rang me last week about having a one-to-one meeting with the review group. She also indicated that she

was going to meet Ms Galligan and Ms West separately to address the issue with them. I understand that has been done and she will meet the main review team. There is liaison between the Policing Authority and the two analysts.

Deputy Alan Kelly: Is that direct?

Mr. Brian Sutton: Yes, it was a one-to-one meeting. That was the arrangement outlined by Helen Hall. I am telling somebody else's story. In respect of the way they are treated, they are equal partners in the review team and bring a skill base to the review I am conducting of the 41 cases. They are treated the same as everybody else, sworn and non-sworn members of the group, whether that is good or bad.

Deputy Alan Kelly: I do not expect Mr. Nugent to know everything off the top of his head so I expect he will not have this statistic to hand – despite what he might think I am a little reasonable – how many gardaí are suspended at the moment?

Mr. Joseph Nugent: I honestly do not know. I could not give an answer.

Deputy Alan Kelly: Could Mr. Nugent provide us with the total number of gardaí suspended? I do not want individual names. How many have been suspended for one, two and three years?

Mr. Joseph Nugent: The Deputy wants a breakdown of the length of suspensions.

Deputy Alan Kelly: Yes. A case was reported, and it is in the public domain, of a sergeant suspended after working in Bray Garda station. I am just thinking of the taxpayer. There were four inquiries into this lady. There was also a case in which she was found innocent. I am not getting into any of those details. However, from the taxpayer's point of view, after five years this issue should either come to a head or not. It cannot go on indefinitely. After five years, the taxpayer is not getting value if somebody is being paid but is not a garda. How many of these cases exist? That is what I am drilling down to. I can understand a case lasting more than one year because things happen and need to be looked at. I can even understand a case lasting more than two years, but how does a case last more than five years?

Mr. Joseph Nugent: I do not know the details of the particular case.

Deputy Alan Kelly: I am not asking Mr. Nugent to speak about the particular case.

Mr. Joseph Nugent: I know the Deputy is not. I am just saying that-----

Deputy Alan Kelly: My point is that-----

Mr. Joseph Nugent: -----I cannot answer in a generic context.

Deputy Alan Kelly: -----wearing my Committee of Public Accounts hat and taking an interest in justice issues, it is extraordinary that somebody can be suspended for five years, that the issue has not been concluded and that the taxpayer is picking up the bill. I just want to know how many members of the Garda are in this position. I am just using this case as an example. Why has An Garda Síochána not been able to bring these issues to a conclusion? The taxpayer is picking up the bill and we are down a garda. How many such examples are there? It is an issue for the force in general.

Mr. Joseph Nugent: We will come back with the detail the Deputy is seeking. I genuinely

do not know if this is an exception or if there is a number of such situations. I could imagine, however, that due process, the process of appeals and so on could lead to circumstances in which there is. In fairness the Deputy raised a big question. If there are one or two of those-----

Deputy Alan Kelly: As I understand it, this issue has already gone through the courts and been concluded. The person was found innocent. I just do not know-----

Mr. Joseph Nugent: What I have said is that I do not know the number or whether this is an exception.

Deputy Alan Kelly: I am using this as an example because it brought to my mind the question of how many cases of this nature have lasted more than two, three, four or five years. There has to be an end. The issues of taxpayers' money and the number of gardaí available are outstanding. It is not acceptable. In respect of this-----

Mr. Joseph Nugent: May I reply please? The Deputy asked a fair question and I will come back to him on it. Equally however, it is important to say that there was public criticism of the disciplinary code within the organisation in a different forum. That matter is being examined and addressed.

Deputy Alan Kelly: Fine.

Mr. Joseph Nugent: That process will ideally lead to a situation in which we can address the sorts of issues which the Deputy is raising.

Deputy Alan Kelly: My next question relates to evidence given in respect of Bray Garda station. I refer to the photograph of the evidence room in Bray Garda station in 2012 which I am holding up. This has been published in the media. I showed it to people when it was in the newspaper and they thought it was a photograph of a skip. There has been an internal review through the professional standards unit and various statistics have been provided in respect of files not being found and so on. I presume this is no longer the case anywhere in Ireland and that the evidence rooms in all Garda stations are maintained properly. There is no way in which cases can be investigated and prosecuted properly if evidence is maintained like this.

Mr. Joseph Nugent: Considerable effort has been made over many years to resolve the process by which we record property in evidence. It featured as a risk which drew the attention of the audit committee. We report on the processes which we have employed to the audit committee, including through Mr. Kelly's audits at division level. We have new systems, new structures and new infrastructure in place to avoid the sorts of issues which Deputy Kelly has referenced.

Deputy Alan Kelly: Surely no one can stand over that picture.

Mr. Joseph Nugent: No, they cannot.

Deputy Alan Kelly: In fairness-----

Mr. Joseph Nugent: That picture was taken in 2012. As I said, we have a series of new systems, new infrastructures, new locations and new processes in place all around the organisation.

Deputy Alan Kelly: Any case could be jeopardised by that. It is ridiculous.

Mr. Joseph Nugent: In fairness, that was the evidence room in 2012. We are now talking

about 2018.

Deputy Alan Kelly: It was 2012 but it is only being revealed now.

Mr. Joseph Nugent: In 2018, as Mr. Kelly visits stations, districts and divisions for his reports, one area at which he looks and on which we report is the property and exhibit management processes in place.

Deputy Alan Kelly: I accept that it was 2012 but I point out that many of the issues with which we have been dealing in respect of An Garda Síochána and policing relate to that same time period.

I will raise one last topic. I was very interested to hear Mr. Nugent's discussion with one of my colleagues in respect of protected disclosures. Obviously I do not want anyone to go into the details of any individual protected disclosures but I noted from Mr. Nugent's opening statement that new processes have been put in place regionally to take, filter and analyse protected disclosures. That is welcome. It is a good action and is necessary. However, I am surprised, given there is nothing sensitive about this, that Mr. Nugent does not know the number of protected disclosures within An Garda Síochána.

Mr. Joseph Nugent: I explained that we treat the process of protected disclosures very carefully.

Deputy Alan Kelly: Okay.

Mr. Joseph Nugent: Will the Deputy let me finish?

Deputy Alan Kelly: There is a big difference between two and 30.

Mr. Joseph Nugent: Will the Deputy hear me out? As a result, that information is not provided to management within the organisation. It is kept at that level. An annual report is produced on the numbers. I confirm that I will bring the numbers back.

Deputy Alan Kelly: Okay. As long as Mr. Nugent can bring the numbers back.

Mr. Joseph Nugent: I will bring the numbers back. I said I would do that.

Deputy Alan Kelly: That is all. My issue was more about whether there was a willingness to bring the totality of the numbers rather than-----

Mr. Joseph Nugent: I committed to bringing back the numbers.

Deputy Alan Kelly: All we want to do is see the trend, not the individuals.

Mr. Joseph Nugent: I hear that. Just to be clear about what I can provide, I can only provide information about protected disclosures made within the organisation.

Deputy Alan Kelly: Fine. I understand that.

Mr. Joseph Nugent: That is fine. That is okay.

Deputy Alan Kelly: On my last question, I know Mr. Nugent will not have the information with him. This does not relate to protected disclosures but it was in the media. This question relates to an incident involving a civil servant, who I obviously will not name, in the K division of the Dublin metropolitan district west. I will come back with the exact date. It has been

stated that an internal investigation is ongoing in respect of this issue. Is the issue concluded? If so, will the outcome of the investigation be reported? Will the actions from the investigation be delivered? Was there ever any contact from any civil servant with An Garda Síochána in respect of this issue? I do not expect Mr. Nugent to be able to answer these questions here and now. I would appreciate if he would send a response to the committee.

Mr. Joseph Nugent: I apologise, I did not hear the Deputy's second question. Was it whether there was any contact by a civilian-----

Deputy Alan Kelly: Was any civil servant ever in contact with An Garda Síochána in respect of this issue?

Mr. Joseph Nugent: Okay.

Deputy Alan Kelly: It happened between 23 and 25 June 2017.

Mr. Joseph Nugent: I would like to get the details of the specific incident in order to make inquiries.

Deputy Alan Kelly: I will give them to Mr. Nugent. There is no problem with that.

Mr. Joseph Nugent: That is fine. I appreciate that.

Deputy Alan Kelly: I thank Mr. Nugent.

Chairman: Will Mr. Nugent respond to Deputy Kelly's questions, in addition to those of other members, through the secretariat?

Mr. Joseph Nugent: Yes. May we liaise with the committee to make sure that we answer all the questions asked, rather than missing out on material?

Chairman: Mr. Nugent has been noting the questions in any event, but yes.

Mr. Joseph Nugent: We have taken note of some of them but we will miss some.

Deputy Alan Kelly: The incident occurred between 23 and 25 June 2017 in K division, Dublin metropolitan district west.

Mr. Niall Kelly: Just for clarity-----

Chairman: There was a reference earlier to Mr. Kelly's audit committee in the course of Deputy Kelly's questioning. I thought it nearly merited clarification at the time but Mr. Kelly is clarifying again.

Mr. Niall Kelly: Just for clarification, there is a series of audit reports in respect of ICT and different processes in that area. The first was the subject of discussion today because it was released under freedom of information legislation. There are two other reports that have recently been completed and a further audit report is still being written. The committee should be aware of that. In answer to an earlier question from Deputy Wallace, there is one report in particular on the EU-funded ICT programmes included in that bunch of audits. They will come through the Committee of Public Accounts rather than this committee, through the Comptroller and Auditor General. That is to keep this committee informed.

Chairman: I thank Mr. Kelly. I have questions for Mr. Nugent. I welcome Assistant Com-

missioner McPartlin's and Chief Superintendent Sutton's assurances that the review team process now in train is both thorough and inclusive. That is an important affirmation. On behalf of the committee, I want to record as Chair that I welcome that assurance and thank the witnesses for it. I do not think it is disputable and record that it is my own view that this committee has played a useful role in helping to bring that about. It is important to see what the relationship can be. It does not always have to be adversarial or confrontational. It was never our intention, in facilitating other evidence to come before the committee, but we, across all political opinion, had a shared concern about the matter. I ask Mr. Nugent if he would agree that Ms West and Ms Galligan acted as they have from the highest motivation and in the public interest, and that their presentation before this committee was both courageous and praiseworthy. Would he agree with my view?

Mr. Joseph Nugent: I would.

Chairman: I thank Mr. Nugent. I appreciate that. I want to address a matter in the opening presentation. My colleague raised matters relating to the IT situation. The document referenced, which was reported by RTÉ recently, on Sunday, 22 April, came from the office of the acting Garda Commissioner, Mr. Dónall Ó Cualáin, and it was to the finance and resources section of the Department of Justice and Equality. The witnesses were not aware of the particular document, as they indicated to Deputy Ó Laoghaire. That is the specific document referenced. It talks about 37% of the in-house IT specialists having been lost over recent years, making a case for a serious situation that continues.

In their remarks to us, in their opening statement, the witnesses referenced the same issue but stated that in the last 12 months, the number of in-house skilled resources in ICT - I presume resources means personnel - has increased and will increase, as we would all hope, over the coming years, and that consequently there will be less dependency on Accenture and other outside IT agencies. The case put by the acting Garda Commissioner's office to the Department of Justice and Equality, with no disrespect to what the witnesses have said to us, reflects more accurately a very difficult situation within An Garda Síochána. The point I am making is that we will be addressing a whole compendium of issues directly to the Minister over the next short period which we have requested. Rather than seeing this as them and us, we want to be in complement to each other for the key issues where there is a need. We can reflect on this with the Minister and the Department, who will be coming before us, with a supportive position for the case that has been made. It is important that we are seen in that light. Would the witnesses like to comment any further on that matter, given the mild, tempered reflection that they had in their opening statement, as against what I see in the report from RTÉ to be a much stronger and more robust case, which we would like to support?

Mr. Joseph Nugent: I would like to think that the committee might see me as a mild, temperate kind of individual.

Chairman: Like myself. I get that all the time.

Mr. Joseph Nugent: We were looking at two slightly different issues. There has been a trickle of resources into ICT in permanent headcount but we have nonetheless lost some very skilled individuals with particular skills and we have been particularly short on the leadership level. That has led to excessive dependence on a single provider. Let us not worry about who it is. We have been supplementing its resources for the permanent headcount in the Garda. Our preference is to have a different mix which reflects what other Government agencies would have. We are happy to provide the committee with reference material on this, with the numbers

of the permanent headcount in An Garda Síochána in comparison to the numbers of permanent headcount in other large public sector bodies. It might be useful if we send that to the committee straight away. I think we have that readily available.

Chairman: Mr. Kidd might like to address it. I have one last question and either of the witnesses might answer it. Why have we lost at a particular level within the ICT staff?

Mr. Liam Kidd: I will come back to the original thing that happened in 2009. My instruction was to downsize and to reduce cost because funding was not available. At the time, in 2008, there were two chief superintendents, two principal officers and approximately eight assistant principal officers or superintendents - those are the equivalents - at the leadership level. At the time of publication of the comprehensive review of the staffing needs for ICT, we had one principal officer, two superintendents and two assistant principal officers. Compared to other big organisations, such as Revenue, while I do not want to pick Revenue out, I have a colleague there and am aware that it has nine principal officers and between 20 and 23 assistant principal officers.

Our comprehensive review saw a need for five principal officer or Garda equivalents and 14 assistant principal officers or Garda equivalents. I am talking to Mr. Nugent about building that. Since the approval of that document, we have been pushing through the process with the Department of Justice and Equality and Department of Public Expenditure and Reform to get sanction. An agreement on sanction came through with regard to principal officers and assistant principal officers. We are now starting the process of recruiting those people. There are three principal officers, so two additional officers have arrived in the last year, and we got four additional assistant principal officers in the last year. That is what Mr. Nugent and the Commissioner are referencing in that we are starting to address the leadership element.

With regard to Accenture and consultancy, I look within ICT, where we always had a dependency on pushing it down to the lowest level. That is where we would pay the least amount, where we depend on outsourced skilled resources, while having people in at the leadership, management and supervisory level as full-time Garda employees.

Mr. Joseph Nugent: One reason is that work was needed to look at integrating Garda members and civilian members at similar ranks, and the terms and conditions that would apply to competitions that would need to take place. If I am a Garda sergeant competing with an executive officer for a position of higher executive officer, what terms and conditions, particularly in the sensitive area of pensions, would apply? That has taken too long to resolve but thankfully I think we are out of that space and are in a position to start.

Chairman: I appreciate that. Furnishing us with the information will allow us to-----

Mr. Joseph Nugent: We will do that.

Chairman: -----be supportive in a more focused way of the case that is already-----

Mr. Joseph Nugent: I appreciate that.

Chairman: Will the witnesses report that that is the disposition of the Chair and the committee when next speaking to the acting Commissioner?

Mr. Joseph Nugent: I will do that. I know we are going back over ground. I am conscious about the committee's concerns about the attendance of the Commissioner. I said at the outset,

but think it is important to re-emphasise, that his attendance abroad was necessary. It was not meant in a disrespectful way.

Chairman: I accepted Mr. Nugent's explanation.

Mr. Joseph Nugent: The Chairman accepted it but I think it is important that we put it on the record. I will reflect to the acting Commissioner the desire of the committee that he would attend future meetings.

Deputy Donnchadh Ó Laoghaire: I will take the opportunity to say that we need two more community gardaí in the Togher district, if the witnesses will look favourably on that. I know Assistant Commissioner Finn has good support of community policing in Cork. I hope that those two vacancies can be filled as soon as possible.

Mr. Michael Finn: We had a meeting last week with the chief superintendent there and we are looking at extending the team-----

Deputy Donnchadh Ó Laoghaire: Fabulous.

Mr. Michael Finn: -----not just making it bigger than what it was.

Deputy Donnchadh Ó Laoghaire: Very good. I am glad to hear it.

Chairman: If this catches on, I will be inundated. On behalf of members, I sincerely thank Mr. Nugent; both assistant commissioners, Mr. Finn and Ms McPartlin, and all of their colleagues who made contributions and addressed very important matters.

The joint committee adjourned at 12.20 p.m. until 9 a.m. on Wednesday, 9 May 2018.