



Appearance by the Garda Síochána Ombudsman Commission before the Oireachtas Public

Accounts Committee

Thursday, 8 February 2023

Opening Statement by Rory MacCabe, S.C., Chairperson of GSOC

Chair, Committee Members,

Thank you for the invitation to speak to you today – I am joined by my fellow Commissioners Hugh Hume and Emily Logan, alongside Aileen Healy, Director of Administration, and Peter Whelan, Director of Investigations and Operations.

The Policing, Security and Community Safety Act will replace GSOC with Fiosrú, the Office of the Police Ombudsman. Fiosrú will have new structures, new management and a lot more work. A core strategic priority for us as Commissioners has been to ensure that we leave the organisation well-prepared for the challenges ahead. This has meant significant work for all of us, in addition to the delivery of our current statutory functions.

While the accounting officer of GSOC is the Secretary General of the Department of Justice, as Chair of GSOC, I, with my Commission colleagues approve GSOC's financial statement and Annual Report.

When Fiosrú comes into being, it will hold its own independent budgetary vote and have its own CEO and accounting officer. This is a welcome development. You will hear from the Accounting Officer in a few weeks and a rep from her Department is here today.

GSOC independently investigates allegations from the public of Garda misconduct, whether disciplinary or criminal. We also investigate referrals by An Garda Síochána in the case of death and serious harm, referrals from the Minister for Justice and the Policing Authority. We also investigate matters that we judge to be in the public interest. In addition, we are one of the designated bodies to which Garda members and civilian staff can make protected disclosures.

While investigations can attract significant public interest, we are, as you are aware, precluded by statute from public comment on ongoing investigations, or on related matters subject to, or likely to become subject to, proceedings in the courts or in other fora.

It is also important to be clear about the boundaries of our responsibility. We do not discipline, suspend or prosecute Gardaí. If our investigations conclude that a criminal offence may have been committed, we send a file to the DPP, who, as the State's independent prosecuting authority, decides whether a prosecution is warranted. If a prosecution is directed, then the DPP conducts the prosecution with GSOC staff appearing, where requested, as witnesses. If our conclusion is that disciplinary misconduct has occurred, we pass the file to the Garda Commissioner, whose responsibility it is to consider whether suspension and/or a disciplinary sanction should apply. If our conclusion is that neither criminal or disciplinary misconduct arises then we notify interested parties of our conclusion and close the file. Where in the course of our investigations we identify systemic issues of concern, we may issue recommendations to the Garda Commissioner. We do this on a non-statutory basis, in the spirit of pooling insight and knowledge that may improve the delivery of policing in Ireland.

In addition to our HQ in Dublin, we have regional offices in Cork and Longford. We have investigative staff on-call 7 days a week, 24 hours a day, operating across the country. We receive a significant volume of complaints from members of the public – usually in the region of around 2,000 per annum. In 2022, for example, we received a total of 1,826 complaints, containing 3,207 separate

allegations, while receiving 41 referrals from An Garda Síochána. In that year, we closed 2,301 complaints.

The delivery of our statutory functions depends on the skill and dedication of our staff. The work is complex and demanding and their diligence and persistence are exemplary.

As of this week, we have a total of 163 staff along with a number of vacancies we are working to fill.

Our budget allocation for 2022 was 13.679 million Euro. In 2023 it was 16.67 million Euro and for this year is 19.596 million Euro. Increases in budget and staffing in recent years, added to organisational changes that we have been implementing, have assisted us in reducing backlogs, and in preparing for major institutional transition.

Notwithstanding these increases, our level of resourcing remains below what we need now and significantly below what the organisation is likely to need in order that Fiosrú can meet its new remit.

Committee members will now be very familiar with our observation that for the new Office of the Police Ombudsman to succeed, significant additional support in the shape of resources and expertise will be needed. In order to better identify the new Ombudsman's needs, we commissioned an external Organisational Review of GSOC. This helped us to make a business case to the Department of Justice, in which we outlined the level of resourcing – in terms of funding, capacity and expertise – that Fiosrú will, in our view, need.

Resourcing is not just about money. The Minister for Justice and her Department have been reactive to and supportive of our ongoing needs. The specialist nature of our work, and the broader dynamics of the labour market today, pose real ongoing challenges in finding and retaining suitably qualified staff. This is a challenge we share with colleagues across the public and civil service, and will require workforce planning as Fiosrú comes to terms with the new mandate.

We are seeking to diversify the means by which we recruit into our organization, as well as identifying how better to retain the staff we already have on the books. To this end, we are in the process of procuring a partner in the third-level education sector to design an accredited training programme, to provide the learning and development opportunities that our staff need.

In broad terms, and over a phased period, a minimum of a doubling of our current staff complement, including a considerable increase in our complement of investigative staff, will be essential. It is our clear aim as a Commission to do everything we can to ensure that the new Office of the Police Ombudsman can do the job that the Oireachtas mandates and to which the public and Garda members and staff are entitled. That is human-rights-based, independent, policing oversight that promotes accountability and enhances public support for and trust in policing in Ireland.

The last time we spoke, I invited you to come and visit us in our Dublin HQ. I would like to re-issue this invitation today. Meet the staff. Listen to them and see the work they do. It is my belief that you will be impressed. Thank you for the opportunity to discuss our work with you today.