

# DÁIL ÉIREANN

---

## AN COISTE UM ACHAINÍOCHA ÓN BPOBAL

### COMMITTEE ON PUBLIC PETITIONS

---

*Déardaoin, 28 Aibreán 2022*

*Thursday, 28 April 2022*

---

Tháinig an Comhchoiste le chéile ag 1.30 p.m.

The Joint Committee met at 1.30 p.m.

---

Comhaltaí a bhí i láthair/Members present:

Teachtaí Dála/Deputies	Seanadóirí/Senators
Pat Buckley,	Jerry Buttimer.
Emer Higgins,	
Richard O'Donoghue,	
Pádraig O'Sullivan.	

Teachta/Deputy Cormac Devlin sa Chathaoir/in the Chair.

## Engagement with the Garda Síochána Ombudsman Commission

**Vice Chairman:** I welcome members and witnesses to the meeting. We have received apologies from the Chairman, Deputy Martin Browne, as well as Senators Craughwell and Warfield. Under the Covid-19 code of conduct for the parliamentary community, published by the Ceann Comhairle of the Dáil and the Cathaoirleach of the Seanad, face masks should continue to be worn when moving around the campus and during the committee meeting, except when speaking. This will help reduce the risk of Covid-19 spreading among the parliamentary community. I ask for the full co-operation of witnesses and members in this regard. Are the minutes of the private and public meetings of 27 and 28 April 2022 agreed? Agreed.

I remind members of the constitutional requirement that they must be physically present within the confines of the place in which Parliament has chosen to sit, namely, Leinster House, to participate in public meetings. I will not permit a member to participate where they are not adhering to this constitutional requirement. Therefore, any member who attempts to participate from outside the precincts will be asked to leave the meeting.

In the absence of the Chairman today, I as Vice Chairman do solemnly declare that I will duly and faithfully and to the best of my knowledge and ability execute the office of Vice Chairman of the committee without fear or favour, apply the rules as laid down by the House in an impartial and fair manner, maintain order and uphold the rights and privileges of members in accordance with the Constitution and Standing Orders.

Before we begin I wish to explain some limitations to parliamentary privilege and the practice of the House as regards references witnesses may make to other persons in their evidence. The evidence of a witness physically present or who gives evidence from within the parliamentary precincts is protected pursuant to both the Constitution and statute by absolute privilege. Witnesses are reminded of the long-standing parliamentary practice that 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 or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if witnesses' statements are potentially defamatory in respect of identifiable persons or entities, they will be directed to discontinue their remarks. It is imperative that witnesses comply with such a direction.

Before I hear from our witnesses, I propose that we publish their opening statements on the committee's website. Is that agreed? Agreed. On behalf of the committee, I welcome the witnesses from the Garda Síochána Ombudsman Commission, GSOC. We have engaged with some of them before. I welcome Mr. Justice Rory MacCabe, chairperson, Commissioner Emily Logan, Commissioner Hugh Hume, and Ms Aileen Healy, director of administration. Mr. Justice MacCabe will have ten minutes for his opening remarks. Then we will have questions and comments from members. Each member will have about ten minutes and may speak more than once if they so wish.

**Mr. Justice Rory MacCabe:** I have been chairperson of GSOC since late January this year. As the Vice Chairman has indicated, I am joined today by my fellow commissioners Ms. Emily Logan and Mr. Hugh Hume, who joined GSOC in February last year. Mr. Hume has a background in policing at a senior level in the Police Service of Northern Ireland, PSNI, and served as deputy chief inspector in the Garda Inspectorate. Ms Logan was Ireland's first Ombudsman for Children and served as the first chief commissioner of the Irish Human Rights and Equality Commission. We are also joined by Ms Aileen Healy, our director of administration. We

will be happy to discuss our work in 2021, the annual report for which I understand will go to Cabinet shortly and will be published soon. It will be laid before the Houses of the Oireachtas before it is published. We welcome the opportunity to discuss our plans in the context of the significant institutional reforms in policing oversight that will affect the work of GSOC in the coming years. We will do our very best to discuss and answer questions on our annual reports for 2018 to 2020, but members will appreciate that given we were not around at the time, it may not be so easy. If members have any detailed questions we are not in a position to answer, we will take a note and come back to the committee in writing as soon as we can.

A few weeks ago we appeared before the Committee of Public Accounts. Members may have taken the opportunity to have a look at the report, so while I do not propose to rehearse the matters discussed at that committee, my colleagues and I will do our best to give members such information as we can and, while GSOC is not perfect, I hope the committee will be satisfied the service we provide is rigorous, comprehensive and professional.

GSOC was established in 2007 following the passing of the Garda Síochána Act 2005. We were mandated to provide independent oversight of policing in Ireland. Our current staff complement is 135, and our most recent budget allocation in 2021 was €11.272 million. Working from our headquarters in Dublin and regional offices in Cork and Longford, GSOC is the vital interface between the people and An Garda Síochána. We operate in 26 counties, seven days a week, 24 hours a day, 365 days a year. The work is challenging and complex, and results depend on the skill and dedication of our staff, each of whom carries a heavy caseload. I would add that it depends also on the co-operation we have from other interested stakeholders in the investigative process.

Our primary job is to investigate complaints from the public concerning the conduct of members of An Garda Síochána. We also conduct investigations into matters referred to us by An Garda Síochána, by the Minister for Justice and by the Policing Authority. We also conduct investigations into matters we judge to be in the public interest to investigate. We do not do this off our own bat but under the statutory mandate that has been delivered to us by the Oireachtas.

We do not prosecute gardaí nor do we discipline them. If our investigations lead us to conclude that a crime may have been committed, we send a file to the Director of Public Prosecutions which, as the State's independent prosecuting authority, must decide whether a prosecution is warranted. If our conclusion is that no crime has been committed but there is an issue of neglect of duty or misconduct not amounting to a crime, we pass the file to the Garda Commissioner whose responsibility it is to impose such disciplinary sanction as he thinks fit. I ask the committee to note, again, that this is not a decision we take off our own bat but one that arises from our statutory mandate. In certain circumstances, our statutory mandate permits GSOC to refer to the Commissioner for investigation complaints that come in directly. In addition, we are one of the designated bodies to which members of An Garda Síochána can make protected disclosures. Where in the course of our investigations we identify systemic issues, we make recommendations to An Garda Síochána, advising it as to the need to improve policing policy and practice. Since 2018, we have also operated a local intervention initiative that has facilitated the speedy resolution of some complaints without the need for formal investigation. That is an innovation that has been extremely successful over recent years.

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

chána, whose careers are, in effect, on the line. As we are bound by the principle of due process and the need to respect human rights principles, we cannot and will not prioritise speed at the expense of rigour in completing our investigations.

The period being considered by the committee today has been busy for GSOC. The volume and complexity of our cases have increased year on year, and the issue of resourcing has been the subject of constant concern for the organisation. Staff numbers have increased in recent years, but so has the volume of complaints we receive. Resourcing will continue to represent a significant challenge for GSOC in the context of the additional powers and responsibilities we anticipate the Oireachtas will mandate when it comes to consider the policing Bill.

The period under discussion also covers the upheaval faced by everyone in Ireland during the Covid-19 pandemic. Covid obliged us to make rapid adaptations to our working practices to ensure the continued and safe delivery of our functions as an essential service for the public. GSOC's staff adapted admirably to the challenges posed by COVID, and in 2020 and 2021 we succeeded in delivering service to the public, including fielding a significantly higher volume of complaints. In that context, it is perhaps a bit strange, because in the context of Covid we had to close down our public office. People did not have a walk-in facility. For some period of time, we did not have a telephone facility because of the transition from a full office situation to people working remotely. However, in that period, nonetheless, the number of complaints we received and dealt with increased. It appears the issue of Covid had ramifications that did not extend to stopping people from making complaints to GSOC.

The period 2018 to 2021 saw reform in policing and in policing oversight take centre stage with the publication of the report of the Commission on the Future of Policing in 2018. The most significant result for GSOC is the recent policing, security and community safety Bill. This is mammoth legislation that proposes not only sweeping changes in the law but fundamental change in the composition and mandate of GSOC. We welcome this draft legislation. It fills a clearly defined and long-signalled gap in Ireland's policing accountability infrastructure. Transition to the proposed new structure and arrangements are my focus. It is my brief to ensure the transition to whatever new organisational structure that is mandated by the members and their Oireachtas colleagues is seamless. To that end, a cross-organisational transition project group has been established to co-ordinate the work that needs to be done, including liaison with the Department of Justice, a thorough structural review of GSOC, and detailed business analysis and planning. A key theme of this work will be resourcing. GSOC will have additional powers and functions, which will, by definition, involve more work, which will in turn require the organisation be adequately staffed with appropriately skilled people and technological backup if it is to be fit for purpose. The complexities of investigating wrongdoing in the modern world we inhabit do not come cheap, but it is my belief the Minister and the Department are alert to the ongoing resource issues faced at present by GSOC and will support us as we look ahead to transitioning to a reformed ombudsman institution, which is one of the features of the new legislation.

At the hearing of the Committee of Public Accounts a few weeks ago, I invited the Chair, with some members of the committee, to come visit us at our HQ. I offer the same invitation to this committee today. I ask members to come see us, meet the staff, listen to them and see the work they do. In the few short months I have been here, they have impressed me with their dedication, energy and enthusiasm. It is my belief the committee members will also be impressed. I thank members for the opportunity to come to the meeting today.

**Vice Chairman:** I thank Mr. Justice MacCabe for his opening remarks and his invitation.

We will come back to him on that. His opening statement is a very good summary of the work that GSOC has been involved in over recent years and, particularly under Mr. Justice MacCabe's stewardship, over recent months. I will open up questioning from committee members. Some are attending online and some are attending in person. I know Senator Eugene Murphy and Deputy O'Donoghue have other parliamentary business. I am not sure if they will be joining us in person, online or at all. Members may come and go during the meeting. The first member to ask a question is Senator Buttimer.

**Senator Jerry Buttimer:** I welcome our witnesses and thank Mr. Justice MacCabe for his contribution. I thank GSOC for the work it is doing. Indeed, I pay tribute to the work done by members of An Garda Síochána during the Covid period, when they were at the forefront of our State's response to Covid-19. Very often they had to perform tasks that in ordinary times they would not dream of doing. I thank them most sincerely. In the context of Mr. Justice MacCabe's remarks today, he spoke about the complexities of investigating wrongdoing and how it does not come cheap. I ask Mr. Justice MacCabe to distil those comments further for us.

**Mr. Justice Rory MacCabe:** I will explain it in the following way. When I came in last January, the first thing I did was to ask to be briefed on the cases that were to hand and whether any of them had been around for a long time. Basically, I asked if there were any unexploded bombs around of which I needed to be aware. I was then briefed by different groups in GSOC. Listening to them, I asked how it was taking so long to close cases. There were cases that may have been going on for two or three years. I asked how it was possible they were not closed and when they would be closed. It is only when we dig down into the situation that we see the complexity that is involved.

A complaint arrives in many different ways. A member of the public can knock on the door at GSOC and come in. A complaint can be made by telephone call or arrive by email. Though the website, members of the public can access the online claims form, which is available not just in English and Irish but in eight other languages. Members of the public can also come to a Garda station to make a complaint. That is an issue to which I will return to later. It may have its own particular resonance. The first point of contact will be a caseworker. Caseworkers are people who are trained in examining cases. Their responsibility is to look at cases and to recommend whether a case is admissible in the first instance. Once the assessment process is done, it then proceeds either to investigation or it might get sent to An Garda Síochána. The powers the investigators have in GSOC are similar to the powers An Garda Síochána has.

Our instruction manual in GSOC is the Garda Síochána Act 2005 and, to a certain extent, the European Convention on Human Rights Act 2003. They form the instruction manual and we are bound by it. Behind that is the Constitution, because the European Convention on Human Rights Act and the Garda Síochána Act were mandated by the Oireachtas. The Constitution is a document that is mandated by the people. It is enshrined in the Constitution that due process is something to which the members or I, or anybody who is unfortunate enough to have to face the courts of Ireland, is entitled to as a right. Things like being informed of the charges involved, if there are charges, being entitled to legal representation, and being entitled to a fair trial, if it comes to it, in course of law are all rights everybody has. They are rights that accused persons in the normal criminal courts, as it were, are entitled to. They are also rights to which members of the Garda who are accused of wrongdoing are entitled.

The investigation process may involve interviews and cross-interviews. When one set of interviews is completed, it may be necessary to go back to the start and reinterview people based on information that has arisen lately. That is not typical, but it is not abnormal. We could be



faced with a situation where one case could absorb the entire resources of GSOC if it is to be properly investigated. In a situation where investigators typically have a caseload of about 60 cases each, perhaps members can understand the impact on resources if even one investigator is dedicated full-time to one investigation. It is often a case of robbing Peter to pay Paul in terms of the resources we have. It is almost impossible to be prescriptive as to how long an investigation is going to take.

Once the investigation is complete, the report comes to us as the commissioners. The way we operate at the moment is that we do a week on each. For example, Ms Logan might be on, making decisions this week, I will be on next week, and Mr. Hume will be on the following week. Once the investigation is complete, the senior investigating officer will submit a report to the commission for decision. That may be a decision to discontinue the investigation because we do not consider that wrongdoing has happened, a decision to pass it to the Garda Commissioner if we consider it a disciplinary matter, or a decision to submit it to the Director of Public Prosecutions, DPP. Once it goes out of our hands, we are basically at the mercy of the Commissioner. While there is a requirement that disciplinary matters be dealt with within a specific time, it is often not possible to comply with that. Once we send the file to the DPP, it is within the discretion of the DPP to decide when to come back to us with the direction. The DPP has other fish to fry apart from us. That is a flavour of the investigative process. Once it comes back-----

**Senator Jerry Buttimer:** There seems to be a theme recurring because the director of administration, Ms Healy, has been in correspondence with the Committee of Public Accounts. Mr. Justice MacCabe has spoken today about the complexity and the resourcing issue. If we asked a question on the level of resourcing, and it may not be a fair question or Mr. Justice MacCabe might say it is not pertinent to today's discussion, has he a response to the level of resourcing he thinks might be adequate in terms of personnel or a budget? The complexity of cases to which Mr. Justice MacCabe referred, and Ms Healy wrote in correspondence about the increased complexity of many cases brought to the ombudsman's attention, raises serious concerns about GSOC's capacity to deal with them. Is there a role for us as a committee to advocate with the Department and the Minister in Government on GSOC's behalf?

**Mr. Justice Rory MacCabe:** On the last part, we would be delighted if members would advocate on our behalf, but I would ask that, when this legislation is passing through both Houses of the Oireachtas, which will happen at some stage in the future, they bear in mind that, when they decide to assign additional responsibilities to GSOC, which the draft legislation proposes, we will need the resources. When this Bill was debated in 2005 by the then Minister for Justice, now Senator Michael McDowell. He indicated that if we were to carry out all the investigations that were required, and he said this in the context that he did not intend to set up a huge quango at the time, he would envisage that the organisation would need between 150 and 200 investigators if it were to operate correctly. At the moment we have about 60 investigators divided over three offices in Dublin, Longford and Cork. It very much depends on the mandate that comes out of this draft legislation. We will make certain assumptions in the course of the transition and Ms Logan will talk about the transition in that context. We are making certain assumptions and working on the basis we will need that. It might seem like a reasonable question to ask how many investigators we need. The reality is we do not know because we do not know how much extra work we are going to be asked to do.

**Ms Emily Logan:** I wish to further explain that. In his comments Mr. Justice MacCabe talked about three issues in regard to resources. The first is finance, the second is human re-

sources, and the third is expertise. To give an up-to-date figure, this morning members will have seen the Central Statistics Office publish its statistics for 2021 on victims of sexual violence in this country. It is not news to anyone that 82% of the victims of sexual violence in this country are female, but what is new and different is that 56% of all victims of sexual assault and sexual violence in this country are children - people under the age of 18. That is not so well-known. We have developing patterns and changes in allegations that are coming to us that mean we will have to respond differently in future.

**Senator Jerry Buttimer:** That is a worrying trend that we should come back to again. I have one final question. In table 5 on page 7 of the briefing we got for the meeting today, it is stated that 4,615 queries were handled in 2021. The number of allegations dealt with in that the complaints were closed was 2,902. Am I to extrapolate from that that almost 1,700 cases are not closed? Am I right or wrong in that?

**Ms Aileen Healy:** The figure of 4,615 represents initial queries that we get. They do not all actually translate into complaints. Approximately just over 2,000 of those translated into complaints. The figure of 2,902 for the complaints closed actually included some complaints from previous years. We are not exactly counting apples and oranges there.

**Senator Jerry Buttimer:** Are there 1,700 cases still open? Am I wrong in that?

**Ms Aileen Healy:** As at the end of December we had roughly 850 cases on hand that were still being investigated.

**Senator Jerry Buttimer:** Is it a combination of time and a lack of resources that matters not concluded?

**Ms Aileen Healy:** Yes, some of those complaints would have come in only in the latter part of the year. There is always an ongoing caseload.

**Senator Jerry Buttimer:** Okay.

**Ms Emily Logan:** To be clear for the public's information, every complaint that comes into GSOC gets what is described as a preliminary examination, as with other ombudsmen's offices. We do not dismiss it. Much work goes into making sure we have full information before we make a decision that something is not admissible. The figures that Ms Healy is giving are figures that happen after our casework staff have gone through the process of examining everything that comes in.

**Senator Jerry Buttimer:** How is the local intervention initiative working out?

**Mr. Hugh Hume:** I can talk to that. That is working out very well. It is considered both by An Garda Síochána and ourselves to be a very effective and timely way of dealing with service level complaints from members of the public. A member of the public might contact us about an issue that does not in itself necessarily indicate wrongdoing by a member of An Garda Síochána. It may just be that it has not been a good service. We are able to pass that in a semi-formal way to an inspector in the local area who will deal with the matter and resolve it very quickly and, it is to be hoped, to everyone's satisfaction.

To give an example from our most recent report where a member of the public complained that their immigration status was not being progressed expeditiously, we passed that to the inspector who was able to establish that it was actually a resourcing issue. It was not a case of an

individual behaving badly. They were able to progress the immigration status for the individual very quickly. That left the individual very happy, and rather than going into the formal, structured, due process approach the Chair has discussed, it meant the member of the public got a result in a quick manner. Last year, 173 issues were resolved in that way. It works really well and it is to be hoped it will roll forward into the new legislation as well.

**Senator Jerry Buttimer:** I thank our witnesses for being here today. I ask that we request the committee secretariat to have a further discussion in private about the outcomes of today's meeting. I thank Mr. Justice MacCabe, Ms Logan, Mr. Hume and Ms Healy for being here. If I had read my reports right, I should have looked at table 4 before I asked the question about table 5. I wish Mr. Justice MacCabe every success in his job. I wish also to thank members of An Garda Síochána for their work, in particular during Covid-19. As a country we are very lucky that we have an excellent police force, and I thank the men and women who serve us as members of An Garda Síochána.

**Deputy Pat Buckley:** I echo what Senator Buttimer just said and welcome the witnesses. I listened to Mr. Justice MacCabe and one thing that struck me as a red flag was on protected disclosures and how they are dealt with. Obviously, the commission is dealing with protected disclosures within An Garda Síochána. However, would the commission also deal with protected disclosures from the public that would also involve An Garda Síochána? I am very interested in this because I spent the past 18 months looking at the changes in the protected disclosures legislation in Europe. Yesterday we worked on practically signing off on the new Protected Disclosures (Amendment) Bill 2022. Can the public send in whatever would be a protected disclosure that involves An Garda Síochána or even the Courts Service? Would GSOC deal with them directly?

Mr. Justice MacCabe spoke about rights and how everybody is entitled to rights and that the certain stages in this. Mr. Hume said that in some cases GSOC get complaints, which it passes on to the relevant sergeant or superintendent in a station who will deal with it. Once the local officer takes it on, does GSOC get feedback to let it know whether the issues have been resolved? The reason I ask that goes back to the original question on protected disclosures. Until this Bill is passed and signed off on, there is very little within the current protected disclosure law to establish whether the rights of a whistleblower or whistleblowers have been respected, whether they have been protected and whether the issues they raised have been dealt with. There is still no follow-up to establish whether that has happened. Is there a link from the top down and a link back up so that there is harmony and everyone knows what is happening?

**Mr. Hugh Hume:** I will deal with the second point first. In regard to protected disclosers, we are mandated to investigate protected disclosers made to us under section 5 of the Act, and we do that. Last year, we received 20 protected disclosers into the organisation. Currently, we have approximately 69 investigations in hand that would come under the gambit of a protected disclosure. The protection of the rights and the anonymity of a protected disclosure made to GSOC is one of our primary functions when we receive it. We take this extremely seriously and place a great deal of emphasis on this. We have a dedicated protected disclosure unit, which is of a very high standard. In fact, it leads the way in Ireland and is a member of the European Alliance for Integrity in terms of setting standards and processes across Europe. It operates to a very high standard and is involved in helping other Departments develop the transposition of new legislation.

Human rights and the protection of the whistleblower disclosure are at the forefront of everything that is done in regard to that matter. If a person contacts the commission, only the three



of us are allowed to access the communication and make a decision as to what happens next. That is sacrosanct, of which I can assure the Deputy.

In regard to learning from the protected disclosure, and I am responding to the Deputy's points in reverse order, we do a number of things. We have moved to take cases through the DPP to court. We have taken cases through discipline and we have provided systemic learning to the Garda Commissioner to say there was nothing criminally wrong and nothing of a disciplinary nature but there were some organisational structural failings that need to be considered. All three of us have written to the Commissioner identifying specific issues that we believe need to be addressed.

Moving to the Deputy's first question on whether a member of the public can contact us in respect of a protected disclosure legislation, or in respect of the Courts Service, the answer to that is quite simply "No", because a protected disclosure is in regard to an employee, a member of An Garda Síochána, who wants to tell us about wrongdoing he or she has observed while an employee within An Garda Síochána. If a member of the public wants to report a matter to us, he or she can do as part of our complaints series but he or she does not get extended the rights, anonymity and protection of a protected disclosure unless he or she was a member of that organisation when the wrongdoing was observed or he or she became aware of it. The legislation is geared towards employees rather than more widely.

People who make complaints to us get protections. We look after the data and we ensure they are properly protected but at some stage their details have to be released to the person we are investigating and they do not have those protections.

**Deputy Pat Buckley:** Does GSOC have the power to investigate the courts or the courts system? I will give a hypothetical scenario. Let us say an individual was arrested, was brought before the court, was sentenced and was sent to prison and had underlying problems, such as mental health problems, ADHD or illiteracy, and did not get the proper care, treatment or even legal representation while in prison awaiting a second hearing. Can a concerned person come to GSOC with that information? Has GSOC the power to deal with that or where would the person go?

**Mr. Hugh Hume:** I believe the Inspector of Prisons deals with complaints from prisoners. Our remit is limited to behaviour of members of An Garda Síochána. If prior to going to that court or prison, there were inappropriate behaviours while in Garda custody, we would certainly examine those issues. However, once a person passes to the custody of the Prison Service, that is primarily the Inspector of Prisons' remit.

**Mr. Justice Rory MacCabe:** In a case the Deputy mentioned where there might be an issue of mental illness that perhaps had not come to the surface in the course of the criminal proceedings, which resulted in the person ending up in prison, this could fall into the category of being a miscarriage of justice. Such a case was reported in the past week or so. Someone would have recourse to the courts in any event for a remedy in that regard.

**Ms Emily Logan:** I can assure the Deputy our investigations staff are very proactive in trying to support anyone who might have additional needs. Specifically in regard to mental health or people in detention, our teams will go out. Our teams have been out to Oberstown Children Detention Campus to hear from young people under the age of 18, and into prisons to take statements from individuals who may be detained there as well.

**Deputy Pat Buckley:** These are not trick questions. Many people watch these committee meetings and it is just for general information for the people who would not be aware. The one thing I like about this is that we, as elected representatives, are learning every day as well. It is wonderful to be able to engage with the witnesses today. I look forward to following up on this in private after this meeting. I thank the witnesses for their help.

**Deputy Emer Higgins:** I thank each of our commissioners and Ms Healy for being here with us today. They are under a great deal of pressure and it is very important to come before the committee and explain the work. I have certainly learned a great deal today. I also wish to put on record my thanks to members of An Garda Síochána who go above and beyond every day of the week, in particular those who did Trojan work during Covid-19.

Before I became a Deputy, I worked at senior level in a multinational organisation so I am very familiar with putting together business cases for additional headcounts and business continuity planning. I am impressed by the ability of GSOC, as an organisation, to put forward the business case for an increase in headcount. I was quite struck to see in the briefing documentation that in 2018, the organisation grew by 30% which is quite an achievement, both from the perspective of being able to put forward that case to get that funding but also from a recruitment and human resources perspective to be able to make it work in such a short space of time.

I note from Mr. Justice MacCabe's contribution that he mentioned that 60 of the workforce of 123 are investigators. I was struck by the fact that that is approximately 50%. As the team grew, how did GSOC prioritise in terms of investigators versus administration staff and other personnel? Is that 50:50 balance the sweet spot?

In regard to business continuity planning, Covid-19 was the ultimate test for every organisation in the country. All of the members provide essential services, but in many cases they may have had to work from home, which was a big transition. I know there were some teething issues for everybody, but I would like to learn a little more about the phone line issue that was mentioned and whether there were any repercussions.

I am also curious about the categorisation of cases, and there was very interesting information in the briefing document on the categorisation of cases by source. Is there any categorisation that happens by complexity, with category A, B or C indicating higher workloads, for example, and cases that are likely to take longer? Could the committee have visibility of that because it would help in our role as advocates? As new Bills are introduced and additional responsibilities, as the witnesses indicate, are put on the organisation, additional resources would need to come along with that.

With regard to the new policing security and community safety Bill, has there been any preliminary work to pre-empt changes that will happen within the organisation as a result of the change management, tendering for new information and communications technology or anything like that? It might help future-proof the process ahead of schedule, if that is possible. Those are my questions. They take in the 50-50 balance within the workforce, the small query around phone lines, the categorisation of work cases and any pre-emptive work the organisation is doing or perhaps could be doing to future-proof the ombudsman's office.

**Mr. Justice Rory MacCabe:** I will ask Ms Healy to deal with the question about numbers.

**Ms Aileen Healy:** Resourcing is always a challenge, to be honest. We had much success in 2018 in getting an additional 42 staff but, to be honest, it took us most of 2019 to recruit

those 42 staff. There is always staff turnover, with staff getting promoted or retiring. There is a particular challenge not only in constantly replenishing our staff but also in getting staff with some of the specialist expertise we need. The increasing complexity of our cases means we need more specialist skills and competencies.

For 2022 we get additional funding in the budget for staffing, and that means we will be able to recruit perhaps an extra 30 or more staff this year, and we are in the process of doing that. This week we will have 140 staff and another nine investigators coming on board in the coming weeks. We will be holding competitions to recruit more over the coming months.

This relates to some of the earlier questions as well and what we need to do in the context of the new legislation and the change in our remit we see coming. In the coming weeks we will start an exercise to do a very thorough and comprehensive business analysis. That will look at the work we have on hand, the processes and systems we have to do it, and what we need not just in terms of people and skills but also information and communications technology systems to deal with that future work. We hope to put together some very comprehensive workforce planning with that and we hope it will in turn inform future estimated demands for the new organisation.

**Deputy Emer Higgins:** That sounds very encouraging. To use one of the words in the opening statement, it sounds very professional. The organisation is absolutely putting itself forward here today as very robust and professional. I thank the delegation for its work in that regard.

**Mr. Justice Rory MacCabe:** Ms Healy can also explain the issue with the phones as well as the closure of the office during Covid-19.

**Ms Aileen Healy:** When the Covid-19 restrictions hit in March 2020, we immediately closed our public office and we also had some difficulties with our phone lines. Initially, like most organisations, we sent the majority of our staff home. It took a bit of time to provide them all with technology, such as laptops etc. We did not allow our staff to take calls from their home locations because some of the calls staff get can be quite traumatic. From a staff welfare perspective we thought it very important they would have supports in place. As soon as we could we brought a small number of people back to the office and they fielded calls from the office on a rota basis. Members of the public also called into us and could leave a message before we returned the call.

**Deputy Emer Higgins:** Was there a duration in which calls were not answered?

**Ms Aileen Healy:** Calls were not answered live up until September 2020. That was in the first lockdown period. Messages were taken and people were contacted by return.

**Deputy Emer Higgins:** I am sorry to labour the point but could Ms Healy elaborate? That would be six months and is quite concerning. Is it that people got through to some sort of voicemail service? Will Ms Healy explain what would have happened if a person rang during those six months?

**Ms Aileen Healy:** I am sorry but I did not explain it very well. People would have got through and left a voice message. Our call takers in the office the next morning would have picked up those messages and returned calls to the people who contacted us the previous day. The Deputy also asked about the public office. We closed the public office because of the public health restrictions. The public office was reopened in October last year, when the restrictions

started to be lifted. We noticed there is not much of a demand for the public office anymore and people seem to have moved online, with 80% of our complaints now made online or by email.

**Mr. Justice Rory MacCabe:** Mr. Hume can deal with the categorisation of cases.

**Mr. Hugh Hume:** Our current manual refers to categorisation by A, B and C, as the Deputy mentions, category A cases being most serious. They are subject to regular review by the three of us, and every six to eight weeks, the investigating officer will present on progress for a case. Category C contains the most minor cases, perhaps related to discipline, and they are prescriptive in that they largely follow definitions of types of cases. We are currently in the process of revisiting that and looking at international partners. I spoke yesterday to representatives of the Independent Office of Police Conduct, IOPC, in England and Wales, which is our sister organisation, trying to understand what it sees as new and emerging threats from wrongdoing within policing. We are moving to a threat, harm and risk-based approach where we look at the harm the allegation could cause to members of the public, society and confidence to policing. It is a move to being more risk-based. The incident in itself will not decide if the case becomes important. It could come down to the vulnerability of the individual, their circumstances and the allegation being made. It will be more nuanced and that will define our prioritisation of investigations.

**Deputy Emer Higgins:** That is super. Is there any bird's-eye view of estimating how much time goes into certain cases? I appreciate that cases must be prioritised, but as they are prioritised, does the commission have any idea, based on their complexity, how long an investigator might have a case on the books?

**Mr. Hugh Hume:** Cases vary so much and digital information can be very challenging to access. Even at the end of a criminal investigation and it goes to the Director of Public Prosecutions, it may decide not to prosecute and we might start the process again as a discipline investigation under different regulations. It can vary.

**Mr. Justice Rory MacCabe:** We can give an example of the complexity of a case. Before GSOC started, there was an unfortunate incident in the midlands where a young man was shot by member of the Garda response unit. The initial investigation took place and then there was an inquest. Then there was a judge-led inquiry, and that is effectively what GSOC would do. That inquiry took three years and cost €18 million, and that was one investigation. That is just an example of the type of complexity that arises.

As far as the transition is concerned, the committee may have an interest in that and I might ask Ms Logan to talk to that.

**Ms Emily Logan:** On the transition to the new model, there are two key issues, the first of which relates to an entirely new governance model. A three-person commission is appearing before the committee, whereas the draft legislation provides for one Garda ombudsman. All of us who are appearing before the committee were appointed with an express mandate in our contracts to manage the transition, and our job is to prepare the organisation to move from being a three-person commission to having one ombudsman.

The second issue relates to streamlining the investigations, for which we set up a project group in July last year. While the legislation is at pre-legislative scrutiny stage, we are not sitting back and waiting for the legislation. Instead, we are proactively, to use the Deputy's expression, taking a pre-emptive strike. We set up a project group of 19 people internally in

the organisation last July, which looks at issues the committee has identified such as ICT that will support better data capture of the kind of work we are doing in order that we will have better analysis and better evidence for the decisions we are making. We are confident that we are safely ahead of the legislation.

We have identified resources as a key issue, along with the issues of institutional independence and what is called the timeliness of investigations, which was mentioned earlier. In the context of support from anybody who will end up voting on the Bill, I would ask them to be mindful of the question of timeliness. Mr. Justice MacCabe referred to our reliance on, and co-operation with, other bodies, including An Garda Síochána. The legislation places an obligation on us to provide timely investigations, but we cannot do that without there being a similar obligation on the people with whom we need to co-operate for the investigations.

I assure the committee that as a commission, we are jointly responsible for the governance and executive management of the organisation and for the transition.

**Deputy Emer Higgins:** I appreciate the comprehensive responses to those questions.

**Deputy Pádraig O'Sullivan:** I thank all our guests for their contributions. I have a number of questions, many of which follow on from those of other members. To take up on what Deputy Higgins asked, it would be helpful, if we are making representations as a committee to ensure the ombudsman's office can be resourced more appropriately, to get some kind of statistical analysis of approximately how many more cases could be processed given an additional five, ten or 20 inspectors or whatever the case may be. Judging by our guests' comments, that will be difficult because every case is different, but perhaps we could have some kind of a rough guide as to how many inspectors will be required to undertake a given volume of work, which might help us in our representations.

Given the level of work GSOC has carried out over recent years, we are all becoming more familiar with it as the years go by. Will our guests outline the major gaps identified in Ireland's policing accountability? Where are the major gaps we need to focus on? It is a broad question.

To follow on from Deputy Buckley's line of questioning, how many protected disclosures have been made per annum over recent years? Were any of those protected disclosures made within GSOC? I do not think there was any last year, but our guests might indicate how many protected disclosures GSOC has dealt with internally over the preceding years.

The *Irish Examiner* reported a couple of weeks ago that a number of disclosures made to GSOC did not warrant further investigation, presumably for a variety of reasons. The article stated a number of them had been sent to a board of inquiry. How is that board constituted and who sits on it? Is it internal within GSOC or is there some kind of external process with which we might not be familiar?

**Mr. Hugh Hume:** I will deal with the external protected disclosure question. In 2021, we received 20 disclosures from workers within An Garda Síochána, which takes our total number of investigations to some 69 ongoing disclosures at this time regarding potential wrongdoing within An Garda Síochána.

In the same year, we received no internal complaints. Ms Healy might have the details for previous years.

**Ms Aileen Healy:** We have had no protected disclosures from GSOC in recent years.



I have the statistics to hand in respect of disclosures from An Garda Síochána in recent years. In 2018, there were 24; in 2019, 31; and in 2020, 19.

**Mr. Hugh Hume:** Ms Healy is quite right. In our most recent report on protected disclosures, we highlighted that we had sent four disciplinary files in 2021 to the Garda Commissioner. He will consider them and, as Mr. Justice MacCabe stated, it is a matter for the Commissioner to decide whether there has been a breach of disciplinary standards. If he decides that is the case, he will form a panel. It is a matter for the Commissioner to establish that panel and then to review the decision of the panel. We are not involved in rulings regarding discipline findings.

**Mr. Justice Rory MacCabe:** One of the questions the Deputy asked was, effectively, whether we could give a guesstimate as to what types of resources we would need. As I mentioned, when GSOC was being debated in the context of the 2005 Bill that ultimately set it up, the then Minister for Justice, Equality and Law Reform indicated he believed that if every investigation were to be carried out by GSOC, the commission would require between 150 and 250 investigators.

The Bill the committee will eventually consider in the context of the reform of policing, which will be major legislation, will propose that every investigation will commence with GSOC. It is probably not unrealistic to imagine, therefore, that there will need to be an increase in the number of investigators of the order envisaged by the then Minister. Obviously, there would then have to be a commensurate increase in the number of support staff for the investigators. Given we do not know what way the legislation will pan out in the course of our business analysis between now and the time of the passage of the Bill, we may then be in a better position to be more definite about the requirements.

**Ms Emily Logan:** I might add, in the context of protected disclosures, that GSOC has quite a unique function as against other organisations. Commissioner Hume referred to section 5, which relates to getting relevant information that may indicate potentially relevant wrongdoing, but the second part of that means we are obliged to make a decision in opening a case that it must be in the public interest to do so. We use five criteria to make that decision, and we have a policy on that in order that we have consistency throughout the commission in making those decisions, but it is quite a unique legal power GSOC has as against other bodies in regard to protected disclosures.

**Deputy Pádraig O'Sullivan:** To return to the *Irish Examiner* article of a few weeks ago, there was a reference to two cases that had been instigated simultaneously, one by GSOC and the other by the Garda, with each of the organisations being unaware of the other's investigation. The article reported that GSOC had ended up withdrawing its case and allowing the Garda to investigate the matter it was dealing it. What is the protocol for such cases where there is a duplication? Does it fall between GSOC and the Garda to determine who is best to investigate it or is there a role for the Commissioner to give direction? What happens in that situation?

**Mr. Hugh Hume:** The deciding factor is what is in the best public interest. There is no clear delineation. We have the power to investigate, but if we felt it was in the public interest for whatever reason - there could be a multitude of reasons and complexity that link into other aspects of criminality - or the wishes of the protected disclosure, we will make a decision and determination in the public interest. By and large, that is by working with An Garda Síochána. We look at a case and decide what is in the public interest and what is in the best interests of everyone.

**Deputy Pádraig O'Sullivan:** Okay. I thank all the witnesses very much.

**Deputy Richard O'Donoghue:** I thank all the witnesses for coming in. The first issue relates to the staffing of An Garda Síochána and where gardaí are being deployed. That is a big concern for me when I look at the county of Limerick. One station could cover 40 square miles with only two Garda cars and three gardaí, whereas in a city base there might be ten vehicles and 40 or 50 gardaí covering probably 3 square miles with a bigger population. I want equality. Everyone is entitled to feel safe. Everyone is entitled to have a good service whether they are in the county or the city. The biggest effect from a policing point of view is had by community police, who do an absolutely fantastic job because they get to know the people in the communities where they work and that helps when they are dealing with families in an area.

Another issue is the vehicles, supports and resources we have for the Garda. It is important to be able to use the technology that is available. It would also help the Garda if we could get over the legal challenges against certain technologies. The local authority was brought up recently for having cameras in place, which people had objected to. The cameras were necessary because they were in areas where a lot of crimes were being committed. Cameras are also very handy on the motorway at the moment to control speed. If gardaí are pursuing someone, the technology is available to alert them if the people pass a camera, as there is registration recognition built into the cameras. The technology is there to allow the information to be given to the Garda. That is especially important in an area of 40 square miles as a person could go anywhere. It is like trying to find a needle in a haystack. All such equipment can help the Garda, especially in the county. Such technology is within the cities because there are cameras on nearly every corner. I am interested in helping the Garda in the county.

In Limerick, we have had investigations into gardaí. It has taken up to three years to bring investigations into eight gardaí to a conclusion. In the middle of the investigation there was an attempt to move the process to Dublin and to have it heard there. That was only media propaganda trying to bring it to Dublin. I am glad that was turned around and it was brought back to Limerick where the Courts Service is quite adequate and capable of carrying out investigations itself. At the moment eight gardaí are out and they have not been replaced. Why has it taken three years for a Garda investigation and for charges to be brought, if they are to be brought? That is not good enough. If charges are brought, we should have the evidence to follow it up and it should not take three years for the process to go forward. I want gardaí back on the beat. If gardaí have been involved in wrongdoing, they must be dealt with, but if they have not, get them back out and deal with the issue. It should not take three years to deal with an issue and for people to be out of work.

In terms of disclosures, phones were taken off all the gardaí in the divisions in Limerick. I believe the only Garda county division to have its phones taken were from County Limerick and that did not happen in other counties. If they did it in one county, why did they not do it in every county? Why was it targeted towards my county of Limerick? If there has been wrongdoing in the Garda, I want it dealt with swiftly. I do not want it to take three years. If people have made disclosures, they do not want to wait three years either for a process to be put in place. I would welcome answers to some of those questions.

**Mr. Justice Rory MacCabe:** We might deal with it in several different ways. I am going to ask Mr. Hume to come in first.

**Mr. Hugh Hume:** We obviously cannot talk about specific cases, but I believe the case Deputy O'Donoghue refers to is being investigated by An Garda Síochána itself, it is not a mat-

ter for GSOC. I have no knowledge and, in any case, I would be prohibited from discussing it in any way. It is fair to say that as a general principle we recognise the importance of more timely investigations and speeding up investigations that we lead. We believe the new legislation that is coming forward will allow us to do that. We are looking at ways to continually improve and reduce the time it takes for our investigations - this is not one of ours - but we want to get better at that. We are very conscious that people's careers are on hold during investigations. Internally, for those investigations that we lead on, we are constantly looking to see how we can improve and make them more timely.

**Ms Emily Logan:** I will answer the first part of Deputy O'Donoghue's question, clarify the position and go back a little bit to the set-up of the office in 2007 as an independent institution with a resolution signed by both Houses of the Oireachtas. The three members of the commission are appointed by our Head of State, President Higgins. We are independent of the Garda.

As a Limerick woman, I am familiar with some of the issues the Deputy raises, but as a member of the commission I must explain to him that we have no remit for that. Our job is to take complaints from members of the public about the conduct of guards. Conduct means an act or omission - inaction - by gardaí. While the Deputy's concerns are completely valid, our remit does not extend to the concerns that he has expressed here today.

**Deputy Richard O'Donoghue:** I was hoping that GSOC's remit might be able to put a bit of light onto why the process is taking so long. I understand that GSOC is completely independent, but I was hoping that it would have something to do with making sure that An Garda Síochána's investigations can also move on a par with those of GSOC.

**Ms Emily Logan:** What will be useful in regard to the new legislation is that we are going to be obliged to look at patterns and trends. It might be the case that the kind of issues the Deputy is talking about come up as a pattern. If we get lots of people from Limerick complaining about it - not that I am suggesting Deputy O'Donoghue goes back to his constituents - but if we see a pattern or trend, that is something we will have the power to raise with the Garda Commissioner. That it is something on which action needs to be taken, but it is the prerogative of the Garda Commissioner to do that.

**Deputy Richard O'Donoghue:** That is fine. I thank the witnesses.

**Vice Chairman:** As there are no other hands up online, I might turn to my own questions. I again thank the witnesses very much for their attendance and for dealing with the various queries that have arisen to date. I was going to ask them to give a breakdown of the types of cases, but I see they have done it in the annual report. What I like about the various annual reports is that the same style has been retained so it is easy to compare the figures, year on year, for anybody picking up the reports. The 2020 report notes that 30% of referrals relate to deaths unrelated to road traffic incidents. I was also struck by the figure for sexual offences, which was reported as 7%. I am not sure how those figures compare with the previous years; I have not checked. However, 30% seems a high figure. I know the report includes a number of case studies but our guests might give us a flavour of the types of cases with which the commission deals for those watching these proceedings. I am looking to get a general sense of the cases with which GSOC is dealing.

GSOC currently has 140 staff, which I think I heard our guests say includes nine investigators. I know that recruitment is ongoing. I am a member of the Committee of Public Accounts and that committee engaged with GSOC only a couple of weeks ago. How is that recruitment

going? I know it is difficult at the best of times.

**Mr. Justice Rory MacCabe:** I would like to say it is going well but I cannot say that.

**Vice Chairman:** Our guests might clarify the difference between a supervised and unsupervised disciplinary investigation. Those are my initial questions but I will have a few others to follow.

**Mr. Hugh Hume:** I will make a start on responding to the Vice Chairman. I am grateful for the opportunity to talk about our work. The breadth and scale of investigations within GSOC are significant. We talked already about the local intervention schemes. Let us consider an example where there has been a failure of service and a member of the public has come to us for assistance. That is one level. It can be very important for that individual and have a major effect on his or her ability to work or function. Such cases can run from bad manners, bad behaviours and indirection to failures to investigate a matter that is brought to the attention of a garda. In our report, we talk about a case where a landlord was potentially bullying and harassing an individual. That individual sought assistance from the Garda and the garda in that case failed to do anything. That case was then referred to us. I will talk about that case again in a moment because it is a good example.

There are also cases that include a more serious neglect of duty in a disciplinary sense. Such disciplinary cases can be more layered. There may be indications that there is some sort of bias involved because of somebody's background, the geographic area concerned or the person's orientation.

There are also criminal matters. Such cases can commence with a small level assault or excessive use of a baton or handcuffs. As Ms Logan has already talked about, criminal matters can also include some of the most serious cases, for example, abuse of power for sexual gain, domestic violence and even rape. That is the full spectrum of behaviours, including criminality, indiscipline and poor service. GSOC is currently considering accusations of poor service through to the most serious matters of criminal matters on a daily basis.

The Vice Chairman also asked about supervised and unsupervised disciplinary investigations. I mentioned the example of the individual who complained about a landlord. When a complaint comes to GSOC, as Mr. Justice MacCabe said, there is an assessment process to decide the nature of that complaint, the resource and the immediate steps that need to be taken. That assessment process could identify whether the issue is disciplinary or criminal. All criminal matters will reside with GSOC. We investigate all criminal matters and do not allocate them to anyone else for investigation.

We receive death or serious harm referrals from the Garda in cases, for example, where somebody is found dead in a cell or after a road traffic collision. The Garda Commissioner may delegate that to a superintendent who will tell us that a certain person has suffered death or serious harm in circumstances in which the Garda may have played a role. We investigate that. It is never passed to any other body. It is only GSOC that deals with that.

I will move on to disciplinary investigations and the core of the Vice Chairman's question about supervised and unsupervised disciplinary investigations. There are three types of investigation, namely, unsupervised, supervised and GSOC-led disciplinary investigations. When the assessment comes in, we will consider the harm that the allegation may have caused. The example I gave of the landlord who was being abusive and threatening to his tenant was dealt

with as an unsupervised investigation. We passed that back to the Garda, which investigated it. Such investigations are not done without any oversight because the Garda has to report back to us with its findings, which we look at. There is also an appeals mechanism. In that case, the Garda decided the situation was not good enough. The Garda in question went before a panel and was disciplined for the failure involved. It is those levels of failure to investigate certain matters that are unsupervised and reside with a Garda senior investigating officer, SIO, a superintendent of the Garda, who then comes back to us.

The legislation states that a disciplinary investigation can be supervised by GSOC if we believe it is necessary and in the public interest. The allegation we talked about was around the failure to investigate a conflict between a landlord and a tenant. If that was a failure to investigate, for example, a domestic violence case or a case of sexual misconduct, we would say the investigation requires supervision. That supervision is quite intrusive. It means we can be present during interviews and can direct investigative strategies. The Garda is investigating but we are taking a close and hands-on approach to the matter. If there is any indication of bias, we might decide that is the appropriate way to proceed.

The third level is where GSOC leads on disciplinary investigations. That arises with regard to the most serious matters. In such circumstances, we might decide we want to take the investigation forward ourselves. That may be the result of a death or serious harm referral that while not criminal, touches on disciplinary matters. It might happen in a situation where the Director of Public Prosecutions has decided that a previous investigation was not a criminal matter but we decided there may be relevant disciplinary matters. We can also take on investigations under our own initiative.

That is a broad sense of the work we do. We consider the harm involved. If it is low-level harm and activity, the investigation is unsupervised. If a higher level of harm is involved, the investigation can be supervised. For more serious cases, we take on the investigation ourselves.

**Ms Emily Logan:** The Vice Chairman also asked about sexual assault. We understand that we are not working in a vacuum. We also understand, as a State institution, that there may be victims of sexual violence who do not know we exist. We have made efforts to engage directly with people who might have trusted relationships with victims. For instance, we have good relationships with the Dublin Rape Crisis Centre and Women's Aid. Last year, we engaged formally with the Child and Family Agency, Tusla, because of the increases in sexual violence against children. We will have a formal, written memorandum of understanding with Tusla to make sure we are not missing anything with regard to children. We have had good external co-operation in that regard.

**Vice Chairman:** One of the figures that jumped off the page in the 2020 report was the 558 new child protection alerts. I presume that encompasses anything to do with a minor. Is that correct?

**Ms Emily Logan:** We get between 50 and 60 such cases per month. Every morning, we have what we call a "diver", which is a summary of every single case that comes in. The diver comes in to key members of the organisation at 7.30 a.m. We have a dedicated team who are monitoring only for child protection cases. There are between 50 and 60 such cases per month and that includes children who were either victims of crime or who may have witnessed a crime. That is not to suggest that there is an increase in risk to children in this country. It is merely a reflection of the people who are coming to us. The more people come to us, the better it is.



**Vice Chairman:** As Ms Logan said, awareness of the organisation is the other side of this. Given the content that GSOC deals with, and some of the individuals it may be dealing with, have our guests any concerns or has GSOC any protocols around security for investigators and their well-being, particularly where sexual and domestic violence cases are concerned? Is there a programme in place within GSOC to ensure investigators can get assistance, should they need it, for their personal well-being?

**Mr. Hugh Hume:** There is as part of the wider Civil Service. One of the advantages of being part of wider Civil Service support is that welfare processes are in place. Internally, we also have what is called a threat management policy that considers threats. These include those that come from investigators themselves, such as suicide awareness and self-harm awareness, and threats that may be made to Garda members by people who contact us, in addition to threats made to members of our own staff. When we are involved in operational activity, we also use risk assessment to decide where the level of risk will be in future. We work very closely with members of the Garda Síochána on aspects of crime and security to ensure there are proper threat assessments around any threats made to staff. Does Ms Healy want to talk about the welfare supports we offer?

**Ms Aileen Healy:** We have an employee assistance service that staff can contact directly. That service also gives training sessions to staff and we refer staff to it, especially those who may have attended a traumatic incident. We provide those supports for them and make those services available to them for support afterwards.

**Ms Emily Logan:** We have also invited speakers. For instance, we recently invited psychologist Dr. Tony Bates, with whom people will be familiar, to talk to our case workers who experience the extreme end, namely, death or serious harm. There is also the entry point, where members of the public who ring can be distressed. Early reference to mental health can be complicated for members of the public trying to ring to contact us. We try to support our staff. We get traumatic calls that can include allegations of child sexual abuse and people with suicide ideation. As a public body, it is our job to make sure, and we have joint responsibility to do so, our staff are supported when they come across those kind of difficult situations that can be distressing on a human level.

**Vice Chairman:** I have two final questions before I allow other members back in. If I understand the numbers correctly, in 2018 the commission said - I am reading from table 4 - complaints received were 1,921 and 1,897 complaints were closed. In 2019, I presume that when it received 1,700 cases and closed 1,800, it was probably because of the case workers.

**Mr. Hugh Hume:** That would have been cases from previous years as well.

**Vice Chairman:** The carryover of them. Okay. On the volume of cases, when the commission stated it received 1,921 in 2018 or 2,189 in 2021, is that after case workers have vetted them to make them cases? What percentage of the commission's cases are uncorroborated, vexatious or malicious? Does it have indications of that?

**Mr. Hugh Hume:** It is 60%.

**Ms Aileen Healy:** In 2021, of that 2,189, for instance, 1,332 were admitted as complaints, which was 61%, and 39% were determined not to be admissible.

**Vice Chairman:** Okay. I will ask about those that were inadmissible. I am also conscious that some of the complaints the commission must receive are malicious and vexatious. That is

not to take away from the genuine ones, but what kind of percentage of such complaints is there in the 39% for 2021? Are they categorised at all or are they just cases that are not taken on? We are talking about the actual cases but what about the ones that are also taking up time? They take up the time of the organisation and they could, in theory, have implications for members of the force and other individuals.

**Mr. Hugh Hume:** We publish those in our report. The single biggest reason for inadmissibility, which amounted to 742 cases last year, was that even if proven the complaint would not amount to a criminal or disciplinary matter. People may ring up to say they want to complain about this but maybe that is the law or Garda policy rather than bad behaviour by an individual. That was the single biggest reason cases were not admitted. Following on from that, 14% of cases were inadmissible because the allegations fell outside 12 months. We have a 12-month window to make a complaint, which accounts for a number of cases. We can extend that period if there is good cause, but sometimes no good cause is offered. That was the second biggest reason. We break down all the reasons, which include persons not authorised to make a complaint, instances where a complaint is vexatious, or is about the control or direction of the Garda, or a garda was not on duty when an allegation was made. There is a very narrow band of when we can admit those. The breakdown of complaints is visible and publicly available.

**Vice Chairman:** In conclusion, I commend the commission on the cross-organisational transition project group it has established. It shows its proactiveness as an organisation in knowing that legislation is coming down the track at some point and the changes that legislation will present. The fact the commission is getting the work under way deserves to be commended. I compliment it on that and, as I said, on the design of its annual reports, which makes them very easy reading, especially the breakdown by division. It is unusual, to be honest. Each annual report is different and it is very hard to make comparisons year-on-year, but the commission's reports are very straightforward. Do any other members want to come in with any additional questions? No.

I thank the members of the Garda Síochána Ombudsman Commission for their presentation this afternoon and their engagement with the committee. I particularly thank Judge McCabe, Ms Logan, Mr. Hume and Ms Healy for their attendance. I certainly found the discussion and engagement extremely interesting, as have colleagues on the committee I am sure. We will probably engage again. We will come back to the commission regarding the invitation to its headquarters, which the committee will consider. I will allow GSOC members to leave before we consider our public petitions this afternoon. We have further work.

### **Decisions on Public Petitions Received**

**Vice Chairman:** We have three petitions for consideration. We considered them during our meeting in private session yesterday. The first is No. 4/22, to revise employment conditions for stamp 3 residence permit holders, from Mrs. Tracey Milledge. The recommendation is the committee advises that the correspondence from the Department of Enterprise, Trade and Employment be sent to the petitioner for comment. Do any members wish to comment?

**Deputy Pat Buckley:** No. I agree with the recommendation.

**Vice Chairman:** Agreed.

Petition No. 36/21, reform of insurance for thatched heritage buildings, is from Ms Katie McNelis. The recommendation is the committee advises that the correspondence from the Financial Services and Pensions Ombudsman be forwarded to the petitioner for comment and this petition be sent to the Department of Finance for consideration; and that this petition remain open and the committee forwards it to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach and to the Committee of Public Accounts. Do any members wish to comment on that?

**Deputy Pat Buckley:** Well done to the secretariat on this because it is a very substantial reply and, in fairness, a lot of work has gone into it. I agree with the recommendation.

**Vice Chairman:** That is agreed. The next petition is No. 40/21, petition for nationwide public recycling bins, from Ms Kezia Wright. The recommendation is that the committee advises that the reply from Mr. Paul McDonald, principal officer in the environmental protection division of the Department of the Environment, Climate and Communications be sent to the petitioner for further comment. A second recommendation is that the committee secretariat corresponds with Dublin City Council to request further information on the #CircleCity campaign. A third recommendation is that, pending the outcome of recommendations Nos. 1 and 2, at a future date and if time allows, to consider adding this to our work programme for the coming years.

**Deputy Pat Buckley:** There is a five-page response, so well done to the secretariat on this. I agree with the recommendations.

**Vice Chairman:** As we discussed yesterday, this is something to consider not just for Dublin but nationwide. The third recommendation, to consider it for a future work programme, is warranted. It is agreed.

That concludes our consideration of public petitions this afternoon. I invite members of the public watching online or on television to submit petitions via our online portal, which is available at [petitions.oireachtas.ie](https://petitions.oireachtas.ie). A petition may be addressed to the Houses of the Oireachtas on a matter of general public concern or interest or on an issue of public policy. Do any members wish to comment on any other business?

**Deputy Pat Buckley:** I thank everybody involved with today's committee meeting. It was amazing to have witnesses from the Garda Síochána Ombudsman Commission before us and I learned much from the meeting. I hope members of the public have learned much as well. We should follow up on today and I am very grateful for the information I was given.

**Vice Chairman:** I agree. I thank the secretariat for all the work gone into the meetings today and yesterday, as well as in between all the meetings with all the petitions. It is great to have engagement from the public on various petitions. Members should note the change in time for our next public meeting; we normally meet at 1.30 p.m. but we are to meet at 2.30 p.m. that afternoon.

The joint committee adjourned at 3.15 p.m. until 2.30 p.m. on Thursday, 12 May 2022.