



Garda  
Ombudsman

GARDA SÍOCHÁNA  
OMBUDSMAN COMMISSION

**2023 ANNUAL REPORT**



Garda  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY

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# 1. FOREWORD



The Garda Ombudsman Commission's Annual Report for 2023 will be my last as Chairman and since the Policing, Security and Community Safety Act is due to come into force in the summer of 2024, it will be the last before the formal transformation of GSOC into **Fiosrú – Oifig an Ombudsman Póilíneachta**.

**Fiosrú** will be a newly-constituted policing oversight agency with a reformed and expanded statutory remit, operating under an Ombudsman and Deputy Ombudsman, with its own vote and a CEO as accounting officer.

**Fiosrú** will build on the work of GSOC and, if properly resourced, will make oversight of policing in Ireland more efficient, transparent and effective.

Preparing for this significant transformation has been my strategic priority since I took office in January 2022. The Commission's management and staff have engaged and continue to engage with the Department of Justice, An Garda Síochána and other stakeholders, to ensure that the necessary institutional and governance structures are ready when the new legislation is commenced. This work has included:

**Fiosrú** will build on the work of GSOC and, if properly resourced, will make oversight of policing in Ireland more efficient, transparent and effective.

- Developing a new corporate identity for **Fiosrú** and planning its rollout to the public once the new agency commences its work;
- Preparing and adapting our finance and governance functions to ensure that **Fiosrú** can operate its own Oireachtas vote;
- Mapping **Fiosrú's** new statutory functions;
- Designing and implementing organisational processes, structures and operating procedures to deliver on the new agency's remit;
- Developing the reformed systems, procedures and protocols necessary for effective inter-agency cooperation in the delivery of the new legislation's statutory functions; and
- Commissioning a new Case Management System, to place data storage, retrieval and analysis at the heart of **Fiosrú's** work, facilitate better understanding of trends and patterns and identifying systemic issues in a more targeted, thematic and strategic way.

As part of the above work, in 2023 GSOC completed an external Organisational Review, with a view to help identify the significant additional resources and expertise **Fiosrú** will need in order to meet the requirements of the new mandate. This review enabled us to make a reasoned business case to the Department of Justice for both immediate and medium-to-long-term resourcing of **Fiosrú**. The Department have been reactive to and supportive of this. It is my belief this support will be both sustained and expanded and will underpin the Government's commitment to independent and rigorous oversight of policing in Ireland.

In parallel with the preparatory work undertaken as part of our organisational transition, GSOC continued to carry out its day-to-day statutory functions throughout 2023. A wealth of facts and figures are set out throughout this report.

We began the year with a caseload of 621 active GSOC-led or GSOC-supervised investigations, 290 unsupervised disciplinary cases and several hundred other cases in various stages of investigation.

We received a total of 1,577 new complaints and 35 referrals from An Garda Síochána in 2023. While this represents a 14% decrease in incoming complaints and referrals from the previous year, the increased complexity of allegations resulted in no significant decrease in workload.

We closed 1,755 complaints in 2023. While this represented a decrease in number of complaints, the volume of allegations per complaint was extremely high, placing our effective closure rate roughly at a par to the previous year. The year ended with a total of 446 ongoing GSOC-led or GSOC-supervised investigations, representing a 28% reduction of our year-end GSOC-led caseload. We have seen a welcome year-on-year drop in our end-of-year caseload over the past three years, which reflects the improved and streamlined processes we have implemented, and the modest increase in our investigative and casework staff over the past year.

2023 also saw a number of important outcomes in the courts following GSOC investigations into complaints of assault and of sexual offences. Cases pending before the courts at year-end included charges of assault, harassment, endangerment, dangerous driving, and sexual assault.

Bringing cases to court is both complex and difficult and requires the skill and dedication of our entire organisation, whether working in investigation, casework, family liaison, legal, or corporate

governance. As GSOC transitions to **Fiosrú**, the organisation will require more skilled and dedicated people to deliver on a more complex and expanded statutory mandate. I do not underestimate the challenge that recruiting such staff, especially in such a competitive employment market.

In addition to statistical information, this report provides a selection of case studies arising out of investigations completed by GSOC in 2023, as well as systemic recommendations arising from such cases. These case studies exemplify the very wide range of complaints GSOC is called upon to investigate, the broad range of circumstances that are behind complaints and referrals made to our office and the many, often serpentine, ways in which these are progressed, investigated and resolved.

It is my belief that this report provides a comprehensive view of GSOC's work in 2023 and demonstrates the important role that independent policing oversight plays in a democratic society.

I acknowledge the expertise and commitment of my fellow Commissioners and thank them for their patience and understanding over the course of another busy year. I thank our staff for their skill, dedication and commitment, in many cases above and beyond any level of reasonable expectation.

The new leadership of **Fiosrú** inherit a core of competence, structures and processes that will serve **Fiosrú** well. I wish them all the very best for the future, as they give effect to this new chapter in policing oversight in Ireland.

**Rory MacCabe, SC,  
Chairperson**



L-R: Commissioner Hugh Hume,  
Chairperson Rory MacCabe,  
Commissioner Emily Logan

# 2

# INTRODUCTION

Garda  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY



## 2. INTRODUCTION

This annual report has been prepared and submitted to the Minister for Justice in accordance with Section 80 of the Garda Síochána Act 2005.

### **The Role and Functions of GSOC**

The Garda Síochána Ombudsman Commission (GSOC) is an independent statutory agency set up in 2007 under the Garda Síochána Act 2005 (hereafter 'the Act'). Our function is to deal with matters involving possible misconduct by members of the Garda Síochána, in an efficient, effective and fair manner.

GSOC deals with complaints made by members of the public concerning the conduct of members of the Garda Síochána, whether allegations of a criminal or disciplinary nature. In addition, GSOC conducts independent investigations of matters referred to it by An Garda Síochána, the Minister for Justice, the Policing Authority, or matters which have been deemed by GSOC as meriting investigation in the public interest. These various aspects of GSOC's remit are explained in detail in this report, alongside a detailed accounting of delivery on GSOC's remit in 2023.

### **Our Strategic Outcomes and Objectives**

GSOC's Statement of Strategy 2021-2023 articulates the Commission's strategic vision, mission and its envisaged high level outcomes for the period 2021- 2023. It also sets out the key actions that GSOC will take to achieve and account for its performance against these objectives over that period.

While based on GSOC's current statutory underpinnings, the Statement of Strategy is also oriented towards implementing the necessary arrangements for a smooth transition to Fiosrú, the new Office of the Police Ombudsman, the provisions for which have been outlined in the Policing, Security and Community Safety Act 2024. This new legislation was enacted in February 2024 and is expected to come into effect in the summer of 2024. The text of the Act can be found on [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

This report will detail many of the activities GSOC has undertaken in 2023 to prepare for transition to its successor agency in the coming period.

## Our Strategic Outcomes and Objectives

### INDEPENDENT COMPLAINTS HANDLING AND INVESTIGATION OF ALLEGED POLICE MISCONDUCT IN THE PUBLIC INTEREST

- Process complaints from members of the public against the Garda Síochána in an independent, fair and timely manner.
- Investigate referrals from the Garda Commissioner, the Minister for Justice and the Policing Authority regarding possible misconduct by Garda members and undertake investigations in the public interest.
- Deal with Protected Disclosures in accordance with statutory functions.

### EXCELLENT CUSTOMER SERVICE

- Inspire trust and confidence in the service we provide and in policing in general by providing a professional and competent complaints service to the public.
- Provide a quality customer service experience and human rights compliant service to all of GSOC's customers.
- Improve and develop relationships with our key stakeholders consistent with enhancing the level of service that GSOC can provide to its customers and promoting awareness of GSOC's role.

### SMOOTH TRANSITION TO GSOC'S SUCCESSOR BODY

- Plan and effectively manage the process of establishing and transferring GSOC's functions to its successor body.
- Create the capacity to respond to the increased demands of new legislation and other challenges in our environment.
- Influence the future development of policing and policing oversight and contribute to enhanced public trust and confidence in policing.

### A HIGH-PERFORMING, WELL-RESPECTED ORGANISATION

- Invest in our people and make GSOC an employer of choice.
- Build a strong, inclusive and transparent culture in the organisation directed at achieving our common purpose and supporting our staff in a valued partnership across the organisation.
- Manage change proactively.
- Promote greater public awareness of GSOC's role and achievements.
- Review, refine and continue to develop and implement innovative solutions to assist in the delivery of efficient and effective services to the public.
- Develop our capability to comprehensively manage records and information to enhance organisational competency and knowledge in order to inform internal decision making and external stakeholders.
- Comply with governance and accountability requirements required by legislation and Governance Codes making quality and high performance central to how we work.

## Our Vision, Mission and Values



**Our Values** are central to everything we do and guide us in our approach to how we do our work. They inform our decisions and how we treat our stakeholders and our colleagues. These core values and what they mean to us are shown below:



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# OUR TRANSITION TO THE OFFICE OF THE POLICE OMBUDSMAN: PLANNING, PREPARATION AND STAKEHOLDER ENGAGEMENT

## 3. OUR TRANSITION TO THE OFFICE OF THE POLICE OMBUDSMAN: PLANNING, PREPARATION AND STAKEHOLDER ENGAGEMENT

### New Policing, Security and Community Safety Legislation

The Policing Security and Community Safety Bill was published in November 2022, and in early 2023 began its passage through the Oireachtas and was enacted in February 2024. The publication of the Bill came after a sustained period of engagement between GSOC and the Department of Justice, during which GSOC provided detailed observations on gaps, practical issues of concern and other matters grounded in our experience to date of policing oversight. This engagement continued for the duration of the passage of the Bill through the Oireachtas throughout 2023.

The new Policing, Security and Community Safety legislation provides for the continuation of GSOC as Fiosrú - Oifig an Ombudsman Póilíneachta (Office of the Police Ombudsman). The Act represents a significant step forward in addressing a clearly-defined and long signalled gap in Ireland's policing accountability infrastructure. GSOC has welcomed the Act and has clearly articulated remaining concerns around institutional independence in particular as envisioned by the Commission on the Future of Policing or by the Council of Europe's "Venice Principles". GSOC has also consistently emphasised the imperative of proper resourcing if Fiosrú is to be capable of fulfilling its expanded mandate. This has been the subject of particular focus by GSOC in 2023 when we developed a comprehensive business case for what Fiosrú will require in terms of staffing, resourcing and expertise in order for it to be able to fulfil its expanded remit.

### Preparation for Implementing the New Remit of Fiosrú

The changes proposed in the Policing Security and Community Safety legislation represent a significant transformation not only for GSOC, but for agencies, departments and other stakeholders across Ireland's policing, community safety and policing oversight infrastructure. Throughout 2023, GSOC has been actively engaged with the Department of Justice's interagency Implementation Programme for the legislation. This is a complex multistrand programme, involving the Department, GSOC, An Garda Síochána, the Policing Authority and the Garda Inspectorate. In addition to being represented on the Programme's Board and Implementation Steering Group, GSOC has been a core participant in two projects of particular strategic importance:

- Fiosrú Operating Model project, to prepare the institutional and governance structures for Fiosrú, an agency with an independent Oireachtas vote; and
- Fiosrú Process Reform project, to establish, in close cooperation with An Garda Síochána, the reformed systems, procedures, protocols and agreed lines of communication necessary for effective inter-agency cooperation in the delivery of the new legislation's statutory functions.

With a working date of mid 2024 for likely commencement of the new legislation, the work of these groups gathered pace throughout 2023.

Over the course of 2023 GSOC also undertook significant work in preparation for our transition to Fiosrú, including:

The Act represents a significant step forward in addressing a clearly-defined and long signalled gap in Ireland's policing accountability infrastructure

- Entering into sustained engagement with the Department of Justice on the text of the legislation, to provide views and to establish shared understanding of particular aspects of the Bill;
- Putting additional governance requirements in place to prepare the agency for future financial independence as a vote-holding body. This included the procurement and putting in place of an Internal Audit Service and redevelopment of our Risk Management Framework and Risk Register;
- Preparation for structural organisational change, notably the organisation's leadership structure will change from a three-person Commission to an Ombudsman, Deputy Ombudsman and CEO who will serve as Fiosrú's Accounting Officer. Work has also been ongoing on the adaptation of existing functions and systems to deliver on the organisation's new remit and governance requirements; and the establishment of new functions, including a statutory review function;
- Developing a business case, informed by an independent organisational review, for adequate resourcing of Fiosrú, to ensure that it has what it needs to meet its expanded remit;
- Developing and monitoring a comprehensive implementation plan for transition overseen by an internal project board;
- Comprehensive review of existing processes and redesign of processes to align them with our extended statutory remit and development of templates and guidance documents;
- Extensive engagement with programme partners on the development of new protocols for engagement;
- Progressing plans to procure a new Case Management System – a fundamental piece of infrastructure for Fiosrú;
- Progressing the development of a new corporate identity and public engagement campaign as well as the development of a new website for Fiosrú;
- Engaging with the relevant stakeholders to bring the development of the new Vote for Fiosrú, in addition to new systems to support Vote governance and accounting, to an advanced stage; and
- Regular ongoing meetings of GSOC's Transition Project Board and sustained communication and engagement with staff on the Bill and the Transition process.

## Stakeholder Engagement

In addition to engaging with Departmental, Garda Síochána and agency colleagues on the Bill, GSOC also continued to expand its broader stakeholder engagement – both at home and abroad – over the course of 2023. This has been an essential element in our preparation for transition and reform, allowing us to communicate our key concerns and strategic

priorities for the future to policy makers, civil society, and the wider public. It has also been an invaluable opportunity for mutual knowledge and experience sharing with colleagues in other jurisdictions. A more proactive and broad-ranging strategy of engagement with key stakeholders, building on the work done in 2022 and 2023 will be a key pillar of the work of Fiosrú as it is established and developed.

The Pan-European Anti-Corruption network European Partners Against Corruption (EPAC) held its 22nd Annual Conference on 2-3 November 2023 in Dublin's Croke Park. The conference, opened by Minister for Justice Helen McEntee, brought together over 100 delegates from anti-corruption agencies across Europe to explore the challenges and opportunities of tackling corruption in the 21st Century.

GSOC had the honour of leading the coordination of the conference in cooperation with the Department of Justice and EPAC's Irish membership, which includes GSOC, the Policing Authority, An Garda Síochána and the Garda Inspectorate.



Pictured L-R: Assistant Garda Commissioner Jonathan Roberts, Policing Authority CEO Helen Hall, Minister for Justice Minister Helen McEntee, GSOC Commissioner Emily Logan, Chief Inspector Mark Toland of the Garda Inspectorate and GSOC Commissioner Hugh Hume

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REPORT UNDER  
THE PUBLIC SECTOR  
EQUALITY AND  
HUMAN RIGHTS DUTY



## 4. REPORT UNDER THE PUBLIC SECTOR EQUALITY AND HUMAN RIGHTS DUTY

A central tenant of GSOC's vision is Human Rights and Equality, as described in our Statement of Strategy 2021 – 2023. The Statement of Strategy sets out the key human rights and equality issues relevant to the delivery of our functions, in keeping with our obligations under Section 42 of the Irish Human Rights and Equality Commission Act, 2014.

GSOC's core function is to handle complaints of potential misconduct by members of An Garda Síochána in an efficient, effective and fair manner. Our complaints-handling, referral handling and investigative work engages the rights of a range of stakeholders, including complainants, Gardaí, the broader public, and our own staff. The work of GSOC, due to its nature, must be underpinned by a strict adherence to fundamental rights, in particular the rights of complainants to seek redress for alleged misconduct, including those who have been the victim of serious crime, or who may experience various forms of vulnerability or disadvantage; and the procedural rights of those under investigation.

Equality of access to our services and equitable treatment for all are cornerstones of the service that we provide. We are highly cognisant of our own role in the State's broader obligations under Articles 2 and 3 of the European Convention on Human Rights, in particular in the context of our investigation of incidents involving death and serious harm referred to us under Section 102 of the Act.

In addition to this, human rights and equality issues outlined in our Statement of Strategy include a focus on:

- Open and transparent engagement with our stakeholders;
- Ensuring that staff are fully aware of the human rights and equality standards that underpin GSOC's work;
- Enhancing the accessibility of our functions and services, including through positive action to engage with diverse groups;
- Safeguarding staff dignity and welfare; and
- Building on the diversity of our workforce.

In 2023, we continued to build on progress in addressing some of the human rights and equality issues outlined in our Statement of Strategy. The Public Sector Human Rights and Equality Duty places an obligation on GSOC to ensure staff are fully aware of their obligations to protect and defend the human rights of everyone. In 2023 we continued to build on the substantial progress made on human rights training and education for our staff.

In 2023, we had staff undertaking qualifications in Policing & Human Rights Law in Ireland, and a Masters in Human Rights in Criminal Justice programme, in the University of Limerick.

We continued to make progress in improving the openness and transparency of our stakeholder engagement in 2023, including through active engagement with civil society and policy makers. Work is ongoing in the development of a renewed communications and engagement strategy for Fiosrú.

Human rights and equality remain at the heart of our internal policies and procedures which are currently being examined for review in the context of GSOC's transition to Fiosrú.

Further enhancing the accessibility of our public communications, and of our services, both online and in-person, remains a strategic priority for GSOC in transition. We also recognise the importance of generating accessible, disaggregated human rights and equality data, both to identify gaps in rights protections, and to identify trends and patterns. We are working to ensure sufficient disaggregated data is available in Fiosrú to support strategic decision making. Ensuring that Fiosrú is well equipped to capture, interrogate and share disaggregated human rights and equality data is a core priority for us as we progress plans for a new Case Management System to meet the needs of our expanded functions and remit.

The demands of delivering GSOC's functions can be challenging for staff and we continue to place emphasis on staff welfare in our approach to navigating environmental challenges and ensuring service delivery. Following the pandemic, we maintained a blended working policy, which has improved our working culture and work-life balance. Building on this will remain a priority in the context of our transition to Fiosrú.

GSOC is proud to have a vibrant and diverse workforce. We conduct our recruitment through the Public Appointments Service, who operate an equal opportunities policy and whose work is subject to a long-term Equality, Diversity and Inclusion Strategy. As GSOC transitions to Fiosrú, we remain committed to growing in a manner that preserves and enhances the diversity of our workforce, ensuring that we as an organisation are reflective of the community that we serve.

## 5. 2023 AT A GLANCE

### GSOC'S SERVICE DELIVERY IN NUMBERS

COMPLAINTS RECEIVED <b>1,577</b> (14% DECREASE)	PUBLIC INTEREST INVESTIGATIONS UNDERTAKEN <b>25</b> IN ABSENCE OF A COMPLAINT
ALLEGATIONS WITHIN COMPLAINTS <b>3,358</b>	
SI02 REFERRALS <b>35</b> (15% DECREASE)	CHILD PROTECTION REFERRALS TO TUSLA <b>44</b> MANDATORY
FILES FORWARDED TO THE DPP <b>40</b>	<b>66</b> NON-MANDATORY
<b>81</b> SANCTIONS IMPOSED BY THE GARDA COMMISSIONER FOLLOWING COMPLAINTS	
COMPLAINTS CLOSED <b>1,755</b>	CONTAINING ALLEGATIONS <b>4,156</b>
<b>2,733</b> CALLS RECEIVED TO THE LO CALL NUMBER	
QUERIES RECEIVED <b>3,765</b>	

### MEETING OUTCOMES IN OUR STATEMENT OF STRATEGY

#### Independent complaints handling and investigation of alleged garda misconduct in the public interest

In 2023, GSOC continued to deliver on its remit: receiving and progressing complaints from the public, initiating investigations, and progressing cases to completion. This work was carried out in parallel to the crucial preparatory work for our organisational transition to Fiosrú.

#### A high-performing, well-respected organisation

In 2023, GSOC:

- Welcomed **26** new staff members
- Facilitated **130** training courses to GSOC staff via our Learning and Development Programme

#### Smooth transition to GSOC's successor body Fiosrú

During 2023, GSOC:

- Actively engaged with the Department of Justice and An Garda Síochána to prepare for the passage, enactment and implementation of the new Policing, Security and Community Safety Bill, including the establishment of Fiosrú
- Continued engagement with the Oireachtas on the Policing, Security and Community Safety Bill
- Progressed development of a new multi-functional Case Management System, which will help us ensure that data analysis is placed at the heart of Fiosrú's work
- Progressed development of a new corporate identity for Fiosrú, and of a plan for its rollout to the public once the new agency commences its work

#### Excellent customer service

In 2023 GSOC continued to deliver an essential service to members of the public including:

- Receiving **1,577** complaints
- Processing of **131** data access requests
- Providing material for reply to **48** parliamentary questions
- Handling **60** Freedom of Information requests

### NOTABLE EVENTS

In February 2023, GSOC published its submission to the Oireachtas outlining its observations on the Policing, Security and Community Safety Bill

In June 2023, GSOC Commissioners appeared before the Oireachtas Public Petitions Committee

In November 2023, GSOC, together with colleagues in the Department of Justice, An Garda Síochána, the Policing Authority and the Garda Inspectorate, organised and hosted the 22nd Annual Conference of European Partners Against Corruption (EPAC), Europe's multi-national anti-corruption network. The event, held in Croke Park, was attended by over 100 representatives of anti-corruption agencies from across Europe.

### INTERNATIONAL LEADERSHIP

In 2023, GSOC showed leadership internationally as an active member of

- **The Network of European Integrity and Whistleblowing Authorities (NEIWA)**
- **The Independent Police Complaints Authorities Network (IPCAN)**
- **European Partners Against Corruption (EPAC)**
- **Ombudsman Association (OA)**

### STAFF AND BUDGET

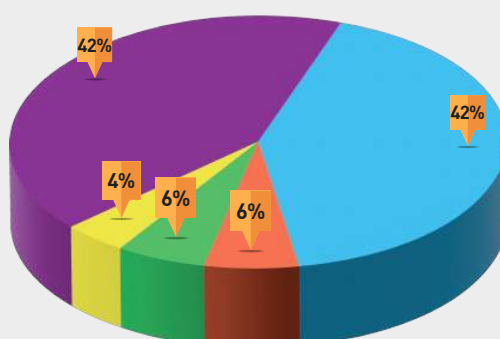


**154**  
STAFF



**16.670M**  
BUDGET

### INVESTIGATIONS OPENED BY TYPE



- Unsupervised disciplinary investigation by Garda Síochána (s.94(1)): 404 investigations (42%)
- Criminal investigation by GSOC (s.98): 406 investigations (42%)
- GSOC-led disciplinary investigation (s.95): 59 investigations (6%)
- Supervised disciplinary investigation by An Garda Síochána (s94(5)): 58 investigations (6%)
- Discontinued prior to initiation of investigation: 35 discontinuations (4%)

# 6 GOVERNANCE, FINANCE AND INTERNAL CONTROLS

## 6. GOVERNANCE, FINANCE AND INTERNAL CONTROLS

### Governance and Structure

The Garda Síochána Ombudsman Commission was established under the Garda Síochána Act, 2005. The functions of the Commission are set out in Section 67 of this Act.

### The Ombudsman Commission

The Ombudsman Commission is a three-person commission, all members of which are appointed by the President following the nomination of the Government and the passage of resolutions by both houses of the Oireachtas recommending their appointment. One of the Ombudsman Commission members is appointed as Chairperson.

In 2023, the Ombudsman Commission comprised:

- Rory MacCabe, SC (Chairperson)
- Mr Hugh Hume; and
- Ms Emily Logan

### Governance

The Ombudsman Commission is responsible for the control and direction of the Garda Síochána Ombudsman Commission and for ensuring good governance. It is accountable to the Minister for Justice.

### Responsibilities and Objectives

Sections 65 to 67 of the Garda Síochána Act details the membership, terms and conditions, appointment, functions and objectives of the Ombudsman Commission.

Along with its statutory functions and objective, its responsibilities also include:

- promoting the success of GSOC by leading and directing GSOC's activities;
- providing strategic guidance to GSOC while still monitoring and supervising the discharge of any of its delegated functions;

- reviewing and guiding:
  - strategic direction,
  - major plans of action,
  - risk management policies and procedures,
  - annual budgets and business plans,
  - setting performance objectives,
  - monitoring implementation and performances, and
  - overseeing major capital expenditure decisions
- acting on a fully informed and ethical basis, in good faith, with due diligence and care, and in the best interest of GSOC, subject to the objectives set by Government;
- promoting the development of the capacity of GSOC including the capability of its leadership and staff; and
- holding senior management to account for the effective performance of their delegated functions and responsibilities.

A range of key decisions are reserved to the Commission, including in relation to:

- Approval of capital projects;
- Putting in place delegated authority levels, financial management policies and risk management policies;
- Approval of terms of major contracts;
- Approval of significant acquisitions, disposals and retirement of GSOC's assets;
- Approval of annual budgets;
- Assurances of compliance with statutory and administrative requirements in relation to the approval of the number, grading, and conditions of appointment of all staff;
- Setting the organisations strategy; and
- Production of Annual Reports and accounts.

### Meetings of the Ombudsman Commission

The Ombudsman Commission works closely together, while liaising with senior management, on a daily basis. In addition to this, the Commission holds formal meetings with GSOC's senior management on a periodic basis to discharge its statutory governance and operational duties. Five such formal meetings took place in 2023.

### The Senior Management Team

The Senior Management team, reporting to the Commission, is responsible for the day-to-day management of the organisation.

- Ms. Claire O'Regan, Head of Legal (to 17 February 2023)
- Mr Nick Harden, Deputy Director of Operations (to 27 April 2023)
- Mr Jon Leeman, Deputy Director of Operations
- Ms Valerie Woods, Principal Officer, Corporate Services and Secretariat (from 16 January 2023)
- Mr David Grant, Deputy Director of Operations (from 28 April 2023)

**Table A: Attendance at Formal Meetings of the Ombudsman Commission in 2023**

Formal meetings of the Ombudsman Commission in 2023		
Name	Position	No. of meetings attended
Mr Justice Rory McCabe	Chairperson	5
Mr Hugh Hume	Commissioner	5
Ms Emily Logan	Commissioner	5
Ms Aileen Healy	Director of Administration	4
Mr Peter Whelan <sup>1</sup>	Director of Investigations and Operations	5

During 2023, the following officials served on the Senior Management Team:

- Ms Aileen Healy, Director of Administration
- Mr Peter Whelan, Director of Investigations and Operations
- Mr. George O'Doherty, Principal Officer, Corporate Services (to 31 March 2023)
- Mr Darren Wright, Principal Officer, Knowledge and Quality Management
- Mr Garrett Croke, Deputy Director of Operations

### Performance delivery and oversight

GSOC and the Department of Justice have agreed an Oversight Agreement for 2021-22 in accordance with the Code of Practice for the Governance of State Bodies.

The Oversight Agreement sets out the broad governance and administrative accountability framework within which GSOC operates, and defines the key statutory and administrative roles, responsibilities and commitments which underpin the relationship between GSOC and

the Department. The Agreement also sets out the arrangements for the effective governance, funding and general administration of GSOC in accordance with the Code. Any derogations or exceptions from the Code have been agreed with the Department and are laid out in the Oversight Agreement.

GSOC and the Department of Justice also agreed a complementary Performance Delivery Agreement for 2023, in accordance with the relevant provisions of the Code of Practice for the Governance of State Bodies. This agreement sets out, in the context of the resource inputs provided by the Department, the metrics and associated targets by which the performance of GSOC in 2023 was measured.

## Finance

GSOC is funded through the provision of an annual grant from the Vote for the Department of Justice. The Secretary General of the Department is the Accounting Officer for the Vote and for funding provided to the Commission.

Section 77 of the Garda Síochána Act, 2005, requires the Garda Síochána Ombudsman Commission to keep, in such form as may be approved by the Minister for Justice with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of money received and expended by it. The Commission is responsible for keeping adequate accounting records which disclose, with reasonable accuracy at any time, its financial position and enables it to ensure that the financial statements comply with Section 77 of the Garda Síochána Act, 2005. The Chairperson is responsible for the preparation of GSOC's accounts.

## Expenditure

The Ombudsman Commission ensured that GSOC fully complied with the Public Spending Code throughout 2023.

**Table B: GSOC Expenditure 2023\***

Category	2023 Budget €	Expenditure Subhead	2023 Expenditure €
Pay	12,233,000	A01 - Pay & Allowances	10,961,143.18
Non-Pay	4,437,000	A02 - Travel & Subsistence	116,508
		A03 - Incidental Expenses	1,073,308
		A04 - Postal & Telecommunication Services	95,447
		A05 - Office Machinery & Other Office Supplies	1,656,362
		A06 - Office & Premises Expenses	2,217,844
		<b>Total</b>	<b>16,670,000</b>

\*Note: Expenditure figures subject to audit.

### Key management personnel

Total salaries paid to key management personnel by the Garda Síochána Ombudsman Commission amounted to €844,949.

### Non-salary related fees

No non-salary related fees were paid in respect of members of the Garda Síochána Ombudsman Commission for 2023.

### Employee benefits

The number of employees whose total employee benefits paid in 2023 fell within each of the following pay bands is shown in the following table (these figures include salary, overtime allowances and other payments made on behalf of the employee but exclude employer's PRSI):

**Table C: Employee Benefits Breakdown**

Range	Number of Employees	
	2023	2022
From To		
€60,000 - €69,999	38	18
€70,000 - €79,999	10	12
€80,000 - €89,999	8	9
€90,000 - €99,999	11	4
€100,000 - €109,999	3	4
€110,000 - €119,999	2	3
€120,000 - €129,999	1	1
€130,000 - €139,999	-	-
€140,000 - €149,999	1	-
€150,000 - €159,999	3	2

### Consultancy, legal costs and settlements

Expenditure in 2023 included the cost of external advice to management and general legal advice received by the Garda Síochána Ombudsman Commission amounting to €235,666.

Expenditure in relation to legal costs, settlements, conciliation and arbitration proceedings relating to contracts with third parties was €174,558 in 2023.

The financial statements including the Statement of Internal Control in GSOC below have not yet been audited by the Comptroller and Auditor General and consequently the financial information provided in this report remains provisional.



## Internal Control Environment

### Quality management

Quality Management development is continuing on an incremental basis, to put in place the necessary framework to ensure the organisation meets its statutory and governance obligations and service users receive a quality interaction with GSOC. The organisational review and recommendations for the future, as envisaged by the Policing Security and Community Safety Bill, now enacted, is being considered to formalise the approach to be taken by the quality function in the context of the transition.

### Audit and risk

The Commission established its own Audit and Risk Committee in 2022 to oversee the management of risk and internal controls in the organisation and to advise the Commission in relation to matters of audit, governance and risk. The committee includes two independent members, one of whom chairs the committee, and a member of the Commission. One member of the committee has recent and relevant financial experience. The Committee met 5 times throughout 2023.

GSOC's risk management process includes:

- A Chief Risk Officer who has overall responsibility for overseeing the management of risk and keeping the Commission informed of high-level risks and their mitigation;
- A Risk Management Policy which sets out the processes in place for the identification, assessment, management and mitigation of risks in the organisation;
- A Risk Register which contains details of risks and their mitigation and which is kept up to date on an ongoing basis; and
- Risk is a formal agenda item for Commission meetings, at which a report on risk management is provided for the Commission's consideration. Risk management is also a standing agenda item for Senior Management Team meetings.
- Work continued with the implementation of the new GSOC Risk Management system in 2023, updating the Risk Register to identify, assess and mitigate risk, ensure ongoing review and improvements in GSOC and provide assurance to the Commission. This involved amalgamating and updating existing risks, identifying emerging risk and linking risk with GSOC's strategic objectives, identifying mitigating actions and controls in place.



## 2023 Statement of Internal Control in GSOC

The Garda Síochána Ombudsman Commission hereby acknowledges our responsibility for ensuring that an effective system of internal controls is maintained and operated. This responsibility takes account of the requirements of the Code of Practice for the Governance of State Bodies (2016).

### Purpose of the System of Internal Control

The system of internal control can only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or other irregularities are either prevented or would be detected on a timely basis. The Commission is satisfied that the systems which it has in place are reasonable and appropriate for the Commission's circumstances having regard to its size, level of expenditure, staff resources and the nature of its operations.

### Internal Control Environment

The following steps have been taken to ensure an appropriate control environment.

- Internal reporting relationships are clearly assigned;
- Management responsibilities are clearly assigned and communicated between the Director of Administration, Corporate Services and the Finance Team;
- Decisions on expenditure rest with line managers and the members of the Commission in line with approved expenditure thresholds;
- Shared service arrangements were availed of in relation to the provision of a number of financial management and related services to GSOC:
  - The Department of Justice provide an agency payment service for the Garda Síochána Ombudsman Commission.
  - Payroll Shared Service Centre, which is part of the National Shared Services Office, processed payroll and travel and subsistence claims.
  - The Department of Justice provided fixed asset register maintenance, purchase ordering and tax filing services.

The Department of Justice have received assurances in relation to these shared services arrangements where appropriate.

- When required, additional services are procured from external providers to supplement these services;
- An Internal Audit function, whose work is conducted in accordance with the Institute of Internal Auditors Standards, is in place to provide independent and objective assurance on the adequacy of the internal control environment;
- Robust financial procedures and controls are in place and an external accounting firm is engaged to prepare GSOC's financial statements;
- GSOC has systems in place for the monitoring of risk and, in so far as possible having regard to the operating environment, dealing with the risks that have presented throughout 2023.

The Garda Síochána Ombudsman Commission met formally to discharge its governance responsibilities on 5 occasions in 2023, in addition to regular meetings to oversee the transition project and to progress work on operational issues.

### **Risk and Control Framework Risk Management**

The Commission has established processes to identify and evaluate business and financial risks by putting a Risk Management Policy and Risk Register in place to:

- Identify the nature and extent of financial and operational risks;
- Assess the potential of risks occurring;
- Evaluate and assess capacity to manage the risks that do occur;
- Examine risks in the context of strategic goals;
- Put actions in place to mitigate risks; and
- Regularly report on risks.

The risk management process in place includes:

- A Chief Risk Officer who has overall responsibility for overseeing the management of risk and keeping the Commission informed of high-level risks and their mitigations.
- A Risk Management Policy which sets out the processes in place for the identification, assessment, management and mitigation of risks in the organisation;
- A Risk Register which contains details of risks and their mitigation and which is kept up to date on an ongoing basis. This register identifies specific risks, details the controls and actions needed to mitigate those risks and assigns responsibility for the mitigation and operation of controls; and
- Risk is a formal agenda item for the bi-monthly Commissioner meetings and is a standing agenda item for SMT meetings.

The Commission established an Audit and Risk Committee in 2022 to oversee the management of risk and internal controls in the organisation and to advise the Commission in relation to matters of audit, governance and risk. The Committee met 5 times throughout 2023. The committee is comprised of three members, one member of the commission and two of which are external independent members, one of which chairs the committee. One member of the committee has recent and relevant financial experience.

### **Monitoring and Review**

The system of internal control is based on a system of internal controls which includes management of information, administrative procedures and a system of delegation and accountability. In particular, this involves:

- Comprehensive budgeting with an annual budget which is reviewed regularly by senior management;
- Submission of monthly finance reports to the Director of Administration for review; and
- Regular review by the Commission and Corporate Services of financial information;

Mechanisms have been established for ensuring the adequacy of the security of the Commission's information (internally within the Garda Síochána Ombudsman Commission) and communication technology systems.

### **Incidents of Significant Control Failings**

In 2021 GSOC carried out a review of its ICT Service Delivery model. From this review four high level findings were identified, and recommendations made. Three of these findings have been addressed to date but one high level finding still remains. GSOC have started the process to address this remaining finding in Q3 of 2023 by procuring information security management services to address this finding.

In 2023 Internal Audit carried out a review of strategic and business planning and performance in GSOC. From this review two high level findings were identified and recommendations made. GSOC have started the process to address these recommendations in the context of its transition to Fiosrú.

### **Compliance with the Public Spending Code**

The Garda Síochána Ombudsman Commission has procedures in place to ensure compliance with current procurement rules and guidelines as set out by the Office of Government Procurement. During 2023, the Garda Síochána Ombudsman Commission complied with those procedures. However, costs amounting to €19,293 were incurred in 2023, relating to a procurement of goods and services in 2017 in relation to software licences to support a specific urgent and sensitive investigation.

### **Approval by the Commission**

The Statement on the System of Internal controls has been reviewed by the Audit and Risk Committee in order to advise the Commission the control system in operation during the reporting period.

A review of internal controls was undertaken by Internal Audit and considered by the Audit and Risk Committee in March 2024. This has provided assurance to the Commission regarding the adequacy of the system of Internal control.

The Commission is reasonably assured that the systems of Internal Control instituted and implemented in the Garda Síochána Ombudsman Commission for the financial year ended 31st December 2023 were effective.



Rory MacCabe, S.C.  
Chairperson



Garda  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY

7

STAFFING

## 7. STAFFING

### Staffing and Organisational Structure

In accordance with section 71 (3) of the Act, officers of the Garda Síochána Ombudsman Commission are Civil Servants in the Service of the State. Section 71 (4) of the Act provides that the Ombudsman Commission is the appropriate authority (within the meaning of the Civil Service Commissioners Act, 1956 and the Civil Service Regulation Acts, 1956 to 1996) in relation to its officers.

The National Shared Services Office (NSSO) provides a suite of HR, performance management, payroll and pensions administration services on behalf of GSOC under a Service Level Agreement.

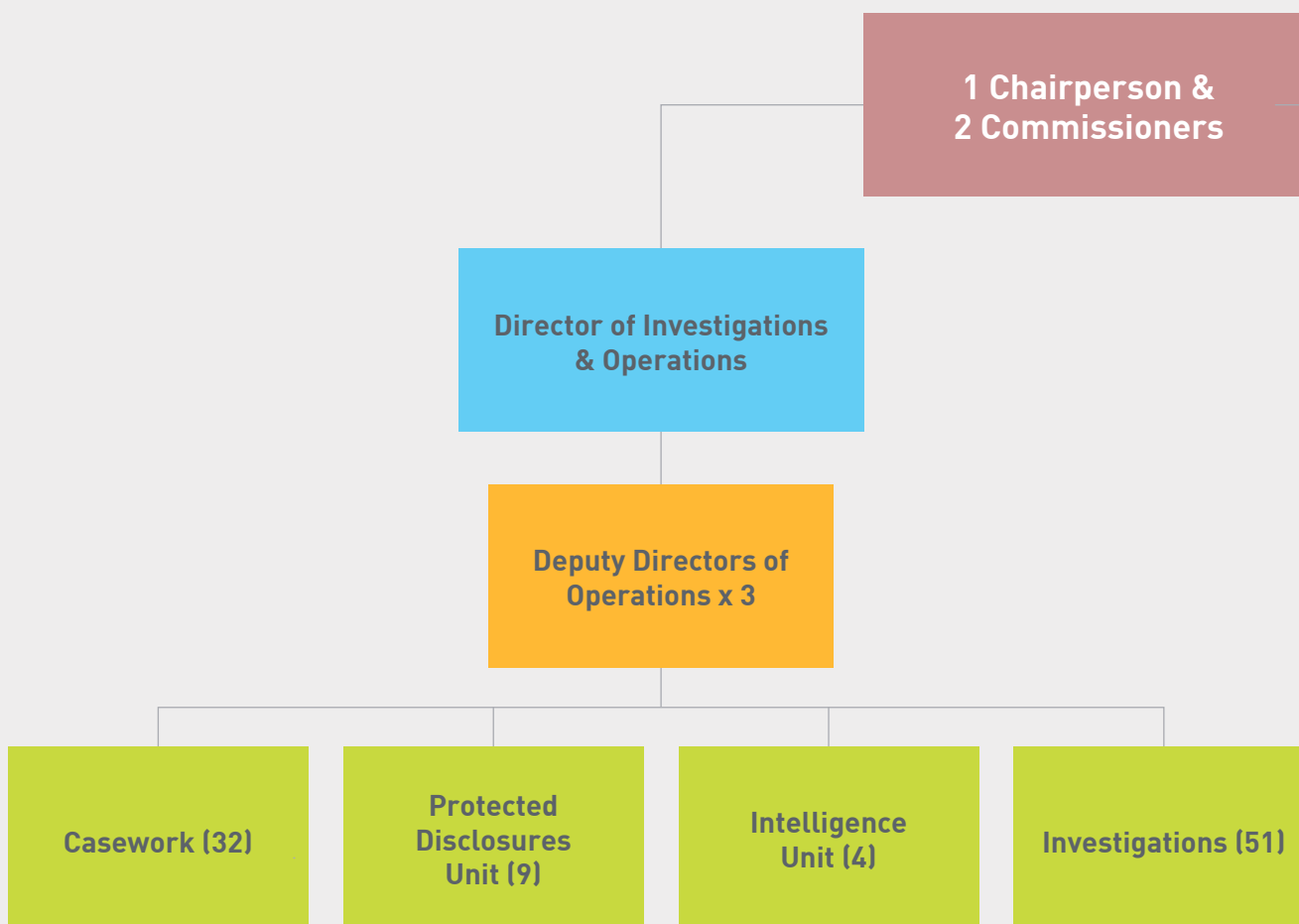
During the year GSOC successfully recruited 26 new staff, both to fill ongoing vacancies and a number of new positions which were made possible by the provision of additional funding for staffing in the 2023 estimates. Recruitment processes were underway to fill a number of vacancies at year end. However, high staff turnover throughout the year due to a combination of factors including staff availing of opportunities under the civil service mobility mechanism, promotions and retirements, resulted in a net maintenance of staffing numbers on the previous year. At 31 December 2023, GSOC had a total staff of 154.

Chart 1 shows the organisation structure and resources at 31 December 2023.

Having implemented a blended working policy for staff in 2022, GSOC remains committed to embracing opportunities for remote and blended working, to build a more dynamic, agile and responsive organisation, while sustaining strong standards of performance and high levels of productivity. GSOC believes that blended working can increase flexibility, improve health and wellbeing, and enhance work-life balance as well as optimise use of buildings and other resources.

GSOC has policy and procedures in place for its own staff to make disclosures under the Protected Disclosures Act, 2014. No internal disclosures were received under this policy in 2023.

**Chart 1: GSOC organisational structure and staffing resources at 31 December 2023**



## Learning and Development

All of our learning and development activities and deliverables for 2023 were aligned to our Learning & Development Strategy 2021-2024. This strategy highlights our need to focus on developing the capabilities the organisation needs to achieve our vision, mission and strategic outcomes. Our aim is to make sure that GSOC staff have the knowledge, skills and experiences they need to carry out GSOC’s statutory functions consistent with best practice. We also seek to equip GSOC with the capabilities required to meet future organisational needs.

Investing in the learning and development of staff members remained a key priority for GSOC during 2023. We achieved this through a combination of different learning experiences across various formats, including:

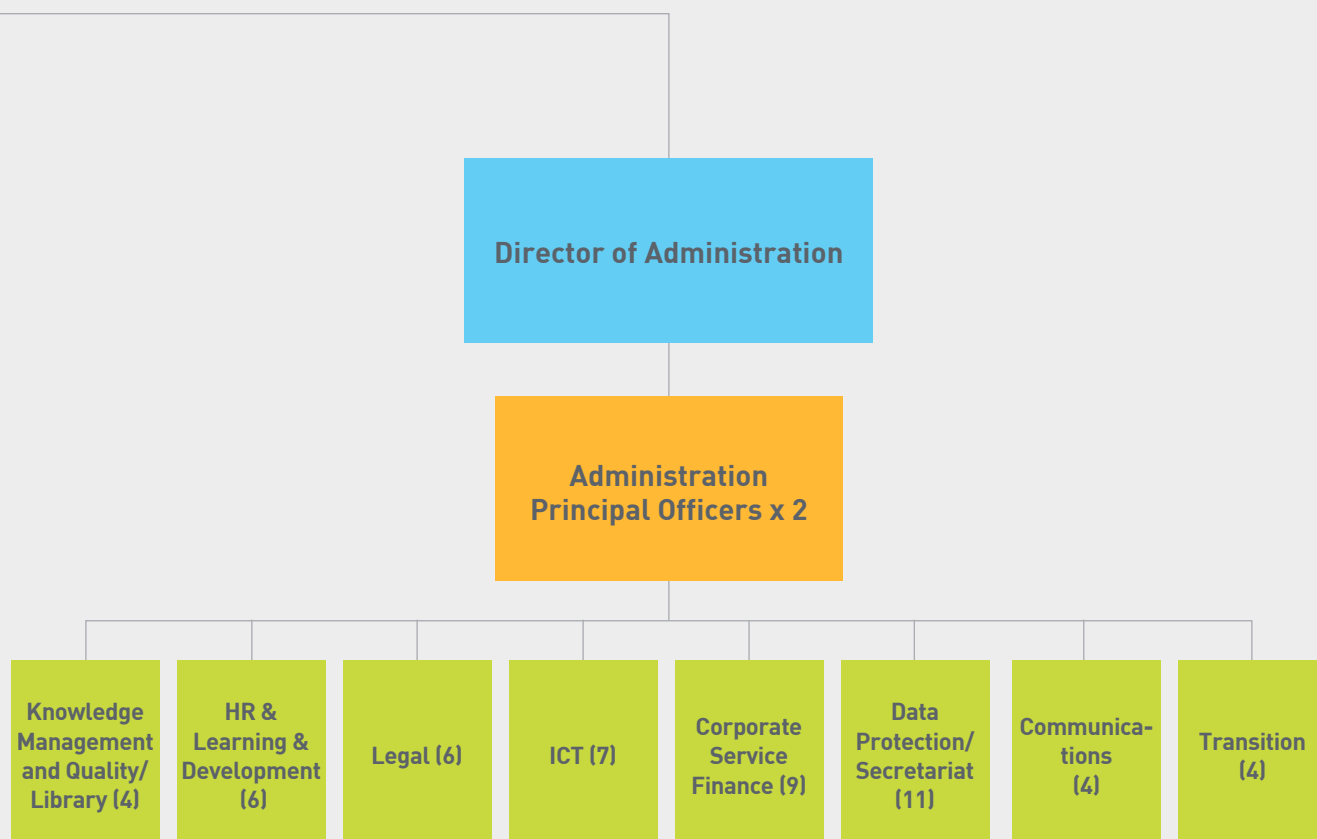
- synchronous (live) and asynchronous (recorded webinars and eLearning) learning experiences;

- formal education opportunities;
- informal mentoring;
- conference attendance;
- partnering with relevant criminal justice and victim support bodies; and
- knowledge sharing among staff.

Learning needs were identified through a learning needs analysis at the organisation level. We also reviewed individual needs captured in our performance management system, ePMDS.

In total GSOC staff attended 130 different live training courses during 2023. These courses were delivered by experienced GSOC staff, or by external providers. 45% of these courses were delivered by external providers managed by the Civil Service OneLearning Shared Service. During 2023 the proportion of live courses delivered face to face continued to increase in comparison to previous years.





Some of these courses were designed to develop our core skills. Examples include Investigative Interviewing, Courtroom Skills and Whistleblowing. Other courses supported GSOC staff to effectively deliver services in areas such as domestic violence, coercive control, family liaison and child protection. We also organised courses to highlight staff responsibilities in areas such as cyber security, GDPR and health & safety.

GSOC is also committed to supporting staff to invest in their self-development and life-long learning. One way we achieve this is by encouraging staff to attend formal Education programmes in their own time. We see this as a worthwhile investment by GSOC in the individual and in their career with clear benefits to the individual and the organisation. This practice was applied in keeping with the Refund of Fees scheme provided for under DPER Circular 23/2007. Through this scheme, GSOC continued to deepen and expand our overall capability and enhance workplace performance. This scheme has also enabled our staff to advance their own careers.

Examples of programmes supported during 2023 include:

- Masters in Human Rights in Criminal Justice
- HRM Strategy and Practice
- Masters in Audio and Video Forensics
- Diploma in Criminal Law and Practice
- BA in Applied Investigations

We continued to review how we facilitate the efficient and effective induction of new staff into the GSOC organisation. In parallel, we progressed the development of an accredited training programme for all staff. During 2023 we defined our requirements for an organisational accredited training programme and began a procurement process for a provider to partner us in the development and delivery of the programme. The development of this accreditation programme with our selected partner will be a priority for the organisation in 2024.

# 8 COMPLAINTS

## 8. COMPLAINTS

### How GSOC Receives and Investigates Complaints

Section 83 to 101 of the Act sets out how complaints alleging Garda misconduct are made to GSOC. For a complaint to be admitted by GSOC you must be directly affected by what you believe is Garda misconduct, you must witness the alleged misconduct or you can make a complaint on behalf of someone if you have their consent. Complaints can be made to GSOC in a number of ways, whether by filling out a GSOC1 complaint form online, in writing, by post, via email or via correspondence from Garda stations.

#### Admissibility

All complaints received by GSOC are assessed against a list of criteria outlined in section 87 of the Act. This list sets out the criteria a complaint needs to meet to be admitted by GSOC for investigation. If a complaint does not meet the criteria it will not be admitted by GSOC and will be deemed inadmissible.

For a complaint to be investigated it must meet the following criteria:

- It must be made by (or, in certain circumstances, on behalf of) a person who is directly affected by, or who witnesses, the conduct that is the subject of the complaint;
- It must relate to behaviour by a member of the Garda Síochána which would, if proven, constitute a criminal offence or a breach of Garda discipline;
- It must be made within one year of the incident which is the subject of the complaint;
- It must not be frivolous or vexatious;
- It must not relate to the general direction and control of the Garda Síochána by the Garda Commissioner;

- It must not relate to the conduct of a member of An Garda Síochána while the member was off-duty, unless the conduct alleged would, if proven, be likely to bring discredit on An Garda Síochána.

#### Types of complaints

##### Disciplinary

Complaints received by GSOC involving alleged breaches of discipline are investigated under section 94 or 95 of the Act. Under the current legislation, breaches of discipline may be investigated in one of these ways:

- **Unsupervised investigations** are referred for investigation to An Garda Síochána and managed by Garda Senior Investigations Officer (GSIO) as set out in the Act. These investigations are required to be complete within a 16-week timescale. Unsupervised investigations are subject to review mechanisms if the complainant is unhappy with the result. A request can be made by you to review the investigation under section 94(10) of the Act.
- **Supervised investigations** are conducted by a member of Superintendent rank and supervised by a GSOC. These investigations are required to be complete in a timescale of 20 weeks.
- **GSOC-led disciplinary investigations**, are carried out by GSOC's own investigators. Such investigations often arise where disciplinary, or systemic policy matters are identified during the course of a criminal investigation, and which require separate follow-up. These are dealt with under section 95 of the Act.

The case studies in the following sections include examples of some disciplinary investigations.

### Criminal

All complaints that contain allegations of a criminal nature against Gardaí are investigated by GSOC investigators. Such investigations take place under section 98 of the Act. When conducting criminal investigations, GSOC investigators have full policing powers, equivalent to all the powers, immunities and privileges conferred and all the duties imposed on members of An Garda Síochána.

The case studies in the following sections include examples of some criminal investigations.

### Our Local Intervention Initiative

Begun on a pilot basis in 2018, and now a core part of how we handle complaints, the Local Intervention initiative aims at resolving more minor service-level complaints at a local level, without the need for a formal investigation. Such complaints tend to relate to allegations of discourtesy or failures that would represent lower level examples of neglect of duty. Under this process, nominated Garda inspectors contact complainants who have indicated that they wish to engage in the initiative, and seek to address the issue through dialogue. The focus of the process is on addressing the problem, rather than apportioning blame.

Should the intervention not be successful, the complaint returns to GSOC, and is assessed for admissibility.

The initiative was launched to reduce the time taken for complaints to be addressed, by identifying cases where the launch of an investigation under section 94 of the Act would not be in the best interest of the complainant, and would be an unnecessary drain on GSOC and Garda resources.

Local Intervention has seen good engagement by An Garda Síochána, and has had a positive impact for Gardaí, GSOC and complainants alike, providing

a more efficient means of addressing service-level complaints. For a breakdown of the outcomes and impact of our local intervention in initiative in 2021, and some case studies, see section 12.

## Key Facts and Figures for Complaints in 2023

### Volume of queries

In the first instance, queries and complaints are handled by GSOC's Casework Unit.

In 2023, caseworkers dealt with **3,765** queries. Initially each contact is opened on our system as a 'query', until we have sufficient information to upgrade it to a complaint and assess if for admissibility.

GSOC received **2,733** calls to the lo-call number throughout 2023. This was a 3% increase on the number of calls received in 2021 (2,654). Some **97 per cent** of the calls received were answered with 60 seconds.

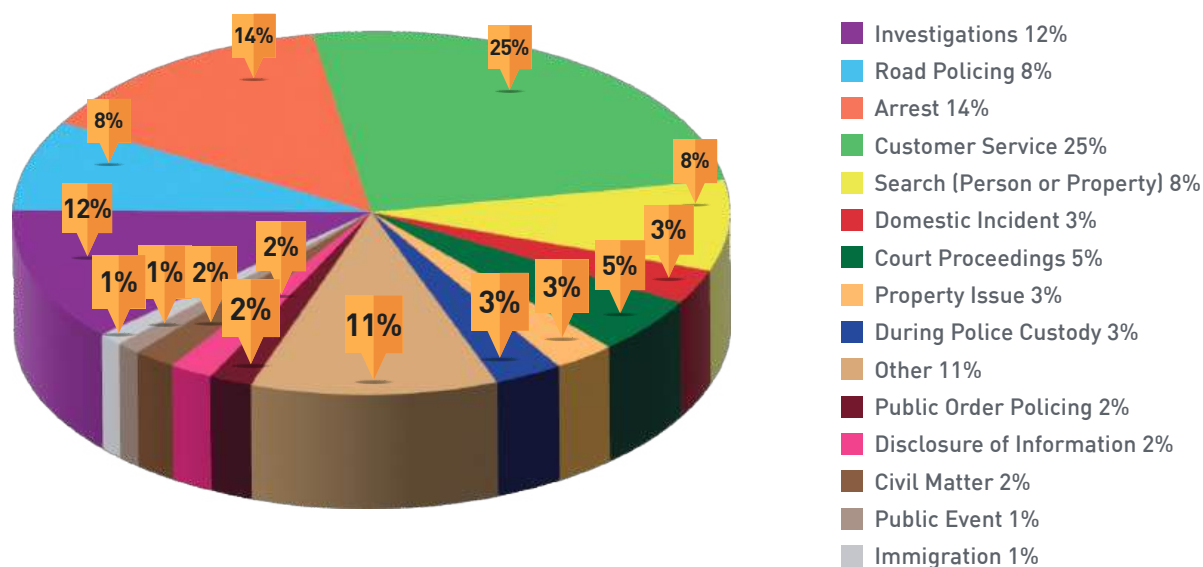
In 2023, Caseworkers met with **45** people in our public office. This compares to 34 interactions in the public office in 2022.

### Volume of complaints

A total of **1,577** complaints were opened in 2023, a 14% decrease on the 2022 figure (1,826). A complaint may contain more than one allegation, and the 1,577 complaints received in 2023 contained 3,358 separate allegations.

The most common circumstances which gave rise to complaints in 2023 were 'customer service' at 25% and the conduct of Gardaí during arrests and when carrying out investigations both at 14% each.

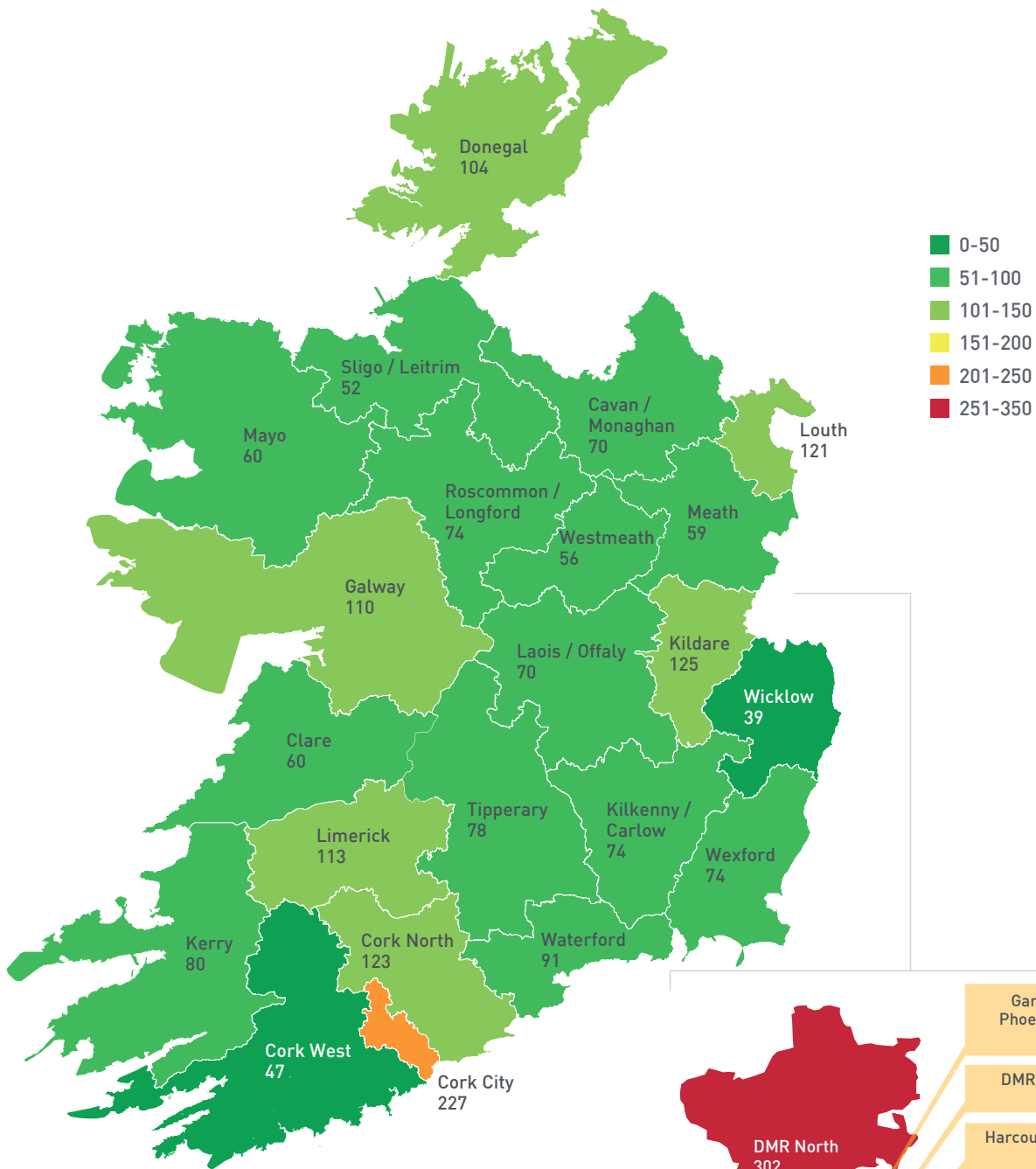
**Chart 2: Circumstances of Complaints Received (Total Complaints: 1,557)**



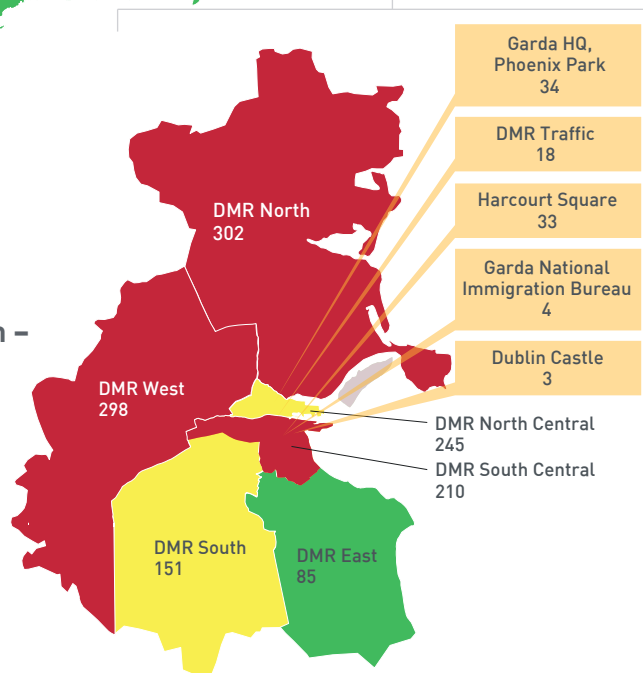
### Geographical distribution of complaints and allegations

The maps overleaf show the geographical distribution of allegations in complaints made against Gardaí in 2023. They show all the allegations, those that have been determined to be admissible, those that have been determined to be inadmissible, and those on which admissibility decisions had not yet been made by 31st December 2023. Excluded are 58 allegations for which Garda divisions had not yet been established by the end of the year.

**Map 1: Allegations by Garda Division (excluding Dublin Metropolitan Region)**



**Map 2: Allegations by Garda Division – Dublin Metropolitan Region (DMR)**



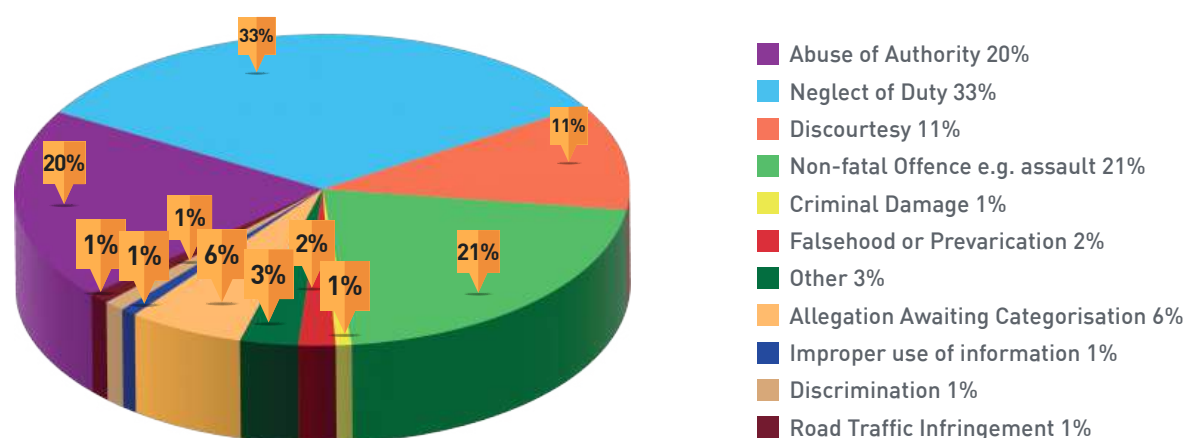
The greatest number of allegations recorded against Gardaí were in the Dublin Metropolitan Region (DMR). This would be expected given the concentration of the population and policing activity in the capital. Within the DMR, the highest number came from DMR North, with **302** allegations, and DMR West, with **298** allegations. In 2022, DMR NORTH and DMR South Central had the highest of allegations.

Outside the DMR, Cork City (**227**) and Kildare (**125**) respectively were the divisions with the highest number of allegations against Gardaí in 2023. In 2022, Cork City and Louth had the highest number of allegations outside the DMR.

### What people complain about

The chart below gives a breakdown of allegation types for 2023.

**Chart 3: Allegation Types in Admissible Complaints (Total Allegations: 2,660)**



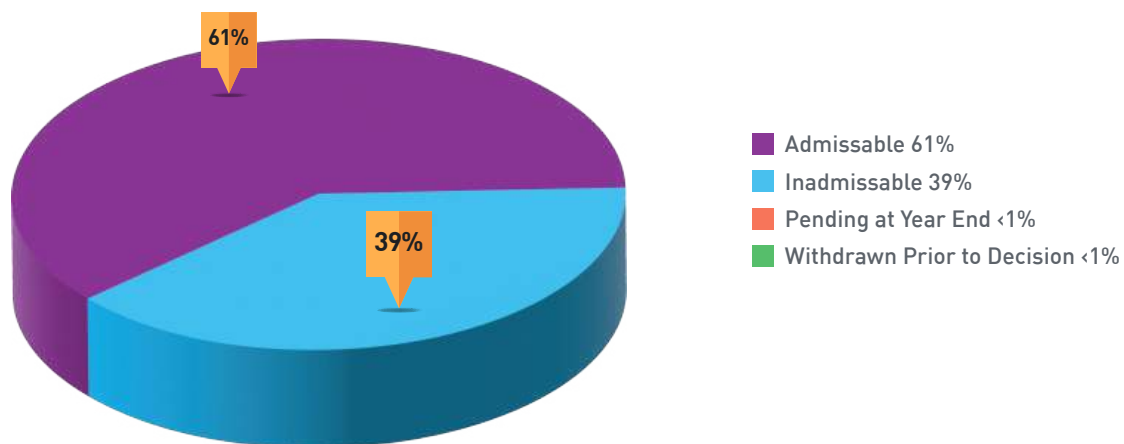
Common matters about which people complain to GSOC include:

- **Abuse of Authority** – excessive use of force, or an instruction to do something which the person making the complaint believes was beyond the garda's authority to instruct, are the main types of allegation categorised as 'abuse of authority'.
- **Neglect of Duty** – allegations that a garda failed to take an action that could have been reasonably expected – such as returning a phone call at one end of the scale, or properly investigating an alleged serious crime at the other end of the scale - would be typical examples of 'neglect of duty'.
- **Discourtesy** – complaints around how a garda spoke to or behaved towards a person.
- **Non-Fatal Offences** – these are allegations of a criminal offence listed in the Non-Fatal Offences against the Person Act, 1997 and include, for example, assault.

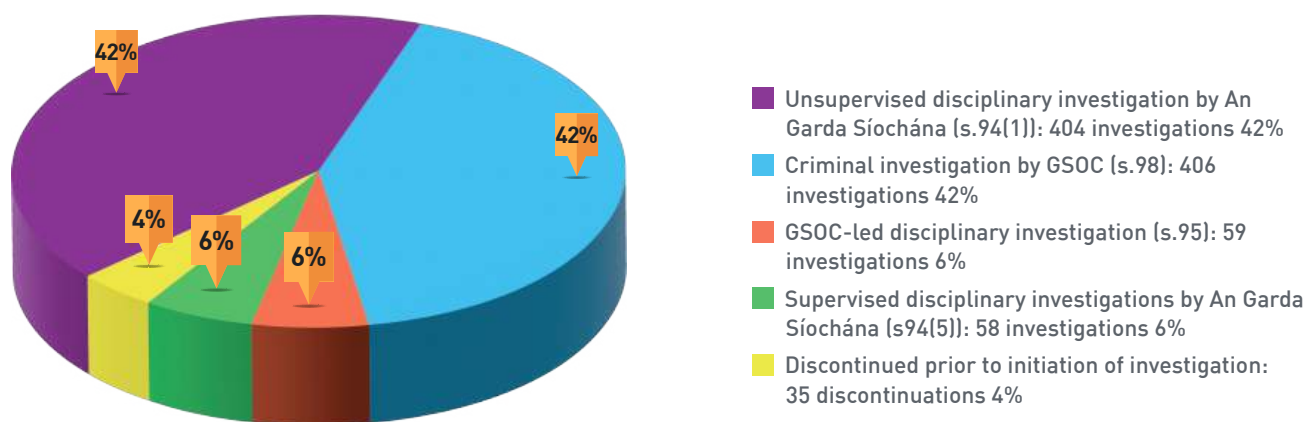
### Admissibility decisions

In 2023, a total of **1,577** complaints were received, of which 962 (61 per cent) were deemed admissible (containing at least one admissible allegation). A total of 609 (39 per cent) were deemed inadmissible.

**Chart 4: Complaint Admissibility (Total Complaints: 1,577)**



**Chart 5: Investigations Opened by Type (Total Complaints Admitted for Investigation: 962)**

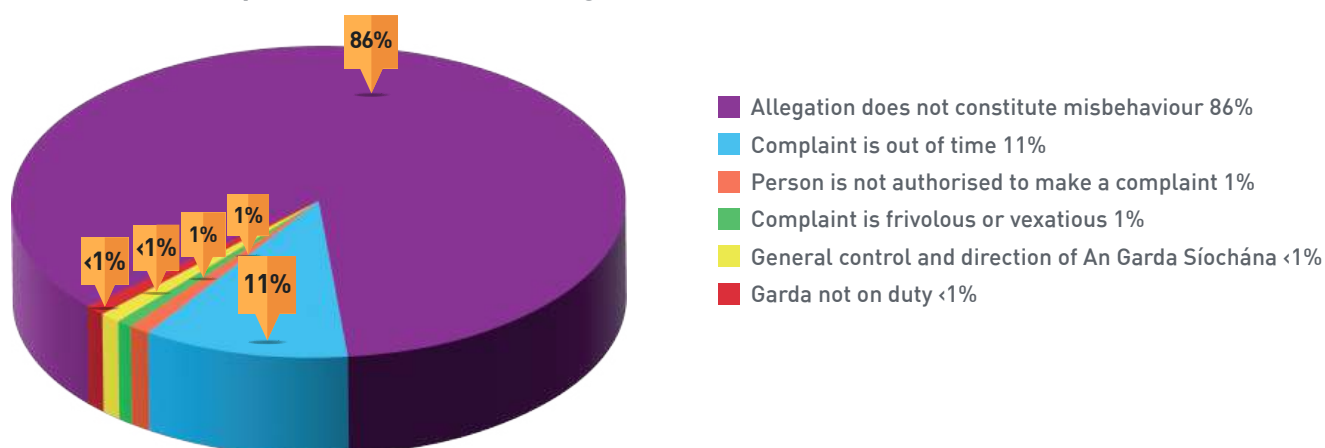




## Inadmissibility decisions

The **609** complaints deemed to be inadmissible in 2023, which contained 634 allegations, were deemed so for reasons outlined in the chart below.

**Chart 6: Reasons for Inadmissibility of Allegations in Inadmissible Complaints (Inadmissible Allegations 610)**



The most common reason for an inadmissibility decision – applying to **609** or 39 per cent of inadmissible allegations – was that, even if proven, the alleged behaviour would not be a crime or a breach of the Discipline Regulations.

The second most common reason not to admit a complaint for investigation was because the allegation(s) fell outside the 12-month time limit set out in legislation. In 2023, **67** allegations or 11% were determined to be inadmissible for this reason. While GSOC has some discretion to admit complaints outside the specified time period, there is a practical reason for a time limit in the majority of cases: the more time that has elapsed between the incident and the complaint, the more difficult it is to conduct an effective investigation which involves preserving evidence, finding potential witnesses, and securing accurate statements.

# 9 INVESTIGATIONS ON FOOT OF COMPLAINTS: OUTCOMES IN 2023

## 9. INVESTIGATIONS ON FOOT OF COMPLAINTS: OUTCOMES IN 2023

### Overview of 2023 Investigation Outcomes

In 2023, 1,755 complaints containing 4,156 allegations were closed. While this represented a 23.7% decrease in the number of complaints closed, the volume of allegations per complaint was extremely high, placing the effective closure rate at a similar scale to 2022.

Of these, 1,135 complaints containing 3,501 allegations were closed following admission and investigation. The remainder were either determined to be inadmissible, or closed due to lack of engagement by the complainant.

While the 1,135 complaints all contained one or more admissible allegations, 113 of the allegations contained in them were inadmissible, so were not investigated. In total, 3,394 allegations were investigated and the outcomes are described in Table D.

**Table D: Outcomes of complaints closed in 2023**

Outcome/ Reason	Explanation	Type of investigation concerned	Number of allegations
Discontinued - Further investigation not necessary or reasonably practicable	The most common scenario here is that an investigation is discontinued because there is no independent evidence to prove an allegation.	All types	2,165
No breach of the Discipline Regulations identified	The allegations were investigated and the garda whose conduct was complained of was found to have acted correctly.	Disciplinary investigation by the Garda Síochána (s.94 ) or by GSOC (s.95)	426
Allegation withdrawn	The person who made the complaint indicated that they would not pursue it.	All types	306
Non-cooperation by the complainant	The complainant fails to engage with investigation.	All types	43
Breach of Discipline Regulations identified and sanction applied	A range of sanctions may be applied depending on the gravity of the breach found (see Table 2). The identification of the specific breach and any sanction to be applied is a matter for the Garda Commissioner under the Discipline Regulations.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	81

No misbehaviour identified following criminal investigation	The most common scenario here is that there is no independent evidence to prove the allegation(s) made.	Criminal investigation by GSOC (s.98)	318
Garda Discipline Regulations no longer apply	The garda subject of a disciplinary investigation retired or resigned prior to, or during, the investigation.	Disciplinary investigation by the Garda Síochána (s.94) or by GSOC (s.95)	8
Referred to the DPP - no Prosecution Directed	If there is evidence that an offence may have been committed following criminal investigation, the case is referred to the DPP, who decides whether or not to prosecute. In certain cases, the Ombudsman Commission may refer a case to the DPP to ensure full transparency and public confidence. (See further detail in Section 5).	Criminal investigation by GSOC (s.98)	22
Referred to the DPP – Prosecution Directed	As stated above, the DPP may also form a decision based on the evidence to direct a prosecution and a trial will commence (See further details in Section 13).	Criminal investigation by GSOC (s.98)	5
Other	Closure for other procedural reasons.	All types	20
<b>Total Outcomes</b>			<b>3,394</b>

## Reviews of Disciplinary Investigations

If a complainant is dissatisfied with the result of an unsupervised investigations undertaken by a Garda Superintendent, section 94(10) of the Act provides that they can request a GSOC officer review the matter. In these reviews, GSOC's role is to establish if the investigation was comprehensive enough and the outcome appropriate.

GSOC does not have the power to substitute the decision or finding with a new decision. GSOC provides a report to the Garda Commissioner where concerns in relation to how the investigation was conducted and/or its outcome arose. As the disciplinary process has been concluded in these cases, the case cannot be re-opened or the outcome changed. It is hoped that the feedback may contribute to a reduction in the occurrence of similar issues in further investigations.

## Sanctions Imposed

Should an investigation by An Garda Síochána under section 94 (either supervised or unsupervised) or GSOC-led disciplinary investigations under section 95 find evidence of a potential breach of the Discipline Regulations by a Garda, it is for Garda management to decide whether or not there has been a breach, and the sanctions applied are entirely a matter for the Garda Commissioner. The sanctions applied in 2023, following decisions of a breach of discipline, are set out in Table E.

**Table E: Sanctions applied by the Garda Commissioner in 2023, following disciplinary investigations**

Outcome	Count of Allegations
Advice	48
Fine imposed	5
Warning	3
Caution	8
Reprimand	4
Reduction in pay not exceeding 2 weeks' pay	6
Reduction in pay not exceeding 4 weeks' pay	1
Regulation 10 - Advice	5
Regulation 10 - Warning	1
<b>TOTAL SANCTIONS</b>	<b>81</b>

In addition to the above outcomes, which were findings in relation to the behaviour of individual Gardaí, some disciplinary investigations highlighted situations where the problem may have arisen due to a systemic or management issue rather than the behaviour of an individual. With a view to reducing or eliminating the incidence of similar complaints in the future, a number of recommendations about policies and/or practices were sent to the Garda Commissioner – please see Chapter 14 for details.

## Time Taken to Close Investigations

### Criminal investigations

At the end of 2023, the median time to close criminal investigations was **224** days, a decrease of 142 days on the 2022 figure of 366.

### Unsupervised and supervised disciplinary investigations

Unsupervised disciplinary investigations are undertaken by An Garda Síochána Investigating Officers (GSIOS). The protocols between the An Garda Síochána and GSOC provide that unsupervised disciplinary investigations must be completed and an investigation report must be provided with 16 weeks / 114 days. The median duration of such investigations at the end of 2022 was **218** days, a decrease of 32 days on the 2022 figure of 250.

Supervised disciplinary investigations are undertaken by Garda Síochána Investigating Officers supervised by GSOC investigations officers. The protocols between the Garda Síochána and GSOC say that supervised disciplinary investigations must be completed and an investigation report must be provided with 20 weeks / 140 days. The median duration for such investigations in 2023 was **315** days, a decrease of 21 days on the 2022 figure of 336.

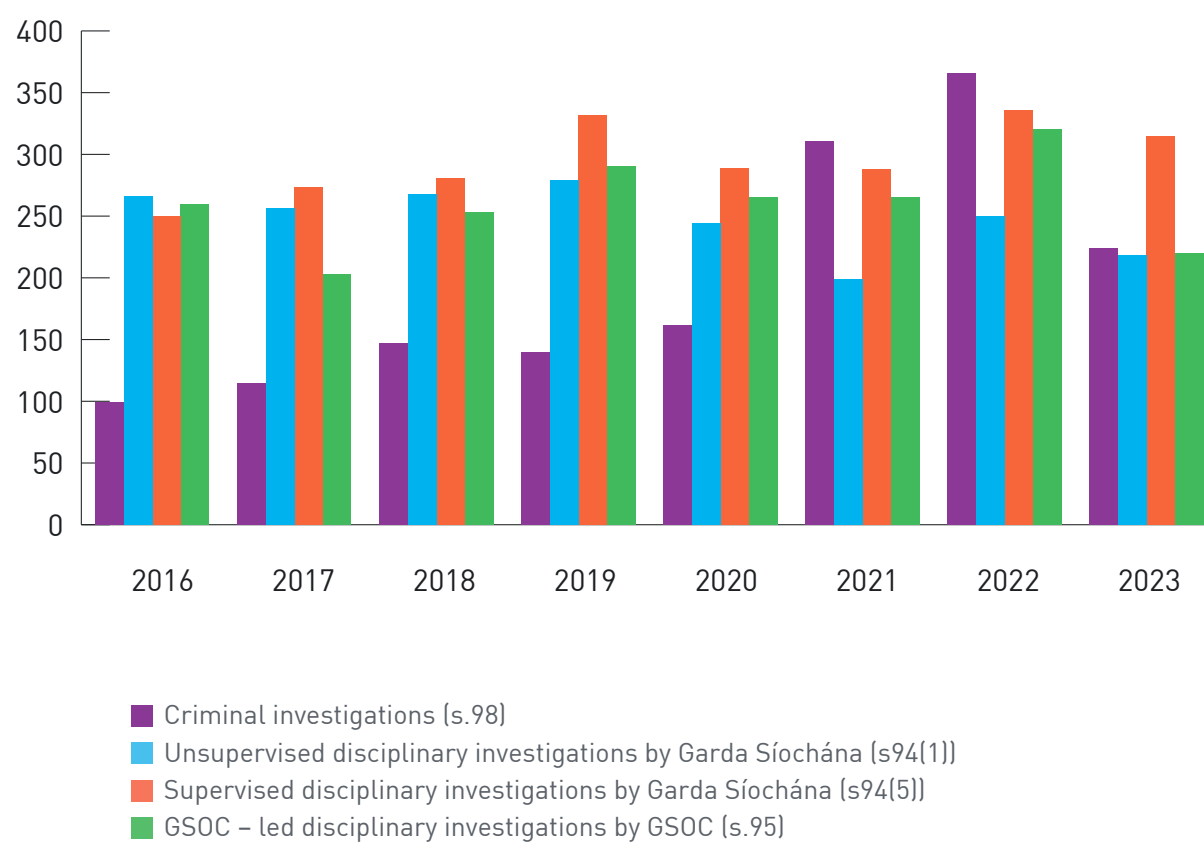
### GSOC-led disciplinary investigations

Non-criminal investigations by GSOC may, under section 95 of the Act, be undertaken by the GSOC's own investigators. The median duration of such investigations are **220** days which is a decrease of 100 days on the 2022 figure of 320.

**Table F: Median Closure Time**

	2016	2017	2018	2019	2020	2021	2022	2023
Criminal investigation (s.98)	99	115	147	140	162	311	366	224
Unsupervised disciplinary investigations by Garda Síochána (s94(1))	266	256	268	279	244	199	250	218
Supervised disciplinary investigations by Garda Síochána (s94(5))	250	273	281	332	289	288	336	315
GSOC-led disciplinary investigations by GSOC (s.95)	260	203	253	290	265	265	320	220

**Chart 7: Median Time Taken to Close Investigations (in days)**



## Investigations on Foot of Complaints: 2023 Case Studies

### Investigations on foot of complaints: examples where sanctions resulted

#### CASE STUDY 1

A member of the public alleged that Gardaí failed to identify themselves when trying to gain entry to their home in pursuit of who they thought was a suspect. Excessive force was further alleged. An unsupervised disciplinary investigation was commenced under s94(1) of the Act. A Garda Superintendent was appointed as the Garda Síochána Investigating Officer (GSIO), subsequently appointing a Garda Inspector to assist with the investigation. Three Garda members were identified during the course of the investigation. One member was found to be in breach of Garda Disciplinary Regulations for failure to identify himself as a Garda during the encounter. The same member was found not to have used excessive force, as he had been acting in line with his lawful powers under the Criminal Law Act 1997. The two other members identified were found not in breach, having not been directly involved in the incident.

#### CASE STUDY 2

The complainant alleged that a member failed to investigate reported damage to his vehicle in a timely fashion. An unsupervised disciplinary investigation was commenced under s94(1) of the Act. A Garda Superintendent was appointed as the Garda Síochána Investigating Officer (GSIO) and a Garda Inspector was appointed to assist with the investigation and conduct necessary enquiries. One member was identified during the course of the investigation. The investigation established that a delay in follow-up resulted in failure to capture CCTV evidence of the incident. The member immediately acknowledged responsibility, apologised, and accepted a finding of neglect of duty. A sanction of advice was applied.



### CASE STUDY 3

The complainant was a regular cyclist who used a helmet camera while travelling on their bike. They alleged that they frequently witnessed drivers using their phones/parking illegally and had reported many such incidents to the Garda traffic watch phone line. The complainant stated that they gave a member a statement and video footage of one such incident. Following this the complainant was advised by the Garda member that the footage showed him cycling through a red light, and that he was to be issued with a fixed penalty notice. The complainant asked the member if the other drivers that appear to be committing traffic offences in the same video will be prosecuted. The complainant alleged that they were advised to submit their questions in writing. They did so, however they received no response or acknowledgement. An unsupervised Garda disciplinary investigation was commenced under s94(1) of the Act. The investigation found that the member was in breach of disciplinary regulations (neglect of duty) for failure to respond to correspondence without sufficient cause. A sanction of advice was applied. The member appealed this finding to a Garda Chief Superintendent, who quashed the finding, ruling it disproportionate.

### CASE STUDY 4

The complainant had an issue with how a Garda member conducted themselves during a phone call in relation to an incident they had reported. The complainant then went to the Garda Station with a family member to report the issue she had with the member during their call. They alleged that they were treated discourteously and threateningly by the Member during their interactions in the Garda station. An unsupervised Garda disciplinary investigation was commenced under s94(1) of the Act. The investigation established that mobile and CCTV footage of the incident did not uphold the complainant's account of events, but corroborated that of the Garda member. However, the investigation found that the Garda was in neglect of his duty for failure to record and follow up on the complainant's initial report of an incident. A sanction of advice was applied.

### CASE STUDY 5

A member of the public alleged that while they were travelling on their bicycle, a Garda member driving a private vehicle dangerously overtook them, before identifying themselves as a Garda and speaking to them in a discourteous and threatening manner.

The complainant had cameras mounted to the front and rear of their bicycle.

GSOC opened a criminal investigation under s98 of the Act.

The investigation established a possible breach of the Road Traffic Acts, and a file was prepared for the DPP. The DPP directed no prosecution.

GSOC thereafter opened a disciplinary investigation under s95 of the Act, identifying a number of possible breaches of Garda Discipline Regulations. A report was forwarded to the Garda Commissioner, and the matter was put before a Garda deciding officer. The Garda member was found to be in breach of the Garda Discipline Regulations for Discourtesy, Abuse of Authority and Discreditable Conduct. The Garda member received a temporary reduction in pay.

### CASE STUDY 6

An allegation of rape by a complainant was investigated by GSOC using forensic evidence, scene searches, witness statements and a CCTV trawl. The complainant withdrew the complaint but the information obtained by GSOC during that investigation identified an inappropriate sexual relationship between a Garda member and a victim of domestic abuse. GSOC thereafter opened a disciplinary investigation under s95 of the Act, and submitted a report to the Garda Commissioner. A Garda Board of Inquiry was held, and the member was found in breach of discipline and was sanctioned.

### CASE STUDY 7

The complainant alleged that An Garda Síochána had failed to properly investigate allegations they had made regarding a domestic assault. GSOC opened the case as a supervised investigation under s95(5) of the act, conducted by a Garda Superintendent and overseen by a GSOC Designated Officer. On completion of the investigation, GSOC completed a report and submitted it to the Garda Commissioner for a decision. The member was found to be in breach of Garda Discipline regulations on two counts of neglect of duty. The member was sanctioned by way of advice and caution.

**Investigations on foot of complaints: examples where cases were closed owing to lack of evidence, lack of engagement, withdrawal of complaint, or a finding that no misconduct arose**

### CASE STUDY 8

A member of the public alleged that he was travelling on a dual carriageway when he was overtaken by a garda vehicle which he believed to be travelling in excess of 100km/hr. The complainant also stated that he observed the Garda vehicle drive dangerously close to other vehicles before exiting the dual carriageway. GSOC opened a criminal investigation under s98 of the Act. The Garda Member driving the vehicle was identified and interviewed after caution. During this, he denied driving in a careless manner or at excessive speed. There was no CCTV evidence nor independent witnesses to the allegation and the complainant's vehicle speedometer, by which he judged the speed of the Garda vehicle, was not calibrated. As there was no evidence to corroborate the allegations made, the matter was closed.

### CASE STUDY 9

A complainant alleged that several thousand euro in cash were taken from his home during a Garda search operation. An Garda Síochána confirmed that a certain sum had been seized under a search warrant, however there appeared to be a discrepancy of several thousand euro between the sum seized under warrant, and the total sum the complainant alleged had been taken. GSOC opened a criminal investigation under s98 of the Act. The investigation identified that Gardaí conducted the search on foot of a lawfully obtained search warrant. The Garda Member who seized the money was identified and interviewed after caution. He stated that the sum seized was the total amount of money found. This money was counted in front of another Garda Member and a notebook entry was signed confirming its accuracy. These actions were in compliance with the relevant Garda Directive on procedures for handling money. The money was also sealed in a tamper-proof evidence bag. There was no evidence to corroborate the allegations of the complainant in this matter and accordingly the matter was closed.

### CASE STUDY 10

A member of the public subjected to arrest by An Garda Síochána came forward six months after the arrest. They alleged that Gardaí used excessive force against them during the arrest. This included an allegation that Gardaí used the arrest as an ad hoc opportunity to demonstrate to Garda probationers how handcuffs could be applied when a person is resisting. The complainant reported that each probationer present was given a turn to put handcuffs on, resulting in injury. It was further alleged that Gardaí were disrespectful.

GSOC opened a criminal investigation under s98 of the Act. GSOC opened a criminal investigation under s98 of the Act. GSOC investigators sought CCTV from the premises where the arrest took place. However, given the time since the complainant's arrest no CCTV was available. GSOC Investigators also took statements from staff at the place where the arrest occurred, whereupon it emerged that staff were using a bodycam on a trial basis. GSOC subjected the body camera to download in a controlled environment, with the aid of the camera supplier. The footage did not support the allegations made by the complainant, nor did the medical evidence supplied by the complainant. The matter was closed by GSOC. While the bodycam footage in this case was collected by staff members at a premises, it nonetheless demonstrates the potential evidentiary value of bodycam footage in future investigations, once the planned rollout by An Garda Síochána of body-worn cameras gets underway in the coming year.

### CASE STUDY 11

A complaint arose out of an incident where an off-duty Garda was confronted in a public house by a number of patrons. The complainant alleged that they had been physically assaulted and verbally abused by a Garda. GSOC opened a criminal investigation under s98 of the Act. GSOC investigators took statements from the staff on duty, from other witnesses, as well as reviewing CCTV footage of the incident. Inquiries established that a confrontation between the off-duty Garda and a number of members of the public had taken place. This included verbal exchanges, as well as a physical altercation. Inquiries further indicated that the Garda had likely been the victim of aggressive behaviour on the part of a number of patrons, and that it was while he sought to leave the premises that the physical altercation ensued. GSOC completed a criminal investigation in the matter, concluding that there was insufficient evidence to substantiate the allegations made.

### CASE STUDY 12

A member of the public alleged that Gardaí were negligent in their duty for incorrectly serving a search warrant at their residence, rather than the residence provided for in the warrant. An unsupervised disciplinary investigation was commenced under s94(1) of the Act, and a Garda Superintendent was appointed as the Garda Síochána Investigating Officer (GSIO). During the course of the investigation, it was confirmed that a warrant had been served on the incorrect residence in error. It was concluded, however, that the warrant was served in good faith, and that the error was a genuine one in the circumstances, demonstrating neither bad faith nor negligence. The GSIO therefore found that no breach of discipline had taken place.

### CASE STUDY 13

A member of the public made a complaint of Garda neglect of duty following the arrest of a person armed with a knife. The complainant sustained a minor injury from the knife after the arrest, when it was in the possession of a Garda member. The complainant alleged that the member was careless and unprofessional for not concealing the knife, and accused the member of negligence. An unsupervised Garda disciplinary investigation was commenced under s94(1) of the Act. The investigation established that there was no evidence that the member acted unprofessionally or neglectfully, and that the injury was accidentally sustained on foot of the complainant's own actions. The case was therefore discontinued further to s93 of the Act.

### CASE STUDY 14

The complainant alleged that they were subjected to excessive use of force when arrested in following an altercation with bar staff in a pub. GSOC opened a criminal investigation under s98 of the Act.

GSOC investigators obtained and reviewed CCTV footage from the pub and from the Garda custody area. Witness statements from bar staff were taken. A review of contemporaneous Garda notes was undertaken and members were interviewed, providing accounts of the incident. Photos taken by the complainant showed minor injuries that were consistent with resisting arrest.

The evidence did not support the complainant's allegation of excessive use of force, and there was no indication of any other breach of the criminal law, nor of misconduct, in the actions of the Garda members. The matter was therefore closed.

### CASE STUDY 15

The complainant alleged that they were walking along the road when Garda members approached them and manhandled them while claiming they had drugs on their person. The complainant also stated they were wrongfully arrested.

GSOC opened a criminal investigation under s98 of the Act. CCTV from the location was sought but had been overwritten at the time of enquiry, as there had been a delay in reporting. The complainant gave a statement of complaint and the member involved was interviewed under caution. A statement was also taken from the assisting member. The Custody record and PULSE entries were reviewed.

Issues with consistency were identified in the account of the complainant and when further questions were put to them, they did not engage. An investigation report was completed, with no misconduct having been identified. The matter was therefore closed.

# 10 INVESTIGATIONS ON REFERRAL UNDER S102 (DEATH OR SERIOUS HARM)

- DIVISIONAL H.Q.
- ▲ DISTRICT H.Q.
- SUB - DISTRICT
- SUB - STATION



## 10. INVESTIGATIONS ON REFERRAL UNDER S102 (DEATH OR SERIOUS HARM)

### When is a Referral made to GSOC by An Garda Síochána?

Section 102 of the Act provides for independent investigation of any matter that appears to indicate that the conduct of a member of the Garda Síochána may have resulted in the death of, or serious harm to, a person. The provision forms an important element of the State's framework for the guarantee of compliance with its obligations under Article 2 and 3 of the European Convention on Human Rights.

The power to refer is delegated by the Garda Commissioner to superintendents whose responsibility it is to decide if it is appropriate to refer an incident, in order that it be investigated independently.

### How GSOC Investigates matters under Section 102

Once GSOC receives a referral from An Garda Síochána, we must investigate the matter.

We aim to respond proportionately, according to the circumstances. It is sometimes the case that, following the initial examination, it is clear that there is no evidence of misbehaviour or criminality. At the other end of the scale, sometimes it is appropriate to undertake a full criminal investigation and refer the case to the DPP.

If there has been a fatality, there must be particular consideration given to the State's obligation under Article 2 of the European Convention on Human Rights (ECHR). Article 2 states that everyone's right to life shall be protected by law. The European Convention on Human Rights Act, 2003 requires that Irish state bodies including An Garda Síochána, perform their functions "in a manner compatible with the State's obligations under the convention provisions".

To be compliant with Article 2, investigations into deaths following police contact should adhere to five principles developed by the European Court of Human Rights. These are:

- Independence
- Adequacy
- Promptness
- Public scrutiny
- Victim involvement.

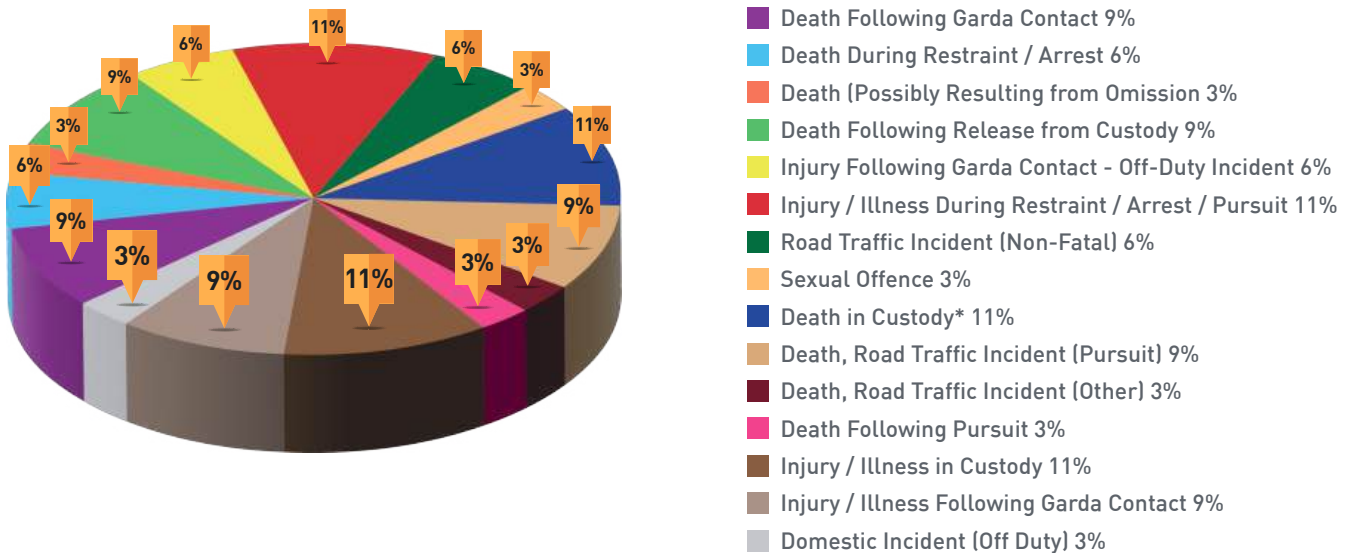
These principles are at the heart of GSOC's approach to investigating fatalities.

## Referrals Received in 2023

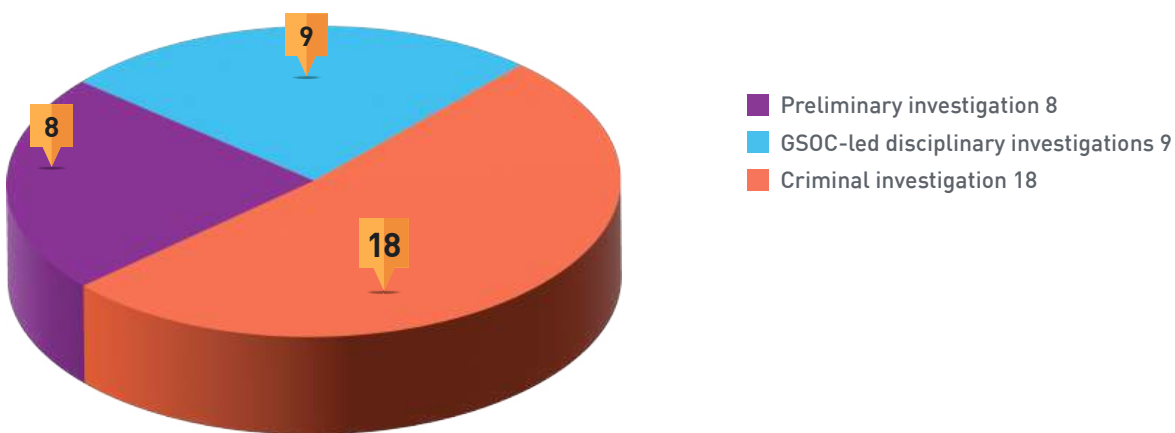
GSOC received **35** referrals under this section in 2023, compared with 41 in 2022, and 59 in 2021.

Eighteen (**18**) of the referrals received in 2023 related to fatalities. A breakdown of the circumstances is below.

**Chart 8: Circumstances of Referrals [Total Referrals Received: 35]**



**Chart 9: Investigation Types in Referrals (Total Referrals Received: 35)**



\*Note: Death in Custody (3) includes an incident where a person later died in hospital.

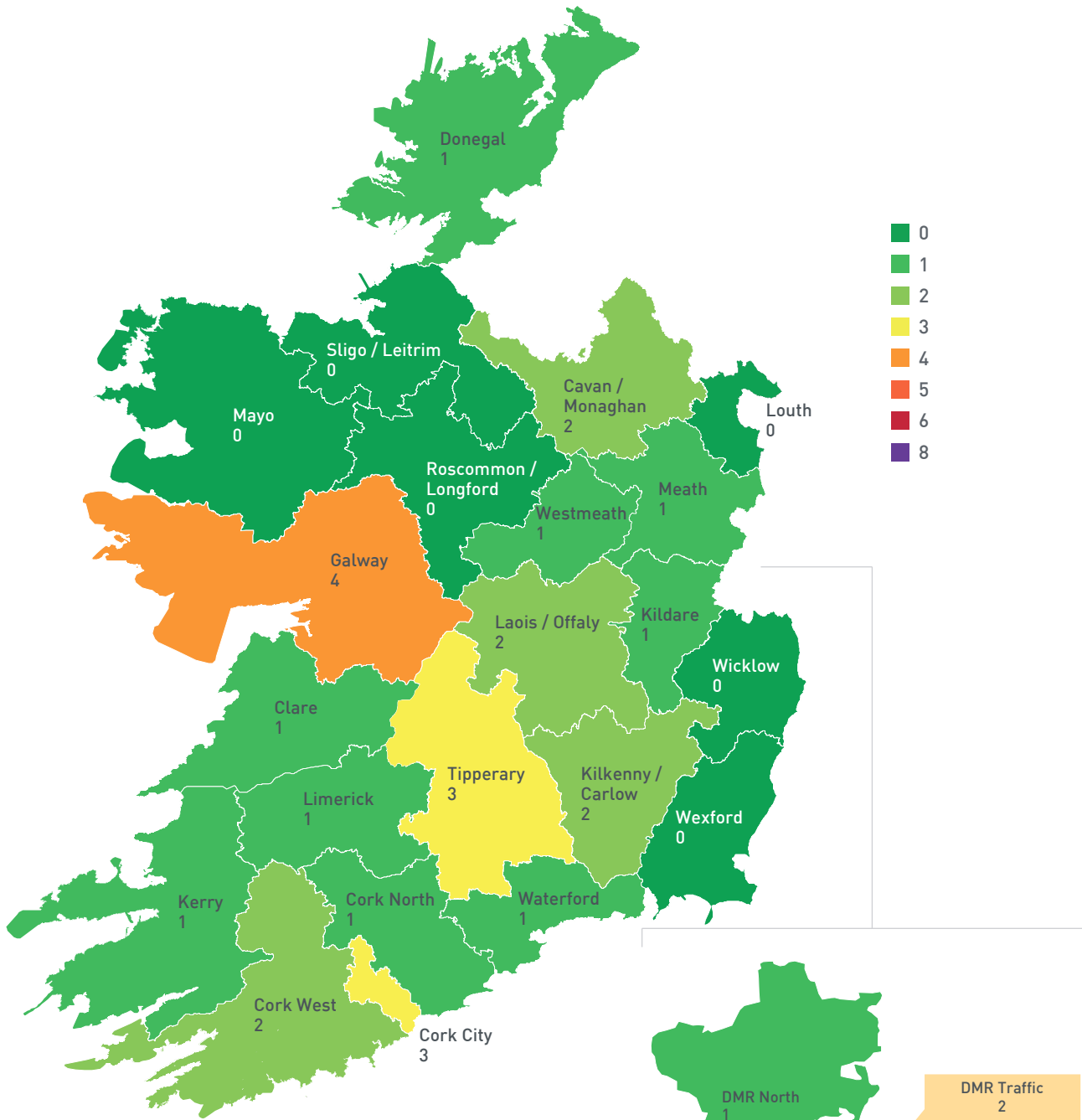
## Investigations Following Referrals Completed in 2023

A total of 62 investigations arising from referrals were closed in 2023.

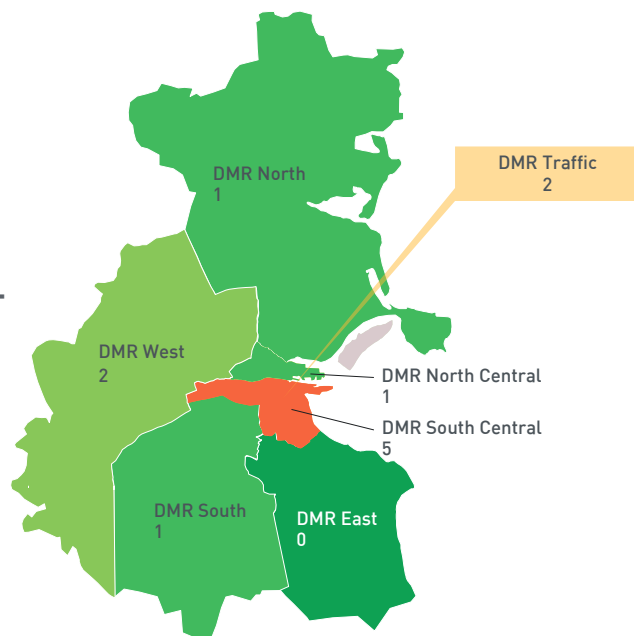
**Table G: Types of investigation and their outcomes (investigations closed in 2023)**

Type of investigation and outcome	Cases
Further investigation not necessary or reasonably practicable	37
Garda Discipline Regulations no longer apply to member	2
Fine imposed	1
Garda Commissioner identified no breach of Discipline Regulations	8
GSOC identifies no misbehaviour by member following S98	3
Case closed after initial examination showed no evidence of misbehaviour or criminality by a Garda	2
Non-criminal investigation undertaken and concluded, finding no evidence of misbehaviour by a Garda – no further action taken	1
Criminal investigation undertaken and concluded- referred to the DPP – prosecution directed	4
Criminal investigation undertaken and concluded- referred to the DPP – no prosecution directed	3
Dismissal	1
<b>TOTAL</b>	<b>62</b>

**Map 3: Referrals by Garda Division (Excluding Dublin Metropolitan Region)**



**Map 4: Referrals by Garda Division – Dublin Metropolitan Region**



## 11. INVESTIGATIONS IN THE PUBLIC INTEREST

The Garda Síochána Act, 2005 provides for GSOC to undertake investigations in the public interest. Such investigations can commence a number of ways.

### **GSOC-initiated public interest investigations (Section 102(4))**

On occasion, suspected misconduct by a Garda or Gardaí comes to the attention of GSOC outside of the usual complaints or referrals processes. Such matters can come to the attention of GSOC, for example, via media reports, or via details contained in an otherwise inadmissible complaint. On such occasions, GSOC has the power to commence an investigation in the public interest where it appears that the conduct of a member of the Garda Síochána of the Garda Síochána may have committed an offence, or that their behaviour may justify disciplinary proceedings.

### **Minister-initiated public interest investigations (Section 102(5))**

The Minister for Justice can refer any matter to GSOC concerning the conduct of a member of the Garda Síochána, and GSOC will investigate it. This includes referrals made to GSOC under the Independent Review Mechanism (IRM) established by the Minister in 2014. A total of 21 referrals were received by the Minister between 2015 and 2016 and the remaining two investigations were closed in 2023.

### **Public interest investigations on request of Policing Authority or Minister (Section 102 (7))**

Both the Policing Authority and the Minister may refer a matter to GSOC to consider whether it should investigate it in the public interest.

### **Public Interest Investigations Closed and Commenced in 2023**

Twenty-five **(25)** public interest investigations were opened in 2023 while **25** were closed. The closed investigations included some commenced in previous years.

There were no requests made to GSOC to investigate a matter in the public interest under Section 102(5). There were no public interest investigations opened following a referral from the Minister for Justice under Section 102(7).

GSOC public interest investigations opened in 2023 included allegations of failure to properly investigate a serious incident, assault, and inappropriate accessing of records.

# 12 LOCAL INTERVENTION

## 12. LOCAL INTERVENTION

GSOC's Local Intervention (LI) process ran for its sixth year in 2023. This process seeks to resolve some complaints to GSOC locally and without the need for a formal investigation.

The Local Intervention initiative proved very successful in 2023. Over the course of the year, GSOC referred a total of 323 cases for local intervention, a substantial increase on 2022's figure of 228. A total of 188 cases were resolved, including some carried over from the previous calendar year. At year-end, 121 local intervention cases remained on-hand.

**Table H: Outcomes under the Local Intervention Process 2023**

Local Intervention	No. of Cases 2023	Number of Cases 2022
Referred by GSOC for Local Intervention	323	228
Resolved/closed following LI process (see note 1 below)	188**	148
Closed without intervention, typically where complainant did not engage or withdrew their complaint (see note 2 below)	7*	5
Referred back to GSOC for admissibility decision	79**	54
Still with Garda inspectors at year end	121	65

\*Figure includes cases that had been referred to in previous calendar year

\*\*Figure includes cases that had been referred to in previous two calendar years

### Impact

As the above table shows, a significant proportion of cases that were forwarded to the nominated Garda inspectors are resolved or closed following local intervention. From a complainants' perspective, the LI approach allows their complaints to be addressed and resolved quickly – usually in a matter of days or weeks, rather than on a timescale of months, had their complaints been admitted for formal unsupervised investigation.

As the focus of Local Intervention is resolution, rather than formal investigation of disciplinary breaches, it also can lend itself to a more satisfactory outcome. At the end of a formal investigation, whether or not the Garda who is the subject of the complaint of is found in breach of discipline, complainants are unlikely to have had their specific complaint 'resolved'. Local Intervention has 'resolution' as its primary aim.

[1] This category is comprised of cases marked as:

- Resolved
- Returned as resolved, unconfirmed
- Returned as unresolved, closed without further action
- Closed without intervention

[2] These are cases marked as Closed without Intervention. These include cases where

- The complainant agreed to LI and the file was referred to an AGS inspector. The LI inspector was then unable to contact the complainant or otherwise unable to assist with LI.
- The complainant agreed to LI and the file was referred to an AGS inspector. The complainant was then withdrawn prior to commencement of LI.

### **HOW LOCAL INTERVENTION WORKS**

All cases received by GSOC are recorded initially on the case management system (CMS) as 'queries', and are not upgraded to complaints until there is sufficient information available for an admissibility determination. The Local Intervention process engages at the 'query' stage, before an admissibility decision is made.

- When a complaint is received, GSOC decides whether or not the matter is suitable for Local Intervention. Only service-level issues are considered for local intervention.

Examples include:

- Poor quality or standard of service
  - Inefficient or no service
  - Incivility/impoliteness/rudeness
  - Lack of communications or response
- If GSOC is of the view that the complaint is suitable for LI, GSOC contacts the person making the complaint, explains the LI process, before asking if the person will consent to having the matter dealt with in this way.
  - If the complainant consents, GSOC refers the matter to a nominated Garda Inspector who manages the process on behalf of the Garda Síochána. If the person does not consent, GSOC will proceed to assess the complaint for admissibility, per the standard process.
  - The nominated Garda Inspector contacts the complainant by phone to identify what actions or outcomes he/she is seeking to achieve. Typically, the Inspector then has a discussion with the Garda member concerned to explore what may have led to the issue. The process is not about apportioning blame, it is about addressing the issue raised and learning from what has happened in order to prevent a reoccurrence. The inspector contacts the complainant again to advise on the action taken to address the matter. If the complainant is satisfied with the response, the inspector notifies GSOC and GSOC confirms with the complainant that he or she is satisfied. GSOC then closes the file. If the attempts to resolve the matter through LI are unsuccessful, the complaint is referred back to GSOC which decides if the complaint should be admitted for investigation.



## Local Intervention: 2023 Case Studies

### CASE STUDY 16

A complainant stated that their teenager was assaulted by a “group of youths”. The complainant claimed that they received a Pulse reference number but had concerns that the member concerned did not take a statement from their teenager. The complainant stated that they also filed a report of a second assault.

After the complainant agreed to try Local Intervention, the Local Intervention Inspector identified two different members involved in this investigation. The first member had been in contact with the complainant and had arranged for the teenager to be interviewed by specialist victim interviewers. The Inspector contacted the supervisor of the second member to ask them to interview their teenager for the second assault.

Once this action had been taken, the complainant was happy that the Gardaí were investigating the assaults and agreed to close the case.

### CASE STUDY 17

A complainant reported a theft to An Garda Síochána. The investigation progressed and the complainant was informed by the investigating member that a file had been referred to the DPP. However, the DPP District Office stated no file had been submitted when queried by the complainant.

This case was referred for Local Intervention with the consent of the complainant and was satisfactorily resolved.

### CASE STUDY 18

The complainant was stopped at a traffic light and found to be driving on a provisional driver’s license without being accompanied with a driver who held a full license. The complainant claimed the member referred to them as ridiculous. The complainant stated that the member lacked empathy.

This was referred for Local Intervention with the consent of the complainant. The complainant was advised that the Supervisor of the member concerned had spoken to them regarding this incident. The complainant was satisfied to close their complaint.

# 13 GSOC'S LEGAL UNIT: ENGAGING WITH THE COURTS

## 13. GSOC'S LEGAL UNIT: ENGAGING WITH THE COURTS

### Legal Activity Following Criminal Investigation

As outlined in previous sections, GSOC conducts criminal investigations on foot of both complaints and referrals, as well as in the context of public investigations.

On completion of a criminal investigation, if GSOC is of opinion that the conduct under investigation may constitute an offence, a file is prepared and sent to the Office of Public Prosecution (DPP).

Where there has been a death in Garda custody or where a person has died following interaction with Gardaí, and GSOC has carried out a criminal investigation, GSOC may send a file to the DPP in order to comply with its obligations under Article 2 of the European Convention on Human Rights. GSOC may also send a file to the DPP when the Ombudsman Commission determines that it is in the public interest to do so.

Section 110 of the Act also creates the offence of providing false or misleading information to the Ombudsman Commission in relation to a complaint or investigation whether by a Garda or a member of the public.

In all cases, it is the DPP who decides whether or not to prosecute the case in court.

### DPP directions to prosecute 2023

In 2023, GSOC sent a total of 40 files to the DPP. GSOC received 36 directions from the DPP in 2023.

Of these:

- The DPP directed the prosecution of 11 offences arising from investigations submitted to the DPP in 2023 (8) and 2022 (3).
- In 2023, the DPP directed no prosecution in relation to 25 investigations. This related to 3 files submitted by GSOC in 2022 and 22 files submitted in 2023.
- In addition to the above, a further 10 directions were pending from the DPP in relation to files sent in 2023.
- The below is a breakdown of the offences in the investigations where prosecutions were directed:-
- One Count of Dangerous Driving, contrary to section 52 of the Road Traffic Act, 1961, as amended, (summary charge only) in respect of one Garda member.
- One Count of Assault, contrary to section 2 of the Non-Fatal Offences Against the Person Act, 1997 (summary charge only) in respect of one Garda member.
- One Count of Attempting to Pervert the Course of Justice, contrary to Common Law in respect of one Garda member.
- One Count of Assault, contrary to section 2 of the Non-Fatal Offences Against the Person Act, 1997 (summary charge only) in respect of one Garda member.
- One Count of Assault Causing Harm, contrary to section 3 of the Non-Fatal Offences Against the Person Act, 1997 (summary disposal) in respect of one Garda member.
- Two Counts of Harassment, contrary to section 10 of the Non-Fatal Offence Against the Person Act, 1997 (summary disposal) in respect of one Garda member.
- One Count of Sexual Assault, contrary to section 2 of the Criminal Law (Rape) (Amendment) Act, 1990, as amended, in respect of one Garda member.
- One Count of Assault, contrary to Section 2 of the Non-Fatal Offences Against the Person Act, 1997 (summary charge only) in respect of one Garda member.
- Three Counts of Assault Causing Harm, contrary to section 3 of the Non-Fatal Offences Against the Person Act, 1997 (summary disposal) in respect of one Garda member.

- Three Counts of Assault Causing Harm, contrary to section 3 of the Non-Fatal Offences Against the Person Act, 1997 (summary disposal) in respect of one Garda member.
- Three Counts of Assault Causing Harm, contrary to section 3 of the Non-Fatal Offences Against the Person Act, 1997 (summary disposal) in respect of one Garda member.
- One Count of Endangerment, contrary to section 13 of the Non-Fatal Offences Against the Person Act, 1997 (summary charge only) in respect of one Garda member.
- Four Counts of Dangerous Driving, contrary to section 53 of the Road Traffic Act, 1961, as amended, (summary charge only) in respect of one Garda member.
- Two Counts of Assault Causing Harm, contrary to section 3 of the Non-Fatal Offences Against the Person Act, 1997 in respect of one Garda member.
- One Count of Assault Causing Harm, contrary to section 3 of the Non-Fatal Offences Against the Person Act, 1997 in respect of one Garda member.

### Criminal cases decided in court 2023

In 2023, seven cases were completed. Of these seven cases, four cases were dismissed, in two cases there were acquittals and in one case the accused was ordered to make a charitable donation.

In the four cases dismissed by the District Court Judges, the Garda members subject of the investigations were charged with the following offences:

Two separate charges of Assault, contrary to Section 2 of the Non-Fatal Offences Against the Person Act, 1997;

Two separate charges of Assault Causing Harm, contrary to Section 3 of the Non-Fatal Offences Against the Person Act, 1997.

In 2023, three convictions were secured, with sentencing scheduled to take place in Q1 2024.

### Cases pending before courts at end of 2023

Garda members are facing charges before the courts in **23** separate investigations, the range of offences include:

- Assault, contrary to section 2 of the Non-Fatal Offences Against the Person Act, 1997;
- Assault Causing Harm, contrary to section 3 of the Non-Fatal Offences Against the Person Act, 1997;
- Harassment, contrary to section 10 of the Non-Fatal Offences Against the Person Act, 1997;
- Endangerment, contrary to section 13 of the Non-Fatal Offences Against the Person Act, 1997;
- Dangerous Driving, contrary to section 53 of the Road Traffic Act, 1961;
- Taking Vehicle Without Authority, contrary to section 112 of the Road Traffic Act 1961.
- Knowingly Making a False Statement, contrary to Section 12 of the Criminal Law Act, 1976;
- Rape, contrary to section 4 of the Criminal Law (Rape) (Amendment) Act 1990;
- Providing False or Misleading Information, contrary to section 110 of the Garda Síochána Act, 2005.
- There are three (3) cases currently pending before the courts involve charges brought against members of the public (complainants) for four separate charges of knowingly providing false and misleading information to GSOC contrary to Section 110 of the Garda Síochána Act, 2005, as amended.

### CASE STUDY 19

Following the completion of an independent criminal investigation by GSOC, the DPP directed the prosecution, on indictment, of a former member of the Garda Reserve, on numerous Counts of offences of a sexual nature. The accused pleaded guilty to sample counts of rape, sexual assault and gross indecency in the Central Criminal Court and the finalisation of the sentencing hearing took place in January 2024, where upon hearing the aggravating and mitigating factors, the Judge sentenced the accused to a total of six and a half years imprisonment.

## Non-Party Disclosure

The GSOC Legal Unit also coordinates the non-party disclosure of evidence in criminal proceedings, in conjunction with the Operations Directorate. This is carried out according to a protocol agreed with the DPP in 2019, available here: <https://www.gardaombudsman.ie/about-gsoc/non-party>

In 2023, GSOC saw a marginal decrease on requests for non-party disclosure, with 125 such files being prepared and issued to the DPP, over the course of the year. This compares to 128 files in 2022. GSOC also received 45 non-party disclosure privilege review requests from the DPP.

**Note:** A summary offence is an offence which can only be dealt with by a judge sitting without a jury in the District Court.

**Note:** A summary disposal is when the case can be heard in either the District or Circuit Court, but the DPP instructs that the matter should be heard in the District Court. The Judge then hears a summary of the facts and if the Judge agrees with the DPP, the matter will remain in the District Court.

### CASE STUDY 20

A man complained to GSOC that two members of An Garda Síochána in a marked Garda vehicle stopped them, and their friend, whilst they were walking home late at night. The conversation started amicably, but deteriorated. The members arrested one person for an alleged public order offence and they were conveyed to a local Garda Station. The person later complained to GSOC that whilst en route to the Garda Station, one member assaulted them, by punching them several times on the head and body, in the back of the Garda vehicle. GSOC admitted the complaint and commenced a criminal investigation under Section 98 of the Garda Síochána Act, 2005. GSOC obtained medical evidence, but could not gather any relevant CCTV footage. GSOC interviewed the member and sent a file to the DPP who directed that the member be charged with one count of Assault Causing Harm. The trial took place over one whole day however, ultimately the Judge decided there were numerous inconsistencies between the assault, as alleged, and the medical evidence, which disclosed only very minor injuries which may not have been consistent with an assault at all and so, the Judge acquitted the member.

### CASE STUDY 21

A person complained to GSOC that an off-duty member of An Garda Síochána assaulted them in a bar, in Dublin City Centre. The alleged assault consisted of several punches to the face, resulting in facial injuries. GSOC admitted the complaint and commenced a criminal investigation under section 98 of the Garda Síochána Act, 2005. GSOC obtained medical evidence, relevant CCTV and mobile phone footage, as well as audio-visual recordings from the emergency services who attended the scene. GSOC also interviewed the member and sent a file to the DPP, who directed that the member be charged with one count of Assault Causing Harm. The trial took place over two days. The Judge found that albeit there was some evidence to suggest that the complainant had been acting in a way that could have been perceived as being provocative, this did not justify the subsequent assault by the off-duty member. The Judge convicted the member of one count of Assault Causing Harm. The Judge will impose sentence in June 2024. The member has the right to appeal.

# 14 INFORMING GARDA POLICY AND PRACTICE

## 14. INFORMING GARDA POLICY AND PRACTICE

### Systemic Recommendations

During the course of GSOC investigations, we sometimes encounter practices we believe it appropriate to bring to the attention of Garda management.

GSOC believes that highlighting these issues when they arise, and making recommendations to avoid the recurrence of similar incidents, is an important element of oversight. Recommendations focus on systemic matters of practice and management, rather than on the behaviour of individuals.

In 2023, GSOC adopted a new approach to the development and dissemination of Systemic Recommendations. In addition to issuing them to An Garda Síochána, they are now also disseminated to other statutory agencies, including the Department of Justice, the Policing Authority, the Garda Inspectorate, and the Irish Human Rights and Equality Commission. In addition, in 2023 GSOC adopted a new policy of publishing the recommendations on a periodic basis. The first such publication, a digest of recommendations issued in 2022, was published in April 2023.

Where a GSOC Systemic Recommendation is relevant to other strategies to improve policing or community safety – for example The Third National Strategy on Domestic, Sexual and Gender-Based Violence – the Commission will also share its recommendations with the relevant agencies and officials.

In 2023, GSOC issued one new Systemic Recommendation, the details of which are summarised below. In addition, over the course of 2023, several further recommendations were in the process of being prepared. These engage with a range of systemic matters of practice and management, including with regard to:

- Custody management
- The use of restraint
- The conduct of personal searches
- Managed containment of vehicles

These Systemic Recommendations, once issued, will then be disseminated to statutory agencies, and will be featured in GSOC's next periodic Digest of Systemic Recommendations, in 2024.

#### Systemic Recommendation: transfer of individuals in custody to health facilities.

Members of An Garda Síochána attempted to execute a court order that instructed Gardaí to deliver an individual in their custody to a mental health institution for examination by an approved medical officer. However, staff refused the Gardaí entry, as the institution had no spare beds. Following some unsuccessful negotiations, members of An Garda Síochána forced open a side gate and gained entry, despite the efforts of staff to prevent them entering. Three members of the institution staff, and one member of An Garda Síochána, suffered injuries when An Garda Síochána tried to forcibly enter.

On completion of the GSOC investigation, a file was sent to the Director of Public Prosecutions, who directed no prosecution.

In its resulting Systemic Recommendation, GSOC recommended that An Garda Síochána engage with the relevant health authorities with a view to creating a protocol to resolve disputes, whilst looking at this particular incident in the spirit of lessons learned.

## **Third National Strategy on Domestic, Sexual and Gender-Based Violence**

The Third National Strategy on Domestic, Sexual & Gender-Based Violence was launched in June 2022 alongside an Implementation Plan.

GSOC was included as a named agency in the Implementation Plan, with particular reference to our statutory role as an independent agency handling complaints about Garda members, whether related to the adequacy of their response to Domestic Abuse/ Sexual Violence incidents, or to where they are alleged perpetrators. The Implementation Plan also captures GSOC's role in making recommendations in relation to Garda Síochána policy/practice relating to domestic, sexual and gender-based violence, with a view to improving service levels for victims and improving the effectiveness of Garda investigations. The Plan further sets out an expectation that An Garda Síochána will give effect to improvements in policy, practice and training to respond to GSOC's findings and recommendations.

Over the course of 2023, GSOC has actively engaged with the work of the High-Level Oversight Board for monitoring the Implementation of the Strategy, providing relevant updates. This work will continue throughout the life of the Strategy.



## 15. PROTECTED DISCLOSURES

Under the Protected Disclosures Act, 2014, workers of the Garda Síochána, including Garda members, may confidentially disclose allegations of wrongdoing within the Garda Síochána to GSOC.

The Protected Disclosures Act 2014 underwent a number of amendments in 2023. January 1st 2023 saw the commencement of the Protected Disclosures (Amendment) Act 2022. This act transposed the provisions of the EU Whistleblowers Directive (1937/2019) into Irish law. The Protected Disclosures Act was further amended on 19 July 2023, by the European Communities (Protection of Persons Who Report Breaches of Union Law) Regulations 2023 (S.I. No. 375 of 2023), which gives further effect to the Directive by providing for reporting to EU institutions and bodies.

GSOC has a dedicated Protected Disclosures Unit (PDU) to handle protected disclosures made under the Act.

### Protected Disclosure Caseload in 2023

The below table details the caseload of protected disclosures dealt with by the Unit in 2023.

### International Sharing of Best Practice

GSOC continued engagement as the Irish representative with the Network of European Integrity and Whistleblowing Authorities (NEIWA) working on shared knowledge and expertise in disclosure matters and the implementation of the EU Directive 2019/1937. GSOC attended an in-person meeting in Rome during which a Rome Declaration was published, emphasising the importance of Whistleblower protection. Additionally, board elections were held following which a GSOC staff member was elected as a new NEIWA board member.

**Table I: GSOC Protected Disclosures Caseload in 2023**

Matters on Hand in 2023		
Matters remaining on hand on 31/12/22 and carried into 01/01/2023	53	
Reports received in 2023	28	
Matters actionable in 2023	81	
Matters closed in 2023	18	
Matters remaining on hand on 31/12/2023	63	
Reports Received and Requiring Assessment in 2023		
Reports Received Through External Reporting Channels	17	
Transmissions of Reports from Office of the Protected Disclosures Commissioner	11	
Transmissions of Reports from other Prescribed Persons	0	
Total Number of Reports for Assessment in 2023	28	
Outcome of Assessments Conducted in 2023	Fully	Partially
Awaiting assessment at end of year	13	
Assessed as warranting further follow up	2	3
Transmitted to another prescribed person or the OPDC	0	0
Closed due to the report being considered minor	0	0
Closed due to the report being considered repetitive or containing no new information	1	0
Referred to another more relevant procedure	5	1
Assessed as warranting no further follow up	3	3

## 16. INFORMATION REQUESTS

GSOC's Data Protection and Freedom of Information (FOI) Unit deals with the majority of requests for information received by GSOC every year. Within the Unit, there is a dedicated number of staff who deal with requests made under the Data Protection Act, 2018 and the Freedom of Information Act, 2014.

This team is responsible for ensuring these requests are responded to within the required time limits, promoting awareness of data protection, FOI and privacy matters within GSOC, providing data protection advice to staff and ensuring that GSOC adheres to its statutory obligations under the legislation.

Sixty (60) FOI requests were received in 2023. This represents a 14.2% percent decrease from seventy (70) requests received the previous year. Most requests were for information held in GSOC case files. As records contained within an investigation or complaint files (that is, related to an examination or investigation under Part 4 of the Garda Síochána Act, 2005) are not covered by the FOI Act, these requests were refused.

The remaining FOI requests related to complaint statistics and administrative statistics.

GSOC received three internal reviews into decisions relating to the refusal to provide access to records contained in investigation or complaint files. In 2023, there were no requests referred to the Office of the Information Commissioner (OIC).

Further detail about the FOI requests received in 2023 are available on the FOI Disclosure Log which is on the GSOC website.

The number of data access requests received in 2023 was 90. The majority of these requests were from complainants who were seeking access to their personal data held on GSOC complaint and investigation files. This involved the review and processing of over 250 separate files. There were four request for the erasure of personal data held

by GSOC under Article 17 of the General Data Protection Regulation (GDPR).

In 2023, the Data Protection Unit dealt with forty-one (41) requests for advice on data protection matters from staff across GSOC business units. Most of the issues raised concerned disclosure of information to third parties and advice sought in relation to Data Sharing Agreements.

Requests for information received from the Department of Justice and representatives from members of the Oireachtas are dealt with by GSOC's Secretariat Unit. The unit responded to sixteen (16) information requests from the Department of Justice, forty-eight (48) submissions in response to parliamentary questions and three (3) representations from members of the House of the Oireachtas. These requests related to updates on investigations currently underway in GSOC and information surrounding GSOC's social media engagement.

Requests for information from journalists, outside of the FOI process, are dealt with by GSOC's Communications Unit which provides a 24-hour a-day on-call service. The Unit responded to 215 queries received from the media in 2023.

**Table J: Information Requests Processed in 2023**

Subject	Number
Requests under the Freedom of Information Act, 2014	60
Requests under the Data Protection Act, 2018	90
Information Requests from the Dept of Justice	16
Submissions in response to Parliamentary Questions	48
Representations from members of the Oireachtas	3
Media Enquiries	215

## 17. GSOC AND CHILD PROTECTION

GSOC has obligations in relation to child protection under both the Children First Act, 2015, and the Children First National Guidance for the Protection and Welfare of Children. During the course of their work taking complaints from members of the public, or conducting investigations, staff may become aware of situations in which children may have been harmed or may be at risk of being harmed.

Under the Children First Act, certain GSOC staff, namely Designated Officers (investigators and Child Protection Team members) are mandated persons.

As a mandated person, the Designated Officer must make a referral to Tusla if he or she knows, believes or reasonably suspects that a child has been harmed, is being harmed or is at risk of being harmed, or if a child discloses harm.

The obligation to refer also arises if a child discloses a belief that they are at risk of harm. GSOC Designated Officers made **44** mandatory referrals to Tusla in 2023.

In addition, GSOC made **66** non-mandatory referrals in 2023. These related to matters which came to the attention of GSOC staff in the course of their work, but not in the course of a criminal investigation.

Non-mandated persons are required to notify GSOC's Designated Liaison Persons of issues that may relate to child protection and/or welfare while fulfilling their official duties through raising alerts on the organisation's case management system. A total of **592** such Child Protection alerts were made on the case management system in 2023. The alerts are reviewed by the Designated Liaison Persons who record decisions to make referrals to Tusla, and decision not to refer.

### Key Figures

**592** NEW CHILD PROTECTION ALERTS

NON-MANDATORY REFERRALS

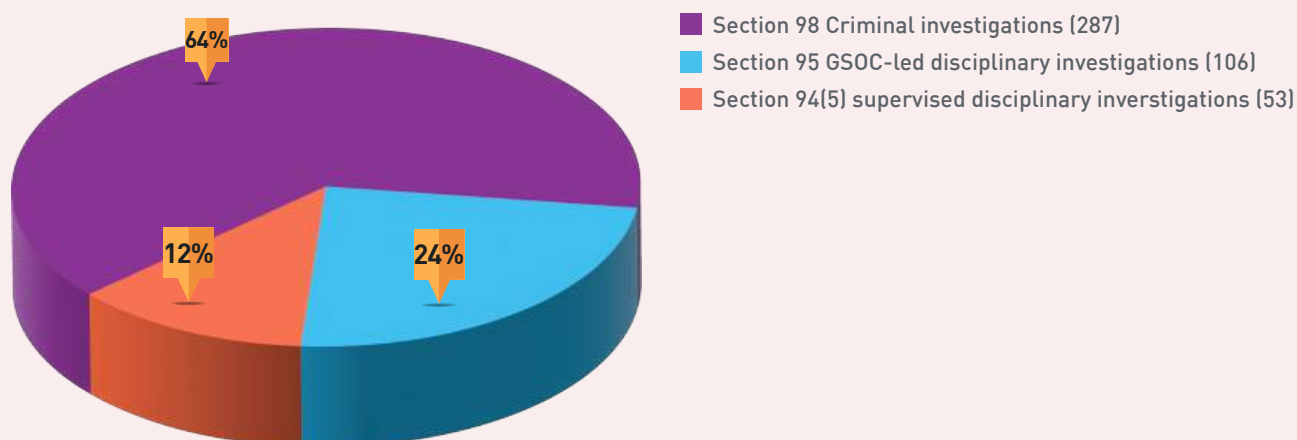
**66**

MANDATORY REFERRALS **44**

**592** DECISIONS NOT TO REFER

## APPENDIX 1: GSOC INVESTIGATIONS ON-HAND AT YEAR-END 2023

At year-end 2023, the GSOC Investigations Unit had a total of GSOC-led 446 investigations ongoing. This compares to a total of 621 at year-end 2022.



In addition to these investigations, 287 unsupervised disciplinary investigations by An Garda Síochána, arising from complaints to GSOC, were ongoing. A further 10 such cases, while complete, were under review by GSOC, at the request of the complainant, at year-end.

Approximately 159 further cases were in various other 'phases' of the case management process. This would include cases recently received and at initial assessment stage; cases that have been completed and are awaiting of the completion of final reports under sections 97 or 101 of the Act; and cases that are in the process of being discontinued.

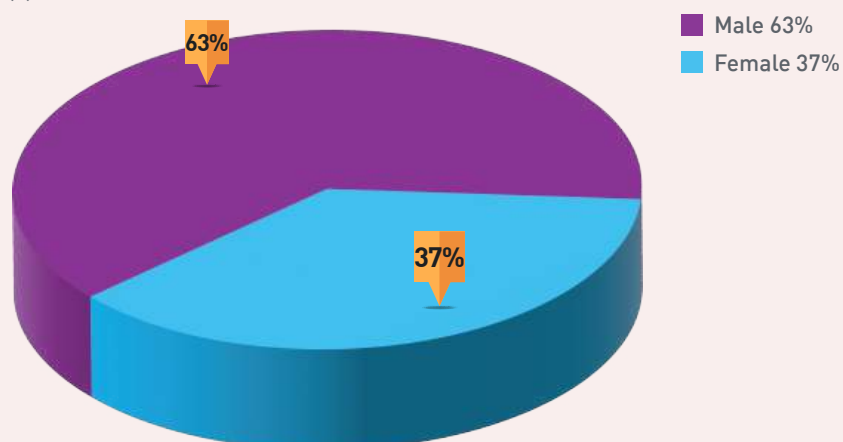
## APPENDIX 2: PROFILE OF COMPLAINANTS IN 2023

On submission of a complaint to GSOC, complainants are invited to complete an anonymous survey in order to provide GSOC demographic data on those who seek our services.

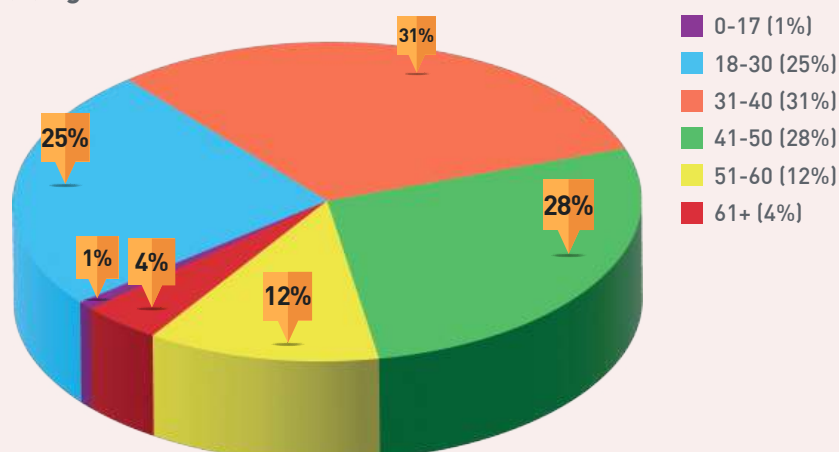
In 2023, 378 complainants responded to the survey. This represents a response rate of approximately 24%.

The charts below outline the profile of complaints who answered the survey, across a number of demographic categories.

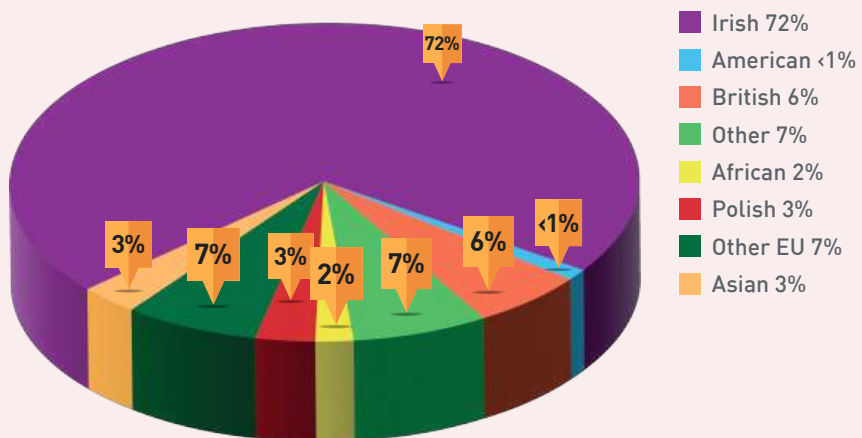
### (i) Gender



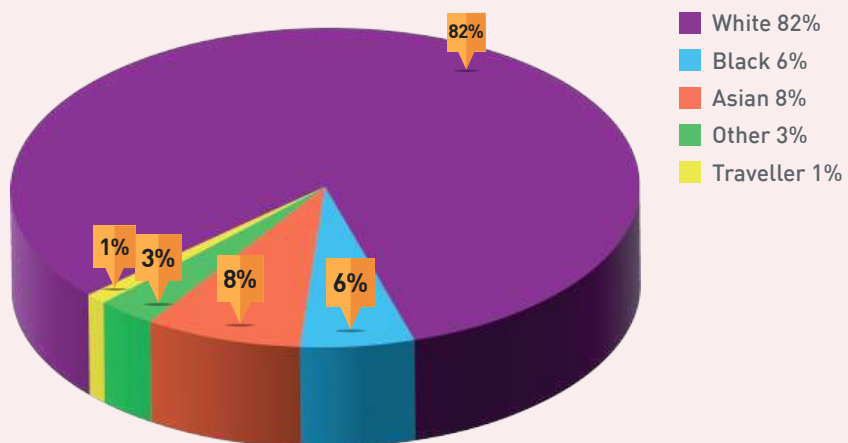
### (ii) Age



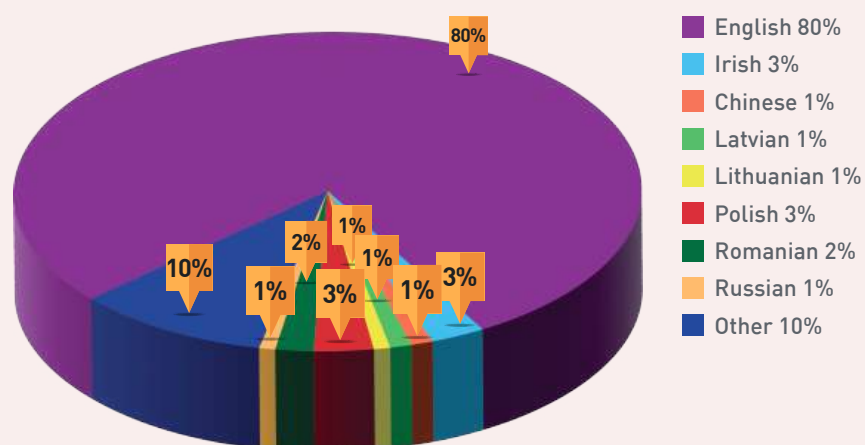
(iii) Origin or nationality



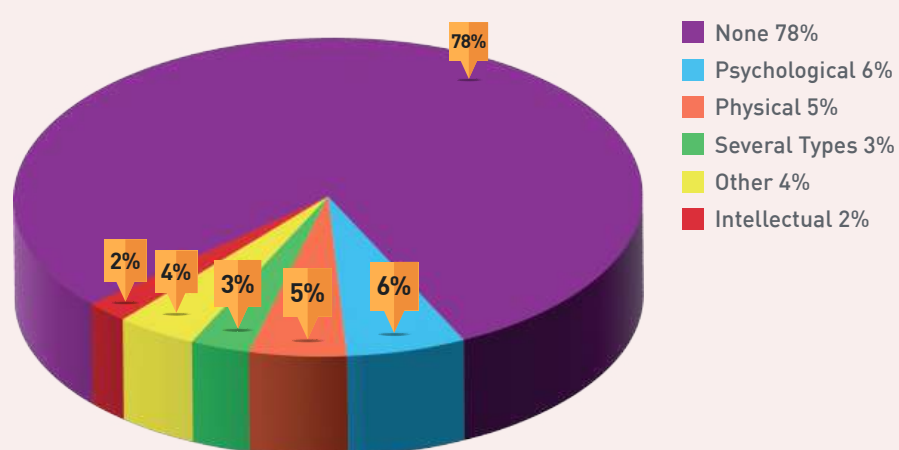
(iv) Ethnicity



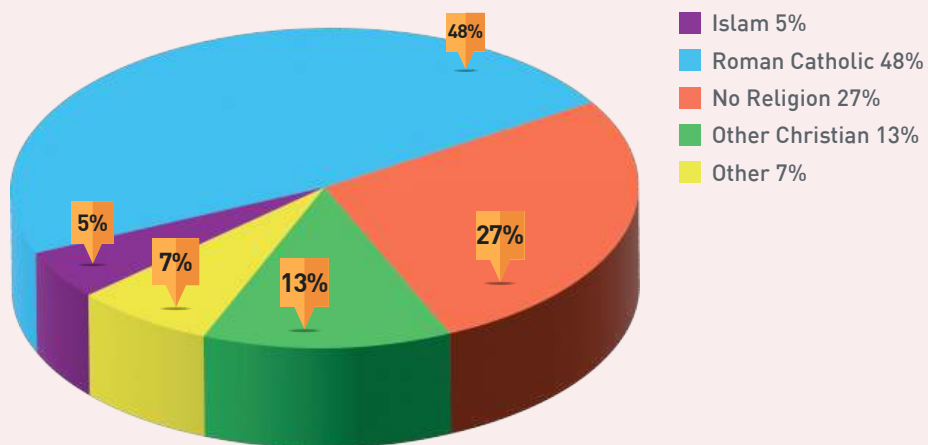
## (v) Language



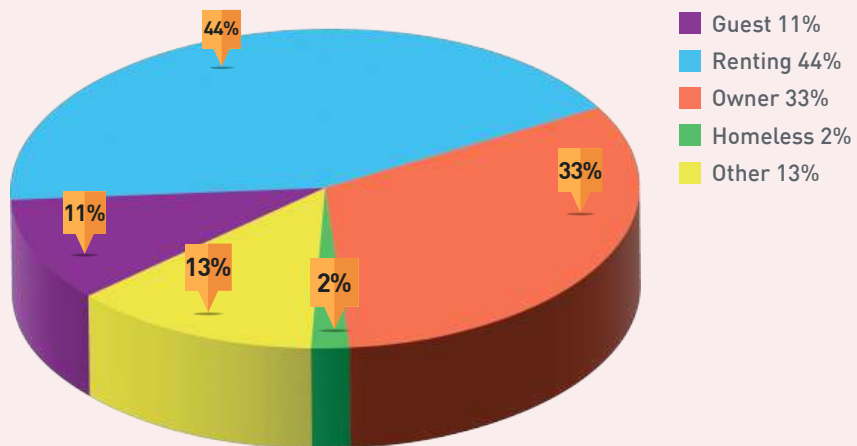
## (vi) Disability



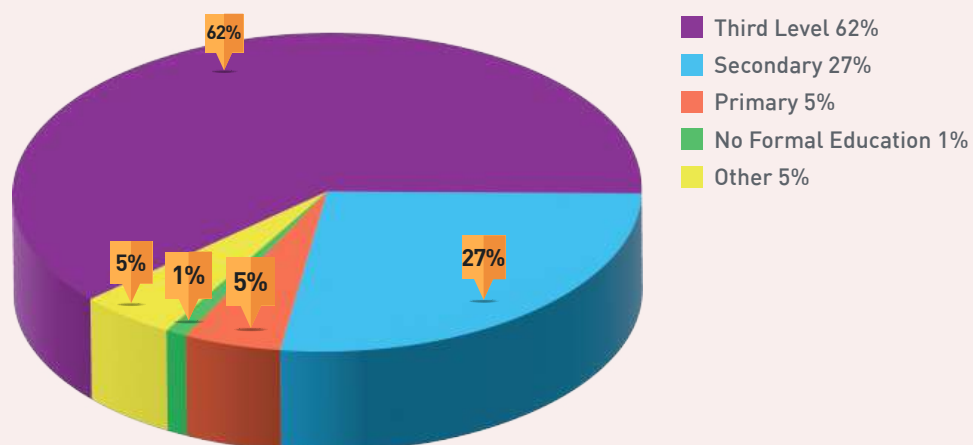
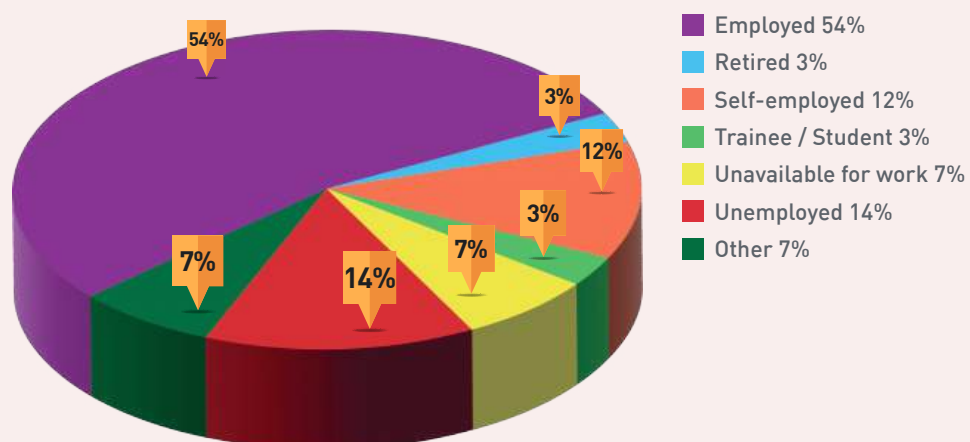
**(vii) Religion**



**(viii) Housing status**



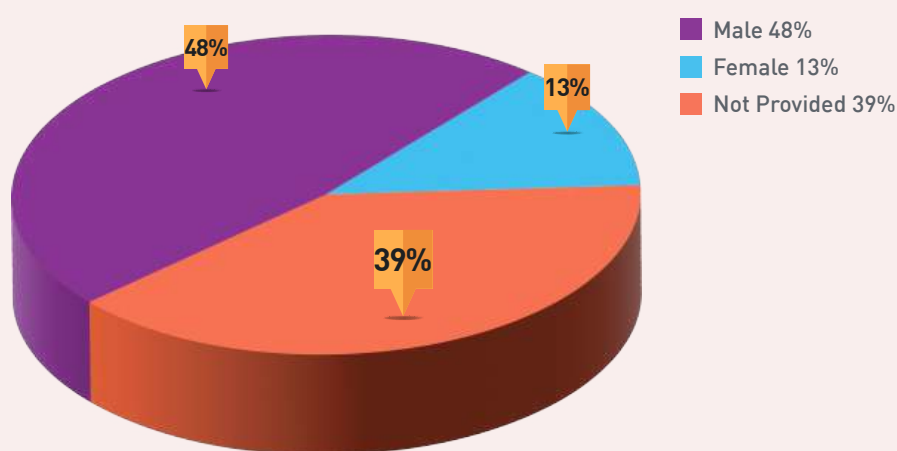


**(ix) Educational attainment****(x) Employment status**

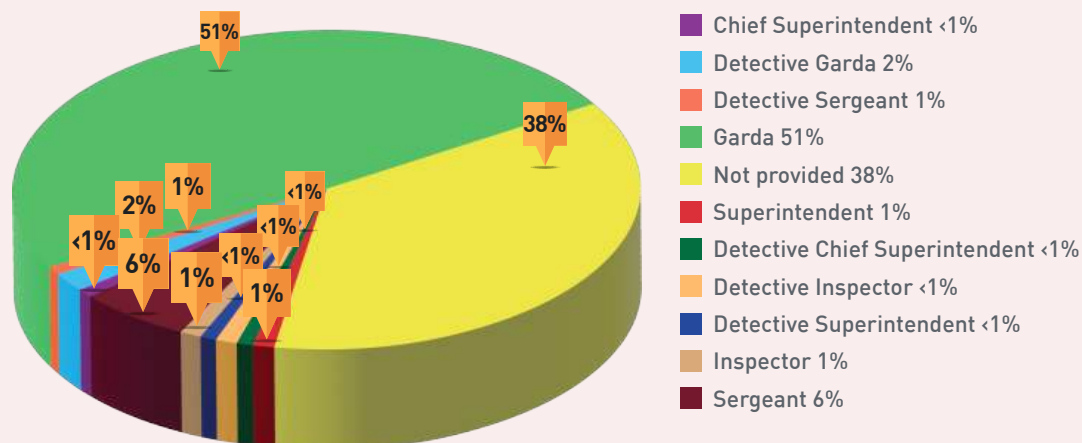
## APPENDIX 3: GENDER AND RANK OF GARDAÍ SUBJECT TO COMPLAINTS IN 2023

The following charts show the breakdown of gender and rank of Gardaí subject of complaints in 2023, where this information is known. Both pie charts account for the 3,358 admitted allegations in 2023.

### (i) Gender of members of the Garda Síochána in allegations admitted in 2023



### (ii) Rank of members in allegations admitted in 2023



## GLOSSARY OF TERMS AND ABBREVIATIONS

Term	Meaning
The Act	The Garda Síochána Act, 2005, as amended, is the principal act governing the functioning of GSOC. This can be seen at: <a href="http://www.irishstatutebook.ie/eli/2005/act/20/enacted/en/print">http://www.irishstatutebook.ie/eli/2005/act/20/enacted/en/print</a>
Admissibility	All complaints are assessed against the criteria listed in section 87 of the Act to decide whether they can legally be admitted for investigation or not.
Advice	This is a sanction, which may be applied by the Garda Commissioner, for breach of the Discipline Regulations – it can be formal or informal.
Allegation	Each complaint is broken down into one or more allegations, which are individual behaviours being complained about. For example, if a person said that a Garda pushed them and used bad language, this is one complaint with two separate allegations.
Article 2	Article 2 of the European Convention on Human Rights (ECHR) states that everyone’s right to life will be protected by law.
Complaint	An expression of dissatisfaction made to GSOC by a member of the public, about the conduct of an individual member of the Garda Síochána. A complaint may contain one or more allegations against one or more Gardaí. Each allegation against each Garda is assessed individually for admissibility.
Council of Europe’s “Venice Principles”	The ‘Principles on the Protection and Promotion of the Ombudsman Institution’, adopted by the Council of Europe’s Venice Commission in March 2019. The Venice Commission is the Council of Europe’s Commission for Democracy through Law providing legal advice to its Member States. The 25 Venice Principles represent the first independent set of international standards for Ombudsman institutions.
Custody Regulations	Criminal Justice Act, 1984 (Treatment of persons in Custody in Garda Síochána Stations) Regulations, 1987 – regulations related to the detention of people in garda stations. It can be seen at <a href="http://www.irishstatutebook.ie/eli/1987/si/119/made/en/print">http://www.irishstatutebook.ie/eli/1987/si/119/made/en/print</a>
Discipline Regulations	The Garda Síochána (Discipline) Regulations 2007, as amended. These can be seen at: <a href="http://www.irishstatutebook.ie/eli/2007/si/214/made/en/print">http://www.irishstatutebook.ie/eli/2007/si/214/made/en/print</a>
Disciplinary Action	Sanction which may be applied by the Garda Commissioner following an investigation. There are two levels of action provided for by the Discipline Regulations, relating to less serious breaches and serious breaches of discipline respectively.
Disciplinary Proceedings	These are proceedings that may be instituted by the Garda Síochána following a disciplinary investigation. Recommending the institution of such proceedings is the limit of GSOC jurisdiction. Any sanction arising is a matter for the Garda Commissioner.
DMR	Dublin Metropolitan Region

DO	Designated Officer
DPP	Director of Public Prosecutions
ECHR	European Convention on Human Rights
FRTC	Fatal Road Traffic Collision
GSIO	Garda Síochána Investigating Officer
GSOC	Garda Síochána Ombudsman Commission
IO	Investigations Officer
Local Intervention	The local intervention process is aimed at resolving certain service-level types of complaints against members of the Garda Síochána at a local level without the need for the matter to enter a formal complaints process. The process entails nominated Garda inspectors contacting the person making the complaint, establishing what the issues are, and attempting to resolve matters to the complainant's satisfaction.
Median	When numbers are listed in value order, the median value is the number at the midpoint of the list, such that there is an equal probability of falling above or below it.
Member in charge	The member of the Garda Síochána who is designated as being responsible for overseeing the application of the Custody Regulations, in relation to people in custody in the Garda station. This can be a member of any rank. The full legal definition and list of duties of a member in charge can be seen in sections 4 and 5 of the Custody Regulations (see above).
Ombudsman Commission	The three Commissioners of the Garda Síochána Ombudsman Commission.
Out of time	A complaint made more than twelve months after the incident being complained of.
PDA	Protected Disclosure Act, 2014
PD/PDU	Protected Disclosures/Protected Disclosures Unit.
Policing, Security and Community Safety Act 2024	The Policing, Security and Community Safety Act was enacted in February 2024. The text of the Bill can be found on <a href="http://www.irishstatutebook.ie">www.irishstatutebook.ie</a> .
Restorative justice	Restorative justice occurs when both the victim of a crime and the offender agree to communicate in relation to what occurred. This is a voluntary process and both parties must agree to it. The communication gives the victim the opportunity to relay to the offender the impact that the crime had on them and provides an opportunity for the offender to acknowledge the wrong they committed and take responsibility for their actions. A report is prepared by an independent person as to the outcome of the communication. This report is then put before the Court.
Summary disposal	Summary disposal is when the case can be heard in either the District or Circuit Court but the DPP instructs that the matter should be heard in the District Court. The Judge then hears a summary of the facts and if the Judge agrees with the DPP the matter will remain in the District Court.









**Garda**  
**Ombudsman**  
INQUIRY INDEPENDENCE IMPARTIALITY

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