

DÁIL ÉIREANN

AN COMHCHOISTE UM DHLÍ AGUS CEART AGUS COMHIONANNAS

JOINT COMMITTEE ON JUSTICE AND EQUALITY

Déardaoin, 30 Márta 2017

Thursday, 30 March 2017

The Joint Committee met at 9 a.m.

MEMBERS PRESENT:

Deputy Colm Brophy,	Senator Frances Black,
Deputy Jack Chambers,	Senator Lorraine Clifford-Lee,
Deputy Clare Daly,	Senator Martin Conway,
Deputy Alan Farrell,	Senator Niall Ó Donnghaile.
Deputy Jim O'Callaghan,	
Deputy Mick Wallace,	

In attendance: Deputies Richard Boyd Barrett, Deputies Pearse Doherty, Bernard J. Durkan, Alan Kelly and Niamh Smyth.

DEPUTY CAOIMHGHÍN Ó CAOLÁIN IN THE CHAIR.

Recent Controversies Concerning An Garda Síochána

Chairman: I begin by urging everybody, including those in the Gallery, to please switch off all mobile phones immediately as they interfere with the sound recording equipment. As the members of the press are taking their seats, I reiterate that they should please ensure mobile phones are switched off. No apologies have been received this morning. Today's public session is a discussion with the Garda Commissioner on issues of public concern that have been the subject of media coverage in recent days, including fixed charge notices and how it is that 14,700 wrongful convictions were secured as a result of Garda error; and breath test data that revealed 937,000 breath tests were falsely recorded on the PULSE system.

I welcome the Garda Commissioner, Ms Nóirín O'Sullivan, who is joined by Deputy Commissioner Dónall Ó Cualáin, Deputy Commissioner John Twomey, Assistant Commissioner Michael Finn and Mr. Joe Nugent, who is chief administrative officer with An Garda Síochána. They are joined in the Gallery by Mr. Andrew McLindon, director of communications; Superintendent Marie Broderick from the Garda Commissioner's office; and Superintendent Paul Murray, the press officer. On behalf of the committee I thank them for their attendance today and accepting our invitation in order to discuss these important matters.

The format of the meeting is that the witnesses will be invited to make a brief opening statement and this will be followed by a question and answer session. Before inviting the Garda Commissioner to begin, I must provide the normal caution relating to privilege. I draw the attention of all witnesses to the fact that they are protected by absolute privilege in respect of their evidence to the committee. However, if they are directed by it to cease giving evidence on a particular matter and 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 asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or an entity by name or in such a way as to make him, her or it identifiable. Members should be aware that under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable. I ask all members to conduct their questioning without recourse to inappropriate language or charge.

I remind members the committee does not have the power to make findings of fact or expressions of opinion adverse to the good name or reputation of a citizen not a Member of these Houses. I also remind members to confine questioning to the matters directly before us for address today. The Garda Commissioner will address those now in her opening statement.

Ms Nóirín O'Sullivan: As the Chairman outlined, the people with me today are Deputy Commissioner John Twomey, Deputy Commissioner Dónall Ó Cualáin, Assistant Commissioner Michael Finn, who is in charge of roads policing, and the chief administrative officer, Mr. Joe Nugent. As Garda Commissioner and on behalf of An Garda Síochána, I sincerely apologise for the grave mistakes and wrongdoing during the last decade that have led to the two controversies we are here today to discuss. Those mistakes and wrongdoings are unacceptable in policing terms, unacceptable in ethical terms, unacceptable in terms of public trust, and, most critically, unacceptable to the advocacy and support groups involved in road safety and to those who were wrongly brought before the courts. They have raised serious issues about how at all levels the service was managed, how certain gardaí operated on the ground and the supervision applied. Given the scale of these issues, they cannot simply be blamed on one individual

or one area. It is a collective failure from top down and bottom up. We all take responsibility for this and for ensuring we establish how this happened and that it cannot happen again. The committee has been provided with a detailed timeline of events for both matters. As these are two separate issues, I will deal with each one separately.

I will start with the issue of summonses for fixed charge notices, FCNs, being wrongly issued. In February 2016, a garda contacted our call centre, known as the Garda Information Services Centre, GISC, in Castlebar and alerted them that the Garda Síochána was issuing summonses for not having a valid national car test, NCT, certificate when it should have been a fine. GISC put checks in place to stop this happening but some summonses had been previously issued and were still in the system. Discovering the issue was nationwide; we took two actions. The first was to put an information technology fix in place to prevent it happening it again. An instruction that all proceedings incorrectly instituted be withdrawn was also issued.

We immediately initiated a look-back, which demonstrated that a number of cases had already been incorrectly referred to the courts and dealt with by way of summons rather than FCN, and this had to be rectified. In each and every case an offence had been committed, but an incorrect procedure had been employed. An Garda Síochána has spoken to the Director of Public Prosecutions, DPP, and the Courts Service about how to address cases where a penalty point has been imposed. A dedicated team has been set up and we are liaising with the Courts Service to expedite this process. We will be writing to all the people affected from 3 April 3 2017 on the foot of the advice we sought from the DPP. We will explain what happened and how we propose to rectify the matter. Any fines imposed will be reimbursed and all records involved will be corrected. Anyone who believes they have been affected by this matter will be able to contact a helpline from 3 April 2017.

I will deal now with the separate issue of breath tests. Correspondence from the Road Safety Authority, RSA, to the Minister responsible for transport was brought to our notice in 2014, where the issue of mandatory alcohol testing, MAT, checkpoints and other matters were raised. The fact that the original complaint was anonymous hindered our ability to investigate the matter fully. However, I issued an instruction to deputy commissioner of operations who subsequently directed all regional assistant commissioners, chief superintendents and superintendents to ensure effective mechanisms were in place to monitor the operation of Mandatory Alcohol Testing, MAT, checkpoints within their respective divisions and districts. The Department of Justice and Equality was also advised of this. In addition, we set up a working group to review the recording of traffic equipment and PULSE related data. The outcome of this working group indicated significant discrepancies in data in one region. Following this, a nationwide review of all breath test data commenced in June 2016. We then notified the Department of Justice and Equality of this review and put a note on our website saying our breath test figures were subject to review. The review was unable to reconcile the PULSE data and the paper-based breath test data, primarily due to significant gaps in the manually recorded breath test data. To validate the data, we asked the Medical Bureau of Road Safety to provide us with the data from its breath test screening devices. In terms of the scale of difference between its data and ours from 2011 and 2016, the Garda Síochána PULSE data was 1,995,369 and the Medical Bureau of Road Safety data was 1,058,157.

In November 2016, new electronic procedures were installed on the Garda PULSE system. This meant personnel had to record the serial number of the device used for each breath test, plus the meter reading, before and after the checkpoint was concluded. Data from the device is now used to verify the total number of breath tests conducted at each checkpoint and it indicates

that our figures match with those of the Medical Bureau of Road Safety for 2016-17. The breath testing and FCPN issues are being resolved and this will be externally validated. However, the fact is that we now know some gardaí recorded exaggerated numbers. At worst, this was deception. At best, this was incompetence. Either way, it was individually and organisationally shameful, and will be seen to be shameful by the public and the thousands of gardaí around the country who operate every day to the highest ethical standards. It also raises serious questions of supervision and management. My fear – my real fear - is that this falsification and these mistakes may not be confined to traffic data. I will ensure that the people responsible at all levels will be held to account.

Chairman: I thank the Garda Commissioner for her opening statement. I will now open up the meeting to questions from members, who will be called in the order in which they have been noted.

Deputy Jim O’Callaghan: I thank the Commissioner and her colleagues for attending this meeting. In her statement, the Garda Commissioner apologised for the grave mistakes and wrongdoing of the Garda which led to these two controversies. In regard to the breath test issue, what was the wrongdoing on the part of the Garda for which she is apologising?

Mr. Michael Finn: I will address the breath test issue because I was the person who highlighted it. The wrongdoing for which we, and I, have apologised is for our having misled the public in terms of the data on the Garda website regarding the level of activity in regard to breath tests.

Deputy Jim O’Callaghan: In regard to the wrongdoing, is the assistant commissioner apologising for the fact that members of An Garda Síochána dishonestly recorded breath tests as occurring when they did not occur?

Mr. Michael Finn: My initial response was in relation to the data. That is what I apologised for at the press conference. I was aware that the data was on the website and that the public was being misled by it. I made the decision that we would remove that data from the website.

Deputy Jim O’Callaghan: Is the assistant commissioner saying that incorrect data constitutes the wrongdoing?

Mr. Michael Finn: No, I am clarifying that that was the wrongdoing that I was addressing at the press conference.

Deputy Jim O’Callaghan: This morning, I am asking the assistant commissioner what is the wrongdoing for which the Garda Commissioner has apologised to the Irish people?

Ms Nóirín O’Sullivan: Perhaps I could respond to that part of the question. What I am apologising for is the failures that have happened over the last ten years, not only in regard to breath testing. Since 2014, we have been on a major programme of reform in An Garda Síochána. We are trying to put things right and trying to ensure that we serve the public in an open, professional, transparent and ethical manner and to the standards that would be expected of a modern, professional policing service. In doing that, we are turning over a lot of stones. We do not leave a stone unturned. The turning of one of those stones involved a review of issues that were raised with us around the conduct of MAT checkpoints and the breath testing issue that arose in that regard.

Last March, assistant commissioner, Mr. Michael Finn, identified massive discrepancies be-

tween the recorded breath tests on PULSE and the records held by the Medical Bureau of Road Safety. Last Friday, I appointed an assistant commissioner to investigate how this happened. What we do know at this point is that these discrepancies occurred individually. In other words, individual members entered numbers on the system that do not match or correspond with the numbers recorded on the system of the Medical Bureau of Road Safety.

Deputy Jim O'Callaghan: Does the Commissioner accept that that was done, on occasion, dishonestly by members of An Garda Síochána?

Ms Nóirín O'Sullivan: As I said in my opening statement, we have not yet got to the bottom of exactly what happened but what we do know is that the numbers do not match. Therefore, the assistant commissioner has to establish how this was done. In other words, was the information entered erroneously and so on. As I said in my opening statement this is either deception, in so far as somebody picked a number and entered into the system, or it was an error or miscount of numbers.

Deputy Jim O'Callaghan: The reason I am concentrating on this is the Commissioner's apology in her statement for mistakes and wrongdoing. Clearly, somebody inputting information inaccurately or inadvertently would constitute a mistake. However, the Commissioner has also apologised for the wrongdoing. What I am asking is, does she agree that one of the examples of wrongdoing for which she is apologising is the input by members of the force of information about breath tests which they knew to be false? It is a simple question.

Ms Nóirín O'Sullivan: It may well be the case that the assistant commissioner, Mr. Michael O'Sullivan, will discover that individual members deliberately input into the system figures that were not correct.

Deputy Jim O'Callaghan: Who in the individual stations had responsibility in that regard? I am not in asking that question seeking the names of individuals. When gardaí return to a station following a checkpoint and say that they carried out 40 breath tests when they only did 20, who in the station is responsible for inputting the information into the system? Is that the function of the traffic inspector or the garda involved in carrying out the checkpoint?

Mr. Michael Finn: It would be the garda or, if there was a sergeant involved in the operation, the sergeant being the senior person, would be responsible for that. If there was no sergeant involved it would be the responsibility of the senior garda involved to input the information.

Deputy Jim O'Callaghan: In regard to the figures, it is apparent that the input of incorrect figures was systemic throughout the country. Would the witnesses agree with that? For example, in the south eastern region, there was an increase of 153% and in Dublin, the least offensive region, there was an increase of 68%. Is that correct?

Mr. Michael Finn: That is correct.

Deputy Jim O'Callaghan: As such, this was an issue throughout the country and not limited to one area.

Mr. Michael Finn: That is correct.

Deputy Jim O'Callaghan: Based on Mr. Finn's experience in the force, what was the reason for this dishonesty on the part of An Garda Síochána? Would he agree that the reason for this was, in part, a desire of particular Garda regions to present themselves as being more

efficient than they were?

Mr. Michael Finn: It was never a desire within Garda regions to compete with each other or to inflate figures such that one region would look better than another in terms of breath tests. Our focus was always on saving lives on the road, arresting people for drink driving and carrying out checkpoints, which reassure the public and the law abiding motorist that we are enforcing the law. I can honestly say there was never a competition between regions or chief superintendents in terms of the number of breath tests recorded.

Deputy Jim O'Callaghan: Each division produces a policing plan which sets out a number of key divisional actions and performance indicators and the person responsible in that regard. I have looked at a number of divisional plans. In regard to the indicators of performance on the road traffic issue one of the indicators in many of the divisional plans was that there would be an increase in the number of persons breath tested in public places. Is that correct?

Mr. Michael Finn: It is correct.

Deputy Jim O'Callaghan: Is not that an indicator that the number of people who were breath tested was reflective of how well a division was performing?

Mr. Michael Finn: No, I would say it was a focus on enforcement of the Road Traffic Act in terms of carrying out checkpoints, breath testing people and reassuring the public and law abiding citizens that those who are misbehaving will be apprehended by the Garda Síochána. The Road Safety Authority surveys indicate to us that the greater the visibility of An Garda Síochána in terms of checkpoints and breath testing, the more likely the general public will comply with the law.

Deputy Jim O'Callaghan: Did senior management look, on an annual basis, at how many breath tests had been conducted by divisions within the force?

Mr. Michael Finn: I can only speak for my own division. When I was a divisional officer, what we looked at during our management meetings was primarily the number of arrests, the numbers of fatalities and serious injuries on the roads, the number of checkpoints and how it was impacting overall in terms of performance. I can honestly say I have no recollection of comparing the number of breath tests *vis-à-vis* my colleagues in the next division at any regional meeting.

Deputy Jim O'Callaghan: The assistant commissioner must accept, or does he recall that a number of divisional plans contained references to wanting to increase breath testing and that this was an indicator of performance in the division?

Mr. Michael Finn: That was linked with checkpoints.

Mr. John Twomey: Perhaps I might attempt to assist the Deputy in this area. In the wider area of road safety, we were taking a number of actions, a number of which were focused on enforcement and identifying and bringing to court those people who were misbehaving on the roads. A number of other actions were taken in the area of prevention and preventative actions. We should see this in the context of trying to save lives on the roads and make them much safer. If memory serves, in 2005, when a restructuring and reorganisation of traffic functions took place across the organisation, almost 400 people were killed on the roads. There has been a considerable improvement in that regard. I say this to provide context. As enforcement improved, the focus was on behaviour, prevention and compliance. Mandatory alcohol testing,

MAT, checkpoints and breath tests focus on compliance. They were included in policing plans and used from a prevention perspective.

Deputy Jim O’Callaghan: In July 2014 the Medical Bureau of Road Safety contacted the Garda about the discrepancy in breath test numbers. Was the Garda Commissioner aware at the time in 2014 that this issue had been raised with the force?

Ms Nóirín O’Sullivan: Yes, I received a letter. At the time I was acting interim Commissioner and received a letter from the then Minister for Transport, Tourism and Sport which had been received by him from the Road Safety Authority. On receipt of that letter, I instructed that a review of the content of the letter be carried out. That went to the deputy commissioner for operations.

Deputy Jim O’Callaghan: In July 2015 a working group was set up to examine this matter. Was the Commissioner aware of this?

Ms Nóirín O’Sullivan: I was aware that inquiries were ongoing in relation to the issues that had been raised in the 2014 letter. I was not aware of the specifics of the working group, but I was aware that the inquiries were ongoing.

Deputy Jim O’Callaghan: An audit of the southern region reported on 11 November 2015. Was the Commissioner aware of this?

Ms Nóirín O’Sullivan: I was aware that discrepancies had been identified in one region and that, as a result, a nationwide audit or review would be conducted.

Deputy Jim O’Callaghan: I note that the southern region audit concluded on 11 November 2015 but that the nationwide audit did not commence until 2 June 2016. What was the reason for the seven and a half month delay.

Mr. John Twomey: If I may, I will attempt to address that issue. The initial action was taken when the results of the audit were identified. It was a partial audit or examination within the organisation, as opposed to a full audit, as it is known in legal terms. It was an examination of the data. The initial action taken was to address and fix the problem. In April 2016 new measures were brought in to ensure the problem could not recur. The effectiveness of the new practices and procedures was closely monitored to see how they were working. When we were satisfied they were doing what we had set out for them to do, the national audit was conducted.

Deputy Jim O’Callaghan: When did the Garda get the results of the national audit? Having looked through all of the papers, I have not identified a date.

Mr. Michael Finn: The national audit or review is not complete.

Deputy Jim O’Callaghan: The Garda recommenced a review of the national audit on 14 February 2017, but prior to that it had results of a review that led it to change the IT system. When did the Garda get the results that led it to compare them with the information it had received from the Medical Bureau of Road Safety?

Mr. Michael Finn: In July 2016 the examination of the entire country commenced.

Deputy Jim O’Callaghan: When did it finish?

Mr. Michael Finn: It is not finished yet.

Deputy Jim O’Callaghan: When did the Garda get the results that led to the comparison with the medical bureau figures?

Mr. Michael Finn: On 27 February - I think that was the date - we received some initial information from the Medical Bureau of Road Safety. I asked it for a sample of its database to see if it would be of use to me in comparing what we had *vis-à-vis* what was on the bureau’s system. On 28 February I went to the Medical Bureau of Road Safety and met its statisticians and analysts. I could see from what they were able to show me on the day that they had some very useful data. On 8 March I wrote to the bureau formally seeking a copy of the data. On 10 March I received a comprehensive database from the bureau which I gave to my analysts in order that they could start reviewing and analysing what we had.

Deputy Jim O’Callaghan: I find it interesting that there was a flurry of activity after an article was published in *The Irish Times* on 20 February. The question to which I want to find an answer is when did the assistant commissioner have information from the national audit that satisfied him that there was a problem.

Mr. Michael Finn: On 20 March I was satisfied that I knew our data were significantly inconsistent with the information-----

Deputy Jim O’Callaghan: Is Mr. Finn stating that prior to that date, he did not have an indication that his data were problematic?

Mr. Michael Finn: On 20 March I was satisfied that we had a significant problem. I had the data which I took home at weekends and was looking at them. We were all examining them to see if we were missing something. On Monday, 20 March, when I came back after the weekend, I was satisfied in my heart that we had problems.

Deputy Jim O’Callaghan: I suggest the Garda had information before that. I want to conclude because my colleagues want to contribute.

Mr. John Twomey: I apologise for intervening, but it is important that we get the detail. In November 2015, when the partial audit was reviewed, it became apparent at that stage that there was an issue. Its scale was what we did not know. The immediate action taken at that stage was to put in new procedures to ensure it would not continue. It was at that stage that we began to conduct a national audit. We wrote to the Department of Justice and Equality outlining to it that we had a problem but that we did not know what it was. We put a note on our website. It was only in March this year that we got the numbers.

Deputy Jim O’Callaghan: I will finish.

Chairman: I ask the Deputy to conclude with his next question. I hope to be able to come back to colleagues, but I wish to be fair to everybody.

Deputy Jim O’Callaghan: I understand that. I disagree with much of the information that has been put out. Why did the Garda Commissioner not bring to the attention of the Policing Authority the very important issues that had arisen in respect of the discrepancies in breath testing?

Mr. Michael Finn: I discovered-----

Deputy Jim O’Callaghan: I asked the Commissioner the question.

Ms Nóirín O’Sullivan: It was a complete oversight and the deputy commissioner has apologised publicly to the Policing Authority. It was notified to the Department and has since been notified to the Policing Authority. At a meeting with the authority in February we apologised to the authority members for the oversight. The material is being provided. As the assistant commissioner stated, it is still being gathered as such. As it is being gathered, it is being provided and regular updates have been provided by both the deputy and assistant commissioners. On Tuesday of last week, the assistant commissioner gave a comprehensive briefing to both the chairperson and the CEO of the Policing Authority on the issues arising.

Chairman: I thank Deputy Jim O’Callaghan.

Deputy Clare Daly: I thank the team for appearing. We agree with many of the points made in the Commissioner’s statement, including that what happened is unacceptable, raises serious issues about how the service is managed, is a collective failure and that people at all levels should be held to account. There is a contradiction between this and the Commissioner’s other public statement in that she is the only person who will not be held to account. She has stated that, regardless of what the Oireachtas thinks and presumably what the Policing Authority thinks, she will not take responsibility and will not review her position.

Ms Nóirín O’Sullivan: I want to be very clear. I have never said I will not take responsibility. I am taking responsibility. From the time I became aware in 2014 that an issue had been raised, albeit in anonymous correspondence, I took responsibility for making sure instructions were issued to address the issues contained in the correspondence. That is what has led us to this place. We went and turned over the stones to see what exactly we were dealing with. The fact is that the corrective actions we have taken since 2014 make it a better service and ensure we will deliver a better service to the community. I have never said I will not take responsibility. When we turn over stones, we will find things that are wrong. Our commitment is to ensure we identify them and put them right.

Deputy Clare Daly: It was not just an anonymous correspondence that the Commissioner received in 2014. She was also informed of this situation by the Medical Bureau of Road Safety. The Minister told us the other night that in detailed correspondence to her, An Garda Síochána told her that the Commissioner was satisfied that the correct procedures were in place. Does the Commissioner accept now that in May 2014, the Minister was misled by An Garda Síochána?

Ms Nóirín O’Sullivan: The issues raised in the correspondence were not about the breath tests, they were about mandatory alcohol testing, MAT, checkpoints. They are two separate issues. We looked at all of the issues that were raised in the correspondence and identified all the procedures involved. We were satisfied that the issues raised in the specific areas in the correspondence were okay, but that did not stop the then deputy commissioner going along on my instruction and making sure whether there was anything else we did not know. We looked at all the procedures. This is what led to the audit or the review on the breath tests and the breath tests that were taking place. We did that. We take responsibility for making sure that we put corrections in place all of the time.

Deputy Clare Daly: The Commissioner is saying that the correction she put in place was the instruction to ensure that effective mechanisms were put in place, which I think was around March 2015.

Ms Nóirín O’Sullivan: It was March 2014.

Deputy Clare Daly: In the Commissioner's opening statement it states March 2015.

Ms Nóirín O'Sullivan: I am sorry, it was March 2015.

Deputy Clare Daly: Yet we know that three months after that, in the summer of 2015, the Medical Bureau of Road Safety informed the Commissioner that it had conducted a pilot survey which showed that the figures were 100% over-inflated. When the Commissioner found out in the summer of 2015, that her previous instruction of March 2015 had been ignored by the assistant commissioners and junior officers, what action did she take against those officers who had ignored her instructions and how many people were sanctioned for failing to implement them?

Ms Nóirín O'Sullivan: The Medical Bureau of Road Safety would always deal with the Garda traffic policy bureau. It would have been dealing with the Garda traffic policy bureau which was undertaking the audit. The deputy commissioner can explain exactly the processing and sequencing of that.

Deputy Clare Daly: If he can, I would be happy to hear him. Is the Commissioner saying that she did not know about the results of the pilot survey which the Medical Bureau of Road Safety conducted? Is the Commissioner saying she had issued an instruction in March 2015 about this, that three months later, the Medical Bureau of Road Safety provided information which showed that the Commissioner's instruction clearly was not being carried out, and that nobody told her about it?

Ms Nóirín O'Sullivan: At that time, I was aware that the process of the review was ongoing to establish exactly where we were. There is a process that has to be gone through.

Deputy Clare Daly: Sorry, was the Commissioner aware or not aware of the results of the Medical Bureau of Road Safety pilot survey?

Ms Nóirín O'Sullivan: No, I was not aware of the Medical Bureau of Road Safety results at that time.

Deputy Clare Daly: Would the Commissioner not accept then that there is somewhat of a crisis of authority in her leadership if she is issuing instructions, evidence is produced to show that the Commissioner's instructions are being ignored, and yet nothing happens to people who ignore those instructions?

Mr. Michael Finn: Chairman, may I interject? I spoke to the Medical Bureau of Road Safety in relation to this aspect. The bureau's audit in the middle of 2015 was in relation to an audit of their equipment. It was done by the people in their stores, talking to the people in our stores up in Santry, where we keep the devices. That is the level at which the conversation took place. I was told that by Professor Cusack himself.

Deputy Clare Daly: So the senior Garda management did not know. It was something the lads in the stores had an idea of it, but nobody decided to tell senior management?

Mr. Michael Finn: It was in the context of the Medical Bureau of Road Safety ordering their equipment for the following year. The people in their stores section spoke to the people in our stores section on how many mouth pieces for the breath test devices we had in stock. I had that confirmed by the Medical Bureau of Road Safety in recent days when I spoke to the professor. That is the level at which the conservation took place. It was not happening at Commissioner level.

Deputy Clare Daly: Would that not indicate that there is a certain crisis of authority if there issues which the Garda management now say have caused a national crisis, an absolute scandal because of the scale of the numbers involved which are totally unacceptable, that nobody choose to ask questions?

Mr. Michael Finn: The context in which that conversation was taking place related to procurement. Their procurement department were talking to our procurement section and the obvious conversation was how many mouth pieces the Garda had in stock versus the number the Medical Bureau of Road Safety had in stock.

Deputy Clare Daly: It was actually after the tests the Medical Bureau of Road Safety carried out which showed that the figures were 100% over-inflated. Professor Cusack was on the airwaves the other morning and he made it very clear that it is quite simple to monitor these devices. Before the Garda goes out, a record of the number is taken and the same is done when he comes back. The Garda introduced that system, that paper audit, in April 2016. Why did the Garda not do it in 2014 when the Garda knew about this? Why did the Garda wait until March 2017, after *The Irish Times* article, to ask the Medical Bureau of Road Safety about it when the bureau had this information all along? The Garda did not need to have an internal audit. The Medical Bureau of Road Safety had the information.

Mr. Michael Finn: In November 2015, when the examination of the southern region was completed, the bureau alerted us to the discrepancies in the data. We were not recording the number of mouth pieces, so the bureau was not able to put it in context.

Deputy Clare Daly: I do not want to rush the assistant commissioner but we are pushed for time. I know it was in November. The point I want answered is why it took until April 2016, six months later, and a full year from the time the Garda were told for the second time by the Medical Bureau of Road Safety of the discrepancies that the Garda decided to implement a paper account of the situation. Why did it take that length of time?

Mr. Michael Finn: We knew in November-----

Deputy Clare Daly: I know that. My question is the reason it took the Garda until April 2016 to implement the audit.

Mr. John Twomey: Perhaps I can attempt to address the issue. The first action the Garda took on becoming aware of the issue was to conduct two audits. Let me try to explain the context. There are 1,200 machines spread over the-----

Deputy Clare Daly: I do not mean to be rude, but I am conscious of time, and I have to ask the team to try to answer the question they were asked. In November 2015, as Assistant Commissioner Mr. Michael Finn has already stated, the Garda had the information from the Medical Bureau of Road Safety audit. I know that. The question is why did the Garda wait until April 2016 even to put in place a paper audit, where the person would be checked going in and going out? The second question is why the Garda waited for another full year, as in last week, to ask the Medical Bureau of Road Safety for that information, when it had it all along? The reason I am asking these questions comes back to what the Assistant Commissioner Mr. Michael Finn said earlier about data. Mr. Finn has apologised for data. Can he understand how difficult it is for us to accept any data from the Garda Síochána, given what we have heard? Will the Garda team answer those two questions? I have a further question relating to data, but I am conscious of time. The team need to try to answer the question asked.

Mr. John Twomey: At the outset, let me say that we are here today to try to provide every answer that we possibly can.

I will start with the data. We are trying to ensure our data is 100% accurate today. We have given a commitment that the data will be externally verified. What we were endeavouring to do was to try to reconcile our own figures. There are in excess of 373,000 checkpoints. The 1.9 million breath tests come from those checkpoints. We are grappling with huge numbers on a paper-based system.

Deputy Clare Daly: Why did the Garda wait six months to bring in the paper audit?

Mr. John Twomey: We were trying to understand fully exactly what was going on, so as to ensure that when we would bring in a system, it would work. This is not a system that could come in overnight. It is not something that one could-----

Deputy Clare Daly: It could have come in overnight, because it came in overnight in April 2016. The Garda waited months before it had an IT solution. A paper solution could have been introduced. I can see that the Garda are not going to give me any more meat in their answers. I want to come back to Assistant Commissioner Mr. Michael Finn.

Mr. John Twomey: Chairman, may I try to clarify the point? I have one last sentence.

Deputy Clare Daly: Could Mr. Twomey answer the question that was asked, Chairman?

Chairman: Could Mr. Twomey conclude on that particular point and then we will move on?.

Mr. John Twomey: Between 2015 and April 2016, the detail of what was to be done was being examined by the people who subsequently signed off on the new procedure to be brought in on the basis that it would work. We knew there was an issue, but what we did not want to do was make another mistake by bringing in a system that did not resolve the issue we were trying to resolve. That takes time.

Deputy Clare Daly: The Garda introduced a system in April, which was a temporary measure, so that it could bring in the following system. On the question of data, which is of major significance, I noted at the press conference, Assistant Commissioner Mr. Michael Finn spoke about checkpoints. He told us there was a figure of 400,000 checkpoints carried out during the period. How can we believe that figure, that 400,000 was actually the number of checkpoints conducted?

Mr. Michael Finn: That is what we have recorded on our systems. If we can verify that, we certainly will. I was able to verify the breath tests by going to external sources, such as the Medical Bureau of Road Safety.

Deputy Clare Daly: In fairness it took a few years to do it, but what the assistant commissioner is saying is that is what is on the Garda system. How can we take solace from that? Will Mr. Finn comment on the fact that a former Garda made internal reports that suggested that it was an instruction by management. There is a difference, as the assistant commissioner knows, when a checkpoint is set up, management instruct and set a target for each station as to how many checkpoints should be carried out by that station and that district. Obviously events happen unexpectedly and the target cannot be the scheduled checkpoints, and checkpoints are often cancelled. We are led to believe that management issued an instruction to say that the

number of checkpoints scheduled, rather than the number of checkpoints actually carried out, should be recorded.

Mr. Michael Finn: That is not correct.

Deputy Clare Daly: Is Mr. Finn saying that no instruction was given on it? Is he totally confident that the number of checkpoints that was recorded on the system is the actual number of checkpoints that took place?

Mr. Michael Finn: We record all the scheduled checkpoints. If a checkpoint is not done, that checkpoint is invalidated on the PULSE system. When we are collating our data, we measure the checkpoints that are performed - we do not measure the checkpoints that are invalidated.

Deputy Clare Daly: Mr. Finn said a minute ago that he was not sure. He said he needed to evaluate all of the data externally. He said that what is on the system-----

Mr. Michael Finn: I gave that answer in a different context. If the Deputy is asking about the checkpoints we count, I can tell her categorically we measure the checkpoints that are not invalidated.

Deputy Clare Daly: I know, but-----

Mr. Michael Finn: We schedule more checkpoints than we undertake. We do not know exactly what is going to happen on a particular night. The number of checkpoints that are scheduled is greater than the number of checkpoints we end up actually doing.

Deputy Clare Daly: Yes, but the Garda does not know accurately whether the cancelled checkpoints were fully cancelled.

Mr. Michael Finn: I can say categorically that the data we publish relates to validated checkpoints only. No invalidated checkpoint is counted by our IT. I can stand over the figures.

Deputy Clare Daly: Is Mr. Finn totally satisfied with that?

Mr. Michael Finn: Yes, I am.

Deputy Clare Daly: I want to deal briefly with the issue of fixed charge notices. The Commissioner's opening remarks were very brief. I suppose the timelines we were given constituted half-information in some ways, without being derogatory about it. The Commissioner spoke about fixed charge notices for NCTs. They accounted for just 6% of the incorrect summonses that were issued. Are the witnesses saying that the communication to the Department of Justice and Equality and to the Policing Authority related to the NCT fixed charge notices only?

Mr. John Twomey: I will try to answer that question. We initially wrote to the Department in June of that year in respect of the NCT offence. We had to review all of our data back to 2016 after we learned that an offence that should have been dealt with by fixed charge notice had been dealt with by summons. The person had an offence to answer to but the procedure used was incorrect. We knew from looking at that data or we certainly questioned whether this could have applied to other issues, given that it had applied to NCT data. All other offences shifted from summonses to fixed charge notices over a number of years from 2006 up to the current date.

Deputy Clare Daly: Was that the review that was conducted in May? Was that review started in and around May?

Mr. John Twomey: No. In May, there was-----

Deputy Clare Daly: It was just fixed charge notices.

Mr. John Twomey: It is all fixed charge notices.

Deputy Clare Daly: Yes, but all NCT ones-----

Mr. John Twomey: We introduced an IT fix in May to ensure this could not happen. We made sure all cases before the courts were then withdrawn.

Deputy Clare Daly: For all fixed charge notices.

Mr. John Twomey: For all summonses that should-----

Deputy Clare Daly: I know.

Mr. John Twomey: -----have had a fixed charge notice issued instead.

Deputy Clare Daly: We heard today - maybe it was in the timeline - that an IT solution was designed and rolled out to prevent summonses from being created in this circumstance. I know the Tánaiste gave a report to the Houses yesterday. She said that the Commissioner told her at their meeting that operating practices were in place “to ensure that these practices have now ceased”. The Tánaiste told the Seanad that errors cannot be repeated because “a permanent and comprehensive IT solution is now in place”. How confident is the Garda that this is the case? How confident can we be that this is the case? I am thinking of the public, in particular.

Mr. John Twomey: I think that as we sit here this morning, we can absolutely confident that this particular issue will not happen again. The IT solution has ensured it is not technically possible for a summons for a fixed charge notice to be issued without that having been done.

Deputy Clare Daly: That was provided for in July of last year. Is that correct?

Mr. John Twomey: No, that happened in May 2016.

Deputy Clare Daly: It happened in May 2016. I wonder how it was possible for me to be summonsed to the Criminal Courts of Justice on 12 December 2016 for an alleged motor offence that allegedly took place in March 2016 and in respect of which no fixed charge notice was issued.

Mr. John Twomey: Obviously, I am not aware of the data in relation to that. I am happy to deal with that specific issue and come back to the Deputy on it.

Deputy Clare Daly: I do not think I am that special, to be honest. I know it is a fact because I have received a few fixed charge notices before. I know what they look like. If I had received one in this instance, I would have known. Coincidentally, on receipt of a fixed charge notice in October of last year, I was in Naas court and I met some people who were there precisely because they had not received fixed charge notices and had been summonsed to court. They spent a day in that court. The judge adjourned because they were pleading not guilty. They had to come back on another day. That was in October and December of last year.

Mr. John Twomey: This gets into the detail of the points of it.

Deputy Clare Daly: It gets to the heart of it. How can we trust what the Garda is saying when we have contradictory evidence of the opposite?

Mr. John Twomey: I am saying that if a fixed charge notice should have issued on day one in respect of an offence, that now issues. On the specific issues, when some people come to court they say they did not receive a fixed charge notice in the post. That does not mean it was not issued.

Deputy Clare Daly: Is Mr. Twomey saying that all of these cases are the fault of An Post?

Mr. John Twomey: No, I am not saying the fault lies with anybody. I am saying that where a fixed charge should have been issued in every case, it is our view and belief here today that that is the case. That is why I have said I would like to see the detail. A fixed charge notice should issue in every single incident where a fixed charge notice applies. That is not to deny that some people may not have received their fixed charge notices for various reasons and were therefore unaware of the position. We know this issue about An Post delivery appears before the court on a regular basis.

Mr. Michael Finn: I would like to interject to clarify the position in this regard. It is causing a lot of confusion around the country. Any of the offences linked to the GoSafe vans that are parked on the side of the road or the vehicles we use to detect non-intercept types of offences are not linked in any way to the fixed charge notice issue we are discussing here. It is a totally separate system. I can categorically say they are not linked.

Deputy Clare Daly: I am not talking about one of those incidents. I am not talking about a van incident.

Mr. Michael Finn: I am saying there has been-----

Chairman: I have to give Deputy Daly notice.

Deputy Clare Daly: I know. We will get another round again.

Chairman: We will come back to the Deputy.

Deputy Clare Daly: I was not talking about those circumstances. The point here is that because of the reality which has been posed in front of the public, its members cannot trust information coming from senior Garda management. The Commissioner's opening speech suggested that much more can be expected. We heard on the radio this morning that domestic violence figures might be all over the place. The witnesses cannot really reassure me in terms of the checkpoint figures. I have given them my own direct personal experience, and the personal experience of other people I met in court on a different day, which belies the narrative the witnesses have put forward, which is that the problems in the system have been corrected. That is what we are trying to get to the bottom of.

Mr. Michael Finn: The problems in the system have been corrected. We have put in an IT solution that stops the issue the Deputy is referring to. Having listened to some of the commentary on social media, I felt it was important to clarify that non-intercept offences, including the vast majority of speeding offences, are not affected.

Deputy Clare Daly: I must be very special then because I was not talking about an inter-

cept like that.

Chairman: If I could just-----

Deputy Clare Daly: I have a final-----

Chairman: The Garda Commissioner wants to come back in on the issue the Deputy has just raised. I will have to move on to another member of the committee then. I will come back to Deputy Daly later.

Ms Nóirín O'Sullivan: I thank the Chair. I just want to make the point that if Deputy Daly wants us to look at her specific issues, Assistant Commissioner Finn will be quite happy to do that and we can identify if there is something.

Deputy Clare Daly: I am saying I think it is a bit of a unique coincidence that I happened to have evidence to contradict what was being said, and I also happened to meet many other people who were in the same situation. I know for a fact that the narrative we have been given cannot be accurate. Anyway, I will let other members-----

Ms Nóirín O'Sullivan: It is very important to note that if there is evidence to suggest that the systems are not working, we are very happy and comfortable to look at that and identify if there are further systems. We will take that on board.

Chairman: I thank Deputy Daly and the Commissioner.

Deputy Colm Brophy: I thank the Commissioner and her colleagues for coming in this morning. I acknowledge the apology she has given regarding the specific incidents we are talking about here and the questions that have arisen. I would like to ask the Commissioner if she thinks she should apologise for the manner and the way in which she and her senior management team have conducted themselves and the investigation or audit into this process. Before the Commissioner answers me, I want to put a couple of questions and points to her. Yes, we are talking quite big numbers, it is a discrepancy of approximately 1 million and we are talking about a lot of mandatory tests, but she commands a force, and by her own statements, she has been conducting her own investigation that started approximately in 2014. She has come in today, and she has said that the Garda management has still not completed the audit. Does she think that is acceptable?

I would be very interested to know if the Commissioner could give me a logistical breakdown on how many people have been deployed to carry out this work, from the initial audit in the southern region to date. That speaks volumes to how seriously she is taking this. If she does not want to apologise for it, can she explain to any reasonable person why, when it came to her attention in 2014, she is still not able to give complete information to us here today at the end of March 2017?

Ms Nóirín O'Sullivan: I will explain the context of 2014. This issue was raised in April 2014. I want to preface this statement by saying that this is not an excuse, these are just facts. The facts were that the former Commissioner had retired. I was acting in an interim capacity only, performing the functions of the Commissioner, both deputy commissioners - Deputy Commissioner Operations and Deputy Commissioner Strategy and Change Management - so I was the single person in the executive. I had the most seriously reduced management team ever in the history of the Garda Síochána. The assistant commissioner who was given this responsibility to do was carrying portfolios, three very significant portfolios. These are not excuses

but the facts were that the layers of management below that were depleted. To link in with Deputy Daly's question - the committee members will understand but I say this for the benefit of the public - the Garda Síochána has devolved functions. There is the Commissioner, there are deputy commissioners, assistant commissioners, and they form the nucleus of the management team. At that stage, we were dealing with such a depleted management team that I was almost single-handed, with a team of five assistant commissioners, trying to run what was then a 14,500 person organisation. To be fair to the individual who was given this task, he had to do it with a myriad of other responsibilities. I do not have a logistical breakdown of the people who applied but I would be very happy to provide it to the committee.

The chief superintendent, who was in the traffic bureau at the time, was also carrying multiple portfolios, as was the superintendent. We had come through a very significant recession and the Garda were no different from anywhere else in the public or private sector but some of the legacy issues that we are dealing with now arise from the deficit and depletion of the supervisory and management capacity. It is worth remembering that I spent nine months in that position as interim Acting-Commissioner. I was appointed in November of that year. It took a further 11 months to have two deputy commissioners appointed and it is only in January of this year that we eventually got the appointment of a full executive, that is the people you see here. We very much welcome the transition of senior Garda appointments to the Policing Authority and thankfully, last week, along with the Policing Authority, we eventually got a panel of assistant commissioners -----

Deputy Colm Brophy: That is very good, but the Commissioner has answered none of the questions I asked. She has said she is not making excuses but she then delivered a complete set of excuses as to why she did not do something.

I asked how many people were deployed to the audit. She does not know. That is incredible. There are two aspects of this that are very important. First, the Garda conducted the initial audit in the southern region. Whatever about the time lag between the Garda management deciding to change processes afterwards, the initial audit was conducted in the southern region and something obviously registered with the Garda that there was a problem, regardless of how many people were not there to make decisions. Did the Commissioner not think that problem was so serious that she should inform the Policing Authority properly? I put it to the Commissioner that not only did she not think that the problem was serious enough at that stage to inform the Policing Authority, but that in some of the answers which she and her colleagues gave to the Policing Authority, they went out of their way not to make it obvious that they were dealing with something very serious. The Commissioner knew it was serious enough that processes were going to have to be changed. She knew it was serious enough that she would have to trigger a national audit, even if she took forever to do it, but she knew it was serious enough. She did not think it was serious enough to go out of her way to forthrightly bring it to the attention of the Policing Authority, or to anyone else, to say there was a belief there was a very serious problem. Maybe more was done in private in which case the Commissioner might tell us, but in public answers to the Policing Authority a minimum amount of information was given.

The reason I asked the Commissioners to apologise for how she has conducted the investigation is that Garda Síochána management has a method of answering questions which involves not supplying information unless we absolutely get to the heart of it. It deeply upsets me and is unacceptable in our time. Again, I ask, how many people were involved in the audit? Does she have any indication as to whether it was one person writing letters? Does she have any indication as to whether a team was established? Does she have any indication as to

whether, if that team was established, there were, say, ten people on it or 15? She is in here and says that it is not completed. How many people are currently working on the audit? What level of priority is given to it?

Ms Nóirín O’Sullivan: I will make some general points. Deputy Commissioner, John Twomey, was there for the initial part of the audit and it has continued. I do not have the logistical breakdown of the individuals but we are happy to provide it. The Deputy makes a very interesting point about the old culture of the Garda Síochána of waiting until we get to the heart of the answers. That is the way we do things. We have been brought up as policemen and women and we like to establish the facts before we come out publicly. Part of the commitment to openness and transparency which we committed to in our modernisation and renewal programme, and that we committed to and I committed to as part of the Government reform programme, was exactly what we saw happen in this case. We do not have all the answers. The assistant commissioner has outlined how it was of such significant proportions that we made a decision and the assistant commissioner raised this with the public. In June 2016, when we became aware that there was an issue with the fixed charge notices, we put a notice on our website to tell people. On the breath tests, we put a qualifier on the website to say that this data is subject to review.

For the record, as the committee knows, the Policing Authority was constituted on 1 January 2016. The authority was not there in November 2015. I will ask the deputy commissioner to deal with the informal briefings that were given to the authority. It is a matter of regret that when the Policing Authority was constituted, it was not informed of this fact. We have apologised for that and have said that it was an oversight.

Deputy Colm Brophy: Why was it an oversight? Was it an oversight because the Commissioner thought it was not important enough to tell the Policing Authority? Was it an oversight because the Policing Authority is new and the Garda did not understand that it had to tell them? Was it an oversight because the Garda management decided it was just not going to tell these people? Why was it an oversight?

Ms Nóirín O’Sullivan: It was most certainly not deliberate. It was an oversight because there is a transition arrangement. We have explained this from the outset and even in the preamble to the establishment of the Policing Authority. There is a perception that the Garda Síochána, which is a very data-rich organisation, has systems which at a press of a button can produce and present data. We cannot. In this case, both of my colleagues sitting to my right and left, can explain how this would mean a trawl through volumes, mountains of paper records to try to match them with the PULSE system which the Garda inspectorate quite rightly pointed out is outdated and archaic. We have now secured Government funds to make improvements to it and we are doing the upgrades and improvements. The Deputy mentioned process. A process must be gone through to ensure we establish the facts without, as the assistant commissioner stated, applying fixes or information that is wrong or distorted. We are trying to do that. I used a metaphor the other day - we are trying to keep the lights on while rewiring the house. It is important that people understand this. We are dealing with an old system of paper records that are mountains high. Some of them are in basements of Garda stations, others are in station attics and others are in desk drawers in stations. They must be taken out and gone through. Yes, it took-----

Deputy Colm Brophy: I appreciate all of that, but perhaps the Commissioner’s colleague could answer the questions on the number of people, why it has taken so long and, if he believes it to be unacceptable, whether he or the Commissioner should apologise for the fact that this has

not been concluded. Does he know how many people are conducting the audit?

Mr. John Twomey: I do. When they considered the examination of the southern region, between six and eight people were involved at the outset. Six people were directly tasked with it and they brought in others to support them.

I will repeat what the Commissioner is trying to outline about the scale, the number and the complexity involved. It is difficult to defend before the committee what is the indefensible. The Commissioner has outlined that what happened was unacceptable behaviour. Not for one second are we making excuses to the committee or covering up in any shape or form. Rather, we are trying to provide members and others who are watching the answers they are seeking. In some cases-----

Deputy Colm Brophy: My second question links to that matter, if Mr. Twomey does not mind. Six people started on the audit of the southern region. The Garda realised from that that there was a problem. How many people are now working on the audit?

Mr. John Twomey: Perhaps I might ask Assistant Commissioner Mr. Finn to give those details, as he is in charge of the audit now.

Mr. Michael Finn: To put the examination of the southern region in context, it did not start out as an audit of breath testing, unlike what I am doing now. It started out as a review of all of our data, PULSE systems and how we managed traffic data. The working group just happened to pick the southern region as an example. Roll on to where we are today and we are undertaking the national audit because we discovered discrepancies. The working group highlighted that there was a problem. In the middle of June last year, we decided that we needed to examine the issue across the organisation to determine how large its scale was. The traffic section, which is where I am, sent out a series of questions on all of that-----

Deputy Colm Brophy: How many people are working on it?

Mr. Michael Finn: There is not-----

Deputy Colm Brophy: I am sorry, but I have a limited amount of time.

Mr. Michael Finn: We do not dedicated teams of people who we can tell-----

Deputy Colm Brophy: The Garda has no one working on it. Is Mr. Finn telling me-----

Mr. Michael Finn: They are a part of my staff.

Deputy Colm Brophy: I want to understand this. Mr. Finn is telling me that, initially, six people or so set up a team to undertake an examination of the southern region and a national audit is now being conducted, but a dedicated team is not working on that audit even though it is trying to pilot the information back into the organisation so that the witnesses would not have needed to attend this meeting and say that it is not complete.

Mr. Michael Finn: This audit is taking place throughout all of the 28 Garda divisions. Staff in the respective divisional and traffic offices are trying to compile it. It was out of sheer frustration when we could not get the data - we were looking for paper records from as far back as 2009 to try to reconcile our data - that I went to the Medical Bureau of Road Safety and asked for data that it was prepared to share with us and that I could use to validate ours. When I got those data, I gave it to my analysts. Two are working for me. They do a great deal of other work

besides this, but I got them to work-----

Deputy Colm Brophy: Mr. Finn does not believe this is a priority for investigation. Does the Commissioner believe it is a priority?

Ms Nóirín O’Sullivan: It is an absolute priority. As late as yesterday, every chief superintendent in the country came to Garda headquarters. We can get the breakdown of which officers are working on this per division for the Deputy. We do not have that information with us, but we would be happy to provide the Deputy with the logistical breakdown of how many people are working on it. It has been made clear to all of our managers that this is a priority. It must be finalised as soon as possible. As the assistant commissioner said, there are two analysts in the Garda traffic bureau. Recently, we secured a commitment from the Government, working closely with the Policing Authority and the Department of Public Expenditure and Reform, to recruit civilians with the proper skills and qualifications. It has taken us a very long time to do that. As we discussed yesterday at our meeting with the chief superintendents, we have identified the positions required to put in place divisional business units so that, if we need to do something again, it can be done more speedily and efficiently and with systems that enable us to have the data. However, it is a work in progress. We do not have it as yet. We are doing with the old system-----

Deputy Colm Brophy: Does the Commissioner believe that the length of time this investigation audit has taken is acceptable?

Ms Nóirín O’Sullivan: No.

Deputy Colm Brophy: I have a final question.

Chairman: We will revert to the Deputy.

Deputy Colm Brophy: I wish to ask the Commissioner a specific question. It stems from her opening statement and the extensive coverage that one part of her statement yesterday received after it became public knowledge. She stated: “My fear, and my real fear, is that this falsification is not confined to traffic data.” Is any investigation audit process under way in An Garda Síochána that is examining data on a problem that is similar to these two matters, in respect of which the Garda has established an audit, and about which the Garda has not informed the public or the Policing Authority? If so, what is the specific area of investigation?

Ms Nóirín O’Sullivan: I have no specific information at this time that there is. In my opening statement, I said that I had a fear. At a time when we are going through such a radical organisational and administrative overhaul, we are rooting out issues to ensure they are right. We are not leaving any stone unturned. As one overturns a stone, one finds something.

Additionally, we are benchmarking ourselves against best practice. As we bring in different people and perspectives, we are looking at things. When we identify issues, we will do precisely what we have done in this case. We will deal with them and put them right. We will be open and transparent about that. A number of reviews are under way. I can allow the deputy commissioner to talk about them. Everyone in this committee room is familiar with the Garda Inspectorate’s report, particularly as regards data quality, crime classification and crime recording. We are working closely with the CSO. We continue to review all of our processes. We are introducing something that we never had before, namely, standard operating procedures, overhauling the roads policing unit and introducing new measures to ensure we have consistent-----

Deputy Colm Brophy: Ms O’Sullivan made a specific reference to a number of reviews being undertaken. On foot of how answers were given to the Policing Authority, have any of those reviews been triggered by a report, investigation, complaint or anything that we should be aware of and causes Ms O’Sullivan to have a doubt about specific Garda data or are they just reviews?

Chairman: I thank Deputy Brophy and it is an important question, but could we have a brief and precise answer to it? I must move on to another colleague.

Mr. John Twomey: I accept that. The answers are not simple. To put it as simply as I can, I chair a group that is tasked with examining our data quality. We specifically consider the issues that were raised in the inspectorate’s report, namely, crime classification, crime reclassification and incidents mark detected. More recently, we have examined our approach to domestic violence and what is being done in that regard, which Deputy Daly referenced.

Is there something that we are not mentioning? Absolutely not. I cannot tell the committee that everything is perfect within the organisation or that we will not find something down the road. What is more, I cannot tell it that we will not make mistakes. We will make mistakes. Everyone does, but I am giving the committee a clear commitment that we are doing everything to address those issues in respect of which we are being asked to change. I would like to get more time at a later stage to explain what we are doing in the context of our data quality. We have done considerable work in what we call our centre of excellence with the Garda information services centre, GISC, which is a recommendation from the inspectorate. That commences next Monday in the northern region and it is only happening as a consequence of staffing being provided in the past couple of weeks. I would like the opportunity to expand in more detail because I think it will address the question-----

Chairman: We will afford the deputy commissioner that opportunity. It may arise in the normal course of questioning. We will come back to it if it does not. I call Deputy Jack Chambers.

Deputy Jack Chambers: I thank the Commissioner and senior management team for coming before us. My first question is on the part of their statement where they mention that the past decade was one of wrongdoing. They refer to the fixed charge notice period from 2006 onwards, but they talk about figures from 2009 onwards for breath-testing, with PULSE and Dräger breathalyser data. Can the witnesses outline the procedure for data recordings between 2006 and 2009?

Mr. Michael Finn: I will answer that. We were not recording breath-test checkpoints on our PULSE system before 2009.

Deputy Jack Chambers: Where were they recorded?

Mr. Michael Finn: We were not recording them as a specific category within PULSE. We had the capacity to put it in as an “Attention and Complaint” incident, but trying to find it among all the other items was not working. In 2009, we created a specific-----

Deputy Jack Chambers: What was it categorised with?

Mr. Michael Finn: -----category of checkpoints so that we could measure what we were doing. Our PULSE data on those specific data fields only started in 2009. It could not go back to 2006.

Deputy Jack Chambers: What was it categorised with at that time?

Mr. Michael Finn: Going back to the-----

Deputy Jack Chambers: What was breath-testing categorised as from 2006 to 2009?

Mr. Michael Finn: “Attention and Complaint” incidents.

Deputy Jack Chambers: Sorry?

Mr. Michael Finn: It was free-text inside he “Attention and Complaint” category.

Deputy Jack Chambers: Did the Garda have any oversight for breath-testing between 2006 and 2009?

Mr. Michael Finn: We were not recording it as a specific offence. New legislation for mandatory alcohol testing and dual testing was going to come in in 2010, so in 2009, when we were upgrading our IT package, we put in specific data fields so we could measure our checkpoints or breath-tests. That came in in 2009, but I use data from 2011 because, in 2011, the Medical Bureau of Road Safety brought all of its breath-testing devices back in for recalibration to cater for the new dual-standard of the specified drivers. I was able to draw a line in the sand after receiving that from the Medical Bureau of Road safety and say that I could measure from there forward.

Deputy Jack Chambers: So there was no data available on breath-testing from 2006 to 2009? Did the Garda have any metric available for breath-testing data at that time?

Mr. Michael Finn: It was free-text inside an “Attention and Complaint” report. We did not have specific data fields, so we could not measure it.

Deputy Jack Chambers: Did the Garda have checkpoint data at the time?

Mr. Michael Finn: I cannot answer that.

Deputy Jack Chambers: Does Mr. Finn not know? Was there checkpoint data at that time?

Mr. Michael Finn: I simply cannot answer that question.

Deputy Jack Chambers: Is Mr. Finn not sure if there was checkpoint data at that time?

Mr. Michael Finn: I am not going to mislead the Deputy and say that I had when we-----

Ms Nóirín O’Sullivan: We can check that out and come back to the Deputy on it.

Deputy Jack Chambers: The witnesses’ statement mentions that there was a decade of wrongdoing in the matters to which they refer. Can they give me information on fixed charge notices from 2006 onwards? They only refer to breath-testing data from 2009 onwards. I want to know what was the data process, if there was one, from 2006 to 2009. If they do not have data on breath-testing, what did they have about checkpoints? Surely there is some data or metric on a station-by-station basis that was published by the Garda at that time. What was it?

Mr. Michael Finn: I am trying to explain that we did not have specific mandatory alcohol-testing data fields on our PULSE system. Our PULSE system is huge.

Deputy Jack Chambers: Were there checkpoint fields?

Mr. Michael Finn: All our checkpoints were mixed up together. So trying to find-----

Deputy Jack Chambers: Were there checkpoint fields at that time?

Mr. Michael Finn: -----a breath-test within our system was not something we could do properly, so we built a specific dataset so we could measure it. We started measuring from 2009.

Deputy Jack Chambers: Was there a dataset on checkpoints at that time?

Mr. John Twomey: Perhaps I could address the question. For background, every checkpoint is authorised in law. Following the introduction of revised legislation on mandatory alcohol tests, random breath-testing was enabled, prior to which it was on the basis of reasonable suspicion. There is authorisation for every mandatory alcohol checkpoint that has been conducted. An inspector or above must authorise it in law. That evidence is subsequently produced in court for any prosecution. That evidence was initially in a paper-based system and, at a later stage, it became part of our PULSE system.

Deputy Jack Chambers: In more recent times, how did anonymity hinder the investigation from the anonymous complaint that was made? Why was a significant length of time spent by the Garda looking for the person who made the complaint to the Road Safety Authority, which was subsequently sent to the Minister for Transport, Tourism and Sport and to the Garda? Why did the Garda look for who it was rather than examining the issue to which the complaint related? Do our guests accept that there was an unacceptable delay in the context of what were very serious revelations to the Garda?

Ms Nóirín O'Sullivan: There were two processes. We dealt with the issues raised in the correspondence. That went to the assistant commissioner to deal with. The issues that were raised were raised by Garda Reserve, so I want to be clear that it was not about identifying the person who had written the correspondence. Even though this was anonymous, it was suggested that it was from a Garda Reserve member. A number of seminars were held around the country with the Garda Reserve to address the issues, to address inclusivity for the Garda reservists in order to ensure that they were valued, and to give a forum where reservists could raise the issues they wanted to. The correspondence indicated that this individual had written to the Road Safety Authority because that person felt there was not a forum to express issues. We put that in place as well. That was the purpose of addressing that. Separately, the deputy commissioner was dealing with addressing the general issues raised in the correspondence.

Deputy Jack Chambers: Who was involved in the working group review of traffic equipment?

Mr. John Twomey: I mentioned that six people were on it in the initial stages.

Deputy Jack Chambers: Who are the six people?

Mr. John Twomey: There was a superintendent from the regional traffic bureau. He was assisted by a specific inspector. There was a regional traffic superintendent from one particular region. Another regional traffic inspector was supporting him. There were analysts in support of that team. That is the way it started. It grew from that and morphed. That was looking at all of our equipment. We have Evidenzer and Dräger equipment for alcohol testing, we have speed detectors and a raft of equipment. That group was looking at the whole issue and the broadest

context of all of our equipment. It was then narrowed in.

Deputy Jack Chambers: An instruction was issued to middle management in 2015 about potential problems with recording of data and breath-testing. Was that instruction ignored?

Ms Nóirín O'Sullivan: No. The now deputy commissioner was there at the time. It was followed through.

Deputy Jack Chambers: Was it followed through with regard to data we have seen today?

Ms Nóirín O'Sullivan: Yes.

Deputy Jack Chambers: So Ms O'Sullivan is confident that there was an accurate recording of data for everything following that instruction?

Ms Nóirín O'Sullivan: A series of measures have been taken.

Deputy Jack Chambers: I am asking about from when the instruction was issued as opposed to when measures had been taken following the national audit? Did the practice of inaccurate recording of data in the PULSE system continue following Ms O'Sullivan's instruction?

Ms Nóirín O'Sullivan: The instruction was to ensure that mechanisms were in place for accurate recording. A number of different measures had to be taken to ensure that the mechanisms were there. The latest measure was the IT upgrade, which takes some time. It is worth mentioning that PULSE upgrades take considerable time because the system is so old. We cannot just push a button. I am not sure why, and perhaps the chief administrative officer can clarify. The reality is that they take a very long time. The measures were in place and the assistant commissioner here-----

Mr. Michael Finn: These were paper measures, because we did not have the IT capacity at the time to do it on computers. It was a paper-based system and so we created many paper records, as we alluded to earlier. Trying to find and reconcile those paper-based records, most of which date back to 2011, shows that they simply are not there in many places. That is what was frustrating about trying to have the examination completed.

Deputy Jack Chambers: At a local level, we know that approximately 1 million inaccurate or false records have been input on the PULSE system. Were false car registration numbers submitted? Has a representative sample of data been examined in this regard? What was actually submitted to make the data false?

Mr. Michael Finn: We do not record specific registration numbers or personal data on our computer system. We record-----

Deputy Jack Chambers: Can Mr. Finn give an example of how data were inaccurately recorded?

Mr. Michael Finn: In the case of MAT checkpoints, we record the date, time and location of a checkpoint and the number of vehicles that pass through it. We ask Garda members to record the specific number of people breathalysed, the number who tested positive, the number who tested negative and the members who operated and supervised the checkpoint. One of our difficulties was that we did not always record the data at the time. In many cases, data were recorded on a busy Friday night. Anyone who tried to get through to our call centre in Castlebar would have been waiting. Therefore, it would often have been the following day before a

member would have had an opportunity to input information on a MAT checkpoint, or it could have been a few days later if he or she happened to be resting for the few days following a shift. I think this compounded our problems as to why the data were inaccurate.

Deputy Jack Chambers: We know that the issue is local, divisional, provincial and national. It probably affects every station and every section of the force. Does Mr. Finn accept that that is the case?

Mr. Michael Finn: I accept that.

Deputy Jack Chambers: Running through the vernacular of Ms O’Sullivan’s statement are words such as “apology”, “mistake”, “controversy”, “wrongdoing”, “failure”, “incorrect”, “deception”, “incompetence”, “shameful” and “false”. How would she describe this collection of words in terms of how the force is dealing with the matter?

Ms Nóirín O’Sullivan: Collectively, it was very unprofessional and very disappointing. As I said, we have an assistant commissioner examining whether there is individual wrongdoing in this matter. If there is, it will be dealt with, but-----

Deputy Jack Chambers: Does it involve individual wrongdoing in every station? To go a little further, it is beyond a marginal statistical mishap and probably beyond an individual mistake; we must, therefore, examine the matter to see what the cultural trigger was for this systematic failure. In her statement Ms O’Sullivan has given us much information on certain timelines, but we have very little information on why this might have happened. Can the representatives give us a hypothesis as to why, in their opinion, this may have happened? I understand an audit is continuing, but, surely, as senior officers in An Garda Síochána, they have some indication as to how this happened in every station in every part of the country. Do they have any hypothesis as to how it happened at such a systematic level?

Mr. Michael Finn: I am trying to explain in the context of what have we done to correct it-----

Deputy Jack Chambers: We know the “what” and want to know the “why”, not the “how” or “when”. We want to know what the specific trigger was within the force that drove this systematic failure, or do the representatives have an opinion?

Mr. Michael Finn: If I knew specifically what the trigger was, I would have said it at the press briefing.

Deputy Jack Chambers: No, I asked for a hypothesis. We will have specifics at the conclusion of the audit. Surely, as a senior officer in the force, Mr. Finn has some hypothesis for what triggered this enormous cultural failure in the inputting of statistical data. Surely, he has some answer to the question.

Mr. Michael Finn: To be honest with him, I cannot give the Deputy a specific answer.

Deputy Jack Chambers: Mr. Finn has no idea.

Mr. Michael Finn: I have a range of ideas.

Deputy Jack Chambers: I would like to hear some of them.

Mr. Michael Finn: The Deputy mentioned many of them in his opening remarks.

Deputy Jack Chambers: Will Mr. Finn refer to some of his idea as to what drove this systematic failure?

Mr. Michael Finn: I do not know specifically, but there may very well have been individual locations-----

Deputy Jack Chambers: As we know that this happened everywhere, we need to know the representatives' views as to what was the overarching reason. I do not want to hear about individualisation or a specific division. I want to know what Mr. Finn's overarching hypothesis is, as an experienced member of the force, as to why this happened on such a systematic level.

Ms Nóirín O'Sullivan: I will take the Deputy's question. He is asking for our hypothesis.

Deputy Jack Chambers: Yes.

Ms Nóirín O'Sullivan: As I said, I want to be very careful because we have an assistant commissioner establishing facts. Outside facts, I will offer a hypothesis. As the deputy commissioner mentioned, MAT checkpoints are a preventive measure. They are actually not designed to detect and catch people but to encourage compliant behaviour. One of the significant changes we have made in our culture is making sure we put prevention first and at the heart of everything we do. The following is a hypothesis - I want to be very careful - that perhaps the preventive nature of MAT checkpoints was not valued or viewed as being as important as detections. I do not wish in any way to detract from what I said in my opening remarks about the very good, diligent, professional and ethical work done by the men and women of An Garda Síochána every single day, but one hypothesis is that because of this, recording accurate numbers, be it 24 or 48 hours after a very busy period - that does not lessen or diminish the actions involved - was not seen as important as being accurate in the detection of offences.

Chairman: I hope to come back to Deputy Jack Chambers, but, in fairness to everyone else, I call on him to ask one last question.

Deputy Jack Chambers: I have a few more questions to ask, but perhaps I might get to them later. There must have been a cultural trigger for these actions and the representatives must provide some idea for the committee as to why they happened. It is not acceptable simply to wait for a factual understanding. They should give us, as senior members of the Garda, as the ones who accept responsibility collectively, as they stated, some idea as to why this happened.

I want to track back. Again, I am interested in the period from 2006 to 2009. There are a number of reasons one could have had a cultural trigger. One was there would have been an incentive. There can be an incentive for a member of any organisation to do better or perhaps gain credit within the system in terms of promotion. That is one question. Do the representatives believe any Garda member anywhere tried to manipulate data to drive potential promotional opportunities?

I refer to the bonus-related payments system in place from 2006 until 2010. We know that senior officials in the Civil Service and the wider public service were paid bonuses based on particular outcomes driven by human resource management within the context of whatever system in which they were operating. We know that a bonus system was in place for members of the force from assistant commissioner level up. What were the performance-related targets at the time when bonuses were paid and could this have been the trigger for driving data upwards in the force? Was that the trigger that drove a cultural norm within the force to maximise data outcomes? We know that bonuses were paid to most senior officers in An Garda Síochána. At

the time the Association of Garda Sergeants and Inspectors, AGSI, criticised the bonus culture across the senior sections of the Civil Service and the wider public service, but we know that senior officers in the Garda also received bonuses. What I want to know specifically is whether data for traffic, alcohol testing and checkpoints were potentially linked with bonuses? In a particular division if one Garda member had a better outcome in the data submitted as against his or her colleagues, was there a difference in the bonuses paid? Were there performance-related targets linked with bonuses which we know were paid to senior officers in the force at the time. Could this have been the cultural trigger?

Ms Nóirín O’Sullivan: I am not aware of a bonus payment scheme for members of the force. We can certainly check it out for the Deputy, but-----

Deputy Jack Chambers: Ms O’Sullivan was the assistant commissioner for human resource management at the time.

Ms Nóirín O’Sullivan: Yes, I was, but I was not aware of a bonus payment scheme.

Deputy Jack Chambers: Was Ms O’Sullivan involved in assessing performance outcomes as head of human resources at the time in the force?

Ms Nóirín O’Sullivan: No. One of the deficits that we have as an organisation is performance management and performance issues.

Deputy Jack Chambers: What were the performance targets at that time? I want to try to understand the cultural triggers within the force. Can anyone here inform me of what the triggers and performance related targets were for personnel, from assistant commissioner up, at that time? Can anyone give me any indication about the data used to pay the payments we know were made in the context of the public service process at that time?

Ms Nóirín O’Sullivan: I had been in human resource management before that time. In 2006, I was, as a detective chief superintendent, in charge of the Garda Technical Bureau. I am not aware of it, but we can certainly find out for the Deputy what were the performance-related payments or data, and what were the links. We do not know it. I certainly do not.

Chairman: Have any of the Garda Commissioner’s colleagues anything to offer in terms of the question?

Mr. John Twomey: Nobody here does, certainly. The vast majority of the people on this side of the table were not in those positions at that particular time.

On another related point on which I would like to apply absolute clarity, data in relation to this did not form part of any promotion or any assignment to a specific position. It was not used as part of that.

Deputy Jack Chambers: From the Commissioner’s knowledge, was traffic data linked to bonus payments that we know were made?

Ms Nóirín O’Sullivan: In my experience, there are no performance-related targets as such.

Deputy Jack Chambers: There were performance-related targets. It is on the public record that there were.

Ms Nóirín O’Sullivan: Yes, for divisions.

Deputy Jack Chambers: No, for assistant commissioner up.

Ms Nóirín O'Sullivan: Sorry, I beg the Deputy's pardon.

Deputy Jack Chambers: The AGSI criticised it at the time.

Ms Nóirín O'Sullivan: The divisional policing plans would place targets for policing activities.

Deputy Jack Chambers: Therefore, we know targets were set.

Ms Nóirín O'Sullivan: Yes.

Deputy Jack Chambers: Were some of those targets related to traffic?

Ms Nóirín O'Sullivan: Some of the divisional policing activity targets were related to traffic and the purpose was to reduce deaths on the roads. To the best of my knowledge and in my experience, they were not related to personal or individual performance, but were related to the objective to reduce fatal and serious traffic accidents on the roads.

Every policing plan, at district, local, divisional and regional levels, would have activity-based targets. The traffic pillar would have been aimed at reducing road deaths and increasing compliant behaviour. I am certainly not aware of any target set related to performance, certainly not in my experience.

Deputy Jack Chambers: Were payments made within the Garda without any performance targets at the time?

Mr. Michael Finn: I think I know what the Deputy is talking about because I worked with a regional assistant commissioner in the past before I took up my current position. As the Deputy rightly points out, there was a scheme where there was a bonus payment paid to senior officers. I could not tell the Deputy, and I do not think the Commissioner or many of my colleagues here could tell him, right now what targets were set by those individuals because they were individuals who set those targets for themselves. If they reached those-----

Deputy Jack Chambers: Did they set their own targets?

Mr. Michael Finn: With their bosses, obviously.

Deputy Jack Chambers: Who were their bosses?

Mr. Michael Finn: They were not generic. Assistant commissioners had a specific set of targets which they set and if they achieved those particular targets, then what the Deputy is referring to happened. One would have to go back-----

Deputy Jack Chambers: For the public record, we need to know if any of those targets related to alcohol testing-----

Mr. Michael Finn: I hear what the Deputy is saying.

Deputy Jack Chambers: -----because we know there is a statistical issue.

Mr. Michael Finn: We do not have that information here today.

Chairman: They are not in a position to answer the question today.

Deputy Jack Chambers: We need to know that for the public record.

Chairman: Will Mr. Finn come back to the committee with a detailed explanation of the facts of the case, as presented by Deputy Chambers?

Mr. Michael Finn: Yes.

Chairman: I must move on.

Mr. Dónall Ó Cualáin: I was a chief superintendent in Galway in the years the Deputy mentioned, 2006 to 2009. My focus, as a chief superintendent, was completely on the targets being set to reduce fatalities on the roads. That is where our focus was. To be honest, I was not aware until I heard the scheme had been stopped that there was any such system in the public sector and I never benefitted from it.

Deputy Jack Chambers: It did not relate to Mr. Dónall Ó Cualáin specifically but it was at a position above chief superintendent.

Mr. Dónall Ó Cualáin: I understand that, but I was not aware of it from the assistant commissioners who I worked with. If targets were being driven to support some bonus payment, I was not aware that approach was being taken.

Chairman: We will not have any further light shone on this at this point but the Garda Commissioner has undertaken to respond with the full information.

I call Deputy Wallace. Before the Deputy starts, as members are looking to the Chair wondering when they will be next, I will notify those following Deputy Wallace. Deputy Farrell will be next to speak. Senator Martin Conway will be followed by Senator Niall Ó Donnghaile and Deputy Pearse Doherty, who is representing Deputy Jonathan O'Brien who is unfortunately unable to be with us today. Those are the only indications that I have got and we will proceed accordingly.

Deputy Mick Wallace: I thank the witnesses for coming in. I would like to put my first question to Assistant Commissioner Michael Finn. He was chief superintendent in charge of a Cork division for a few years. What was the overestimation of breath testing in his division?

Mr. Michael Finn: I have a specific figure for Cork city division, which I can give the Deputy. It was 133%.

Deputy Mick Wallace: Did Mr. Finn never suspect that the figure might not be accurate?

Mr. Michael Finn: No, to be honest with you. It was not until the review which looked at the figures in the southern region that this matter came to light and we said we had an issue here in relation to the way we record our data for checkpoints on breath tests.

Deputy Mick Wallace: Given the figures were so inflated, would it be true that it goes without saying that a lot of members knew they were inflating the figures?

Mr. Michael Finn: Obviously, because they were doing the checkpoints.

Deputy Mick Wallace: I am told by many members that the real big ambition in the Garda is always promotion because things get better as one goes up. Might the fear that telling the truth about the figures could possibly damage one's promotion prospects have been an issue?

Mr. Michael Finn: My honest answer to that is “no”.

Deputy Mick Wallace: Does Mr. Finn think not?

Mr. Michael Finn: I am speaking for myself and my peers.

Deputy Mick Wallace: That is fine. I do not expect Mr. Finn to speak for anyone else.

Mr. Michael Finn: From what I can say, my honest answer is “no”.

Deputy Mick Wallace: To the best of my knowledge, I heard Mr. Finn take responsibility last week for over 13,000 mistakes. Would that be true? Mr. Finn accepts some responsibility for the fact that things went haywire around the fixed charge notices. Mr. Finn will have noticed that yesterday I raised in the Dáil the issue of a female garda who is stationed in Bray. I have the result of an internal disciplinary inquiry here and both Mr. Finn and the Commissioner signed it. Dismissal is being recommended on five grounds, one of which was failure to put a criminal complaint on PULSE. A second ground was failure to safeguard a statement. This is a station where the GPSU report found that 30% of the files could not even be found in the station such was the anarchy prevailing in it. Given that Mr. Finn accepts responsibility for over 13,000 mistakes, how, in God’s name, can he recommend dismissal to a female garda for these two incidents?

Ms Nóirín O’Sullivan: It is not appropriate that we would speak about an individual case.

Chairman: I accept that. The caution I made at the outset applies. However, the question in relation to the extent of the issue is appropriate, if that could be answered. We do not want to identify an individual.

Deputy Mick Wallace: I will not identify anyone.

Chairman: The Deputy has not done so.

Deputy Mick Wallace: I have not. I am merely puzzled that the law is so different for those in senior management from the foot soldiers. Maybe I am missing something.

Chairman: The Deputy’s question is understood. It is a valid question and perhaps the Garda Commissioner would respond.

Ms Nóirín O’Sullivan: Maybe I will deal with it in the generality. I must be careful. We will not speak about any specific case. Sometimes, by putting information into the public domain, particularly if there is a sequence of events, it can lead to the identification of an individual and to be fair to individuals, we cannot do that. However, what I will say is that where any individual is identified as engaging in some type of wrongdoing, a process is undertaken which is a disciplinary process. In some instances, cases end up as criminal investigations and persons are charged before the courts. That is a very different thing from what we are talking about now. What we are talking about now, as Deputy Jack Chambers said, is a systemic-wide issue. The assistant commissioner, as the assistant commissioner with responsibility for roads policing, took responsibility and apologised for those systemic widespread issues. That is a very different scenario from somebody being identified and accused of wrongdoing.

Deputy Mick Wallace: For the record, in the case I was referring to the person was exonerated totally at the Criminal Court. Let me move on. My next question is for Assistant Commissioner Michael Finn. We know that breath test figures were dramatically inflated. Might the

figures for checkpoints also be inflated?

Mr. Michael Finn: I cannot honestly come in today and say “yes” or “no” to that. We will have to investigate to find out exactly. The data I was able to verify I have verified, and I went off externally to do that. I am happy, given the source of that, which is the Medical Bureau of Road Safety, to stand over 100% the figures I have corrected in terms of what was on our PULSE system.

Deputy Mick Wallace: With regard to mandatory alcohol test checkpoints, I understand an inspector must sign an order prior to a checkpoint to make it legal. Might it be possible that very often this order is signed afterwards, or is this untrue?

Mr. Michael Finn: I can honestly say that has not come to my notice.

Deputy Mick Wallace: Never.

Mr. Michael Finn: Correct.

Deputy Mick Wallace: It has never come to your notice.

Mr. Michael Finn: No, I am saying that categorically.

Deputy Mick Wallace: Fine. Deputy Commissioner Twomey has apologised for not contacting the Policing Authority last year, last month or at any time about this issue. There would not necessarily have been a need for a formal structure to make contact with it. It could have been through an e-mail or a phone call, and I am sure Deputy Commissioner Twomey meets people from the Policing Authority the odd time. Is there a level of distrust between the two bodies that this information could not be relayed?

Mr. John Twomey: There are two issues at play here. There is one with regard to the fixed charge notices and one with regard to the breath tests. With regard to the fixed charge notices, the Policing Authority was given a full briefing from June 2016 all the way up. On a monthly basis, it was made aware of it. I want to be clear on this point. With regard to the excesses in fixed charge notices, it was given all of the information we had. It is only since 10 March this year, following further consultation with other agencies involved, that we have been able to narrow down the numbers. As soon as we had the numbers, they were given to the Policing Authority in advance of the press conference. With regard to the fixed charge notices, it was briefed on it from June last year. That is clear.

With regard to the breath tests what happened was letters were issued, including a letter issued to the Department, and a note was put on the website. This was the context. The issue with regard to the original numbers came to notice in November 2015, and that was in advance of the establishment of the Policing Authority. I have spoken on a number of occasions to the Policing Authority and we have outlined the position on what happened. We had written externally. We had put a note on our website on the fixed charge notice. We informed the Policing Authority and briefed it. We meet every month and we answer all the questions on this. All along the way every effort has been made, and as late as last night further correspondence was provided to the Policing Authority to keep it up to date.

Deputy Mick Wallace: Yes, but Deputy Commissioner Twomey has already admitted he should have told it sooner than he did.

Mr. John Twomey: Is that with regard to the breath test issues?

Deputy Mick Wallace: Yes.

Mr. John Twomey: Absolutely, and I have accepted that.

Deputy Mick Wallace: Yes, but we have not really heard an explanation as to why he did not.

Mr. John Twomey: Letters were written and the letter was not sent out. It is a simple. There was a letter to go to-----

Deputy Mick Wallace: Apart from the letter, I cannot believe there was not a phone call.

Mr. John Twomey: As I said, all the issues with regard to the fixed charge notices were dealt with as comprehensively as we could deal with them all along.

Deputy Mick Wallace: With regard to the Commissioner, on “Morning Ireland” Cathal Mac Coille interviewed Professor Cusack of the Medical Bureau of Road Safety. Cathal Mac Coille stated the bureau knew enough in 2014 to ask the question, to which Professor Cusack replied the numbers simply did not add up. Cathal Mac Coille asked whether Professor Cusack had a meeting with the Garda, to which he replied he had regular meetings with it and he was told the Garda did not need any more mouthpieces. Professor Cusack stated the bureau does not in any way become involved in Garda operational matters and it took it at face value. Professor Cusack went on to say that in August 2015 the bureau carried out a survey of 200 of the 1,200 devices and it found, with regard to the estimation of the average use of those 200 devices, that it appeared there were not 400,000 plus tests being done on the devices but closer to 200,000 and the Garda was informed of this. This was in August to September 2015. How in God’s name did that not ring alarm bells? That was a year and a half ago.

Ms Nóirín O’Sullivan: It links into Deputy Chamber’s question on the chain of command and also to Deputy Daly’s question. We have a chain of command. This job was given to the deputy commissioner, who gave it to the assistant commissioner in traffic. In the roads policing bureau as it is now, which was the traffic bureau then, there are various people who and structures that deal with various issues. As the assistant commissioner outlined earlier, we understand the issues raised by Professor Cusack related to the procurement of mouthpieces for the Dräger units. I can ask Assistant Commissioner Finn to deal with it in more detail again. It was dealt with by the traffic policy bureau department. Professor Cusack did not correspond with me or communicate with me. He and his staff communicated with people in the traffic policy bureau.

Deputy Mick Wallace: Senior Garda indiscipline is not in the remit of the Policing Authority but it is within the Commissioner’s remit. Does the Commissioner agree there is a problem with how Garda indiscipline is dealt with? Did Superintendent Pat Murray have an involvement in the internal inquiry?

Ms Nóirín O’Sullivan: I will take the Chairman’s direction on this. I do not think it is appropriate to speak about individual members. I am not sure to what the question specifically relates but I am happy to answer a question on a broader issue if the committee wishes.

Chairman: Can Deputy Wallace rephrase?

Deputy Mick Wallace: I just read a press report that Superintendent Pat Murray was involved, but I do not know whether it is true. I want the Commissioner to confirm “yes” or “no”.

Chairman: Is there a relevance to the Deputy raising it?

Deputy Mick Wallace: There is, yes.

Chairman: I ask the Deputy again to be careful in the context of what I cautioned members about at the outset of the meeting. I am not privy to what is in the Deputy's question.

Deputy Mick Wallace: I am referring to a new internal investigation the Commissioner is setting up. In light of the problems dealing with indiscipline in the force I wonder whether Superintendent Pat Murray, who is the subject of a protected disclosure, got a job involved in the internal investigation, "yes" or "no".

Chairman: I have no advance indication of a question such as this presenting. I appreciate there are subliminal issues involved. The Commissioner is free to answer as she deems appropriate, and if the matter is inappropriate in her opinion I will accept that is the case and we will move on.

Ms Nóirín O'Sullivan: I thank the Chairman. What I can tell the committee is Assistant Commissioner Michael O'Sullivan was appointed to conduct the investigation and establish the facts.

Chairman: Thank you.

Deputy Mick Wallace: So the Commissioner is saying Pat Murray is not involved.

Chairman: I think, with respect, the Commissioner does not believe that is appropriate in the context that the Deputy has raised and I am respecting that. Is that the Commissioner's position?

Ms Nóirín O'Sullivan: Yes. The assistant commissioner is in charge of the investigation. There is nobody else in charge of the investigation.

Deputy Mick Wallace: Is he not involved in it?

Chairman: I ask Deputy Wallace to move on please?

Deputy Mick Wallace: I will move on. I realise it is hard to get answers to questions. The Commissioner said in her submission her real fear is this falsification is not confined to traffic data. Does she have anything else in mind?

Ms Nóirín O'Sullivan: No, Deputy. As I said earlier, we are engaged in huge organisational reform, with an administrative, organisational and cultural overhaul. As we overturn stones we will identify things, I have no doubt. When we do identify-----

Deputy Mick Wallace: There is nothing in particular in mind at the moment.

Ms Nóirín O'Sullivan: No, nothing specific.

Deputy Mick Wallace: Okay.

Chairman: We will come back to Deputy Wallace but I just have to ask if he could bring his contribution to a close at this point. Does he have a further question to ask?

Deputy Mick Wallace: For the record, I have been speaking for 13 minutes and the average so far has been more than 20.

Chairman: That is not the case.

Deputy Mick Wallace: The last one was 25.

Chairman: I am watching. I am trying to ensure fairness for everybody and Deputy Wallace will get a further opportunity.

Deputy Mick Wallace: The Commissioner said she will ensure people responsible at all levels will be held to account. Who will hold the Commissioner to account?

Ms Nóirín O'Sullivan: That is a very interesting question. As we have stated, including yesterday when we met all of our chief superintendents, we hold each other accountable in the first instance. However, there is a statutory framework that can hold me to account. It is set out in legislation.

Deputy Mick Wallace: In most jobs, people take responsibility for their performance. It goes without saying at this stage that there have been so many investigations and reports. Things are not really running awfully smoothly. Surely the buck stops with the Commissioner. The last Garda Inspectorate report in 2015 stated that no one had made the change happen. The Commissioner was almost two years in the gig at that stage. If the Chief Inspector was to do another report now, he would find that things have not improved since. With regard to implementing his recommendations, the Commissioner put a guy - I will not name him here today as people get upset about names - in charge of implementing that in Garda headquarters in the park. He is the subject of three protected disclosures. I do not understand how the Commissioner can expect things to change if she is going to put the fox in charge of the chickens.

Chairman: I know the difficulty involved, but will the Commissioner state what she can in the circumstances?

Ms Nóirín O'Sullivan: I will. Again, I will not speak about any individuals but I want to be very clear about something. This is a statement of facts. When I took over as acting interim Commissioner and applied for the job of Garda Commissioner in 2014, the job description included delivering on the Government reform programme that was necessary for An Garda Síochána but no one told us what that reform consisted of. Let me be crystal clear about the demonstrable track record that is there to prove what we did, albeit with, as I say, a very depleted management team. We took not only the 11 Garda Inspectorate reports but the 43 reports that were completed on An Garda Síochána over the previous ten years. I was asked about those ten years. The 43 reports contained no less than 1,400 recommendations and a significant number of those were from the Garda Inspectorate. For the first time ever in the history of the State and the history of An Garda Síochána, we set about developing a comprehensive and coherent reform programme and last June we launched the programme. The last time I attended the committee, we shared that document with it. However, we did not just launch a glossy document. We set out a roadmap of precisely what we were going to do over the next five to seven years. In that intervening period, we set about ensuring we influenced Government and got its commitment in terms of people and human resources, technology and funding needed to make it happen. We started making that happen but what really made a difference to communities throughout the country were victim service offices, our protective services bureau, Operation Thor-----

Deputy Mick Wallace: I have heard all this before.

Chairman: Allow the Commissioner to finish, please.

Ms Nóirín O’Sullivan: I can give a list of demonstrable achievements-----

Deputy Mick Wallace: I know the Commissioner can. I know that.

Ms Nóirín O’Sullivan: -----including ensuring that we created an environment where people could speak up. In 2014, when we got the anonymous letter, we were able to ensure that the issues were addressed. We created an environment where we could ensure that we were addressing issues that were raised. There is a demonstrable track record to prove what we did. We worked closely with the Garda Inspectorate and the Policing Authority to ensure that the reform programme is implemented in the way in which it is designed to be implemented.

Deputy Mick Wallace: I will finish up now.

Chairman: The Deputy must.

Deputy Mick Wallace: I will. In light of what she just stated, will the Commissioner explain to me why the vast majority of people think she is no longer the right person for the job? Will she explain why, from the feedback we are receiving, the vast majority of the people in her force no longer feel she is the right person for the job? Lastly, she might address one other small issue. Press releases on breath test figures etc. have been issued after Christmas and bank holiday weekend campaigns. Given that we now understand most of them are probably completely false and totally exaggerated, will she be formally withdrawing those press releases?

Chairman: I do not expect any response from the Commissioner on the first two matters addressed by Deputy Wallace. If she wishes to comment on the press statements, I invite her to do so.

Ms Nóirín O’Sullivan: As a team, we have a comprehensive programme. We travel throughout the country to engage with our staff at all levels, be they Garda members, civilian members or reserve members. We will get the assistant commissioner to examine the issue around the press releases. We put a statement on our website clarifying that the figures were under review and the assistant commissioner will look at the matter when his review is completed.

Chairman: We will move on to Deputy Alan Farrell.

Deputy Alan Farrell: I wish the Commissioner and her team a good morning. I would like to begin by summing up these issues and events as sloppy, appalling and an unprofessional catastrophe. I think this will have long lasting effects on Garda morale and public trust. I have listened carefully to the Commissioner’s remarks on a number of specific questions and am minded to recall her summing up of Deputy Chambers’s examples of his views and others on this matter with the term “unprofessional”. She used that term herself. Notwithstanding the direction of the Chairman, in terms of morale and public faith in the management team or individual members of An Garda Síochána or both at this point, my first question is whether the Commissioner accepts that the public and Members of these Houses are greatly concerned about the current direction of An Garda Síochána, notwithstanding the document that is under her left elbow. I recall going through that document with the committee. Would she accept that point?

Ms Nóirín O’Sullivan: On the unprofessional situation that has led to what we are dealing with here, we all get the gravity of the concern of those in these Houses as well as the public. As I stated, An Garda Síochána is also concerned. This is not just a document under my left elbow. This is a programme that we have been working on for three years. We have delivered

tangible results that are making a difference to communities and individual citizens of the State throughout the country. Otherwise, we would not be doing it. I am not in this just to produce a glossy document to talk about here or, indeed, to hide behind. I am ensuring that we are improving and professionalising the service that we deliver to every citizen of the State. I will continue to do that.

Deputy Alan Farrell: Deputy Commissioner Twomey spoke earlier on the provision of information with regard to MAT checkpoints and the fixed penalty notice issue. That communication was levelled upon the Garda authority last Tuesday. That is what the Commissioner said. Last Tuesday was 21 March. Did she mean this Tuesday? Perhaps the Commissioner will clarify the situation.

Mr. Michael Finn: I can clarify it. I gave a briefing to the chairperson and the chief executive on Tuesday, 21 March. It was two days before I did the public press briefing. I gave a briefing to-----

Deputy Alan Farrell: Why would the Policing Authority issue a press release yesterday demanding the provision of information by An Garda Síochána by the end of this week if the assistant commissioner met and briefed them on Tuesday of last week?

Mr. Michael Finn: I think what they are looking for is additional written information. I gave them a presentation similar to the presentation for the press briefing. We were able to go through all the issues verbally but I have not completed a full paper report and response for them. My staff are working on it at the moment and they will have it before the end of the day.

Mr. John Twomey: Could I clarify? It is just one or two sentences. The information was given to the authority last week. It wrote to us again on Monday of this week requesting information by Friday of this week. That is the issue. An initial report was provided last night and there is a commitment to provide the full information by the end of business today. It is Monday of this week and Friday of this week.

Deputy Alan Farrell: I wish to follow up on that particular question. Why did Mr. Finn choose to go down the route of holding a press conference rather than informing the two overarching bodies to which An Garda Síochána answers, specifically the Policing Authority and the Minister for Justice and Equality? Why did he fail to provide them with information on the specifics which he then released to the public at the press conference last week?

Mr. Michael Finn: I organised the press conference, which was in relation to telling the public that I was going to-----

Deputy Alan Farrell: I accept that but my question was why he did not inform the Policing Authority and the Tánaiste and Minister for Justice and Equality in advance of that press conference.

Mr. Michael Finn: I informed the Policing Authority and they were in there. I did not tell the Minister and I explained on Monday when I met with her in the office, that it had been an error on my behalf.

Deputy Alan Farrell: Could Mr. Finn please explain what office?

Mr. Michael Finn: I was part of the delegation that met with the Minister to explain to her the situation around the fixed charge notices and the breath testing. I took responsibility for that

and I did not submit a written report.

Deputy Alan Farrell: Mr. Finn made a decision to provide the Minister with all the information on Monday which was a few days after the press conference. I want to determine why he made that decision.

Ms Nóirín O’Sullivan: Maybe I can assist in clarifying this. As Assistant Commissioner Finn has said, the press conference was being dealt with by the chairman and CEO of the Policing Authority. Separately, the deputy commissioner had communications with the Department, and we can give date for that - prior to that happening. There is a distinction to be made in that we were not aware, at that time, of the figures. We did not have the figures when the communication was communicated to the Department.

Mr. John Twomey: It is my understanding that the Policing Authority was informed the day before of the details and on the morning of the press conference. While the press conference was ongoing, and while Assistant Commissioner Finn was outlining the information, the executive, the Garda Commissioner, myself and the others were actually in a meeting with the Policing Authority at that time giving them a full briefing. They had been given the documentation and we were giving them a briefing on that same day.

Deputy Alan Farrell: Okay. As the former assistant commissioner for change management, does the Garda Commissioner not recognise the forthright breakdown in communication and information to the oversight bodies responsible for the Garda and that we absolutely need frontloaded honesty here at all times? I appreciate the mentality she outlines, and that she has said “We have been brought up as policemen and women ...”, which I understand. Does the Garda Commissioner not understand that sometimes the provision of a small amount of information, perhaps not the overall figure, is an absolute requirement when it comes to the purpose of this committee? In the last Dáil this committee painstakingly went through a process, including a visit to Northern Ireland and Scotland, to provide the Department of Justice and Equality with examples of what the implementation of a new policing authority would look like. Does the Garda Commissioner not recognise that this is needed? While it might be privileged information to a small group at least the information is then in the hands of a responsible authority which then can make a determination for itself in a professional way as to whether parts of the information should be made public. Does the Garda Commissioner realise that she has a responsibility as part of that process?

Ms Nóirín O’Sullivan: I absolutely accept Deputy Farrell’s point. We are doing our very best to ensure that the provision of information becomes much smoother, not just to the Policing Authority, also to the Garda Síochána Ombudsman Commission and to the Garda Síochána Inspectorate. Now that we have secured the commitment to allow us to employ some civilian members it will be very helpful as it will allow us to put the administrative structures in place to ensure that smooth transition of information. Some of that administration, to be frank, is complete work overload and we are expecting people to do a lot of things. There is an importance to that work and a seriousness in actually providing information. In between our authority meetings there are a number of committee meetings each of which the people at this table attends. There is a two-way flow of information. Reference was made earlier to not just waiting to write and those interactions and meetings are very useful.

Deputy Alan Farrell: Why is Assistant Commissioner Michael O’Brien not here?

Ms Nóirín O’Sullivan: Michael O’Sullivan?

Deputy Alan Farrell: Michael O'Sullivan, excuse me.

Ms Nóirín O'Sullivan: We did not think it was appropriate as he is conducting a fact finding investigation, but he can certainly be made available to the committee on another date.

Deputy Alan Farrell: The witnesses were previously questioned around the make-up of the investigation. Deputy Commissioner Twomey put a rough figure on it. I want to extrapolate this a little bit. I appreciate that he does not have the exact figure and that he will come back to the committee on that. Could we put into brackets the numbers of individuals across the State who are working on this? The deputy commissioner mentions between five or six and ten people, with additional personnel being brought in to support. Would he estimate that it is fewer than 20 or more than 20 individuals; are they all sworn members of An Garda Síochána or are they also professionals within the force?

Mr. John Twomey: For clarity that figure relates to the initial, partial examination in one particular area. It is both sworn members and civilian members. There are skilled analysts providing the number crunching. At the moment there are a number of people in every Garda division doing the exact same work. We are talking about closer to 80 to 100 people now. Every Garda division has a number of people working on it, both sworn and civilian members, supported by analysts in all of those cases. It is complex. It starts in 560 Garda stations and is cascades up to 103 Garda divisions where the superintendents compile the numbers. Then it cascades again up into the 28 Garda divisions. There are people everywhere and that is the region of the number we are talking about at the moment.

Deputy Alan Farrell: I understand that this breath testing matter came to light because there was a disparity between the numbers of mouthpieces ordered compared to the numbers of tests recorded by the Medical Bureau of Road Safety. The witness said earlier that sergeants were responsible for inputting the records of breath tests, either at the time or a couple of days afterwards depending on shifts and workload. Is that only done by sergeants or is it the individual member who was in charge of the checkpoint?

Mr. Michael Finn: If a sergeant is out with the personnel who are doing the checkpoint then he or she would be the senior person who would come back and update the numbers. If a sergeant was not present at the checkpoint then it would be the responsibility of the senior garda.

Deputy Alan Farrell: I see. In response to Deputy Brophy's query earlier, Mr. Finn spoke of personnel who were deployed on the street and who did the breath testing and inputted the figures into the system, either entirely accurately or entirely inaccurately. Could the witness explain if any of the fact-finding personnel under Assistant Commissioner O'Sullivan are the same individuals who would have been out on the street or their senior personnel? Has the Garda Commissioner ensured that the personnel involved are not, and never have been, those who stood at computer terminals punching in the numbers?

Ms Nóirín O'Sullivan: Assistant Commissioner O'Sullivan is putting together a team of people. He was a detective chief superintendent so the team he will put together will be people who are not involved in the traffic enforcement activity.

Deputy Alan Farrell: I spoke earlier about the disparity, or the delay, in informing the Minister in particular and the witness has expressed regret on that matter. I have adequately outlined how important it is to provide information even if it is not a full picture, in order to give that information across. The Garda Commissioner was fairly blunt in her opening statement,

which I appreciate, but the matter that came to my attention yesterday on the publication of the internal audit was alarming to say the least. The sheer timescale of that report and previous reports, with partial implementation and then slip-back, was appalling.

One issue is most stark in all of this. I will use the term misappropriation while others might use stronger terminology. When it came to the leasing of a farm that had been earmarked for certain facility upgrades to Templemore College, which was then leased to a farmer with the proceeds ending up, I understand, in the canteen and shop account that amounted to hundreds of thousands of euro. I do not have the report in front of me so I am guesstimating. Those moneys were then expended on whatever was deemed appropriate. There is a word that I would attribute to such activity. I shall parse myself carefully to say it would appear to be embezzlement because, when one thinks about the matter, it is receiving moneys that were not rightfully one's own and putting them into, effectively, one's own account and then using the moneys for personal reasons.

Chairman: I caution that this is not one of the issues for address. However, I shall allow the Commissioner, if she wishes, to make a brief response to the Deputy's question.

Deputy Alan Farrell: I thank the Chairman for his direction.

Another issue is the €100,000 from a sporting organisation that was sent in four tranches to the boat club account. Again, presumably for uses for the personal benefit of the individuals who had access to the account or perhaps those within Templemore College but I am not sure. I wish to refer to the alarming responses by the auditing service within An Garda Síochána and, indeed, the previous financial director's report from 2008.

Can the Commissioner any the following questions? Are the individuals who were in charge of Templemore College up to 2008 still serving within An Garda Síochána? Clearly, I do not need to hear their names as I do not wish to identify individuals. Are the people in management positions? Are they no longer present in An Garda Síochána? Does the Commissioner accept the seriousness of the interim report? Does she accept the nature of the investigations that are now required by, presumably, the Office of the Director of Corporate Enforcement and-or others? Does she appreciate the seriousness of that issue?

Chairman: Is the Commissioner in a position to answer?

Ms Nóirín O'Sullivan: Yes.

Chairman: I know that this is not one of the signalled areas of address. The Commissioner can reply if she feels she is in a position to respond to Deputy Farrell's questions. I advise the Deputy that I must move on to another item after the Commissioner responds but will get back to him.

Ms Nóirín O'Sullivan: Chairman, if I may, I will just respond and then I shall get the chief administrative officer to reply. The Deputy asked whether we understood the seriousness of this matter. We absolutely do. So much so that when I received the interim audit report, containing the recommendations, I immediately tasked the deputy commissioner and the chief administrative officer with putting in place structures to implement the recommendations, even pending waiting for the final report. I can get the chief administrative officer, if the Chairman wishes, to give a very high level overview of what we are doing.

Chairman: Mr. Nugent, please.

Mr. Joseph Nugent: It is important to stress that these recommendations that are in place will be implemented by the middle of this year. It is important to send that message to the public that the trust in the college and the financial controls that are necessary to run a modern institution are resolved and will be in place by the middle of this year.

As the Commissioner has said, the Commissioner directed that the interim recommendations in the report - and if I can, Chairman, I shall make a brief sidebar on this piece - were implemented before the finalisation of that audit report. I will explain the timeline on that in a moment. What does that mean? It means that the report arrived formally at the audit committee last week. In the intervening period when the draft had been prepared work had commenced on resolving the issues. We absolutely take them most seriously. There is a dedicated team in place to resolve these issues. They report directly to me and will report directly to me until such time as the recommendations are finalised. I commit to the Commissioner that that will be done by the middle of this year.

I will explain the timeline between the two pieces because I think it has been a matter of public comment. A draft report was presented to the Commissioner in or around the end of August last year. The normal process associated with those audits is that individuals who have an interest in this matter have the opportunity to make comments. Given the number of people involved that meant the report could not be finalised until relatively recently.

Deputy Farrell has raised some very serious questions. I am conscious of other issues that are on. I am more than happy to brief the committee, individually or collectively, around this issue. We can get more information on that at a later date, if that would help.

Chairman: I thank Mr. Nugent.

Deputy Alan Farrell: I would certainly appreciate that and I thank Mr. Nugent for the offer.

Chairman: That is a matter we can address then.

Deputy Alan Farrell: May I ask one last question?

Chairman: One last question in this segment, please.

Deputy Alan Farrell: I shall finish with a short question. The Commissioner, in her statement to the committee this morning, mentioned the anonymous nature of the complaint made by a person who claimed to be a Reservist in 2014, which was sent to the Road Safety Authority, the then Minister for Transport, Tourism and Sport, the then Minister for Justice and Equality and the Commissioner herself. She mentioned in her remarks that the fact the source of the document was unidentified was a hindrance. Can she clarify why unidentified information was a hindrance to the investigation that ensued?

Ms Nóirín O'Sullivan: Two things. First, it did not specify a specific area. That is why we had to have a region, which was at the time the west region.

Deputy Alan Farrell: Geographically.

Ms Nóirín O'Sullivan: A geographical area.

Deputy Alan Farrell: I see.

Ms Nóirín O’Sullivan: Second, and what we try to encourage, if a member or anybody wants to come to us to raise issues with wrongdoing it is always much easier to sit down with the individual, hear what he or she has to say and be able to identify it. That is why it would have been much better. That did not stop us, nevertheless, looking at the generality of the issues that were raised in the letter.

Deputy Alan Farrell: That is okay.

Senator Martin Conway: Good morning, Commissioner. At the outset it is only fair that we put on the public record the good work that is being done by An Garda Síochána and the thousands of men and women who risk their lives for us on a daily basis. We should always take cognisance of that fact in our deliberations.

I will make one comment on Templemore College. It is quite remarkable that Templemore College is where the fraud squad is trained and now we have learned what has gone on. Perhaps the matter is for discussion on another day.

In terms of the inflated figures for breath tests, how many individuals from the time that a garda on duty inputs his or her information do the figures go past before they are published?

Ms Nóirín O’Sullivan: I thank the Senator for his question and comments. I will make a broad statement.

In relation to the audit report, I want to make the following very clear to the committee, and obviously the report has been examined in detail. There has not been any criminal aspect identified at this time. I just wanted to be clear on that.

As well as doing traffic enforcement and preventive measures, all of the men and women of An Garda Síochána must deal with very serious threats from crime, organised crime and, indeed, from terrorism. We have to take that in context.

I call on Assistant Commissioner Finn to answer the questions on sequencing.

Mr. Michael Finn: In terms of a MAT checkpoint, an inspector above would schedule MAT checkpoints. He or she fills out an authorisation to say, “You have to do ten checkpoints over the next period,” or whatever. They get put on our PULSE as an incident that needs to be done. It is recorded on a PULSE system. After the checkpoint is completed the member would come back. He or she may very well ring our call centre in Castlebar from the scene, as happens in cases, and he or she can update that. As I explained earlier on, if it was a Friday night or a very busy occasion, he or she may be unable to do that on the day so it could be the following day before it happens.

If there are a number of people at the checkpoint, and there might be a sergeant in charge, but if the sergeant is out there with a number of people, and sometimes we conduct super checkpoints on the motorways, it is a big grouping-----

Senator Martin Conway: Assistant Commissioner Finn, I mean once the figures are inputted either in paper form or on the computer.

Mr. Michael Finn: Yes.

Senator Martin Conway: How many more people can redact the information before it is published?

Mr. Michael Finn: The following morning, we will say, we have our accountability meeting and all of the incidents that happened the previous night are produced to the superintendent, in terms of what happened overnight, including the listed schedule of all of the checkpoints. Everything is presented in a daily report. If a mass checkpoint was carried out then it would be incorporated in the daily report that is produced for each superintendent.

Senator Martin Conway: Is it possible to alter, change or redact the figures? Is it possible that they were? For example, when a checkpoint is done and dusted, figures are entered on the system, which then go up to another level of authority where they could be redacted for some reason.

Mr. Michael Finn: I have never in my entire career experienced that. It is technically possible and that will be part of what my colleague, Assistant Commissioner O'Sullivan, will be doing to see is there any evidence of that. If there was, we are confident that we could find that out because every record that is created is on our PULSE system and if there is any amendment to a record, we can track down who entered it, who changed it, when and where. That is all recorded on our system.

Senator Martin Conway: The Commissioner held a press conference on Monday and she announced the Garda would carry out an internal audit. Did she not think that this was serious enough that an outside body should have conducted the audit for the Garda? Given that the problem arose within the force, did she not think it would have been more appropriate for an outside body to have carried out this audit? It took the Cabinet last Tuesday to decide to carry out an outside investigation. Did she not think that this was serious enough that it warranted bringing in independent external expert to carry the audit out?

Ms Nóirín O'Sullivan: Yes, I did. I had written to the Policing Authority asked them in their deliberations and consideration of the matter would they consider perhaps handing the matter over to the Garda Inspectorate or some other competent body to look at it. The purpose of bringing in the internal audit - that was on the advice of our own audit committee - is to look at the audit that has been done and just to check the methodology and the processes, etc., that we used for that. Our audit committee has raised the question of whether this was an audit within the meaning of an auditor's audit or whether this was an examination. It was probably more of an examination and a review as opposed to a technical audit but, nevertheless, Deputy Commissioner Ó Cúaláin, instructed the head of internal audit to come in and have a look at the process that had been employed. It was always our preference to have somebody independently look at it and that is why I wrote to the Policing Authority.

Senator Martin Conway: The inflated figures were inputted by members of An Garda Síochána, whether it was for reasons relating to promotion, financial reasons or whatever. My concern is that, as part of their job, they have given evidence in court and people have been convicted on the basis of their evidence. There are people in jail as a result of the evidence given by individuals who inflated figures relating to breath testing. To bring this to its logical conclusion, if they were prepared to input figures on paper or into a computer that were incorrect, they could have given evidence in court that is incorrect and, potentially, people have been convicted of crimes and are serving sentences on the word of these members, which has to be questioned. Is that a fair, logical conclusion?

Ms Nóirín O'Sullivan: No, I do not agree that in so far as I mentioned earlier when Deputy Chambers asked me to give a hypothesis. The hypotheses is that people did not consider it. We are talking about preventative checkpoints that had been done and then as the Assistant Com-

missioner outlined, a day or two days or after a shift or two shift later, somebody was asked to enter a figure on behalf of the team that did the checkpoint. I absolutely accept it was administratively sloppy, as Deputy Farrell said. Hypothetically, did somebody not remember the number and make up a number? We have evidence to prove that there are reviews, checks and balance in respect of detections, arrests and prosecution under Operation Thor. The rigour applied to that is a different type of rigour and the rigour that applies across the broader spectrum of policing is what I have tasked the assistant commissioner with in the context of the overhaul and review of traffic and roads policy that we are doing because that rigour may not have been applied in the same way as would be applied to other policing activities, particularly around criminal enforcement and investigations.

Senator Martin Conway: I do not agree with the Commissioner. If somebody is prepared to falsify information at a lower level, then they are capable of falsifying information at a more senior level and for more serious offences. This is extremely serious as well but if they are prepared and happy to be sloppy in the recording of information, it is possible that they will be sloppy in giving evidence in court.

Mr. Michael Finn: It is important, and we have learned from this that robust systems need to be put in place that will make sure this does not happen again. We have to improve our IT system and we have to ensure the record data fields to capture that information. If we go back ten years to the start of this process and I was designing an IT system, with hindsight, I would have changed it to make sure checks and balances were in place and to make sure what happened could not happen. We are here today. We have put the checks in place and that is a lesson learned for us.

Senator Martin Conway: The Commissioner stated during her press conference on Monday that there may be more coming down the tracks. She drew an analogy about turning a rock over and finding stuff under it. In making that statement on Monday, she must know something else is coming down the line. She is aware of the Templemore scenario, which she got into the public domain quickly enough, but I would like to give her the opportunity now to give us a heads up regarding other issues of serious concern that she has identified or that she suspects are there.

Ms Nóirín O'Sullivan: I have no specific information at this point about anything but when we are identifying where we are right and where we are wrong, we are identifying bad practice but we are also identifying good practice and I will give some examples of good practice. When we started looking at how victims were being treated, we looked at areas of good practice. We were able to pick them out and implement them nationally but putting a standard operating procedure in that supports that practice to make sure we have consistency nationally. We looked at our protective services bureau, for example, and we will be able to roll those out in the next few weeks.

I do not know what is coming down the tracks but we have systems, and we are putting structures in place, that make sure we identify issues, deal with them and put them right. If we identify them, we will do what we did in this case and make everybody aware of it, including the Department, the Policing Authority, the audit committee, this committee and the public. A positive thing always comes out of a negative. One of the positive things that has come out of this discovery relates to young members around the country whom the Senator mentioned. In January this year, we launched a code of ethics with the Policing Authority and it is important that every member of An Garda Síochána understands and realises that ethics is about doing the right thing when no one is watching. If I am the garda who has to enter the figures, I have

to understand their importance to traffic enforcement and to the reputation and credibility not just of An Garda Síochána but, most important, to the trust and confidence every member of the public has in the force. Since I became Commissioner, I have said trust and confidence is built one encounter at a time no matter who you are in An Garda Síochána. This is an opportunity for us to drive that home to every member. We spoke to our chief superintendents yesterday who said that since last Thursday, we have been inundated by individual gardaí coming forward and saying, “We realise the importance of this”. There is a huge lesson in this for everybody.

There is no question we will deal with how this happened and that is what Assistant Commissioner O’Sullivan is doing but this helps us hugely in shifting the culture.

Senator Martin Conway: I seek clarity on a couple of other issues. In terms of the people who are carrying out this audit, led by Assistant Commissioner Mr. Michael O’Sullivan, are they working 100% full time on this audit?

Ms Nóirín O’Sullivan: Yes, they are. We were asked about the gravity with which we take this audit. Mr. Michael O’Sullivan was only recently appointed assistant commissioner by the Policing Authority. Such is the gravity that I take this situation with, I have not assigned him any responsibility other than sole responsibility for dealing with this matter. He has given a commitment that he will provide a report within three months. He will provide a report within one month to the authority. For the information of the committee, there was an independent review or examination announced by Government. We will very much welcome that. As part of the work that Mr. O’Sullivan will do, he and his team will be there to support whatever that investigation is.

Chairman: I ask the Senator to bring his contribution to a close after the next question.

Senator Martin Conway: Yes, I just have a couple of short questions. Has the witness received any correspondence lately of an anonymous nature or otherwise outlining other bad practices within the force not necessarily similar to what we are dealing with today? Has the witness received any correspondence in the last six months outlining bad practices that An Garda Síochána is now investigating?

Ms Nóirín O’Sullivan: We have received, not correspondence outlining bad practice, but a lot of correspondence in the last six months. We will have to check and see if there is anything specific. I can certainly come back on that. Anything we do receive, we deal with. It can come in at different layers of the organisation as well.

Senator Martin Conway: My last question is about public confidence. It does not give me any pleasure to say this, but at this stage the dogs in the street do not have confidence in the senior management of An Garda Síochána. I do not know how it is going to repair that. At what point would the witness consider her position and those of her senior management team to become untenable in terms of the future of the force?

Ms Nóirín O’Sullivan: There is a statutory framework set out in legislation to deal with the issues-----

Senator Martin Conway: I am talking about the witness herself. When does she believe that point is? What is her view on this? I just want to get a handle on it.

Ms Nóirín O’Sullivan: The witnesses that the Senator is looking at and the senior management of An Garda Síochána have all committed to delivering on this reform programme and to

working with the men and women of An Garda Síochána to deliver a modern and professional policing service that serves the people of Ireland. We are quite prepared to go out there and have courage, because it does take courage and it is not easy. The push-back we get is immense, both internally and externally. It takes courage, determination and drive, particularly at times of crisis. Deputy Wallace was asking earlier about the period since 2014. The fact is that since 2014 we have been dealing with a lot of historic reports and issues that only came to the fore at that point. We are not afraid and we have the courage to deal with those. We have the determination. The Senator asks a very important question about public confidence. What is needed is strong and visible leadership, internally and externally. That is why we make ourselves available both internally and externally. We are not just the policing service, we are the security service as well. At a time when we are dealing with a threat from organised crime, a threat from the volume of crime throughout the country and a threat from international terrorism, we have to be there to show strong, visible leadership and be in a prepared state to be able to respond, which we have done to the organised crime threat and which we will continue to do.

Mr. John Twomey: I just wish to add to that. Yesterday afternoon, we met all of the assistant commissioners, chief superintendents and civilian support staff from all around the country. There was a very clear determination from everybody in that room that whatever action needs to be taken throughout the country will be taken to rebuild whatever damage is done to the trust and confidence and to which the Senator quite rightly referred. The errors of today, which the Commissioner and members of the committee have described in many different words, will become strengths as we move on. The strength of the organisation is built on what has happened in the past. There is a very clear and palpable determination from the people to reach out to every member in every corner of the country to address the very issue the Senator asked about.

Chairman: I now call Senator Niall Ó Donnghaile and Deputy Pearse Doherty, who have both indicated, in whichever order. Is Senator Ó Donnghaile going first?

Senator Niall Ó Donnghaile: Yes.

Chairman: The members of the committee and the clerk included have had the wherewithal to vacate their seats to use the services of the toilet facilities. I am very conscious that the witnesses themselves are not so easily in a position to vacate their seats. Perhaps after the next couple of speakers, if the witnesses would like, we could take a ten minute break to allow use of the facilities. We are extending the sitting with the witnesses' co-operation, if that is in order, to allow each member an individual contribution of five minutes, which includes not just their questions but also the response to those questions. I need the members' total co-operation on that. We will go into private session immediately following that. That is the order in which I intend to conduct the remainder of the meeting. At this point, I call Senator Ó Donnghaile. After the next contribution, a break for ten minutes might be appropriate. Is that agreed? Agreed.

Senator Niall Ó Donnghaile: I thank the Cathaoirleach for his guidance as always. I thank the Commissioner and her team for attending. A number of colleagues have tried to tease out with limited success through no fault of their own the mechanics and timelines around the disastrous controversies that the Commissioner has outlined. I want to home in primarily but not exclusively on the rather short statement the Commissioner made to the committee this morning. While I concede that I do not have the legal experience or prowess of some of my colleagues, I did note the Commissioner's very careful use of language in her opening lines. Even at this stage, I wonder why this disastrous controversy is regarded as either "grave mistakes" or "wrongdoing", especially as she later went on to concede in her oral contribution that we may be dealing with a situation in which gardaí knowingly submitted false information. The other

scenario she offered up was that they did this somehow in error or through ignorance. I was always told and directed that ignorance of the law was no defence. Either way, I am curious to know why this is not a much more serious issue than simply a mistake or a wrongdoing.

In terms of the witness's own remarks and her contributions to the press over the last couple of days, I wonder whether she specifically informed the Minister for Justice and Equality before she or her organisation spoke to the press. When did she make the Minister aware of the scale of this controversy and of the falsified breath tests? What was the level of information that she offered to the Minister in that regard?

I understand we are under time pressure, but I wish to make a point that deeply troubles me and should cause this committee and the public great concern. It relates to the second last line of the witness's opening remarks today, in which she said, "My fear – my real fear - is that this falsification and these mistakes may not be confined to traffic data." I think the Commissioner does us and the public a terrible disservice by raising a red flag like that without expanding upon it. She raised that red flag and then told us she has no specific evidence. Has she limited evidence? Has she an idea? Has she had any kind of confidential disclosure? For example, has she had any detail around whether this data relates to the recovery of drugs, weapons and firearms, domestic violence statistics as referred to earlier today, or the arrest and registration of sex offenders? Where exactly are her concerns on this? The witness has spoken about leadership and I agree with her. At times of crisis in particular, there needs to be very strong leadership indicated. I do not think that coming in here and raising that red flag is showing leadership. I think it is bordering on showing contempt for this committee and indeed the public. I would hate to think it was, worse again, in some way a red flag to try to distract from the controversies referred to today.

The Commissioner said if you overturn a stone you find something. I noted that Senator Conway referred to it and I was glad that other members were aware of what she said. One does not always find something when a stone is overturned. Sometimes one finds only grass or sand or the ground. It is a really insightful comment from the Commissioner about the scale of the cultural problems within her organisation. That is why public confidence is at rock bottom.

Ms Nóirín O'Sullivan: I would not like to suggest in any way that either my short statement, because I was asked to make a short one, or the way we presented something showed contempt for the committee, quite the opposite. We came in here to try to be open, frank and honest. I would not like anyone to believe we are being contemptuous in any way whatsoever, quite the opposite.

As the Senator says, sometimes when one turns over a stone one finds nothing and that is very good but sometimes one finds a little pearl. We have found good practice. The Deputy Commissioner has outlined precisely what he is doing in respect of the reviews that are ongoing on the data quality committee. I was not raising a red flag but saying, not in a contemptuous way at all, that the reality is that as we go through the type of really deep organisational, administrative overhaul we are going through we might find something. Have I anything at the moment? No I do not. We will continue and when we do find something we will identify, address it and make it known to the people who need to know, such as the Policing Authority, the Department, this committee and the public. That is what we will continue to do because that is important to us.

We can go through the detail of the sequencing of the correspondence with the Department again. The Deputy Commissioner can go through the dates and what we did and told, and the

Assistant Commissioner can give the dates of when we discovered this precisely. We are happy to go through that with the committee.

Senator Niall Ó Donnghaile: What about the Commissioner's engagement with the Minister? She is accountable to the Minister. Would she not have thought it was far more appropriate to engage the Minister and indeed the Dáil, and even this committee, dare I say it, before this was released into the public domain? What steps did she take over the past couple of days and weeks in respect of this controversy and her engagement with the Minister?

Ms Nóirín O'Sullivan: Mr. Twomey can talk about the date on which we wrote to inform the Department. We did not have the facts but, as the Assistant Commissioner, Mr. Finn, outlined, when we became aware of them and they were available to us, the Policing Authority was informed, everybody was informed. The Assistant Commissioner Mr. Finn, the Deputy Commissioner, Mr. Twomey, and I had a meeting with the Minister in her Department on the Monday morning. At that stage we had the detail that was outlined and we shared that with the Minister and the Department.

Chairman: The Deputy Commissioner, Mr. Twomey, indicated earlier that he might like to take the opportunity to elaborate somewhat on the way other areas were addressed. The Senator's question perhaps invites such a response. Maybe he could take that opportunity now.

Mr. John Twomey: We referred to the inspectorate's reports. They relate to the broad brush of our data and our data retention. It identified specifically crime classification, reclassification, attention and complaints. It recommended that there were too many people involved in that entire process up along the chain and there was no strict rigidity in how we dealt with it.

On Monday, in our information centre in Castlebar, we made the decision that it will become the centre of excellence for the country. All decisions on classification, reclassification and detection will be made in that centre. In the work over the past year we have been considering the processes and procedures. We had to get two things into place, one was additional staff and one was additional information technology, IT, facilities to do that. The staff have now been provided. With effect from next Monday all stations in the northern region of the country will enter into this process. In essence what will happen now is that a crime will be classified by Castlebar, by the Garda Information Services Centre, GISC. The quality assurance will be provided by the same centre. Any decision about reclassification will be made by those particular people. They will assure the quality of all the data that comes in. That will cascade around the country and will take control of it. That is a clear recommendation from the Garda Inspectorate. It goes a step further in that it takes out an individual layer the inspectorate suggested should be there. On reviewing it we took that out.

We will review the crime classification, the reclassification and the detections, for example, a new domestic violence policy is coming out. The Commissioner spoke about the protective service bureau that has been established in the centre. It quality reviews incidents daily. The divisional protective service units will be in place next month, May, in three divisions around the country and that will continue to roll out. The domestic violence policy will ensure that every member of An Garda Síochána is trained in doing a risk assessment in advance of the incident; doing a risk assessment while at the incident and in the interaction that will take place with the various non-governmental organisations, NGOs, that work in this area. There is a great deal of work coming through in that specific area. Our most vulnerable victims will have access to fully trained, fully resourced investigators, interviewers and people who can deal with these dreadful issues that they encounter. That will start from next month. That is the process and

that is the work this committee has done. It is an ongoing process. It takes time from a resourcing perspective and a research perspective. That work will continue. It starts on Monday and we expect that it will be completed by the end of the year.

The committee is aware from previous presentations that we are unable to properly record our call data. There is an interim IT fix coming in. It has started and we expect it to be everywhere throughout the country by the end of June, and by the end of the year there will be a form of integration with police using leading systems effectively, PULSE. We are dealing with very old technology and we are trying to bring that up to modern standards. We are putting a fix into something that is 25 years old. That is where we are coming from. We have repeated on several occasions that where there are issues of wrongdoing or matters of concern that we need to tell people we will do that. That is what we are doing in this instance. It is unfortunate that we do not have all the answers everybody requires because we took the unprecedented step of putting the information into the public domain when we felt it was the right thing to do from a cultural perspective.

Senator Niall Ó Donnghaile: I want to be clear in my own head in terms of my earlier remark because much of that did not cover what I asked. The witnesses had a press conference on Friday, is that right?

Mr. Michael Finn: Thursday.

Senator Niall Ó Donnghaile: They met the Minister on Monday. When did they receive the information that they presented at the press conference? When was it collated and when was it given to the Department and the Minister? I presume it was not presented to the Minister retrospectively, after the press conference on Thursday. I want to clarify that timeframe. Then I want to make one more brief, final point.

Mr. John Twomey: There were two press conferences, one that Assistant Commissioner Finn, held, that put the issue into the public domain, on 23 March. There was a subsequent press conference last Thursday. That was when the team came forward and addressed the issue of concern. In that intervening period the information had been provided.

Senator Niall Ó Donnghaile: When?

Mr. Michael Finn: On Monday, 27 March.

Senator Niall Ó Donnghaile: To whom?

Mr. Michael Finn: At our briefing with the Minister.

Chairman: Does Senator Ó Donnghaile have one more question?

Senator Niall Ó Donnghaile: Finally, an area we have not really covered in terms of the statement today was the Commissioner's final point to ensure that people responsible at all levels will be held to account. The Commissioner might elaborate on the protocol in terms of what is currently happening, not just in terms of investigation but where problems, wrongdoing and negligence has been identified, the next steps that will be taken. Also, to go back to Deputy Clare Daly's point, will the Commissioner accept that she, too, has a responsibility and that ultimately, as Commissioner, the buck will stop with her? Given the scale of this problem, there is a great degree of lack of public confidence in her and in her organisation, as well as among the membership of An Garda Síochána. Does she concede and accept that she is as liable to be

held responsible for her actions?

Ms Nóirín O’Sullivan: As I said to Deputy Daly, of course I do. As members of An Garda Síochána we are all responsible and accountable; I am no different in that regard. I am a member of An Garda Síochána, the same as everybody else. There is a statutory and legislative framework in place that can deal with that.

The Senator asked about the processes in place. I outlined earlier that Assistant Commissioner Michael O’Sullivan has been appointed to undertake that process, and it is important that the committee understands that it is a process. His investigation will identify what precisely happened, how it happened and who was responsible, and then the appropriate action will be recommended.

Senator Niall Ó Donnghaile: Has the Commissioner initiated any kind of protocol, given the fears she expressed about other data and this not being confined simply to traffic data? Has she initiated any protocol to investigate those fears, given the scale of this controversy?

Ms Nóirín O’Sullivan: As the deputy commissioner outlined, he is chairing a group that is looking at this right across organisational-wide systems.

Mr. John Twomey: It looks at it on an ongoing basis every day because we are such a data-rich organisation. This is an ongoing exercise every day as part of due diligence.

Chairman: I will call Deputy Pearse Doherty shortly. Would Senator Frances Black and Senator Lorraine Clifford-Lee mind if, following that, we then had the toilet break for ten minutes following which we will resume? By way of clarification for members, it was always my intention that we would break for ten minutes, which will bring us up to about 12 noon. When we resume, Senator Black and Senator Clifford-Lee will be the first speakers. I will then offer members the opportunity, and it is not obligatory that they take it - in fact, it would be great if some did not - to have a further five-minute bite, so to speak. I will call members in exactly the order in which they contributed in the first sequence as they indicated, and as I have personally noted them. That is how we will do our business. Members should remember that the five minutes will have to be strictly applied. It will be for the question and also the reply, following which we will thank our visitors and go into private session.

Deputy Clare Daly: Is the Chairman taking into account the voting block in the Dáil, which will be substantial? Does he expect the meeting to continue or does he intend to close it before the voting block because that would dictate-----

Chairman: For what time is the voting block signalled?

Deputy Clare Daly: Around 12.50 p.m.

Deputy Jim O’Callaghan: We should be finished.

Chairman: Please God, fingers crossed we should be finished, if all the members co-operate.

Deputy Clare Daly: The Chairman needs to be conscious of that in terms of timing.

Chairman: I am conscious of it now. Thank you.

Deputy Clare Daly: He might get an indication now of who wants to contribute a second

time.

Chairman: I ask that people who do not need to should not, but the point I am making is that it is not obligatory.

Deputy Clare Daly: Yes. The Chairman might take a note of who wishes to contribute a second time so that he can manage that before we come back?

Chairman: We can, of course.

Deputy Clare Daly: A five-minute break might be enough.

Deputy Jim O’Callaghan: It is up to the Chairman. I will take that.

Chairman: Deputy Daly, are you going to forgo?

Deputy Clare Daly: I might as well contribute again.

Chairman: I will ask the members. Does Deputy Brophy wish to speak again?

Deputy Colm Brophy: Yes.

Chairman: Deputy Chambers?

Deputy Jack Chambers: Yes.

Chairman: Deputy Wallace, you are probably finished, are you?

Deputy Mick Wallace: I might as well say a few words.

Chairman: Deputy Farrell is not present, although that might not be the case. Senator Conway?

Senator Martin Conway: Yes.

Chairman: Senator Ó Donnghaile?

Senator Niall Ó Donnghaile: I will wait and see.

Chairman: I will call Deputy Doherty now who will be followed by two subsequent speakers. I think we will manage. Deputy Doherty has the floor.

Deputy Pearse Doherty: Cuirim fáilte roimh an Coimisinéir agus an fhoireann chuig an coiste. To start with the Commissioner’s opening statement, she spoke about “collective failure from top down and bottom up”. She stated: “We all take responsibility for this”. Does that mean that every garda is responsible for this appalling mess? Is every person who wears the uniform responsible?

Ms Nóirín O’Sullivan: It reflects on us all. As I said to Deputy Chambers, it reflects on the professionalism of the organisation and, as such, we all have to take responsibility for that.

Deputy Pearse Doherty: Is it fair to the garda working in the traffic corps who did not input false data, had no supervision role, was not appointed as assistant commissioner or Commissioner for the Commissioner to say that he or she is responsible as well?

Ms Nóirín O’Sullivan: What we are saying is that this reflects badly on all of us. I know

from gardaí I have spoken to in recent days who are out there every day doing the right job that they are embarrassed by this-----

Deputy Pearse Doherty: Of course they are-----

Ms Nóirín O'Sullivan: -----but they are doing the right job.

Deputy Pearse Doherty: -----but that is not what the Commissioner has said. She said they were responsible. She said, "We all take responsibility for this". I suggest to the Commissioner that members of the Garda Síochána under her control who had no hand, act or part in this were not responsible and it is wrong for her, as Commissioner, to spread the responsibility that wide and suggest to them that they were in some way responsible for this.

Ms Nóirín O'Sullivan: If we look at the staggering figures available, that is why Assistant Commissioner Michael O'Sullivan is getting to the bottom of this to identify exactly who is responsible but I can tell the Deputy that the people I have spoken to in recent days feel an absolute collective embarrassment. They feel collectively sorry, as we all do, for this and how it could have happened. That is what we are saying in the statement.

Deputy Pearse Doherty: With respect, that is not what the Commissioner said. She said, "We all take responsibility for this". Does the Commissioner want to withdraw that remark with regard to suggesting that each person is responsible for what has gone on?

Ms Nóirín O'Sullivan: I am talking about collective responsibility. When I say "individual", that is what Assistant Commissioner Michael O'Sullivan will do. He will identify the individuals responsible. Collectively as an organisation we are the men and women of An Garda Síochána, and there is a collective responsibility. This is not laying the blame at any individual's door. That is Assistant Commissioner Michael O'Sullivan's job. What we are saying is that we are apologising, and as Commissioner I am apologising, to the public on behalf of the entire organisation for what has happened.

Deputy Pearse Doherty: I will move on but I suggest the Commissioner has already laid the blame on every member of the Garda Síochána in her opening statement and she has failed to withdraw that when I have given her the opportunity to do so. That is misguided on her part.

With regard to the figure of 14,700 we have heard about since the press conference, can the Commissioner inform the committee if it is the case that each of those 14,700 prosecutions were carried out as a result of the persons involved not being afforded the opportunity to pay a fixed charge notice? Is that the case?

Mr. Michael Finn: That is correct.

Deputy Pearse Doherty: Each one of those 14,700 individuals were not given an opportunity to pay a fixed charge notice and that is where those figures stem from, is that correct?

Mr. Michael Finn: That is correct. All of these matters that are fixed charge notices, FCNs, relate to offences we detected, and we did not give the persons involved the opportunity to pay an FCN. That is why we have identified all of them.

Deputy Pearse Doherty: What is the story with the 1,130 individuals who were also summonsed to court who paid their fixed charge notices? Were any of them prosecuted?

Mr. Michael Finn: I do not understand.

Deputy Pearse Doherty: A total of 1,130 individuals were summonsed to court for offences where a fixed charge notice had already been paid by them. Were any of them prosecuted? Were any of them convicted?

Mr. Michael Finn: Of the total number of people we have identified who were summonsed to court, only about one in ten received a penalty, which we will have to appeal to the higher courts.

Deputy Pearse Doherty: That is not my question. Assistant Commissioner Finn has clarified for the committee that the 14,700 cases brought before the court and from which convictions arose were issues where summons were issued without them being given an opportunity to pay a fixed charge notice. That is what he said in his press release on 27 March. My question is on the review, which identified 1,130 cases where summons had been issued for offences where the fixed charge notice had already been paid. This is an additional number of persons who have been convicted before our courts; I presume some of them were convicted.

Mr. Michael Finn: Anybody who paid the fixed charge notice would not have ended up in court.

Deputy Pearse Doherty: They did end up in court. Summonses were issued.

Mr. John Twomey: If I could provide some clarification on that, as the Deputy has outlined, this is somebody who was brought to court by summons where they should have been given a fixed charge notice. Some people who were brought to court were not given this opportunity and there are a number who paid their fixed charge notices and were subsequently brought to court. We are trying to find out the detail of each case. There will need to be liaison with other agencies and, because of the numbers involved, I do not want to complicate the matter. Spent convictions are also an issue but some people paid a fixed charge notice and subsequently received a summons to go to court.

Deputy Pearse Doherty: The witnesses are not clear about this. Some of the 14,700 individuals who were convicted before the courts were afforded the opportunity to pay the fixed charge and did so. Is that correct? The earlier response to this question seems not to be accurate.

Mr. John Twomey: Yes. The figure of 14,700 relates to cases, not individual people. Some of them have a number of offences. There are people among them who have been brought to court but who have paid the fixed charge. We will withdraw the convictions for those people through the courts.

Deputy Pearse Doherty: The press release states that the examinations between 1 January 2006 and 27 May 2016 identified 146,865 summonses for people who had committed offences and were brought before the courts incorrectly. This means they were issued with summonses without having been given the opportunity to pay the fixed charge. That statement is not accurate because some of those included people who were given the opportunity to pay the fixed charge notice.

Mr. John Twomey: Yes. Some of those people were given summonses despite having paid the fixed charge notice.

Deputy Pearse Doherty: The Garda put out incorrect information in its press release last week. Some people were given the opportunity to pay the fixed charge and did so.

Mr. John Twomey: Yes. The situation as regards everybody who has been wrongly dealt with will be rectified by An Garda Síochána.

Deputy Pearse Doherty: Are there any cases further to the 14,700 who paid fixed charge notices and were summonsed to court and convicted?

Mr. John Twomey: No.

Mr. Michael Finn: Part of our work is to identify any such people. We have identified 14,700 who were convicted and penalised in court. My press briefing was issued to tell those people that we will contact them and initiate an appeal process for every case.

Deputy Pearse Doherty: The suggestion in the public domain is that the 14,700 referred to were not given the opportunity to pay the fixed charge notice but we now know that this is not the case for all 14,700. The commissioner said that in each and every case an offence had been committed but we have now established that in a lot of cases the offence was rectified. They had broken the law by speeding or some other offence but they complied with the law by paying the fixed charge notice and there was no offence at that point. That means the statement is inaccurate for a number of individuals.

Mr. Michael Finn: Without going into the technicalities, we would not have given a fixed charge notice, FCN, or summonsed anybody to court unless a road traffic offence was detected. People who did not get the option to pay the FCN, and whom we took to court and were convicted, have been identified and I will contact all of them to overturn the convictions.

Deputy Pearse Doherty: The Commissioner said that an incorrect procedure was employed but for a sizeable number of these individuals, it was not a case of procedure. They had broken the law but had rectified the position according to the law by paying the fixed charge notice and gardaí falsely continued to prosecute them. There was no offence for which these people should have been prosecuted.

Mr. Michael Finn: We will rectify the matter in respect of any person who was brought before the courts and convicted but who should not have been. We will appeal all these cases in the Circuit Court and get them overturned. We will correct the record and refund any penalties.

Deputy Pearse Doherty: On 6 February 2016, An Garda Síochána was first informed of this and it issued instructions to cease creating summonses for the offence of not having a valid NCT certificate. Can Mr. Finn confirm that no such summons was issued after that date and that no convictions arose?

Mr. Michael Finn: We did not put in a fix on 6 February 2016 but this was the date our call centre became aware of the issue. That was the first red flag for us.

Deputy Pearse Doherty: The Garda information centre became aware of this and instructed staff to cease creating summonses for the offence of not having a valid NCT certificate. Can Mr. Finn confirm that no such summons was issued after that date and that no convictions arose? It became clear on this date that it was illegal to prosecute people for this.

Ms Nóirín O'Sullivan: On 6 February 2016, a member of An Garda Síochána said it had come to his attention that the Garda Information Services Centre was continuing to issue summonses for NCT offences which should have been dealt with by way of a fixed charge notice. The Garda Information Services Centre stopped this procedure but outside the centre and across

the system, such as in individual districts, it was still possible for people to issue summonses by generating them on the computer. That is why we decided to look further than the Garda Information Services Centre and at offences other than NCT offences.

Deputy Pearse Doherty: Were summonses issued? I appreciate that there are different sections within the force but the public see that the Garda knew about this on the date in question. They want to know if the Garda continued to prosecute people falsely. Did it continue to take people to court and were there convictions?

Mr. John Twomey: In May 2016 it was no longer technically possible to provide a summons.

Deputy Pearse Doherty: Does Mr. Twomey have the answer or does he not have the answer?

Mr. John Twomey: I do have the answer.

Deputy Pearse Doherty: Were summonses issued after the date when the Garda became aware that it was illegal and should be stopped? I am sure it was unlawful to summons citizens to appear before the courts for something for which they were not responsible under law.

Mr. John Twomey: On 16 May, a technical fix was put into the system so that it was no longer technically possible to issue the summons. At the same time, an instruction was issued to all district officers that any prosecutions in the system were to be withdrawn from the courts. From 16 May, a summons should not have been created and any that were created should have been withdrawn from court.

Deputy Pearse Doherty: Can Mr. Twomey answer the question? Is he aware of summonses being issued after 6 February or of convictions secured on the back of those summonses after that date?

Mr. John Twomey: I can clearly say the date is 16 May. I cannot say after 6 February, but I can say that it was after 16 May that the procedure shut down. It was either withdrawn or the IT fix prevented it. That is the answer.

Deputy Pearse Doherty: Why did it take three months? The Garda had become aware of this on 6 February. Why did it take until 16 May to issue an instruction that all summonses would be withdrawn? Why did the Garda leave it that long? The reason I ask these questions is that I want to try to understand the disjointed nature of An Garda Síochána. There is management which has responsibility for supervising and ensuring all pieces of information. These are citizens who were being prosecuted falsely. As such, why did it take the Garda three months to issue an instruction that summonses should be withdrawn? It seems that there was a *laissez-faire* attitude to the fact that the Garda knew three months earlier that it was prosecuting people unlawfully.

Mr. John Twomey: On 6 February there was an awareness of the issue in the GISC. Summonses are created centrally in the GISC, but they are also created at local level because it is not an automated system. It was only in April 2016 that a specific case came before a court. At that stage, it was evident that we had a bigger problem than we had thought originally - the NCT as a specific, sole issue. It was evaluated and examined and only at that stage was there an awareness that it could apply to other offences where it had changed from a summons to an FCN over the course from 2006 on. There was a fix and an instruction was issued to withdraw

summonses.

Deputy Pearse Doherty: The Garda carried out a review to find out, I presume, how many people were being wrongly prosecuted. It would then have had to tell them that they should not have been prosecuted and to make right the errors. However, it carried out a review starting on 1 January 2014. What was the sense in that, given that the fixed charge notices had been introduced many years before in 2006? The Director of Public Prosecutions had to instruct the Garda to carry out the review going back to that point in time.

Mr. John Twomey: That relates to a different issue. In relation to the fixed charge notice, it was our decision to go back. In all of these things we consult and take legal advice. It is in that context that it was decided. I mentioned the spent convictions legislation.

Deputy Pearse Doherty: What does Mr. Twomey mean that the review involved a different issue?

Mr. Michael Finn: I can explain.

Chairman: We will have to bring Deputy Pearse Doherty's contribution to a close. He can ask one last question after Assistant Commissioner Finn responds.

Mr. Michael Finn: The initial flag was related to the NCT. A garda rang the GISC call centre to ask if it was still issuing summonses and said it should not be doing so because it was now covered by an FCN. It had come in on 1 January 2014 and we began an investigation to look at the NCT because we thought that was where the problem was. Hence, we went back to the first date to see if more NCT summonses had been issued and, if so, what was the problem related to it.

Deputy Pearse Doherty: The Minister has recorded that she received a letter from the Department on 14 March 2017 which indicated that the total number of individual cases involved was 1,781 in which persons had been convicted in situations where they had been incorrectly summonsed to court, either without having been issued with a fixed charge notice or having been issued with one and paid the fine. She said the letter contained information that the Director of Public Prosecutions had indicated that a review should be extended to include cases before 2014. This letter was issued to the Minister in 2017, but the Garda had become aware that this was a wider issue a full year before that. Within ten days of issuing the Minister the letter setting out the 1,781 figure, the Garda provided figures of 14,700 at a press conference. There is still a serious question over the attitude within An Garda Síochána on the false prosecution of citizens of the State and the efforts it has made to identify each and every individual in the first place. The Garda had to be directed or asked by the Director of Public Prosecutions to do so. The fact is that it took it a long time to identify the individuals involved.

I am conscious of what the Chairman said and have a list of questions relating to-----

Chairman: I have to ask Deputy Doherty to bring his contribution to a close.

Deputy Pearse Doherty: To finish, I direct a question to the Garda Commissioner. Unfortunately, I do not have an opportunity to go into the issue of the falsification of data. I presume it is a criminal offence for any garda to falsify the data of An Garda Síochána. Perhaps the Commissioner might confirm that it is. She has given the committee a very clear impression, or I take it from her comments, that this is a case of "Back me or sack me". She has referred to the statutory role of holding the Commissioner to account. As somebody who has the interests

of An Garda Síochána at heart, she will know more than most that there comes a time when gardaí rely on the confidence of the public, which is sacrosanct. There must be the confidence of the public for rank and file gardaí and also for senior management. It is clear that support is ebbing and that, in terms of management and her own position, it is gone. The majority of Members of the Dáil do not support or cannot express confidence in her. Does she believe there is a responsibility at a certain point for senior management, regardless of the legal provisions to hold the Commissioner to account, to do something in the best interests of the force to restore confidence?

Chairman: I have earlier that it is not the purpose of the meeting to put any member of the panel before us in the dock in terms of his or her personal position but to address the specific issues involved. I apply the same response to Deputy Pearse Doherty as I did to Deputy Mick Wallace. In order to ensure consistency, I am not requesting the Commissioner to respond to that question. If there is any aspect or point the Commissioner wants to refer to in bringing this round of questions from Deputy Pearse Doherty to a close, I offer her the opportunity to do so.

Ms Nóirín O’Sullivan: As I said, I am very passionate about An Garda Síochána but, more importantly, as a citizen of the State, I am very passionate about the role of An Garda Síochána in a changing and demanding society. As a team, we are absolutely committed to delivering the reforms necessary to ensure An Garda Síochána is ready to adapt to the challenges. That is what we have been doing for the past three years and that is what we will continue to do.

Chairman: We will now suspend the sitting for five minutes because the clock is going to beat us. I ask members, if they do not have to use the toilet facilities in the period, to edit to a maximum three-minute opportunity what it is they propose to ask the panel.

Sitting suspended at 12.20 p.m. and resumed at 12.30 p.m.

Chairman: We are going to be significantly curtailed in terms of time, which is greatly disappointing.

Senator Frances Black: I have just one question and it follows on from the questions asked by Deputy Jack Chambers earlier. Why has all of this happened? What was the thinking behind it? It is awful that the number of breathalyser tests was overstated by 1 million. Has this been used as a justification for Garda overtime? I know we spoke about bonuses earlier. Were gardaí getting overtime for this and, if so, can we put a value on it? What was their thinking in doing so many breath tests? That is really the only question I have. I could ask many other questions, but I am conscious of our time constraints. My question relates to an aspect of this matter that jumps out for me.

Ms Nóirín O’Sullivan: The MAT checkpoints form a part of broader activity. Even if a member is employed for the day, the MAT checkpoint activity will only form part of their duties. I am not sure whether we can quantify how many were carried out on overtime. Could Mr. Finn do that?

Mr. Michael Finn: I could not give that figure. If I can, I will come back to the committee with that figure but I do not think I can give it now.

Chairman: Does Mr. Finn have the figure?

Mr. Michael Finn: I do not have it now.

Chairman: He does not. That is okay.

Senator Frances Black: Does the Commissioner think it would have played a role?

Ms Nóirín O'Sullivan: No. It is a bit like what I said to both Deputy O'Callaghan and Deputy Chambers. The reality is that, even though we are introducing a performance system, it is not an individual system. It is team-based. There is no link between performance and activity. That will be coming in but it is not in yet. I do not think it played a role.

Senator Lorraine Clifford-Lee: I am very conscious of time so I will curtail my contribution. The Commissioner spoke about An Garda Síochána being in a period of reform and said that there is push-back, internally and externally, to this reform. My initial question is whether the Commissioner feels that this internal push-back extends to senior management.

Ms Nóirín O'Sullivan: Like in any big organisation, there will be people who are quicker to change and more enthusiastic about the change than in other cases. To be frank about it, I think it goes right through the organisation. Some people are slower to come on side than others, particularly when there is such a deep cultural, organisational and administrative overhaul. I am very conscious of the time as well but I believe that is the case, especially at a time when we are changing the whole structure of the organisation. This year we got the Government funding and the commitment to increase the workforce, including civilian members. That is huge.

Senator Lorraine Clifford-Lee: Am I correct in saying that senior management have produced a kick-back to this reform?

Ms Nóirín O'Sullivan: I think we have to work hard to bring people with us.

Senator Lorraine Clifford-Lee: The Commissioner spoke about the hypothesis that perhaps people within An Garda Síochána do not appreciate the preventative nature of the service's work. The Commissioner presented that this kind of culture was created, somehow, in An Garda Síochána. Who owns this culture? Where did this culture stem from? Does it stem from senior management or from the lower ranks?

Ms Nóirín O'Sullivan: I think it is everywhere. The reality of the culture, in which there are several sub-cultures, is that traditionally we have always been focused on waiting for a crime to happen and then investigating it. We do a pretty good job of that. We are good at crisis management and operational decisions. We have changed, with this shift in culture, to ensure a focus on prevention. This is in everything from road traffic all the way through to the likes of the Garda national protective services bureau and the domestic violence assessment tool that we spoke about.

We are trying to shift to that culture. We are trying to make it valued in An Garda Síochána, that our job, in the first place, is to prevent crime from happening. When it does happen we are there, we investigate the crime professionally and see it all the way through the courts system.

Senator Lorraine Clifford-Lee: Is the Commissioner saying that it is not valued at present?

Ms Nóirín O'Sullivan: It is now. We can show that, from 2016, we have had a different emphasis in place. Going back to 2009 the same emphasis may not have been there.

Senator Lorraine Clifford-Lee: I will move on quickly. The Commissioner said in her

opening statement, which quite a few of my colleagues referred to, that she was taking responsibility. Will there be any consequences for the Commissioner personally as a result of taking this responsibility?

Ms Nóirín O’Sullivan: We all take responsibility. I am here explaining to the committee on behalf of An Garda Síochána. I have absolutely no difficulty doing that. We will all take responsibility and we all take responsibility for putting it right. That is the important thing.

Senator Lorraine Clifford-Lee: Will people be sanctioned as a result of this investigation?

Ms Nóirín O’Sullivan: If in the course of Assistant Commissioner O’Sullivan’s work, people are identified as having erred or having done wrong deliberately, there will be sanctions.

Senator Lorraine Clifford-Lee: There will not, however, be sanctions at senior management level.

Ms Nóirín O’Sullivan: It may well come to senior management level.

Senator Lorraine Clifford-Lee: I will quickly move on to the domestic violence figures that have been referenced here several times. Does the Commissioner have any initial observations on the domestic violence data as a result of her initial audit of these figures?

Ms Nóirín O’Sullivan: If I may, I will ask the deputy commissioner, who is doing the review, to talk about that. At the moment we are trying to encourage reporting of domestic violence. We are working very closely, through protective services bureau, with the NGOs and other individuals to that end. Deputy Commissioner Mr. John Twomey, can talk about the-----

Senator Lorraine Clifford-Lee: The actual problem we are discussing is the recording of data when incidents of domestic violence are reported. People can be encouraged to come along, but if the data are not recorded, it is very difficult. We, as members of the public and as public representatives, do not have any faith in that. Are there any specific observations in respect of the domestic violence data?

Mr. John Twomey: No, at the moment there are not. We certainly agree, however, with the point the Senator is making. We do not have a specific offence of domestic violence as in other jurisdictions. Other jurisdictions have a specific domestic violence offence. We do not. We have an offence for which that motive can be considered. That is why we are putting these structures around reporting, and making them more robust, so as to ensure that we can get into the detail of it because, unfortunately, we do not have a specific domestic violence offence.

Senator Lorraine Clifford-Lee: I am aware of that but the significant figures in the past 20 years are that 55% of women killed were killed by their partner or ex-partner and 62% have been killed in their own home. I know there is no specific offence as such, but the domestic violence data have been referred to by the witnesses themselves throughout today and in media reports.

Mr. John Twomey: We have dealt with this through different structures that are in place at three or four levels - providing governance from the centre, providing specialist interviewers and investigators at divisional level and then every member of An Garda Síochána will get training in this area over the next 12 months. Similarly, regarding culture and the code of ethics, every member will get training over the next 12 months.

Senator Lorraine Clifford-Lee: I understand that, although my questions were specifi-

cally relating to the data, but that is fine. I will move on.

Mr. John Twomey: We will come back to the committee with the figure at a later stage. We are more than willing to do that.

Chairman: We have a very limited opportunity. I would be grateful if members of the committee can focus on a single question and if witnesses' responses can be precise. By the way, for the information of Deputy Farrell and any other member, I am taking questions in the order in which members participated in the first tranche.

Deputy Jim O'Callaghan: I have some very short questions and I hope the answers will be very short. How long did the audit of the southern region take?

Mr. John Twomey: It took from July to November.

Deputy Jim O'Callaghan: Were data from the Medical Bureau of Road Safety received for the audit?

Mr. John Twomey: No.

Deputy Jim O'Callaghan: The national audit started on 2 June 2016. It was mentioned in the press release last Thursday that the 2016 review was unable to reconcile the PULSE data and An Garda Síochána's paper-based breath test data. When did the witnesses become aware of that inability to reconcile the details?

Mr. Michael Finn: We became aware at the end of 2016 or early 2017, and we went back over it again looking for further information.

Deputy Jim O'Callaghan: Was it before the IT system was changed in November 2016?

Mr. Michael Finn: Could the Deputy repeat the question?

Mr. John Twomey: I think it was after that. We changed the IT system, firstly, in April 2016 and, secondly, in November 2016.

Deputy Jim O'Callaghan: On what date was the Medical Bureau of Road Safety asked for the information which the witnesses say was received on 24 February 2017?

Mr. Michael Finn: I met the Medical Bureau of Road Safety on 28 February. It had already given us a sample. I might not have the date with me.

Deputy Jim O'Callaghan: It provided the sample on 24 February, but when did the witnesses ask? When did they contact the Medical Bureau of Road Safety for the first time in 2017 to seek information from it?

Mr. Michael Finn: Days before that.

Deputy Jim O'Callaghan: Was it after 20 February?

Mr. Michael Finn: I could not say.

Deputy Jim O'Callaghan: Okay. If it was days before it, would it have been four days before it?

Mr. Michael Finn: I honestly could not tell the Deputy the answer to that question.

Deputy Clare Daly: I feel like the parent who finds the child with the biscuit jar, chocolate all over his mouth, sitting there saying, “It wasn’t me.” It is very difficult for us to believe any of the information the witnesses have given us. They have said that in their attempt to clear up incorrect data, they found out that there were one million breath tests carried out, despite the fact that they had previously said two million had been carried out. In the same breath they expect us to believe, and have stated repeatedly, that there were 400,000 checkpoints carried out during that time.

I put the question to the assistant commissioner, how in God’s name could that be possible? That would mean, in effect, that every checkpoint tested approximately two and half people, when the witnesses know that the guideline is that a minimum of five should be carried out to make it worthwhile even to set up the checkpoint in the first place. Is it not more credible that, instead of having carried out 400,000 checkpoints, in actual fact it was probably the case that there were only 200,000 checkpoints carried out? If that is the case, as the figures seem to indicate, is it not the case that our entire road safety policy and everything that everybody who uses the roads believes the Garda is doing has been turned on its head?

Mr. Michael Finn: I have no indication to say that our checkpoint data are wrong. I have presented the data regarding the breath tests. I have verified them externally. Those are the data I present.

Deputy Clare Daly: Is it likely and acceptable that for each of those mandatory testing checkpoints, only 2.5 tests were carried out?

Mr. Michael Finn: Obviously, it depends on where one goes. It is possible to test an awful lot of people on the M50 motorway. If I am down in a rural area at night time-----

Deputy Clare Daly: Mr. Finn has been a serving officer. What would the norm be for mandatory testing? When people go out what is the guideline? Are they expected to carry out 2.5 tests or what is the guideline? Is there a guideline?

Mr. Michael Finn: If we are doing our MAT checkpoints at the time when it is most likely to happen, then the least volume of traffic is on the roads. We are not doing MAT checkpoints during the middle of the day.

Deputy Clare Daly: Is there a guideline on a MAT for how many tests should be carried out at each checkpoint? Do gardaí operate on a guideline for the number of MAT checks that should be carried out?

Mr. Michael Finn: Yes. There were guidelines issued-----

Deputy Clare Daly: What is the figure?

Mr. Michael Finn: -----so that we would not be oppressive in terms of going out and holding up an entire array of traffic.

Deputy Clare Daly: What is the figure for tests per checkpoint?

Mr. John Twomey: Could I answer?

Chairman: Please.

Mr. John Twomey: There is no number.

Deputy Clare Daly: There are no guidelines.

Mr. John Twomey: No. The guideline relates to the checkpoint only. In terms of a specific number, there is no target or guideline.

Deputy Clare Daly: In Mr. Twomey's experience, does he believe it is productive that such a checkpoint would be set up and only 2.5 tests conducted on that checkpoint?

Chairman: I call the deputy commissioner and this is the last response to Deputy Clare Daly. Sorry, Commissioner, I beg your pardon.

Ms Nóirín O'Sullivan: It is okay.

Mr. John Twomey: The primary role of a MAT checkpoint, I think it is important-----

Deputy Clare Daly: Mr. Twomey told us that earlier. We are really pushed for time.

Mr. Michael Finn: MAT checkpoints-----

Deputy Clare Daly: Is Mr. Twomey saying it is acceptable or does he believe it is credible that there were 400,000 checkpoints and 1 million breath tests, meaning on average 2.5 tests per checkpoint? Does that seem like a productive use of resources? Does that seem credible to him within the guidelines? A "Yes" or "No" answer would be fine.

Mr. Michael Finn: Gardaí went out and did a checkpoint. If they suspected somebody had alcohol-----

Deputy Clare Daly: Mr. Finn should just answer the question. He believes that is a good level of return.

Mr. Michael Finn: ----- they would breath-test them. Not everybody is breath-tested because if they were, it would delay the whole thing.

Deputy Clare Daly: The difficulty the public has is that it is very hard to believe any of the figures here.

Chairman: The Commissioner may have the last word on this.

Ms Nóirín O'Sullivan: It is important to focus on the outcome and the purpose of the MAT checkpoints. I am not going to go into the whole detail. The outcome is to reduce road deaths and serious and fatal collisions. That is what we are achieving.

Chairman: That is the answer.

Deputy Colm Brophy: I wish to follow up on where I left off. Assistant Commissioner O'Sullivan, is conducting a full investigation into all aspects. Is that correct?

Ms Nóirín O'Sullivan: Yes. It is a fact-finding investigation, a probing investigation.

Deputy Colm Brophy: It is due to take three months.

Ms Nóirín O'Sullivan: Yes. He has indicated he will be in a position to report in three months, but he will give us an interim report in one month.

Deputy Colm Brophy: Let me go back to my earlier question. If that is possible, does the

Commissioner still think it is acceptable that, on foot of the first investigation into the southern region where she knew the Garda had such a problem, she has still not been able to supply proper full audit information to this committee, the Policing Authority, the Minister for Justice and Equality or anybody else? She did not seem to take this at all seriously.

Ms Nóirín O’Sullivan: We took it extremely seriously. It is a huge disappointment that we have not been able to, but we have tried to give an overview of the exhaustive searches and the compilation of material that has to be done. That will actually help Assistant Commissioner O’Sullivan in his job because that mining, if one likes, has been done. The data are available - not completed yet but nearing completion. That will assist the assistant commissioner in his investigation and the speed of his investigation. Indeed, it will greatly assist the external investigation that has been set up by the Policing Authority because the information will now be available in a more usable format than the initial audit was able to get.

Deputy Colm Brophy: Would it not have been far better if that kind of speed, approach and emphasis had been deployed to this a year and a half ago instead of now, when effectively the Commissioner had to do it because the thing exploded on her?

Ms Nóirín O’Sullivan: I would have much preferred to have had all these matters dealt with in a much speedier way.

Deputy Colm Brophy: Why did she not do so?

Ms Nóirín O’Sullivan: It was not possible from a resource point of view and given the availability of the data to do it any quicker. To be fair to the people who were doing it, they were doing several other tasks as well. We are now in a much better position to get Assistant Commissioner O’Sullivan to do it.

Deputy Colm Brophy: The people who were doing it were not asked to do it in the prioritised way it is now being dealt with. That was a decision made by the Commissioner.

Ms Nóirín O’Sullivan: We did prioritise it. It was prioritised because we wanted to address it. Unfortunately, given what we had - we had an assistant commissioner who had three different portfolios and that is a fact-----

Deputy Colm Brophy: I am not interested in the excuses the Commissioner has used about four times already. She made a decision. She has now a fact-finding operation that will report in three months. However, the point is that even after the southern region investigation, which showed that something had gone seriously wrong, she did not choose to put this type of emphasis into dealing with the problem, which is very regrettable.

Chairman: Does the Commissioner wish to add any further comment?

Ms Nóirín O’Sullivan: No.

Deputy Jack Chambers: When the Commissioner appeared before the Oireachtas Joint Committee on Justice and Equality I asked her if she had full confidence in statistics in light of the anomalies highlighted by the CSO and the Garda Inspectorate. She said she was confident that the improvements had been put in place. Does she want to qualify those remarks?

I come back to the question as to why this has occurred. The Commissioner talked about turning over stones; I think we need to look at moving the boulder and seeing what lies beneath it. Beneath stones there will be stones. We can get into philosophical analogies. I think it goes

deeper than unwinding the exact timeline. If the Commissioner cannot answer this question today I ask her to reply to the committee secretariat. During the 2006 to 2009 period, who approved the bonus system for each individual senior garda? What were the specific criteria? Were there any linkages with traffic data?

Assistant Commissioner Finn said that the assistant commissioners set the targets themselves. Does he want to qualify those remarks? Did the assistant commissioners set their own targets to get bonuses from the State in that period or what was the system of bonus allocation at that time?

Mr. Michael Finn: I cannot say that they set their own targets.

Deputy Jack Chambers: That is what he said previously.

Mr. Michael Finn: To put it in context, I am trying to recollect something that happened.

Deputy Jack Chambers: It is important that that point is explored fully.

Mr. Michael Finn: We will come back with that.

Chairman: He is going to come back with a detailed outline of that. Would the Commissioner like to make a brief comment?

Ms Nóirín O'Sullivan: We will come back with the 2006 to 2009 piece. Anything that was set would have been set in accordance with organisational priorities. It would not have been a case of individuals setting targets for themselves; they would have been aligned with whatever the organisation's priorities were.

Deputy Jack Chambers: Was inflating checkpoint breath testing data an organisational priority? We now know there were anomalies.

Ms Nóirín O'Sullivan: We would have to go back and check. I could not honestly give the Deputy an answer today.

Deputy Jack Chambers: I think that is really important. Once PULSE started recording these data in 2009, we know there was a massive mismatch. If there was a cultural issue at the senior levels in terms of what was done, that might have been the trigger that drove this process in that window. In the context of what we have been given, it is unfortunate that we do not know anything before 2009. It is important that we get further detail there.

Chairman: The Commissioner will provide a written explanation of all of that.

Ms Nóirín O'Sullivan: Yes.

Deputy Mick Wallace: Mick Clifford reported in the *Irish Examiner* that the Policing Authority had been contacted by a recently retired Garda sergeant who claims that there is evidence that the volume of breath test checkpoints was inflated in official figures. This sergeant prepared a report for his district officer before retiring last year in which he pointed out that the official figures for checkpoints completed could be up to twice the number actually performed. He stated that the reply he got dismissed his concerns and criticised him. Were the targets for checkpoints between 2011 and 2016 unrealistic, given the Garda resources on the ground? Who set the targets for checkpoints? Were there any penalties for not meeting the targets? Were any gardaí promoted on the basis of fraudulently claiming to meet these targets?

The Commissioner spoke earlier about the lack of resources, which may have played a role in underachieving in certain areas. She is the boss. Given that she has only recently put together an expensive team of individuals of her choosing to deal with the Charleton inquiry, she clearly has the wherewithal to determine where resources are used. If I asked the Minister for Justice and Equality how resources were allocated, she would tell me it was an operational matter for An Garda Síochána. Does the Commissioner think she could use the resources at her disposal more effectively?

Ms Nóirín O'Sullivan: We have a huge programme of work under way within our HR department led by our chief administrative officer, looking at the deployment of resources, Garda, civilian and reserve members. We can make more efficient use of our resources. Our human resources and people development, HRPD, department is attempting to ensure we have a deployment model that helps us to do that.

The deputy commissioner will be able to answer who set the 2011 to 2016 targets. However, I can tell Deputy Wallace that none of those targets are linked to promotions. Our promotion system is competency-based and has been so for a number of years. Those competencies are determined by ourselves and the Policing Authority. Promotion is not linked to any operational activity targets.

Mr. John Twomey: High-level road safety targets come from the national road safety strategy. They flow from that into An Garda Síochána. We consult with all agencies involved.

Deputy Mick Wallace: Do the witnesses have any comment on the first question about-----

Ms Nóirín O'Sullivan: I heard about the article in the newspaper. I am not sure what the question was. Could the Deputy ask it again?

Deputy Mick Wallace: The article highlighted that a former sergeant compiled a report last year before his retirement. In the report, he pointed out that the official figures for checkpoints completed could be up to twice the number actually carried out. He said that his concerns were dismissed and he was criticised for making the report.

Ms Nóirín O'Sullivan: I am aware of the article. From the article, I am aware that the matter has been sent to the Policing Authority. We will wait to hear from them. We will then be able to make further inquiries of them.

Deputy Alan Farrell: In most State authorities, statistics play a significant role in resource allocation. In the case of An Garda Síochána, it is personnel. The Commissioner is no doubt aware, as are all Members of both Houses, that information provided to the Garda at a local level is extremely important in terms of the public perception or interpretation of the performance of the Garda in terms of detection rates and so on. We have had issues with the statistics, as the Commissioner is aware. The Central Statistics Office, CSO, is standing over the statistics and publishing them. I am happy that more recent reports indicate at the bottom that they are produced by the CSO. However, the CSO assesses and produces information for joint policing committees, JPCs, and for this House based on core information provided to it by An Garda Síochána. In the Commissioner's opening statement, she has called into question whether statistics from PULSE and elsewhere are valid. The figures being produced on behalf of the Garda by the CSO are, therefore, potentially flawed. We earlier talked about the flaws in the cultural approach of An Garda Síochána which have led to this. Can we believe the figures that are being produced by An Garda Síochána?

Ms Nóirín O’Sullivan: As I mentioned, Deputy Commissioner Twomey is chairing the committee to investigate this. Gurchand Singh, the head of the Garda analysis service, works very closely with the CSO in this regard. He sits on a working group with the CSO.

We are extremely anxious. As the Deputy rightly said, the Garda is engaged in evidence-based and intelligence-led policing so the statistics it produces need to be accurate. This matter is very important. I have tasked the deputy commissioner in charge of operations with ensuring that we review all data we have produced. I hope the involvement of the CSO gives some confidence to the public. However, we do not take that for granted. We must ensure that the reliability and validity of our data is flawless.

Deputy Alan Farrell: That is my point. During my 13 years in politics, there have always been questions about the figures produced by An Garda Síochána. The Garda is the source of the data. If there is an issue with the production of the information, it makes no difference how trustworthy the CSO is, it will not be able to interpret the data accurately. I accept the Commissioner’s point and I understand the basis upon which she makes it. I am sure that Deputy Commissioner Twomey is doing his best. However, the bottom line is, if the information is tainted, how can we trust it?

Ms Nóirín O’Sullivan: I absolutely agree with the Deputy. One of the recommendations in the Garda Inspectorate’s report was to employ a data quality manger. That step alone will not fix the issues. We do need new skill sets in the Garda to help us address these issues. We are currently pursuing that with the Policing Authority and the Department of Public Expenditure and Reform.

Chairman: Senator Conway has kindly offered an opportunity to a Deputy to speak before him. Deputy Pearse Doherty is the only member who has not contributed a second time.

Deputy Pearse Doherty: I thank Senator Conway. Deputies are being called to the Dáil for an imminent vote.

As I have been saying for a number of years, the amount of controlled drugs that An Garda Síochána is holding is bizarre. I know the Tánaiste and Minister for Justice and Equality, Deputy Fitzgerald, has asked the Commissioner for a report on this. The most recent figures I have are for the period 2010 to 2014. They show that of the €529 million worth of controlled substances held by the Garda, only €35 million worth has been destroyed. That does not take account of the previous amount of drugs. Can the Commissioner reassure me that the information that has been provided to me is accurate and that in the last five years the Garda has held over €500 million worth of controlled substances?

Ms Nóirín O’Sullivan: Significant seizures of illegal drugs by the Garda have increased hugely over the past few years. That is representative of the work that is going on every day. Exhibits must be retained while cases are before the courts. That happens in drugs cases as well as other cases.

Senator Martin Conway: I have been reflecting since my last interaction. I do not accept the Commissioner’s contention that it is highly unlikely and most improbable that figures were not redacted when they were sent to senior management. It would be worthwhile to reflect on that. It is possible that this is being orchestrated by a smaller group rather than being systematic.

Does the Commissioner have any concern that statistics for complaints made by members

of the public against An Garda Síochána have been altered or changed in any way to make the force look better and that there are fewer complaints recorded than have actually been lodged?

When did the Commissioner engage with the DPP on the fixed charge notices?

I hope the Commissioner can regain public confidence. If she does, she will put Lazarus in the ha'penny place.

Mr. Michael Finn: The 26 October was the first date that we contacted the DPP concerning fixed charge notices. As late as yesterday, we had further meetings with the DPP on the issue.

Ms Nóirín O'Sullivan: Complaints by members of the public about the Garda go to the Garda Síochána Ombudsman Commission, GSOC, which keeps that statistical data on its website and publishes reports. Our internal affairs department works very closely with GSOC. I am satisfied that the information compiled by GSOC is valid.

Senator Martin Conway: When did that practice begin?

Ms Nóirín O'Sullivan: It began in 2006 after the introduction of GSOC.

Senator Martin Conway: Members of the public may make a complaint to a Garda station as they are unaware of the technicalities of how to lodge a complaint. Are any records kept of the number of people who contact the Garda initially, either by phone or letter, with a complaint and are subsequently referred on to GSOC?

Ms Nóirín O'Sullivan: Our internal affairs branch keep a record of that.

Senator Martin Conway: Is the Commissioner confident that those records are accurate?

Ms Nóirín O'Sullivan: To the best of my knowledge, they are. I have no reason to believe that they are not.

Chairman: I am required for a vote in the Dáil. However, this is an important opportunity to achieve clarity. Some of my colleagues picked up on the language used in the Commissioner's opening remarks. I am always very keen to parse that. The Commissioner referred to "mistakes and wrongdoings". To my mind, "wrongdoings" constitute immoral or illegal acts. There is no other way of interpreting the word. It might sound less dramatic than words like "immoral" and "illegal", but there should be no doubt in anyone's mind that we are certainly talking about wrongdoings that equal immoral or illegal acts. Without question, there is a public sense - not just a political sense - that all this must have consequences. Some members of the committee have reflected the fear in this regard. The Commissioner said earlier that "we all take responsibility". She is well aware of the adage that when we all take responsibility, nobody takes responsibility. Nobody is responsible. I am not putting the Commissioner in a difficult position when I say, as Chairman of this committee and as an elected representative of my constituency and my community over many years, that I believe there is a critically important need to address this matter in a substantive and forensic manner. There must be a clear understanding that wrongdoing is an immoral or illegal act and must have consequences.

I ask the Commissioner to respond as she deems appropriate to a final comment. In the closing part of her opening statement, she summed up what has taken place by saying "at worst, this was deception". Again, this is a question of language. I do not know whether the word "deception" is a sufficiently strong portrayal of what has taken place here. Our understanding of the word "deception" is that it means the act of deceiving. It involves a person having someone

else believe something that he or she patently knows to be false, or setting out quite purposely to have somebody else believe something he or she knows to be false. It is a very serious matter. This is important because words like “wrongdoings” and “deception” do not quite hit the pitch in what we are discussing here. Some key questions arise in this context. Who were those responsible seeking to deceive? That question has not been asked. Were they seeking to deceive An Garda Síochána, senior Garda management or the public? The Commissioner’s very interesting hypothesis may very well be the case, but it is important that in the production of Assistant Commissioner O’Sullivan’s report, there is clarity as to the purpose, intent or motivation, or all three, of those involved. Motivation is an area of clear interest. What was behind their action? What was their purpose? Was there a return or reward for acting as they did? It is important for the answers to these questions to be established properly and placed in the public arena. I hope this exercise will be as comprehensive as the Commissioner has assured the committee this morning it will be. I invite her to respond to the issues I have highlighted and to make any other closing remarks she would like to make.

Ms Nóirín O’Sullivan: We hope our statement was worded in a way that indicates the seriousness and gravity with which we are taking this matter. We will not be able to identify anything other than that until Assistant Commissioner O’Sullivan and those involved in the external investigation carry out their work. We had a deep and robust discussions on these matters when we were crafting the statement. As I said, what we have at the moment is “at worst....deception”. We concur with the full description of deception as set out by the Chairman just now. That, at worst, is what we have at the moment. At best, what we have at the moment is incompetence. That will remain the position until Assistant Commissioner O’Sullivan carries out his work and the external investigation concludes. Beyond that, we do not know. I will conclude by giving the committee an assurance, as I did at the end of my opening statement, that we will identify those who are responsible and accountable for this and we will hold them to account.

Chairman: I thank the Commissioner.

Mr. John Twomey: I would like to provide some brief additional clarification in response to a question that was asked earlier. There are cases in which fixed charge notices that were originally issued have been followed up by a summons. Those cases in which a summons followed are part of the examination. Every one of them will be addressed. I want to provide absolute clarity on that.

Chairman: On behalf of the joint committee, I thank Commissioner O’Sullivan, Deputy Commissioner Ó Cualáin, Deputy Commissioner Twomey, Assistant Commissioner Finn, Mr. Nugent and their colleagues to the rear and in the Gallery for their attendance at this morning’s meeting. I thank the members of the committee for their attendance. There has been a full attendance, which is a surprise. I would like to see that every day. I think the detailed and incisive exchange we have had has been very useful. I offer a sincere “go raibh maith agat” to everyone who has contributed. Before I adjourn the meeting, I would like to notify members that it had been planned to continue this meeting in private session, but that is no longer the intention. I will notify members through the secretariat of the plan to reconvene the joint committee next Tuesday, 4 April, to address the issues that have been highlighted here today. At that meeting, members will have an opportunity to express their views, consider any collective action we may wish to take as a committee and decide whether we wish to enter into any correspondence. Committee Room 3 is available on Tuesday between 11 a.m. and 3 p.m. We will endeavour to establish the appropriate time. We will notify members to that effect before the day is out. Is that agreed?

Senator Martin Conway: Would it be possible for the Commissioner and her team, in advance of Tuesday's meeting, to send us as many as possible, or as practical, of the responses they have offered to give us in writing, thereby enabling us to consider those responses ahead of the meeting?

Chairman: Is that within the reach of the witnesses?

Ms Nóirín O'Sullivan: Perhaps. We will certainly do our very best. We will try to get as many responses as possible to the committee.

Chairman: We accept that spirit. If there is anything that cannot be responded to by Tuesday, I ask the Commissioner and her colleagues to follow up on it subsequently.

Ms Nóirín O'Sullivan: Yes.

Senator Martin Conway: I assume they will be complying in full with the requirements of the Policing Authority tomorrow.

Ms Nóirín O'Sullivan: Yes.

Senator Martin Conway: Therefore, I do not expect the additional answers to be provided today.

Deputy Alan Farrell: Will next Tuesday's committee meeting take place in public or private?

Chairman: It will be a private meeting of the joint committee. I will explain the reason I have had to do that. There is nothing untoward about it. The select committee is meeting next Wednesday. That meeting will be for Deputies only and Senators will have no input. I learned from my conversations with members during the break that many of them are not available later today. The next opportunity for us to meet will be some time between 11 a.m. and 3 p.m. next Tuesday. We will notify members of the exact time in the intervening period. The committee will now adjourn until it meets in private on Tuesday, 4 April.

The joint committee adjourned at 1.10 p.m. until 11 a.m. on Tuesday, 4 April 2017.